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LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

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HEARINGS

BEFORE

SUBCOMMITTEE NO. 5

OF THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

FIRST SESSION

ON

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

MARCH 15, 20, 22, 26, 28, 29, 30; APRIL 4 AND 5, 1973

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LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

THURSDAY, MARCH 15, 1973

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE NO. 5,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 2141, Rayburn House Office Building, Hon. Peter W. Rodino, Jr. (chairman of the subcommittee) presiding.

Present: Representatives Rodino, Brooks, Flowers, Seiberling, Jordan, Mezvinsky, Hutchinson, McClory, Sandman, and Dennis.

Also present: Jerome Zeifman, counsel, Daniel Cohen, assistant counsel; and Franklin G. Polk, associate counsel.

Chairman RODINO. The Chair wishes to make a statement.

In 1967 the President's Commission on Law Enforcement and Administration of Justice told us what every American knew too well:

> There is much crime in America, more than ever reported, far more than ever is solved, far too much for the health of the nation.

But the Crime Commission told us something else as well:

> America can control crime if it will * * * It must welcome new ideas and risk new actions. It must resist those who point to scapegoats, who use facile slogans about crime by habit or for selfish ends. It must recognize that the government of a free society is obliged to act not only effectively but fairly. It must seek knowledge and admit mistakes.

Subcommittee No. 5 today begins hearings on a pressing legislative matter that will address all of these needs frankly and comprehensively.

In 1968, partially in response to the Report of the President's Commission, the Judiciary Committee gave the Congress and the Congress gave the Nation the Omnibus Crime and Safe Streets Act, a comprehensive Federal program to assist the States and localities in fighting crime. Approximately $2 billion has been spent pursuant to that legislation, administered by the Law Enforcement Assistance Administration (LEAA) within the Department of Justice. The initial 5-year authorization for that program is due to expire on June 30 of this year.

The focus of these hearings, of course, will be the future of LEAA, but what we are really examining is the whole future of the Federal leadership role in fighting crime. It is the hope of the Chair that we will take this opportunity to reexamine "on the merits" what must and can be done. In this regard we are most fortunate that our first witness will be the distinguished Attorney General of the United States, who can share with us his wisdom and that of the Department of Justice. Beyond that, in the days ahead we will be hearing from spokes-

men for a large number of institutions. This is as it should be for it is everyone who has a stake in these issues.

At the outset it is clear that the performance of LEAA to date raises questions the subcommittee may wish to address. The 1968 act was passed to provide States and localities with desperately needed resources to aid in the fight against crime. Yet nationwide, according to a congressional study, at the end of fiscal year 1971, only 25 percent of 1969, 1970 and 1971 LEAA action funds allocated to State agencies and local governments had actually been disbursed to them by the States. The nine largest States had disbursed only 19 cents of every action dollar they had programed for use by State agencies and local governments. Fifteen States had disbursed less than 1 percent of 1971 action funds at the end of that fiscal year.

In light of these facts we will want to explore what the needs truly are. We will want to determine the most efficient way to get Federal resources to where they are most needed, and we will seek to devise the best means of ensuring that they are wisely spent.

We who framed the Omnibus Act recognized that it was hopeless to expend time and energy aimed at improving this or that aspect of law enforcement. Rather we felt that the criminal justice system as a functioning interrelationship of police, courts and correctional facilities needed coordinated planning and reform. Thus this subcommittee will be critically concerned with evaluating whether LEAA has encouraged and planned for the kind of coordination and fundamental reform that is needed, or whether it has taken the system as given and channeled resources into bolstering its power, ignoring institutional deficiencies.

In this regard we hope to learn what objectives and measurement standards LEAA has developed or can in the future develop to ascertain and evaluate the effectiveness of its own program.

Above all, we hope to bear in mind the overall success or failure of the fight against crime. Much has been said recently regarding a drop in criminal activity—revealed by statistics showing a decrease in the rate of increase in serious crimes. But we must do more than reduce percentage increases—we have yet to see a decrease in the absolute volume of crime and in the crime rate per 100,000 inhabitants. I was delighted, therefore, that based on preliminary estimates for the first quarter of 1972 President Nixon announced that 80 of America's largest cities actually reduced the number of serious crimes during that period. It was particularly gratifying to learn that Newark, the constituency which I represent, was on that list.

But reliance on indications such as these can be dangerously misleading and do disservice to a meaningful assessment of the problems. Citing some of the crime statistics and evaluating the quality of urban life generally, the President recently told us that the cities have already weathered the worst of the storm and claimed "the hour of crisis has passed" for our large cities.

The people in Newark know this is not so.

What they also know is that fear—real fear—still exists on the streets. The rate of increase in crime may be going down, but the rate of the kinds of crime that threaten the people in our large cities is going up—way up.

According to the most recent annual uniform crime reports issued by the FBI, the crime index total for cities with a population over 250,000 was up only a modest 2.1 percent. But let's see how that aggregate increase breaks down. The rate of violent crimes, those that make the streets unsafe, was up 7.5 percent. Automobile theft was down by 1 percent; larceny under $50 was down 2.4 percent; but murder and nonnegligent manslaughter was up over 10 percent, and forcible rape was up 7.6 percent. Crimes against property were up only 0.9 percent, but robbery was up 8.2 percent. These are the real figures behind the changing statistics.

In the six cities with populations over 1 million in this country the crime index total was up 3.1 percent, but violent crime was up 9.5 percent. Murder and nonnegligent manslaughter was up an astonishing 16.6 percent.

It is essential that moneys that we allocate pursuant to this legislation do the job of reducing crime and ensuring justice. They cannot do this job unless they reach the streets of our cities where the real problems still exist.

These are the real reasons for our hearings. Working together we can win the war against crime and, more importantly, build toward a system that ensures justice.

At this point, I am pleased to recognize Mr. Hutchinson, the ranking minority member of this committee.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

On June 19 the Law Enforcement Assistance Administration will be 5 years old. Its initial authorizing legislation will expire on June 30. So the question before us is whether LEAA should be continued and, if so, how it can be perfected. This is an agency which from small beginnings has burgeoned into a substantial crime-fighting force. Like many agencies of Government which have grown rapidly, this agency too has experienced some growing pains.

I believe that the agency's lease on life should be renewed. The accelerating crime rate that prompted Congress to inaugurate this program has leveled off somewhat, but has yet to dip dramatically downward as it must if the people of this Nation are to be free to walk the streets again.

Thus Congress must renew its effort to reduce crime. As we open today the next chapter in the continuing debate on what Congress should do to fight crime, certain fundamental beliefs should be reiterated.

First, reducing crime is not something we can do purely as a matter of technology. It is not a goal like landing on the Moon. We cannot merely delegate to experts the task of reducing crime and direct them to put their plans into effect. The problem of crime is a human problem. The values society hold dear are put under great stress. For example, technology may make it possible to reduce crime dramatically by inventing electronic devices that survey our every more and record them, but our values may reject such a solution.

Such choices are not for crime-fighting experts but for the people and their elected representatives. Crime so affects the quality of life that I do not believe that the ultimate value judgments that must be made may be made nonpolitically.

Second, the purpose of Government is to promote the common good of the people. Of this the people are the best judge. Consequently, the test of a law is not how efficiently it produces change, but how closely the change that it does produce comports with the popular will. There are ways of reducing crime that might not be accepted by a free people.

Third, the Federal system maximizes the control that the people have over governmental decisions. The more complex our society becomes, the greater the need for governmental regulation; but the greater the intrusion of government into our lives, the greater the need to control governmental decisions.

It follows that as society becomes more complex federalism becomes more necessary to a freedom-loving people. Of course, federalism doesn't produce the greatest efficiency, but it does produce the greatest freedom.

I do not view the States as an anachronistic obstacle to national problem solving, but rather as long as it is enlarged, our freedoms will be diminished, but the States can be encouraged to a certain greater responsibility for Government. There is hope, and I trust that as we seek ways to free our people of crime that we will not embrace solutions that will ultimately diminish our freedom.

Thank you, Mr. Chairman.

Chairman RODINO. Thank you, Mr. Hutchinson.

This morning we are privileged to have with us as our leadoff witness the Honorable Richard G. Kleindienst, Attorney General of the United States, who certainly is not new to this committee.

Mr. Attorney General, we welcome you here this morning.

TESTIMONY OF HON. RICHARD G. KLEINDIENST, ATTORNEY GENERAL OF THE UNITED STATES

The ATTORNEY GENERAL. Mr. Chairman and members of this subcommittee, I welcome this opportunity to be back before the House Judiciary Committee today. I have with me the associate administrators of the Law Enforcement Assistance Administration, Mr. Yelde, who is on my left, and Mr. Coster, who is on my right. With the permission of the chairman I would like to have them be with me while I appear before the committee.

Chairman RODINO. Of course.

Attorney General KLEINDIENST. Also, Mr. Chairman, I wish to thank you and the members of the committee for the opportunity to testify on the President's proposal for special revenue sharing for law enforcement.

The purpose of these hearings is to study the effectiveness of the Law Enforcement Assistance Administration and to assess the proposals for its continuation.

I believe the LEAA program—which is essentially a partnership among the local, State, and Federal Governments—has enabled the Nation to take unprecedented steps against crime. It would be made even more effective by the proposal now before the Congress for special revenue sharing for law enforcement.

In his second inaugural address President Nixon said:

> We have the chance today to do more than ever before in our history to make life better in America . . . to restore respect for law, to make our communities more livable.

The President has made the reduction of crime a top domestic priority. It is a priority in which the citizens of this Nation fully concur. It is an equally urgent priority for the Congress. For it was the Congress that created the Omnibus Crime Control and Safe Streets Act of 1968, which established the LEAA program.

That act was the single most important legislative step ever undertaken against crime in the United States. It is a landmark.

The proposal before you for special revenue sharing for law enforcement is another landmark—and one of equal magnitude. While there is general agreement on the urgent need to reduce crime, there obviously must be more than concern. The Congress certainly has fully recognized its responsibility through its consistent approval of the President's requests for steadily increasing budgets for the safe streets program.

We are now at a time when this LEAA system of financial support for local and State crime reduction efforts must be further refined and improved. The reduction of crime requires vigorous action. It requires new and effective strategies. It requires financial support—and the dedication of tens of thousands of persons at the State and local levels—to carry out those strategies. It is vital that the means be at hand to achieve our goals. Reducing crime costs substantial sums of money spent over substantial periods of time.

This is why the President has sent to the Congress his message and legislation asking for the enactment of special revenue sharing for law enforcement. Substantially greater benefits will result for the people of this Nation under this approach.

The proposed legislation is based upon one of the most important principles of Government in our Nation's history—the new federalism. It is an affirmation of the fact that our Republic is a federation of sovereign States that work together to provide Government for a free people. The new federalism is a guarantee that national rule shall not supersede local authority in matters within the latter's jurisdiction.

It holds as a fundamental tenet that Federal assistance programs must increase local capacity to act without decreasing local freedom of action. The new federalism does not stifle local flexibility. Rather, it encourages it and strengthens community innovation.

The vast majority of our citizens believe that local officials are better able to devise solutions to their problems than are Federal officials in faraway Washington. But I think this sometimes has been forgotten. There have been periods in our history when the Federal Government assumed the prerogatives of State and local governments. The new federalism is dedicated to rectifying this imbalance.

When the Federal Government increased its sovereignty at the expense of State and local government, it also took an increasingly large share of tax funds, leaving the States and localities with less and less financial resources.

Special revenue sharing is an integral part of the new federalism and it seeks to redress these grievances. Both the authority and the means to exercise it are now being returned to their historical homes. The Federal Government is becoming a partner in the Federal-State-local system of cooperation—rather than a dictator of policy.

The new federalism is based upon mutual consultation on national goals, not on issuing edicts. Applied to crime reduction the new federalism has meant, through the bloc grant approach of the LEAA program, returning in substantial measure both tax funds and decisionmaking to the levels of government where they belong. The proposal for special revenue sharing for law enforcement will carry that process to its logical and most effective conclusion.

There has never been substantial sentiment in this country for a national law enforcement system. The people must never relinquish their rights of local control and policymaking over their police, courts, and corrections agencies. The American people want their policemen, their judges, and their corrections officials to be fully accountable to the local electorate.

But when we look back at the 1960's, it is apparent that the problems had become monumental. During that decade serious crime throughout the Nation grew by 148 percent. State and local governments, already hard-pressed for funds, did not have adequate resources to use against crime. Until 1968 the Federal Government did not provide large-scale financial assistance to help them.

The toll in human life and human suffering was staggering. While crime had become more widespread—and criminals bolder—the Nation seemed to flounder in seeking an adequate response.

Local criminal justice agencies were faced with relatively diminished resources. In all parts of the country—rural as well as urban—law enforcement problems were accumulating; unmet needs were increasing; crime rates were soaring.

Into this breach stepped the Congress. It created the Omnibus Crime Control and Safe Streets Act—and LEAA. And in another step of remarkable insight it fashioned the bloc grant approach for providing the bulk of financial aid to States and localities. This bloc grant concept gave the State and local governments the leading voice in how to get up their crime reduction programs and use the funds. It was a major deviation from the type of Federal categorical grant programs which had put a stranglehold on State and local initiative and which frequently failed to provide services needed so desperately.

LEAA and the bloc grant approach represented an excellent first step.

As I shall elaborate later, the act has been a resounding success. It has brought a fresh new spirit into criminal justice agencies throughout the Nation; and it has produced results. However, local control was not totally assured under bloc grants and the President is now seeking special law enforcement revenue sharing to complete the course toward a fully rational criminal justice assistance program for the State and local governments.

Under the new proposal for LEAA special revenue sharing for law enforcement would include those funds LEAA now awards for bloc action grants as well as the present special grants for planning general law enforcement training, organized crime prosecutorial training, corrections programs, technical assistance, manpower development, and education. However, State and local planning funds would be guaranteed so that each State and local agency would have a minimum of direct Federal assistance with which to plan and spend the balance of

law enforcement revenue funds in a coherent and cost-effective manner.

Under LEAA's present rules State comprehensive plans and planning operations must be approved before it will award the bloc grant funds. But the special revenue-sharing legislation will enable the award of funds immediately after a single State plan is filed with LEAA.

During the past 5 years State plans could not be put into action until Federal officials in LEAA had reviewed and approved them. However, our experience demonstrates that this check on State government decisionmaking is no longer necessary. The good faith and increasing expertise of State and local government criminal justice planners indicates that program review and comment, rather than preappproval, is what is necessary. We can anticipate that helpful suggestions and criticisms will be accepted. Thus, law enforcement revenue-sharing would place added control responsibilities on the States, making them more responsive to law enforcement and criminal justice needs.

These significant changes would both increase aid and eliminate any Federal preapproval, as required in the 1968 legislation. Law enforcement revenue-sharing funds will be the Federal Government's guarantee of assistance—not supervision; of help—not control. They will be allocated annually and automatically according to population to State governments for them to utilize for crime control purposes that they themselves determine have the highest priorities.

Law enforcement revenue sharing will take into full consideration the national goals of reducing crime and delinquency. At the same time it will keep open the local options on the nature and administration of particular programs. The remaining Federal effort will be restricted to national planning, auditing, research, statistics, and civil rights compliance. Cumbersome administrative regulations and matching requirements will disappear.

There are currently hundreds of separate grant authorizations in the Federal Government. Each has its own particular rules and administrative procedures, as well as differing fiscal and statutory requirements and, as a result, the average State and local government is lost in a morass of redtape, which drastically reduces efficiency and local initiative.

Law enforcement revenue sharing would end the particularization of LEAA funds, giving the States and localities all the moneys that are now separately supporting planning, training, corrections, technical assistance, and higher education. It would let these locally controlled governments decide their own priorities. The elimination of matching requirements is especially important.

Mr. Chairman, under law enforcement revenue sharing all match—that is, "soft-match," "hard-match," and so-called buy-in—would be dropped. Buy-in is the money each State must appropriate to match the total Federal contribution to the local units of government. As it is now, match and buy-in requirements are a negative force—a drag on the safe streets program. The lack of available match possibilities has already prevented many good programs from getting the funding they deserve and has sometimes directed State and local efforts into less worthy channels.

The variable passthrough formula, which has proved itself to be quite effective, would be maintained. However, it could be revised to take into account the merging of special categories into the one revenue-sharing payment.

A portion of State corrections and court programs, technical assistance, and all educational programs designed for local and State law enforcement personnel would be funded before the passthrough requirement is applied.

This would permit the funding of these programs at the State or local level to the extent of their needs and would give greater funding flexibility to those areas where there is the greatest impact potential.

Without a modified passthrough requirement certain types of programs would lose funds. Retaining passthrough would guarantee sufficient emphasis on priority initiatives. We have determined that approximately 30 percent of the law enforcement revenue-sharing payment should be available for optional use by the State for these projects.

This approximates the percentages currently reserved for these corrections, courts, and higher education programs. But the remaining 70 percent will be distributed among local governments and State agencies in the same proportion that these units of government financed each State's total law enforcement and criminal justice budgets in the previous year.

The assumption-of-cost requirements and the nonsupplanting rules would be deleted and replaced by a standardized maintenance-of-effort provision. This would guarantee that Federal funds do not reduce State and local moneys previously budgeted for law enforcement and crime reduction purposes.

The requirement that not more than one-third of any grant may be expended for the compensation of personnel has been deleted. The abolition of these provisions should greatly simplify the entire assistance procedure.

Once law enforcement revenue sharing is enacted, all programs will be chosen according to need. No promising programs will have to go unfunded merely because match possibilities were lacking.

An important change would eliminate the specification of the planning agency and representation requirements that the State would be required to setup. The State would have a planning process, but its organizational elements are left to its discretion.

Another important change would be the requirement that all regional or multijurisdictional boards established for law enforcement and criminal justice policy planning within the State will be composed of a majority of elected officials of city and county governments.

It is clear that local policymaking panels must be answerable to the electorate. Boards which cannot fulfill their responsibilities to the voters in a democratic fashion must not be allowed to dominate criminal justice institutions.

The National Institute of Law Enforcement and Criminal Justice, LEAA's research arm, would be retained in essentially its present form, as would LEAA's discretionary grant authority. Discretionary grants would make up 15 percent of the total special law enforcement revenue-sharing fund.

In the vital field of civil rights compliance we are dropping what is now section 518(b) of the present act, which bans the requirement of a percentage ratio, quota system, or other program to achieve racial balance and are using a civil rights provision similar to that in general revenue sharing, which prohibits discrimination on the basis of race, color, national origin, or sex. This action is consistent with the civil rights provisions of the President's other revenue-sharing programs.

The administration bill also provides for the phaseout of the two current posts of associate administrator of LEAA by next January 1, and for the appointment of a deputy administrator.

The tripartite administration established under the 1968 legislation would no longer be needed under law enforcement revenue sharing, and its retention would only hamper administrative efficiency. Under the new statutory language the attorney general would be authorized to exercise all functions, powers, and duties provided for in the act. Authority for delegation of authority to the LEAA administration is also provided.

Now, some observers have asked whether revenue sharing means that there will be no more controls at all, whether the States and localities will be able to spend the money in any manner whatsoever, no matter how foolishly. It is a fair question, and I would like to face it squarely.

We are committed to the proposition that without strict program evaluation and audit, special revenue sharing could find itself in trouble.

Mr. Chairman, I can assure you that the law enforcement revenue-sharing control procedures will work, that they will be effective.

The Federal Government is going to expend time and effort to get a full accounting of the decisions that States, counties, and cities make about that money. The Federal Government, in cooperation with State officials, will ferret out any violations—and impose sanctions against the violators.

Continuous auditing and regulation enforcement would be used in monitoring revenue-sharing operations. At this point a number of persons might object that it is all very well and good to have efficiency and local self-determination.

But what about accountability to the public? It is a good question. And I feel that accountability to the community-at-large is essential in a democratic society.

State and local officials can no more be permitted to run a closed criminal justice program than could the Federal Government. Therefore, to assure answerability and open planning and action efforts, the law enforcement revenue-sharing measure contains these significant provisions:

First, we require that each State and territory establish fixed and complete procedures for publishing the entire contents of its State plan and any major modifications.

Second, we require open meetings when substantive policy decisions are made.

Third, we require that there be unimpeded public access to all applications, grant awards, reports, and other nonconfidential material at all reasonable times.

Fourth, we require that LEAA comments on each State plan be published annually in the Federal Register and be made available to the Congress. This would put all localities on notice as to exactly what the State plan contains, and put on the record the views of LEAA on any shortcomings in a State's comprehensive treatment of its crime problems in the plan. It would also inform the public in detail about what it can expect of its State criminal justice agencies.

I believe these provisions demonstrate the administration's firm commitment to accountability. This is an open society, and law enforcement special revenue sharing would retain this essential characteristic of American Government.

I have gone into these matters this morning in some detail because they deserve full discussions on the record. I hope thereby to avoid misconceptions, especially in those few States and localities that might have thought they were in for some kind of a free ride.

This administration will not tolerate the people's wealth being squandered by a few officials who violate their oaths of office. There is going to be full accountability to Federal, State, and local government and to the citizens.

In another passage in his second inaugural address President Nixon said:

> Because the range of our needs is so great, because the reach of our opportunities is great, let us be bold in our determination to meet those needs in new ways.

And I would like to observe, Mr. Chairman, that never before in our history has the range of our criminal justice needs been so great, and never before has our determination to meet these needs in new ways been so bold.

I call your attention especially to the imagination and innovation of the LEAA program. Never before have there been such farsighted initiatives embracing the entire scope of police work, prosecution, adjudication, and offender rehabilitation. Never before has there been such forward movement and reform. At the same time, any Federal agency that had a direct impact on virtually every local police department, court, and prison in the country could expect to be the object of intense study and comment. This is as it should be.

I sympathize with every honest attempt to examine law enforcement and I respect and support the desire of this committee to probe deeply into the Law Enforcement Assistance Administration.

In a statement announcing these hearings, Mr. Chairman, you asked three serious questions that deserve an equally serious answer. They were:

1. Has LEAA succeeded in providing the States and cities with the tools they need to fight crime?

2. Is the American taxpayer getting full value for his anticrime dollar?

3. Is this country winning the war against crime, and if not, why not?

On behalf of the administration, Mr. Chairman, I promise my fullest answers to those questions and others you may have. Whatever information we possess that will throw light upon your interests is at your disposal and the members of this committee.

I have great confidence in the ability of this committee to arrive at a balanced and fair judgment. Therefore, I would like now to give you my own assessment of LEAA:

I am convinced the safe streets program is a success. It has helped make inroads against crime. It has wrought fundamental improvements. There is a new understanding that in a unified, integrated, pragmatic approach the common problems can be met and solved.

There is an appreciation among police, prosecutors, judges, Governors, mayors, corrections officials, and others—in many cases for the very first time—that working together rather than at cross-purposes is going to get the job done faster and get the job done better.

There is a new confidence that Government really can improve the quality of our domestic life and increase safety in city streets, in the suburbs, and in the countryside. This coordinated attack on crime is rapidly bringing us nearer to the time when disorder and lawlessness will no longer be among the Nation's most serious domestic problems.

There is already firm evidence, Mr. Chairman, that the rise of criminality that was such a hallmark of the 1960's is leveling off. In fact, the national crime increases have been slowed in dramatic fashion. FBI statistics show that serious crime rose nationally by 17 percent in 1968, by 12 percent in 1969, by 11 percent in 1970, by 6 percent in 1971, and by only 1 percent in the first 9 months of 1972. This is the lowest increase since 1959 and is comparable to the annual increase in population. This pattern of improvement is especially apparent in the Nation's larger cities where much of the worst crime occurs.

FBI figures show that in 83 of the country's biggest cities serious crime declined during the first 9 months of 1972. They include: Boston, Chicago, Cleveland, Columbus, Dallas, Des Moines, Detroit, Fort Worth, Indianapolis, Kansas City, Mo., Los Angeles, Louisville, Miami, Milwaukee, Newark, New Orleans, New York City, Philadelphia, St. Louis, San Francisco, Seattle, and Washington, D.C.

We are especially proud of the progress made in Washington, D.C., the Nation's Capital. In the 13 years between 1956 and 1969 serious crimes—which are murder, forcible rape, robbery, burglary, aggravated assault, larceny of more than $50, and automobile theft—in those years climbed more than 500 percent from 10,248 reported incidents to 62,921 incidents. During that time—that is, between 1956 and 1959—they increased every single year. Washington had become known as the crime capital of the country.

Shortly after taking office the President called attention to what he said were the crime rate's "crisis proportions" and demanded action to end what he called the "disgraceful" situation in the city.

LEAA financial and technical assistance had just become available and they were applied with vigor and imagination under the forceful leadership of Mayor Walter Washington and the Metropolitan Police Department commander, Chief Jerry V. Wilson. Other reforms were instituted by the U.S. attorney's office and by the court system in response to legislation the Congress enacted in 1970.

The results were dramatic. Offenses began to decline, beginning late in 1969. The FBI crime index reports show that serious crime in Washington dropped as follows: by 5.2 percent in 1970, by 13.3 percent in 1971, and by 27.1 percent in 1972. This remarkable improvement is continuing into the current year. The Department reported

that the average number of crimes per day in the city were lower last January than for any month since November 1966. They were less than half the number in the peak month of 1969.

We should look at how this happened, Mr. Chairman. Chief Wilson gives heavy credit to the men and women in the Washington police who perform the day-in and day-out chores that have made those crime rate improvements possible. And he is also lavish in his praise of LEAA, which he calls "our silent partner."

As Chief Wilson noted in a letter to LEAA:

> Working together, LEAA and the Metropolitan Police Department helped turn the corner on crime in Washington, D.C. With your continuing help we will finish the job.

LEAA also supports District of Columbia prosecution, court, and law reform programs at the rate of hundreds of thousands of dollars a year. A court executive now handles administration, including the mechanization and computerization of prosecution date, court records, personnel files and payrolls. With LEAA's help the District of Columbia Court Reform and Criminal Procedure Act of 1970 reorganized and upgraded the courts, expanding their jurisdiction, their workload and their efficiency.

There are other hopeful signs. Heavy emphasis is placed on fighting narcotics abuse in the city. Dr. Robert DuPont, Washington's narcotics treatment administration chief, reported recently that heroin use in Washington has been cut by more than half during 1972. There is both a scarcity of the drug on the streets and a steady drop in the number of addicts reporting for treatment at the NTA facilities, he said.

Furthermore, heroin overdose deaths are decreasing—another sign that the nacotics abuse problem is improving. Dr. DuPont has reported that from last July to October heroin caused only 1 death in the District of Columbia, compared to 35 such deaths from July to October of 1971. The progress Washington has made in its war on lawbreakers offers hope—and a blueprint—for other crime-ridden cities.

LEAA has expended substantial resources on fighting crime in the Nation's cities. One of its most innovative approaches is the high impact anticrime program. Its goal is to reduce street crime and burglaries in Newark, Baltimore, Cleveland, Atlanta, St. Louis, Dallas, Denver, and Portland, Oreg.—by 5 percent in each city in 2 years and 20 percent in 5 years.

There have already been some early and very promising results from the high impact projects. In St. Louis, for example, a police patrol project funded by LEAA has brought a reduction of 16.3 percent in the rate of murder, rape, robbery, burglary and assault in the target area.

The high impact program's crime reduction effects will be thoroughly studied for application elsewhere. A city-by-city evaluation will provide statistics as to what types of crime reduction programs are the most effective. Those are only a few examples of the LEAA program at work.

Federal funds from the LEAA bloc grant program are at work in every single one of the Nation's 55 States and territories and in all their metropolitan areas. In California, for instance, the State has put $1.4 million in Safe Streets Act money into antiburglary programs in

six special target communities. They report that burglaries have been cut by almost half in the operation's first 6 months. Case clearances—the rate at which police solve reported burglaries—improved 42 percent in the same 6 months.

The programs in the high impact cities and the California project are part of a dynamic new approach to fighting crime called crime specific planning. It was developed by LEAA, and LEAA has spurred its adoption by a number of States. It means careful planning and action programs to bring resources to bear against the worst kinds of crimes—and then setting up a comprehensive evaluation system to make sure they are succeeding.

LEAA is financing programs that stop crime, that protect the innocent and that rescue young people from lives outside the law. From fiscal year 1969 through the current fiscal year LEAA budgets will have totaled almost $2.5 billion, nearly all of it for State and local programs. Federal assistance has enabled States and localities to develop unprecedented programs to fight crime.

These funds have supported thousands of projects. For police training, equipment, anticrime patrols and many more. For rehabilitation projects for offenders, with emphasis on community-based programs. For ways to speed and improve processing of felony cases in the courts. For new ways to prevent and control juvenile crime and delinquency. To prevent and control narcotics abuse—and rehabilitate addicts. And they have made possible such special measures as the funding of the Knapp Commission that probed deeply into official corruption in New York City.

One of the programs with which I am particularly pleased is the law enforcement education program, otherwise known as LEEP. Federal aid for law enforcement and criminal justice education grew out of the concept that police work is a profession. For many years the Federal Government has funded higher education programs for physicians, teachers, and scientists. It seemed only sensible to extend this to men and women who work in or are going into criminal justice careers.

This is what was done. The substantial funds that the Congress appropriated for the safe streets program made this possible. By last June 30 LEEP had already assisted some 130,000 men and women in college and university studies at a cost of some $71.7 million.

At the time the Safe Streets Act was passed law enforcement degrees were offered at only 234 colleges and universities in the entire Nation. In fiscal year 1972 there were 962 institutions of higher education participating in the program. Estimates for the current fiscal year are that LEAA will spend an additional $39.5 million on some 99,000 enrolled students in approximately 990 institutions.

Of these students 84 percent are already criminal justice system professionals—including 66,000 police officers, 13,400 corrections personnel, and 3,400 specialists in court administration and similar disciplines. Approximately 16,300 students are expected to enter their professional careers following the completion of their courses.

This LEAA aid has been tremendously helpful in professionalizing criminal justice personnel. It bodes well for the future in reducing

crime. I think that we have a right to be proud of this achievement, Mr. Chairman.

LEAA also has made significant strides in civil rights compliance. LEAA regularly investigates complaints of discrimination against local and State Safe Streets Act fund recipients. By next June LEAA, in cooperation with the Civil Rights Division of the Department of Justice, will have conducted major systematic civil rights compliance reviews in the police departments of each of the eight impact cities. LEAA is now analyzing the results of a major survey conducted by the agency to discover the extent of utilization of minority labor in State, county and city law enforcement agencies.

LEAA also is funding a number of important efforts to help recruit racial minority group members into the criminal justice system and to uncover—and correct—deficiencies in personnel practices that impede the recruitment, retention and promotion of minorities in criminal justice careers.

At the same time LEAA is undertaking a major effort in cooperation with State and local human rights agencies to increase the ability of the State and regional criminal justice planning units to resolve civil rights problems before they grow. Under this approach LEAA exercises comprehensive monitoring responsibilities over grant recipients. However, LEAA defers to State and local government where there is a sincere desire and ability to address Federal civil rights compliance requirements pursuant to parallel State or local statutes.

This sort of LEAA assistance is a great help to State and local criminal justice agencies. Furthermore, it will assure us of improved law enforcement in the years to come.

Mr. Chairman, the other details of LEAA's support for States and their local communities are so voluminous that their recitation here would consume more time than is available. However, I hope that you have the opportunity to ask the people at the State and local level what LEAA has done for anticrime efforts.

Please ask the policemen, ask the prosecutors, ask the judges, the corrections officials, and the other criminal justice professionals as well as the other authorities in the State, county and municipal governments.

To cite only a few instances, I know that Mayor Roman S. Gribbs of Detroit has told LEAA that its support "has been absolutely essential." Crime there was down 14 percent in the first 9 months of 1972 compared to the same period of 1971.

Police Chief Edward Davis of Los Angeles has told LEAA that though Safe Streets Act help law enforcement in the city "has been able to progress to a level of service" that would be "otherwise unobtainable."

And Police Chief Clarence Kelley of Kansas City, Mo., has said that "if we had not had" LEAA assistance, "we would indeed be in bad straits."

It is, of course, both fair and responsible of this committee to ask whether everything within the Safe Streets program has gone uniformly well. And the candid answer, Mr. Chairman, as you know, is "no." Never in the history of human institutions has every single program gone according to plan or matched our highest hopes. But prob-

lems that did exist in LEAA programs were detected and rectified forthwith. We have a good program that has built-in safeguards to catch and correct future deficiencies.

LEAA is running—and running well—a program that is absolutely essential to the domestic well-being of this country. Like any new program it had growing pains. In a small number of cases certain State programs were careless with Federal funds. Most of the problems were discovered by LEAA itself through its greatly expanded audit programs. For example, funds were used for some questionable purposes by Alabama, Florida, and Indiana in the initial stages of their programs.

But LEAA has been exceedingly careful with its funds and has cracked down—and cracked down hard—whenever and wherever Federal funds have been misused. The Legal and Monetary Affairs Subcommittee of the House Government Operations Committee took a perfectly proper interest in the abuses as they came to light, and in July and October of 1971, the subcommittee held a series of hearings into that and related matters.

LEAA testified at length—responding in detail to the many questions raised and submitted extensive written evidence. As the record shows some witnesses charged during the hearings that a few States had indeed misused some of the Safe Streets Act funds entrusted to their care or that LEAA had not closely supervised the State bloc grants. On the other hand, the subcommittee also heard extensive testimony affirming that the great majority of States were running sound programs and that LEAA had greatly improved its audit and review functions.

But what especially interested me was that virtually every witness who criticized particular aspects of early LEAA operations also praised the bloc grant concept and paid tribute to the agency. The hearings themselves were confined almost exclusively to matters that are now considerably more than 2 years old. As questions arose during the course of the hearings, LEAA supplied the answers. And the hearings did provide LEAA with an opportunity for additional self-examination and improvement. I am confident the program is stronger today than ever before.

Just last month, for instance, LEAA wrote a detailed response to a congressional staff request for updated answers to a number of subcommittee recommendations and questions. That document is too long and technical to analyze here, but any additional questions you may have about it will certainly get our prompt attention.

Mr. Chairman, LEAA was born during a period of rising crime and disorder. As it organized, LEAA believed its first job had to be to meet immediate needs as soon as possible.

LEAA and the new State agencies were swamped with requests from law enforcement agencies for equipment that local budgets simply could not finance. In many cases this was communications equipment, training aids, data processing machines and other equipment, whose earlier purchase had been impossible despite the uncontested needs.

Courts and corrections agencies also proposed purchasing whatever first occurred to them as being their most pressing deficiencies. Some of their requests involved equipment, too. Despite criticism such pur-

chases materially improved the criminal justice system's capacity to respond to the immense challenges it faced at that time. The equipment met vital needs.

President Johnson's 1967 Crime Commission specifically named communications facilities, computers and other administrative equipment as things police, courts and corrections agencies should buy as quickly as possible. I am confident that it was the Congress' intent that the Federal Government promptly assist the State and local law enforcement agencies to outfit themselves with modern tools to fight modern crime.

I am sure that none of us wants to skimp on what we provide our criminal justice forces that guarantee our domestic security. Where relatively small amounts of funds were put to inappropriate use in a few States, it was LEAA that discovered those initial problems, and it was LEAA that dealt with them.

Long before the House Government Operations Subcommittee hearings began LEAA had sent its auditors into those States, and the irregularities they uncovered were promptly corrected. The Florida shortcomings arose from the State's maladministration of some funds from LEAA. The State had failed to adhere to its own established program guidelines and those of LEAA as well. But the new State administration that took office following the election of Gov. Reubin Askew in 1970 is cooperating with LEAA in rectifying these deficiencies—one and all. Florida now has a crime fighting program far better than what it had before.

The committee's majority report also touched on a General Accounting Office comment that there had been delays in LEAA fund disbursements to States and localities. But the fact is, Mr. Chairman, that the Congress permits LEAA bloc grant funds to be used in the fiscal year in which they are awarded and during the two following fiscal years. To compel States to distribute their allocations by the end of the fiscal year in which they receive them would clearly contradict both good sense and sound planning practices.

Lt. Gov. James S. Brickley of Michigan testified that it would have been easy to flood the States and localities with more money during the program's first years. But he felt that would have been at the sacrifice of the "kinds of systems and structures that are going to be needed to make the program function."

In the fiscal years 1970 through 1973 LEAA allocation activity was delayed because the Congress did not appropriate the agency's budget until well after the start of the fiscal year. For long-established Federal agencies that might not have presented much of a problem, but for LEAA and the State and local planning bodies it was a major obstacle. Not knowing how much money there will be is a poor basis upon which to build a sound program.

In improving its operations LEAA reduced the amount of paperwork and thus speeded up the bloc grant fund flow by giving final authority on most grants to LEAA's expanded regional offices. Its research and development program was made much more productive. There has been a greater emphasis on supporting a smaller number of comprehensive research projects with potentially greater impact.

Planning, evaluation, and technology transfers were made top LEAA priorities. The latest research and development information

is now being effectively disseminated to law enforcement and criminal justice operating agencies. More recently, criticism of LEAA has come from other sources.

I assume you have received a copy of a report prepared by the Lawyers' Committee for Civil Rights Under Law, entitled "Law and Disorder III." LEAA officials with me here today are prepared to answer any specific questions about the document that you may have. However, I would like to say just a few words about the statement's overall thesis that the Safe Streets Act is financing an antidemocratic strengthening of the country's police powers to be used against innocent citizens. The charge is totally false—and it should not be allowed to stand unchallenged.

The report is in no sense a comprehensive examination of the act in operation, for the group looked at what it thought the program was in just five States. Nearly all of the data cited is old, as there have been great advances in LEAA since the lawyers' committee did its investigative work or adopted the work of others. In addition, the statement is in many places inaccurate or misleading.

The statement's conclusions are based on legal presumptions that indicate a very serious misunderstanding of how LEAA works within the statutory language created by the Congress. For example, the statement constantly charges LEAA with failing to direct and control specific State projects. However, as we all know, the truth is that when the Congress wrote the act, it clearly insisted that LEAA not be authorized to run the State and local projects it finances.

As the act makes amply plain, the basic law enforcement and criminal justice responsibilities remain, and must remain, with the State and local governments. The Congress mandated LEAA to finance crime-fighting programs, not to produce a new system of criminal justice and then impose it upon the 55 States and territories. It is patently absurd for the statement to accuse LEAA of failing to do something that the Congress specifically barred LEAA from doing.

I think much the same thing can be said about the Committee for Economic Development's statement, "Reducing Crime and Assuring Justice," which was published last June. The CED statement proposes that the Nation take a radical new departure in the administration of law enforcement by creating what it calls a Federal authority to insure justice. The statement is simply wrong when it implies that the Nation's current institutions—Federal, State and local—are somehow incapable of seeing to it that justice is done.

What America needs is not untried new institutions, but help for the hard-pressed organizations that we already possess and upon which we place so many heavy demands. And that assistance is precisely what LEAA was created for—and is providing.

The CED statement's approach is centralist. It would improve the administration of justice by subordinating all the present agencies to a hierarchical control. At the top would be the Federal authority to insure justice, which would be enpowered to grant or withhold funds according to its own evaluation of the degree of local cooperation.

Despite the CED staff's views most responsible officials are not prepared to say that each State should have a centralized department of justice, or that cities and counties should be relieved of criminal justice

responsibilities, or that State police forces should be expanded and given responsibilities for entire States.

The CED statement also accepts uncritically the controversial propositions that Federal aid to State and local courts should be contingent upon the local acceptance of Federal norms. Some critics have attacked the safe streets program with the argument that bearing down hard on the criminals in urban areas—Washington, D.C., for example—simply drives crime into the suburbs. This is sometimes called the mercury effect or crime spillover. However, there is a logical fallacy in this criticism. I hope that no one wants to suggest that law enforcement officers should not go after criminals simply because it might drive them away. But the fact is that there is no good evidence the mercury effect exists.

Just last month the Metropolitan Washington Council of Governments announced the results of an intensive 9-month study. The council concluded that robbery and grand larceny occurring in Montgomery and Prince Georges Counties cannot be attributed principally to District of Columbia residents going into the suburbs.

The study showed that only one out of five persons charged with a serious crime in the Maryland suburbs is a nonresident. Moreover, he is just as likely to come from Baltimore or some other nearby Maryland county as from Washington, the study showed. Furthermore, at the same time Washington crime was decreasing, crime in the neighboring Virginia suburbs was falling, too. For example, serious crime fell 2.1 percent in Alexandria during 1972 and serious criminal offenses were 15.4 percent lower in Arlington County during the same period.

So, Mr. Chairman, LEAA does give careful consideration to crime displacement, program efficiency, fiscal responsibility, and the other issues that its critics have raised. Each of LEAA's high impact projects, for instance, contains a comprehensive statistical component—and part of the statistical work is to measure whether there is an appreciable crime spillover from a central city.

It also should be pointed out that LEAA funds do not go only to central cities. Substantial funds also go to suburban areas as well.

The point of LEAA-funded anticrime programs—whether for impact or any other type of project—is to reduce crime, to dry it up, not simply to push it over city or county lines. I wish to state with particular emphasis that this administration has not ignored comments intended to help the safe streets program operations or to draw attention to those shortcomings that need attention.

We are not insensitive to balanced and constructive comment and suggestions for improvement. We always welcome the opportunity to make improvements, giving the people more value for their tax moneys.

We have carefully studied the 1968 and 1970 legislation and its history and are convinced that LEAA possesses a congressional mandate to undertake any feasible and efficient program that has a direct relationship to crime. That is the sole object, the only thing that counts—the true letter and spirit of the Safe Streets Act. At the same time we believe that great progress has already been made in constructing a Federal assistance program that the States and localities can basically run themselves.

The Federal partner must disengage and is disengaging more and more from the local processes of decisionmaking and priority-setting. These are and must remain State and local prerogatives.

LEAA's responsibility is to strengthen local self-determination, not to weaken it. But I think it is equally true that the States and their local governments cannot simply be cut adrift. They cannot be left entirely without charts with which to navigate the troubled waters ahead.

They still need—and want—technical assistance, advice, educational tools, and all the other national resources at our command. It was precisely for this reason that LEAA during the past 18 months sponsored the work of the National Advisory Commission on Criminal Justice Standards and Goals.

The commission is not a Federal activity. It was a panel of laymen and professionals—from the States and localities—with deep experience in local criminal justice conditions. Its many findings and recommendations were discussed at length at the National Conference on Criminal Justice held in Washington 2 months ago. These new standards and goals touch upon virtually every important aspect of policing, adjudication, corrections work and community crime prevention.

They constitute one of the best anticrime documents in our Nation's history. They are unprecedented too, for they recommend to the States and localities ways to determine exactly where they stand today, how far they have to go, and how best to get there. With Federal help—but without Federal dictation—representatives of the American people have written a blueprint for fighting crime, and it will be considered on a voluntary basis by the jurisdictions themselves.

It seems to me, Mr. Chairman, that this is the very essence of the new federalism at work. It demonstrates how law enforcement revenue sharing would work. It is a benchmark by which progress will be measured for the next generation. The standards and goals material will be of invaluable assistance to States and localities as they carry out their programs under special revenue sharing.

So, Mr. Chairman, it is for all these reasons that I am confident that we can give you an affirmative answer to your three questions. The Congress had found a need for LEAA for which there is no adequate substitute. LEAA has met that need.

The crime wave of the 1960's is being brought under control and crime is being reduced in many parts of the country. The States and localities have been assisted in launching and operating innovative new crime-fighting programs. At the same time they are systematically cooperating in local, regional and nationwide forums to reform outmoded criminal justice practices and to achieve an integrated, unified common front against the forces of violence and disorder.

A vigorous debate has occurred between those who advocate bloc grants and those who advocate categorical grants. However, State and local control of our criminal justice institutions is simply not negotiable. A few LEAA program deficiencies have been detected, but they have long since been overcome. There may well be a few problems in the future, too. For to speak candidly you and I know that no human institution is without them. Nonetheless, they too will be uncovered and set straight—with dispatch and vigor.

Critics have the right to look at this or any other program and to make their views known. However, their comments ought to be responsible and constructive. It ought to recognize the congressional intent and address itself to the goal of fighting crime. A fair and balanced evaluation of LEAA will give credit where credit is due and not cloud the Nation's most remarkable criminal justice progress in our lifetimes.

Support for the safe streets program is overwhelming among the people who know it best. I also believe there is widespread support for special revenue sharing for law enforcement. Special revenue sharing will not only permit States and localities to set their own priorities. It also will free them from match and other restrictive fiscal requirements that can hamper progress. And at the same time the President's proposed budget for special law enforcement revenue sharing for fiscal 1974 contains more funds for States and localities, not less.

In conclusion, Mr. Chairman, let me say that the American people will not be denied their demands for domestic security. As experience has shown time and again, the electorate has lost patience with official indifference toward local criminality. They have called upon us in no uncertain terms to give their law enforcement agencies all the assistance at our command.

Personally, I can think of no domestic obligation more deserving of our undivided attention and effort. We dare not fail the challenge. Our success is vital to our Nation's future welfare, as well as the present safety of our citizens. As I indicated earlier, State and local officials have gone on record time and time again in their support of LEAA.

The country's Governors, mayors, county executives, police chiefs, judges, corrections officials and other criminal justice professionals say they cannot do without it. Time precludes reading even a small part of the letters and statements in praise of the Safe Streets Act. However, I would like to submit to the committee for its record a small sampling of such material and I believe you will find it of great interest.

Mr. Chairman, that concludes my remarks, and I would now be pleased to answer any questions from you or the other committee members.

Thank you.

Chairman Rodino. Thank you very much, Mr. Attorney General.

First of all, may I say that those materials which you would like to submit for the record will be accepted for the record.

[The material referred to follows:]

Office of the Attorney General,
Washington, D.C., March 14, 1973.

The Speaker,
House of Representatives,
Washington, D.C.

Dear Mr. Speaker: Enclosed for your consideration and appropriate reference is a legislative proposal entitled the "Law Enforcement Revenue Sharing Act of 1973".

In the Omnibus Crime Control and Safe Streets Act of 1968 Congress recognized the need for Federal financial support for local and State crime reduction efforts. This program, which has been centered upon a system of block grants to States for law enforcement improvements, has enabled us to make substantial

progress in the battle against crime. The time has now come to take the next logical step—to give the States more authority and responsibility for setting their priorities in solving their law enforcement problems.

The special revenue sharing proposal, which I am forwarding today, is an integral part of the New Federalism. It seeks to return to States and local governments, in the area of law enforcement, both the authority and the means to exercise it.

This legislative proposal provides for the combination of six separate authorities of the Safe Streets Act into special revenue sharing payments for law enforcement. While funds can be expended for all of the existing law enforcement purposes, the Act does not merge previous Planning (Part B), Action (Part C), Corrections (Part E), Technical Assistance (Section 515(c)), Training (Sections 407 and 408), and manpower programs (Section 406) into a single special revenue sharing payment. This merger will provide maximum recognition of individual State differences, the most effective administrative mechanism, and the greatest degree of assurance of local control.

To assure recognition of the many ongoing activities started under the Safe Streets Act, the fund allocation process provides an allocation for State and local planning functions. A process for planning is required with assured funding included. When additional planning funds are necessary, the State would have the option to provide for this need. Current manpower and corrections programs can be continued by each State in accordance with its needs rather than by any formula. Current and necessary funding for court reform and provision for Technical Assistance at the State or local level as each State decides is proper, and most administratively feasible, has been assured.

Allocations of funds for local units of government have been provided for by the variable pass-through formula which Congress enacted in the 1970 amendments to the Safe Streets Act. The formula is applicable to 70 percent of the non-planning related special revenue sharing payment so that the previously mentioned areas of activity may be provided the proper level of funding in relation to the variation in needs in each State.

In application, States and local governmental units, in total, will have funding available, through the pass-through requirement or from the 30 percent allocation, in amounts in excess of fiscal year 1973 funding. Because of the merger of various fund sources into an essentially population based allocation, however, prior allocation methods not related to population may create a situation in a few States where the 1974 allocation could be less than the non-discretionary amount received in 1973. In these situations, an appropriate amount of supplemental discretionary funds will be provided to those States to insure that no lesser amount is received in 1974.

The principles of New Federalism are designed to achieve a greater degree of flexibility for State and local governments in their pursuit of the nationally set goal for crime reduction. To reach the goal in the most cost effective and expeditious manner, a number of current requirements or limitations will be eliminated. Accordingly, this proposal would eliminate the requirement for prior Federal approval of the planning operation and of the annual comprehensive State plan. It would likewise delete cumbersome administrative regulations and matching requirements. Assumption of cost provisions and personnel funding limitations are also deleted, as is the non-supplanting provision of the Safe Streets Act. To assure, however, that Federal funds do not displace State or local funds going toward achieving the same goals, a maintenance of effort clause has been provided.

The Federal role will include a review of each State plan and the planning process. The results of such reviews will be furnished to the States, published in the Federal Register and submitted to the Congress.

Public accountability for special revenue sharing funds is a significant feature of this bill. From the initial stages of a State's planning operation to the final evaluation and reporting stages, accountability is assured. In addition to auditing provisions, requirements exist for open meetings, access to records, and procedures designed to bring the slated uses of these funds to the public's attention. Additional emphasis is placed on criminal penalties for those few individuals who may strive to defraud the taxpayer of funds allocated for law enforcement purposes.

The Research and Statistics programs are continued without marked change and the discretionary fund authority has been consolidated at a flat 15 percent of the total special revenue sharing appropriation.

The proposal provides for a consolidation of authority within the Department and provides for an Administrator and Deputy Administrator of the Law Enforce-

ment Assistance Administration to replace the current "troika" arrangement. It has been drafted as a total amendment of Title I of the Safe Streets Act so that it may more accurately reflect and emphasize the special revenue sharing nature which we propose for the future of the Federal role in local and State law enforcement.

We believe this program is the next necessary step from the block grant concept to fully achieve effective and efficient local control in the law enforcement area. I urge early and favorable consideration of this legislation by the Congress.

The Office of Management and Budget has advised that enactment of this proposal would be in accord with the Program of the President.

Sincerely,

RICHARD G. KLEINDIENST,
Attorney General.

A BILL To provide for Special Law Enforcement Revenue Sharing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement Revenue Sharing Act of 1973".

SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended to read as follows:

A BILL To provide for Special Law Enforcement Revenue Sharing

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SEC. 2. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended to read as follows:

"DECLARATIONS AND PURPOSE"

"Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government.

"Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance. It is the purpose of this title to (1) authorize special revenue sharing payments to States and units of local government in order to reduce and prevent crime and delinquency; (2) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (3) encourage improved management of law enforcement activities; and (4) encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals.

"PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION"

"SEC. 101. (a) There is hereby established within the Department of Justice under the authority of the Attorney General, a Law Enforcement Assistance Administration (hereafter referred to in this title as 'Administration') composed of an Administrator of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate, and a Deputy Administrator.

"(b) The Attorney General may delegate, and authorize redelegation of all functions, powers, and duties created and established by this title so long as the Attorney General remains responsible for overall supervision, direction, and management of the programs authorized.

"PART B—STATE PLANNING PROCESS"

"SEC. 201. It is the purpose of this part to encourage States and units of general local government to prepare and adopt comprehensive law enforcement plans based on their evaluation of State and local problems of law enforcement.

"SEC. 202. (a) Any State desiring to participate in the special revenue sharing program shall establish a State law enforcement planning process to be under the supervision and control of the Governor and including local government participation for the preparation, revision, and implementation of the State plans required under this part.

"(b) Any areawide planning shall be the responsibility of a multijurisdictional planning and policy development organization designated by the Governor pursuant to procedures established for implementing Title IV of the Intergovernmental Cooperation Act of 1968, a majority of whose policy board is composed of elected officials representing general local government. Such an organization may have an advisory body on matters relating to the purposes of this title to include representatives of law enforcement agencies and public agencies maintaining programs to reduce and control crime.

"SEC. 203. The State shall—

"(1) develop, after appropriate hearings and consultation with elected representatives of units of general local government, representatives of law enforcement agencies, and of public agencies maintaining programs to reduce and control crime and delinquency, a comprehensive statewide plan for the reduction and prevention of crime and delinquency.

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for the reduction and prevention of crime and delinquency.

"(3) establish priorities for the reduction and prevention of crime and delinquency throughout the State.

"(4) adopt measures designed to bring to the attention of the citizens of the State the contents of the comprehensive statewide plan and any substantial modification thereof immediately following the adoption of such plan or any such modification by the State.

"(5) provide for the expenditure of amounts received under special revenue sharing in accordance with the laws and procedures applicable to the expenditure of its own revenues.

"(6) adequately take into account the plans, needs and requests of the units of general local government in the State and encourage local initiative and interlocal cooperation in the development of programs and projects for the reduction and prevention of crime and delinquency, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units provide in the plan for the allocation of an adequate share of assistance for law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity;

"(7) provide for administration, fiscal control fund accounting, audit and monitoring and evaluation procedures as may be necessary to assure proper management and disbursement of funds received under this title;

"(8) provide for the submission of such reports in such form, at such times, and containing such information as the Attorney General may reasonably require to evaluate the overall impact of the plan and programs and to report to the President and the Congress on its priorities and effectiveness;

"(9) provide for appropriate review of procedures of actions taken by the State government disapproving an application for which funds are available or terminating or refusing to continue financial assistance to a State agency or a unit of general local government or combination of such units;

"(10) provide that all meetings of any planning organizations established under this title at which any final action is taken respecting the approval of comprehensive State plans (or regional or local components thereof), non-confidential applications for or award of funds, and the allocation or expenditure of such funds shall be public meetings. Such meetings shall be preceeded by a public notice giving the time, place and general nature of business to be transacted;

"(11) provide for public access to all non-confidential records; and

"(12) certify that financial efforts for law enforcement purposes by the State and the aggregate efforts by local units of government within the State (out of their own sources) during a fiscal year are not less than the effort in the preceding year or the average of the prior three years. The Attorney General shall accept such a certification unless he determines that such certification is not sufficiently reliable to enable him to carry out his duties under this title.

"SEC. 204. (a) Each State government which expects to receive funds under Part C for any entitlement period beginning on or after July 1, 1973, shall submit a comprehensive State plan formulated pursuant to Section 301 and 303. There-

after such plan shall be submitted every three years with an annual revision to reflect any changes necessary. Such revisions shall be submitted annually to the Attorney General.

"(b) The Attorney General shall review such plans and provide the State with such comments and recommendations as he deems appropriate. Within a reasonable time after providing the State with any such comments and recommendations, the Attorney General shall submit such comments and recommendations to Congress and publish them in the Federal Register.

"PART C—REVENUE SHARING FOR LAW ENFORCEMENT PURPOSES

"SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government or combinations thereof, through special revenue sharing payments and other forms of financial assistance, to develop and implement programs and projects to reduce and prevent crime and delinquency.

"(b) The Attorney General is authorized to make special revenue sharing payments and other forms of financial assistance to States for law enforcement purposes including—

"(1) Public protection, including the development, demonstration, evaluation, implementation, and purchase of methods, devices, facilities, and equipment designed to improve and strengthen law enforcement and reduce crime in public and private places.

"(2) The recruiting of law enforcement personnel and the training of personnel in law enforcement.

"(3) Public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and programs to improve public understanding of and cooperation with law enforcement agencies.

"(4) Constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.

"(5) The organization, education, and training of special law enforcement units to combat organized crime, including the establishment and development of State organized crime prevention councils, the recruiting and training of special investigative and prosecuting personnel, and the development of systems for collecting storing, and disseminating information relating to the control of organized crime.

"(6) The organization, education, and training of regular law enforcement officers, special law enforcement units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment.

"(7) The recruiting, organization, training and education of community service officers to serve with and assist local and State law enforcement agncies in the discharge of their duties through such activities as recruiting; improvement of police-community relations and grievance resolution mechanisms; community patrol activities; encouragement of neighborhood participation in crime prevention and public safety efforts; and other activities designed to improve police capabilities, public safety and the objectives of this section. In no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement agency.

"(8) The establishment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousands or more, to assure improved planning and coordination of all law enforcement activities.

"(9) The development and operation of community based delinquent prevention and correctional programs, emphasizing diagnostic services, halfway houses and other community based rehabilitation centers for initial preconviction or post-conviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders.

"(10) The development and operation of justice reform programs, including improved court administration and law reform.

"(11) The rendering of technical assistance in matters relating to law enforcement.

"(12) The establishment of programs of academic educational assistance through contracts with institutions of higher education for grants or loans to

persons enrolled in undergraduate or graduate programs in areas related to law enforcement.

"(13) The operation of State, regional, and local planning processes for the preparation, development, evaluation, and revision of State plans.

"(14) The improved management of law enforcement activities.

"(c) Any special revenue sharing payment made under this section may be used to pay up to 100 per centum of the cost of programs or projects specified in the comprehensive plan required to be submitted under this title.

"(d) No part of any special revenue sharing payment for the purposes of renting, leasing, or constructing buildings or other physical facilities shall be used for land acquisition.

"SEC. 302. (a) The Attorney General is authorized to obligate funds for the continuation of projects approved under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, prior to the date of enactment of this title to the extent that such approval provided for continuation.

"(b) Any funds obligated and all activities necessary may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

"SEC. 303. (a) The Attorney General shall make special revenue sharing payments to a State government if such State has on file with the Attorney General a comprehensive State plan which conforms with the purposes and requirements of this title.

"(b) To be comprehensive the plan should conform to the definition in section 601(m) and should consider Statewide priorities for the improvement and coordination of all aspects of law enforcement, the relationship of activities carried out under this title to related activities being carried out under other Federal programs, the general types of improvements to be made in the future, the effective utilization of existing facilities, the encouragement of cooperative arrangements between units of general local government, innovations and advanced techniques in the design of institutions and facilities, and advanced practices in the recruitment, organization, training, and education of law enforcement personnel. It shall thoroughly address improved court programs and practices throughout the State. It shall include a long-range all-inclusive program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State. Such programs must adequately reflect national and State standards for all functions of the correctional and court systems.

"SEC. 304. The State government shall receive applications for financial assistance submitted by heads of State agencies and the chief executive officers of units of general local government, combinations of such units and other applicants. When a State government determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State government is authorized to disburse funds to the applicant.

"SEC. 305. Where a State has failed to file a comprehensive State plan as required by this title, the funds allocated for such State under paragraph (1), section 306(a) of this title shall be available for reallocation by the Attorney General under paragraph (2) of section 306(a).

"SEC. 306. (a) The funds appropriated each fiscal year for this part shall be allocated by the Attorney General as follows:

"(1) Eighty-five per centum of such funds shall be allocated among the States as special revenue sharing payments. The Attorney General shall make an initial allocation of $200,000 to each of the States for the support of the State, areawide, and local planning process. The Attorney General shall then allocate the remainder of such funds available among the States according to their relative populations. Of the amount allocated by population 5 percent of the total shall be made available for support of the State, areawide, and local planning process.

"(A) At least the per centum of the special revenue sharing payments made to the State under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement funds used in the immediately preceding fiscal year by units of general local government shall be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the reduction and prevention of crime and delinquency. Per centum determination will be applied to 70 per centum of the total special revenue sharing payment

after reduction of the amount allocated for support of the planning process as specified in section 306(a)(1); the remaining 30 per centum may be used by the State for State or local adult and juvenile correctional programs, court programs, technical assistance, and law enforcement education. Per centum determinations under this paragraph for law enforcement funding and expenditures for such accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available, and reflect adjustments for any major program responsibility shifts between State and local government. Upon application the Attorney General may waive the per centum requirements upon a finding that the planning process developed under Part B will assure that special revenue sharing funds for any fiscal year will be available to carry out the provisions of section 203(6).

"(B) Of the funds allocated for the planning process at least 40 per centum of such funds for any fiscal year shall be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under the title. Upon application the Attorney General may waive this requirement in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this title. In allocating planning funds the State shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level.

"(2) Fifteen per centum of such funds, plus any additional amounts made available by virtue of the application of the provisions of sections 305 and 509 of this title to the grant or revenue sharing payment of any State, may, in the discretion of the Attorney General, be allocated among the States, units of general local government, or combinations of such units, and to non-profit organizations according to the criteria and on the terms and conditions the Attorney General determines consistent with the title.

"(b) Any grant made from funds available under paragraph (2) of this subsection may be up to 100 per centum of the cost of the program or project for which such grant is made. No part of any such grant shall be used for land acquisition.

"SEC. 307. For the purposes of this title, the term 'special revenue sharing payment' means a grant of funds allocated to a State in accordance with Section 306.

"SEC. 308 (a). No person in any State shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available from the Law Enforcement Special Revenue Sharing Act.

"(b) Whenever the Attorney General determines that a State government or unit of general local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the Governor fails or refuses to secure compliance, the Attorney General is authorized:

"(1) to institute an appropriate civil action;

"(2) to exercise the powers and functions pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d);

"(3) to exercise the powers and functions provided in Section 509 of this title; or

"(4) to take such other action as may be provided by law.

"(c) Whenever the Attorney General has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"SEC. 309. The amounts appropriated and allocated for special revenue sharing payments shall be paid to the respective States at such intervals and in such installments as the Attorney General may determine, taking account of the objective that the time elapsing between the transfer of funds from the United States Treasury and the disbursement thereof by the State shall be minimized.

"PART D—RESEARCH, DEMONSTRATION AND TRAINING

"SEC. 401. It is the purpose of this part to provide for and encourage training, education, research, and development for the purpose of improving law enforcement and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals. These purposes will include:

"(1) to make grants to, or enter into contracts with, public agencies, institutions of higher education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title; including the development of new or improved approaches, techniques, systems, equipment, and devices to prevent and reduce crime and delinquency;

"(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to prevent and reduce crime and delinquency, including, but not limited to, the effectiveness of projects or programs carried out under this title;

"(3) to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the success of correctional procedures;

"(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to prevent and reduce crime and delinquency;

"(5) to carry out programs of instructional assistance consisting of research fellowships for the programs provided under this section, and special workshops for the presentation and dissemination of information resulting from research, demonstrations, and special projects authorized by this title;

"(6) to carry out a program of collection and dissemination of information obtained by other Federal agencies, public agencies, institutions of higher education or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to prevent and reduce crime and delinquency;

"(7) to establish a research center to carry out the programs described in this section; and

"(8) to cooperate with and render training and technical assistance to States, units of general local goverment, combinations of such States or units, or other public or private agencies, organizations, or institutions in matters relating to law enforcement. While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as prescribed under section 5703(b) of title 5 for persons employed intermittently in the government service.

"SEC. 402. There is established within the Law Enforcement Assistance Administration a National Institute of Law Enforcement and Criminal Justice. It shall be the purpose of the Institute to encourage research and development to prevent and reduce crime and delinquency.

"SEC. 403. A grant authorized under this part may be up to 100 per centum of the total cost of each project for which such grant is made. The Attorney General shall require, whenever feasible, as a condition of approval of a grant under this part, that the recipient contribute money, facilities, or services to carry out the purpose for which the grant is sought.

"SEC. 404. (a) The Director of the Federal Bureau of Investigation is authorized to—

"(1) establish and conduct training programs at the Federal Bureau of Investigation National Academy at Quantico, Virginia, to provide, at the request of a State or unit of local government, training for State and local law enforcement personnel;

"(2) develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; and

"(3) assist in conducting at the request of a State or unit of local government, local and regional training programs for the training of State and local law enforcement personnel. Such training shall be provided only for persons actually employed as State police or highway patrol, police of a unit of local government, sheriffs and their deputies, and such other persons as the State or unit may nominate for police training while such persons are actually employed as officers of such State or unit.

"(b) In the exercise of the functions, powers, and duties established under this section the Director of the Federal Bureau of Investigation shall be under the general authority of the Attorney General.

PART E—ADMINISTRATIVE PROVISIONS

"SEC. 501. The Attorney General shall prescribe, after appropriate consultation with representatives of States and units of general local government, such regulations as may be necessary or appropriate to carry out the provisions of this title.

"SEC. 502. The Attorney General may establish, alter or discontinue such organizational units of the Administration as he may deem necessary or appropriate.

"SEC. 503. Title 5 of the United States Code, Subsection (c)(10) of section 5108 remains unchanged.

"SEC. 504. Upon authorization of the Attorney General, any hearing examiner assigned to or employed for the purpose of this title, shall have the power to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States he may designate.

"SEC. 505. Effective January 1, 1974, section 5315 of title 5 of the United States Code is amended by deleting:

"(90) Associate Administrator of the Law Enforcement Assistance (2)"

"SEC. 506. Section 5316 of title 5 of the United States Code is amended by adding at the end thereof the following new subsection:

"(131) Deputy Administrator of Law Enforcement Assistance."

"SEC. 507. Subject to the civil service and classification laws, the Attorney General is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out its powers and duties under this title.

"SEC. 508. The Attorney General is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with such other agencies and instrumentalities in the establishment and use of services, equipment, personnel, and facilities of the Administration. The Attorney General is further authorized to confer with and avail himself of the cooperation, services, records, and facilities of State, municipal, or other local agencies, and to receive and utilize, for the purposes of this title, property donated or transferred for the purposes of testing by any other Federal agencies, State, units of general local government, public or private agencies or organizations, institutions of higher education or individuals.

"SEC. 509. Whenever the Attorney General, after a reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title there is a substantial failure to comply with—

"(a) the provisions of this title;

"(b) regulations promulgated by the Attorney General under this title; or

"(c) a plan or application submitted inn accordance with the provisions of this title;

the Attorney General shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

"SEC. 510. (a) In carrying out the functions vested by this title in the Department of Justice, the determination, findings, and conclusions of the Attorney General shall be final and conclusive upon all applicants, except as hereafter provided.

"(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Attorney General shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Attorney General on an application or a grant the Attorney General or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Attorney General deems necessary, following appro-

priate and adequate notice to such applicant; and the findings of fact and determinations made by the Attorney General with respect thereto shall be final and conclusive, except as otherwise provided herein.

"(c) If such applicant is still dissatisfied with the findings and determinations of the Attorney General, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Attorney General may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Attoney General, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

"SEC. 511. (a) If any applicant or grantee is dissatisfied with the Attorney General's final action with respect to the approval of its application submitted under this title, or any applicant or grantee is dissatisfied with the Attorney General's final action under section 509 or section 510, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of court to the Department of Justice. The Attorney General shall thereupon file in the court the record of the proceedings on which the action of the Attorney General was based, as provided in section 2112 of title 28, United States Code.

"(b) The determinations and the findings of fact by the Attorney General, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Attorney General to take further evidence. The Attorney General may thereupon make new or modified findings of fact and may modify the previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Attorney General or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of tile 28, United States Code.

"SEC. 512. (a) The Attorney General shall provide for such accounting and auditing procedures, evaluations, and reviews as may be necessary to insure that the expenditures of funds received under this title by State governments and units of local government and other recipients of assistance comply fully with the requirements of this title. The Attorney General is authorized to accept an audit by a State of such expenditures of a State government or unit of local government if he determines that such audit and the audit procedures of that State are sufficiently reliable to enable him to carry out his duties under this title.

"(b) The Comptroller General of the United States is authorized to make reviews of the work as done by the Attorney General, the State governments, and the units of local government as may be necessary for the Congress to evaluate compliance and operations under this title.

"(c) The provisions of this section apply to all recipients of assistance under this title, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administration.

"SEC. 513. To insure that all Federal assistance to State and local programs under this title is carried out in a coordinated manner, the Attorney General is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Attorney General deems necessary to carry out the functions under this title. Each such department or agency is authorized to cooperate with the Attorney General and, to the extent permitted by law, to furnish such materials to the Attorney General. Any Federal department or agency engaged in administering programs related to this title shall, to the maximum extent practicable, consult with and seek advice from the Attorney General to insure fully coordinated efforts, and the Attorney General shall undertake to coordinate such efforts.

"SEC. 514. The Attorney General may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of the functions under this title.

"SEC. 515. The Attorney General is authorized—

"(a) to conduct evaluation studies of the programs and activities assisted under this title; and

"(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement in the United States.

"SEC. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Attorney General, and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the Joint Resolution entitled 'Joint Resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. sec. 551).

"(b) Not more than 12 per centum of the sums appropriated for any fiscal year to carry out the provisions of this title may be used within any one State except that this limitation shall not apply to grants made pursuant to Part D.

"SEC. 517. (a) The Attorney General may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code.

"(b) The Attorney General is authorized to appoint, without regard to the civil service law, technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Attorney General but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

"SEC. 518. Nothing contained in this title or any other Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or any other law enforcement agency of any State or any political subdivision thereof.

"SEC. 519. On or before March 31 of each year, the Attorney General shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

"SEC. 520. There is authorized to be appropriated, out of the Treasury of the United States, such sums as may be necessary to carry out all provisions of this title. Such sums shall remain available for obligation until expended.

"SEC. 521. (a) To implement the provisions of this title, neither the Attorney General, nor any other officer or employee of the Department, nor any recipient of assistance under the provision of this title, may, except when expressly authorized under the provisions of this title.

"(1) Use the information collected expressly for statistical or research purposes under programs assisted directly or indirectly by this title for any other purpose; or

"(2) Make any publication whereby such information furnished by any par ticular private establishment or individual can be identified; or

"(3) Permit anyone other than sworn officers and employees of the Department of Justice, a research grantee under the provisions of this title, or officers and employees of such research grantee under the provisions of this title to examine such information concerning particular private establishments or individuals.

"No department, bureau, agency, officer, or employee of the Government, except as specifically authorized in this title, shall require, for any reason, copies of such information on establishments or individuals which have been retained by any such establishment or individual. Copies of such information which have been so retained shall be immune from legal process, and shall not, without the consent of the establishment or individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

"(b) Any person violating the provisions of this section, or any rule, regulation, or order issued thereunder, shall be liable to a penalty not to exceed $10,000, in addition to any other penalty imposed by law. The amount of any such penalty shall be payable into the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States.

"PART F—DEFINITIONS

"SEC. 601. As used in this title—'Law enforcement' means any activity pertaining to crime prevention, control or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction.

"(b) 'Organized crime' means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

"(c) 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Virgin Islands, Guam, and Samoa.

"(d) 'Unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia. Such assistance eligibility of any agency of the United States Government shall be for the sole purpose of facilitating the transfer of criminal jurisdiction from the United States District Court for the District of Columbia to the Superior Court of the District of Columbia pursuant to the District of Columbia Court Reform and Criminal Procedure Act of 1970.

"(e) 'Combination' as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan.

"(f) 'Construction' means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefore.

"(g) 'State organized crime prevention council' means a council composed of not more than seven persons established pursuant to State law or established by the chief executive of the State for the purpose of this title, or an existing agency so designated, which council shall be broadly representative of law enforcement officials within such State and whose members by virtue of their training or experience shall be knowledgeable in the prevention and control of organized crime.

"(h) 'Metropolitan area' means a standard metropolitan statistical area as established by the Office of Management and Budget, subject, however, to such modifications and extensions as the Attorney General may determine to be appropriate.

"(i) 'Public agency' means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing.

"(j) 'Institution of higher education' means any such institutions as defined by section 801(a) of the Higher Education Act of 1965 (79 Stat. 1269; 20 U.S.C. 1141(a)), subject, however, to such modifications and extensions as the Attorney General may determine to be appropriate.

"(k) 'Community service officer' means any citizen with the capacity, motivation, integrity, and stability to assist in or perform police work but who may not meet ordinary standards for employment as a regular police officer selected from the immediate locality of the police department of which he is to be a part, and meeting such other qualifications promulgated in regulations pursuant to section 501 as the Attorney General may determine to be appropriate to further the purposes of section 301(b)(7) and this title.

"(l) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses.

"(m) 'Comprehensive' means that the plan must be a total and integrated analysis of the crime and juvenile delinquency problem within the State; goals, priorities and standards must be established in the plan and the plan must address (both short and long-term) methods, organization, and operation per-

formance, physical and human resources necessary to accomplish crime prevention; identification, detection and apprehension of suspects; adjudication; custodial treatment of suspects and offenders; and institutional and non-institutional rehabilitative measures.

"(n) 'Areawide' refers to the geographic scope of problems which transcend the boundaries of any single unit or units of general local government but do not encompass the entire State.

"(o) 'Multi-jurisdictional planning and policy development organization' is an organization which has responsibility for comprehensive planning and has planning and policy control over two or more functional planning and policy development programs.

"PART G—CRIMINAL PENALTIES

"SEC. 651. Whoever embezzles, willfully misapplies, steals, or obtains by fraud or attempts to embezzle, willfully misapply, steal, or obtain by fraud any funds, assets, or property which are the subject of a grant or contract or other form of assistance pursuant to this title, whether received directly or indirectly from the Administration, or whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, willfully misapplied, stolen or obtained by fraud shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

"Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to this title shall be subject to prosecution under the provisions of section 1001 of title 18, United States Code.

"Any law enforcement program project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to this Act, whether received directly or indirectly from the Administration, shall be subject to the provisions of Section 371 of Title 18, United States Code."

SEC. 3. This Act shall take effect on July 1, 1973.

SECTION-BY-SECTION ANALYSIS

Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended in its entirety to authorize special revenue sharing payments to State and units of general local government.

The Declarations and Purpose Clause has been amended to indicate that it is the purpose of this title to authorize special revenue sharing payments.

In addition, the change in wording from "to improve and strengthen law enforcement" to "reduce and prevent crime and delinquency" is a more precise reflection that the goal of the program is the reduction and prevention of crime and delinquency rather than simply the improvement of the system. The wording does not shift the basic past aims of the program. "Prevent" as used in this context refers to programs or projects which appear to have an immediate and direct impact by detering or impeding the occurrence of crime.

Section 101 provides that all authority of title I, as amended, is placed in the Attorney General; that there is established a Law Enforcement Assistance Administration with an Administrator appointed with the advice and consent of the Senate and a Deputy Administrator. At the same time it authorizes delegation of all functions, powers and duties created by the Act so that the most efficient operating arrangement may be achieved.

Section 201 encourages States and units of local government to prepare and adopt comprehensive law enforcement plans.

Section 202 places the responsibility for the State law enforcement planning process under the supervision and control of the Governor and deletes former section 203 requirement for a State planning agency. The Governor may still designate a State planning agency. Any area wide planning shall be the responsibility of a multi-jurisdictional planning and policy development organization, the majority of whose members will be elected local officials.

Section 203 sets forth the requirements necessary for a planning process to properly develop a comprehensive State plan and administer such plan.

Section 204(a) requires that a State beginning on or after July 1, 1973, submit a comprehensive State plan. There will no longer be a requirement for prior approval prior to receipt of special revenue sharing funds. A plan shall be submitted every three years with a yearly revision. Subsection (b) authorizes the

Attorney General to review such plan and provide comments to the State and Congress and to publish such comments in the Federal Register.

PART C—REVENUE SHARING FOR LAW ENFORCEMENT PURPOSES

Section 301(a) states the purpose of this part to be to encourage States and units of general local government to carry out program and projects to reduce crime and delinquency and provides that assistance under part C will be in the form of special revenue sharing payments.

Subsection (b) sets forth the types of law enforcement activities which can be funded. Paragraphs 1–8 are identical to the former title I. The additional paragraphs provide eligibility to (9) diagnostic services within the community-based delinquency prevention and correctional programs; (10) express funding authority for improved court administration and law reform programs. This will allow for the funding of court projects where, for example, improvement of civil procedures will have a clear effect on administration of criminal justice; (11) to provide technical assistance formerly authorized by section 515(c); (12) funding authority for law enforcement education programs through contracts with institutions of higher education (former section 406); (13) funding authority for maintenance and operation of State, regional, and local planning processes; and (14) improved management of law enforcement activities. There is authority within section 301(b) to fund corrections programs authorized by part E in the former title I and training programs for prosecuting attorneys (former section 408).

Subsection (c) removes the matching requirements (formerly required in title I) and permits 100 percent of program costs to be paid from special revenue sharing funds.

Under Subsection (d) no funds may be used for land acquisition. The one-third personnel compensation limitation has been removed.

Section 302 provides for the authorization to obligate funds for the continuation of projects approved under former title I prior to the date of enactment of this Act.

Section 303 authorizes the Attorney General to make special revenue sharing payments when a State has on file a comprehensive state plan. There is no longer a requirement that such a plan must be approved by LEAA.

Section (b) sets forth the considerations which must be included for a plan to be comprehensive. This provision incorporates the major assurances in former section 453 for correctional programs.

Section 304 provides for the State government to receive applications for financial assistance from units of local government and other applicants and authorizes the State government to disburse funds when the application is in accordance with the purposes of section 301.

Section 305 allows the Attorney General to reallocate funds if a State fails to file a comprehensive plan.

Section 306(a) sets forth how special revenue sharing funds shall be allocated. Under paragraph (1) eighty-five per centum are special revenue sharing funds. There is first an initial allocation of $200,000 to each of the states for the support of the planning process. Thereafter the remaining funds are allocated according to relative population. Five per centum of this total shall be made available for support of the State and local planning process.

Subparagraph (A) provides for the variable pass through of special revenue sharing funds once the planning funds have been distributed.

Subparagraph (B) provides for pass through of planning funds to units of local government.

Paragraph 2 provides that the remaining fifteen per centum of the appropriated funds shall be allocated to the States, units of local government and nonprofit organizations at the discretion of the Attorney General.

Subsection (b) provides that the discretionary grant may be up to 100 per centum of the cost of the program or project.

Section 307 defines special revenue sharing.

Section 308 provides that no person shall be excluded from participation in the program or projects funded under this Act due to discrimination. This is similar language found in Section 122 of the General Revenue Sharing Act except that subsection (b)(3) of this Act authorizes the Attorney General to use the powers and functions of section 509 to secure compliance.

Section 309 provides for the method of payment of special revenue sharing funds.

Section 401 states the purposes of this part which include (1) make grants or enter into contracts with public agencies, institutions of high education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title; (a) make continuing studies to develop new or improved approaches, techniques, systems, etc., to improve and strengthen law enforcement—not limited to projects or programs carried out under this title; (3) carry out behavioral research projects on the causes and preventions of crime and the evaluation of correctional procedures; (4) make recommendations for the improvement and strengthening of law enforcement by Federal, State, and local governments; (5) carry out programs of instructional assistance, such as research fellowships; (6) collect and disseminate information to improve and strengthen law enforcement; and (7) establish a research center to carry out the programs described in this section; (8) cooperates with and renders training and technical assitance to States, units of local government, or other public and private agencies.

Section 402 continues the operation of the National Institute of Law Enforcement and Criminal Justice within the Law Enforcement Assistance Administration.

Section 403 provides that grants for this part may be up to 100 percent of the total cost of each project for which a grant is made.

Section 404 continues the authority under former section 404, regarding the training of State and local law enforcement personnel at the Federal Bureau of Investigation National Academy at Quantico, Virginia.

The substantive portions of former sections 406 through 455 are now incorporated in prior sections.

Part E—Administrative Provisions

Section 501—Authorizes the Attorney General, after consultation with representatives of States and units of general local government, to establish rules and regulations necessary to the exercise of his functions under, and are consistent with the stated purpose of this title.

Section 502 provides that the Attorney General may establish, alter or discontinue such organizational units of the Administration as he deems necessary.

Section 503—provides that super grade positions remain the same.

Section 504—Section 504 gives a hearing examiner, upon authorization of the Attorney the power to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States he may designate.

Section 505 deletes from section 5315 of title 5 of the positions of Associate Administrators after January 1, 1974.

Section 506 adds to section 5316 of title 5 the positions of Deputy Administrator.

Sections 507 through 511 are identical to prior sections 507 through 511 but conform the vesting in the Attorney General of such Administrative authority as are found in those sections.

Section 512 requires accounting and auditing evaluations and reviews as the Attorney General may consider necessary to insure full compliance with the requirements of this title.

Subsection (b) authorize review by the Comptroller General.

Section 513 authorizes the Attorney General to request from other Federal agencies statistics, data, program reports, and other material in order that the programs under this title can be carried out in a coordinated manner.

Section 514 provides for the reimbursement of the heads of other Federal departments for the performance of any functions under this title.

Section 515 subsections (a) and (b) of section 515 provide that the Attorney General shall collect and disseminate information on the condition and progress of law enforcement in the United States, deletes former section 515(c) which authorized the Administration to provide technical assistance to States or local governmental units. This is now authorized under parts C and D.

Section 516 subsection (a) of section 516 permits the Attorney General to determine the method of payments under this title.

Subsection (b) of section 516 provides that not more than 12 percent of the funds appropriated for any one fiscal year shall be used in any one State. This limitation does not apply to grants made under part D.

Section 517 authorizes the Attorney General to appoint advisory committees and makes provisions for compensation and travel allowances.

Section 518 provides that nothing contained in this title or any other act shall be construed to authorize any Federal control over any law enforcement agency of any State or political subdivision thereof.

Subsection (b) of former section 518 has been eliminated.

Section 519 directs the Attorney General to report to the President and to the Congress by March of each year on the activities under this title.

Section 520 provides for funding authority to carry out the provisions of the title. In addition, any funds not expended within the current fiscal year will remain available for obligation until expended.

Section 521 provides for the confidentiality of statistical and research information collected under Administration programs and for a civil sanction of up to $10,000 to enforce such confidentiality.

PART F—DEFINITIONS

Section 601 includes the same definitions as former section 601 with the following additions:

"Comprehensiveness as it applies to a State plan, 'area wide' and 'multi-jurisdictional planning and policy development organization.'"

PART G—CRIMINAL PENALTIES

Section 651 sets forth criminal penalties for whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets or property which are the subject of a grant or contract or other form of assistance.

This section includes under the criminal penalties anyone who *attempts* to embezzle, willfully misapply, steal, or obtain by fraud the same and whoever *receives, conceals* or *retains* the same with intent to convert it to his use or gain, knowing it to have been embezzled, willfully misapplied, stolen, or obtained by fraud.

These two categories of crime have been added to strengthen this provision out of an abundance of caution in order to cover those who may not have totally completed the conversion of such funds or property to their use or gain or those who may have received said funds or property knowingly. The "attempt" provision is similar to the proposed Federal Criminal Code Revision and the "receiving" provision is similar to 18 U.S.C. 641 of the present code.

SECTION 3

Makes the Act effective July 1, 1973.

Chairman RODINO. I might say, by way of preface, Mr. Attorney General, that yours is a very comprehensive and very detailed statement which I know is directed toward seeking a solution to this problem that bothers all of us.

I, as the chairman of the subcommittee, am one who comes from an area where we have been greatly plagued by the problem of crime, and I certainly am all too familiar with this problem.

The ATTORNEY GENERAL. I might apologize for the length of it, Mr. Chairman, but I think the issue is so important and I think of such a comprehensive nature that I thought I should err in this one instance on the side of length instead of brevity.

Chairman RODINO. You need not apologize for that. I think this subject is so important, it certainly deserves this consideration and this time.

I would like to preface my questioning this morning by saying to you, Mr. Attorney General, that it is my hope that this subcommittee will conduct a searching inquiry, not in a spirit of antagonism, but in a

spirit of legislators seeking the best legislation. I know you have submitted a bill that you feel will do the job. We, of course, will be looking to questions that we feel must be addressed.

The ATTORNEY GENERAL. That is why we are here today.

Chairman RODINO. OK. Let me first ask you, Mr. Attorney General—and this is an important issue, I believe—with the resignation of Mr. Jarris Leonard effective yesterday, can we anticipate a more prompt replacement than was the case when the last LEAA administrator left?

The ATTORNEY GENERAL. I would anticipate that the President would make an announcement with respect to his nomination of the new Administrator within a matter of days.

I might even say in a matter of hours. I am not trying to commit my boss, but I anticipate that.

Chairman RODINO. Well, I am delighted, and you can appreciate why I asked that question. When Mr. Rogovin left, LEAA was without a chief for nearly a year. The fight against crime can't tolerate those kinds of delay, if as you tell us, LEAA is such a vital weapon.

The ATTORNEY GENERAL. I might comment on that situation that existed in 1970 when Mr. Rogovin left. There was before the Congress at that time suggestions with respect to a reexamination and changes of the very basic structure of LEAA, and until the Congress had resolved those substantive questions, and because we had then two very competent Associate Administrators, we deferred the appointment of a new Administrator.

But I think part of the delay, in all due respect to the Congress, was the fact that it was involved in substantive changes in the legislation related to the composition of the LEAA Administration.

Chairman RODINO. Well, at least, we can expect a quicker appointment this time. Thank you.

Mr. Attorney General, you point with particular pride to the success you have had in your recent reduction of crime in the District of Columbia, and I, too, was very impressed with some of the recent statistics that showed, for example, the crime index offenses which were up in the District of Columbia by 26.8 percent as recently as 1969 were actually down by 27.1 percent in 1972, and this is a great step forward.

But there have been, really, as I find them, serious public accusations since 1971 that the District of Columbia police are deliberately underreporting crime. There have been these accusations made, and I wonder if you might comment on them, and on charges made by independent auditors that District of Columbia police are downgrading larcenies to values, below $50, the cutoff point for classifying larceny as a crime index offense.

I would like to read, accordingly, the findings of a Washington Post study reported on September 17, 1972.

> Washington's official crime statistics are so incomplete that it is impossible to tell whether the city's crime rate is climbing or falling. The basic failing of the system is that police do not file written reports on almost 40 percent of citizen calls about major crimes, in violation of guidelines set by both the FBI and the International Association of Chiefs of Police.

Will you comment on that?

The ATTORNEY GENERAL. Yes; I am very glad that you raised that question, Mr. Chairman. Let me make a general statement first with respect to the specific problems to which you allude.

In my opinion, in the last 4 or 5 years, because of the improvement in the criminal justice system in the United States, more crimes than ever before have been reported all over the country. If you accept that as a thesis, or you will agree with me, at least as an assumption, if that is true, the fact that the crime rate leveled off last year means, in my opinion, that it actually went down as compared to previous years, when it was going up so dramatically. More crimes actually had been reported.

Second, with respect to your specific comment, I categorically reject the statement, Mr. Chairman. To make that statement, I think first you would have to impugn in a very real sense the integrity of the Chief of Police. I do not think anybody who knows Chief Wilson, even though they might have some criticism of him in some ways, has ever suggested that he would be a part of such a duplicatus program because it is founded upon deception.

Third, and more factually, since the charge was made, Ernst & Ernst, a national accounting firm, has conducted an audit and investigation, and has determined as a matter of fact that the charge is not substantiated by any facts whatsoever.

Chairman RODINO. Thank you very much. I do believe, though, that Ernst & Ernst found some downgrading of larcenies.

Mr. Attorney General, in the bill that has been proposed, though there is maintained a planning process with plans submitted every 3 years, the bill does not require a Federal approval as a condition of funding. Isn't that correct?

The ATTORNEY GENERAL. That is correct.

Chairman RODINO. Now, that means that a State would receive its special revenue sharing payment as long as a plan is on file, regardless of what the Federal Government thinks of the plan; is that correct?

The ATTORNEY GENERAL. That is correct.

Chairman RODINO. Does this, Mr. Attorney General, seem to be consistent with the Federal Government taking the leadership role in recognizing the importance of combating crime on a national basis? Should there not be some Federal standards, some goals and objectives which, though not dictatorial, would at least insure that some of the expertise of the various commissions we have established will be utilized? With no Federal review of the use of this money, much of it might simply go down the drain.

The ATTORNEY GENERAL. Mr. Chairman, if you raised that question perhaps 5 or 6 years ago, I think that my answer might have been different, but I think that we have to take a look at special revenue sharing in terms of the environment in which we now find ourselves, and that environment is one that has followed 5 years of LEAA. This includes a vast amount of groundwork; of working in the vineyards in this area, hundreds of conferences, bloc grants with Federal approval over a long period of time, a heightened and intense interest by the public, by mayors, by Governors and by State legislatures with respect to the whole problem. When you consider our requirements that any such State plan, to be adopted, first be developed and formulated primarily by elected officials in an open environment under the inspection and comment of the public generally, and add to that what has been accomplished in the last 5 years, I think that we are really ready. Mr.

Chairman, in this progression of improvement of ourselves in America, of going from the categorical grant to the block grant that we had for the last 5 years to unrestricted special revenue sharing, the process might not be 100 percent efficient, as no human program will ever be. However, I think that the impact of it will be so dramatic, and that its effect on the crime problem will be so much better than what we have already done, which has been good, as to be able to permit us to run the risk that in a few instances somebody's money might not be used as you and I might think it ought to be.

Chairman RODINO. Well, this may be, now, reframing the same question that I had asked, but while we expressly recognize that crime is essentially a local problem to be dealt with by the States and localities, we do know that Congress, in addressing itself to this problem of crime, passed the Omnibus Act in response to our determination that the criminal justice system needed comprehensive Federal assistance in order to do its job of reducing crime and insuring justice.

I might also say I sat on this committee for the many years that we wrestled with this problem, and am one of the initial sponsors of that act.

Does this bill mean, now, that we, this Congress, and we at the Federal level, are going to abandon any leadership kind of role that we may have?

The ATTORNEY GENERAL. No; it doesn't mean that at all, Mr. Chairman, because I think the Federal Government will continue its leadership role in this area in the manner in which it should.

I spent most of my waking moments in the last 4½ years thinking about, dealing with, and considering the whole problem of crime in America. The thought that we would ever have a Federal police force in this country just puts a chill down my back from which I cannot recover. If our fellow citizens ever felt that in order to solve street crime in this country we had to have 500,000 Federal police in every block and street in America, I think the future threat to freedom in this country would be so dangerous as to be impossible.

Chairman RODINO. I couldn't agree with you more on that point.

The ATTORNEY GENERAL. Right. Now, let me give you an example. Take organized crime, for instance. Because of its interstate nature, because of the insidious effect of a small handful of avaricious, lustful men who put themselves above the law in this country, it is the kind of a situation that can legitimately call for a direct Federal response, and we have it: our title III electronic surveillances, our strike forces, the use of all Federal law enforcement agencies in cooperation with State and local governments in that particular area.

But street crime is a crime that goes to the quality of our American cities and our communities, our suburbs and our urban areas. That is a responsibility of us as citizens in our community. So long as the Federal Government is there to provide assistance, recommendations, and plans, so long as we have had 5 years of bloc grant experience, so long as there are now State planning agencies in existence in every State, and so long as the level of knowledge and expertise has been so dramatically increased, I honestly believe, Mr. Chairman, that the time has now come for America to say to Newark, and to Phoenix, and Minneapolis, and Jackson, Miss., that "You are able now to take

these moneys and deal with them on the level of your own priorities in this very vital area." I honestly believe it.

Chairman RODINO. If my ranking minority member will permit, I have one question. I know I have gone beyond my time, but as a followup to the Attorney General's answer, would you permit me?

Mr. HUTCHINSON. Yes, Mr. Chairman.

Chairman RODINO. This is the new role of the chairman.

The ATTORNEY GENERAL. This is the new chairman. Yes, I am the new federalism and you are the new chairman.

Chairman RODINO. Mr. Attorney General, I notice that special revenue sharing means that all part E corrections funds are eliminated, as such, and that all the funds for the LEEP program are eliminated, as such. Both are lumped in with the special revenue-sharing payment given to each State. That is correct, isn't it?

The ATTORNEY GENERAL. Yes, sir.

Chairman RODINO. The State may choose not to use these funds for those purposes, and LEAA has no say in making these determinations; is that correct?

The ATTORNEY GENERAL. That is essentially correct.

Chairman RODINO. This is another example of what I fear. It does appear that the Congress will be abandoning the leadership role. I know how interested the Attorney General is, for instance, in the matter of corrections and how important this matter is to the whole subject of combating crime. What happens if the States decide to eliminate it, or are interested in using some of these funds for another area.

The ATTORNEY GENERAL. Well, I don't think the States are, Mr. Chairman. I must have given some 400 speeches around this country in the last 4½ years talking to all kinds of people. I don't think I ever gave one that I didn't include in it one way or the other something with respect to corrections.

A great deal has been done, I think, in the past by the Federal Government that has awakened public interest, but the one thing that I have said, and I believe in my heart, is that you are not going to solve the problem of corrections in America no matter how many Federal programs or Federal caseworkers we have until we can interest the public and the citizen, to involve himself in the lives of these people in our institutions while they are there, and to be at the gate of that prison and take him by his hand when he comes out, to help him in the process of rehabilitation.

I think that the intense interest in corrections by the Federal Government in the past 5 years, and the part E programs for the past 3 years leads me to believe that there isn't a State in this country that will submit a plan for LEAA moneys without having an appropriate part of them set aside for corrections. I honestly believe that to be true.

Chairman RODINO. Well, I hope I can agree with you. Mr. Hutchinson?

Mr. HUTCHINSON. Thank you, Mr. Chairman. I, too, want to express to the Attorney General my compliments upon his statement and say that in my opinion it was most able and lucid, and very informative, and will be very helpful. I want to thank you for it.

The ATTORNEY GENERAL. Thank you, Mr. Hutchinson.

Mr. HUTCHINSON. I would like to raise one question which I hope won't be technical, but I think it should be cleared up.

Yesterday we introduced H.R. 5613. Section 303(a) stated, "The Attorney General shall make special revenue-sharing payments to the State government if such State has on file with the Attorney General a comprehensive State plan which conforms with the purposes and requirements of this title."

Now, it is my understanding that the intent of that section would be that payments could be made without any approval, as such, of the State plans. My question is this: Since you can't make any payment before you have determined that the State plan conforms with the purposes and requirements of the title, what is the difference between approval and determination of conformance?

The ATTORNEY GENERAL. Well, there is a real difference between the proposed act, Congressman, and what existed before. Under the bloc grant approach, a State planning agency would submit to LEAA its overall plan, and if LEAA did not approve the allocation and distribution of funds, and the overall approach to the problems and goals defined in the plan, they would begin negotiations to correct the deficiencies prior to approval and the availability of funds. In short, the burden of showing that a plan met the act's "comprehensiveness" requirements were on the State.

Under this plan, under this new part, an assumption exists if that general plan conforms with the act, the requirements of this act, and our approval would be automatic. The burden of showing that the plan is not in compliance with the comprehensive provisions of the act is on the Federal Government. We would not discuss the fact that you should put in 8 percent for prisons or you should allocate 2 percent for prosecutorial reform, or do this for probation. If the plan met the overall purposes of the act, and also was arrived at in the manner that is prescribed in the act, then our review would confirm this fact to the State.

Mr. HUTCHINSON. And your examination of the question of conformance probably wouldn't take very long to determine.

The ATTORNEY GENERAL. No; it would be a relatively simple administrative act.

Mr. HUTCHINSON. I thank the Attorney General for that response.

I wonder if, Mr. Attorney General, you would like to comment upon this fact: You know in speaking of law enforcement assistance we all are aware of the police aspects of the problem. But as you have pointed out in your statement, courts and corrections are also important I would like to have you state if you care to, how well the program has worked in the area of courts and corrections.

The ATTORNEY GENERAL. Well, courts and corrections, although part of the total criminal justice system, require two different approaches. In our courts—I am now leaving aside our Federal courts; we are talking about State and local jurisdictions—I think what we need in our courts are more and better judges.

This is one of the reasons why we have the dramatic drop in the crime rate in the District of Columbia, Congressman. It is a great, successful pilot project in this area. When we got here in 1969 I was amazed to find out that we only had 15 judges trying felony cases

in the District of Columbia. They tried 2,000 felony cases in 1968 and they tried 2,000 felony cases in 1952. The only thing is, in 1968 there were 16,000 felonies. Why some of my enlightened predecessors hadn't seen this obvious statistic and suggested something be done about it amazes me.

Today we have 55 courts trying felony cases in the courts in the District of Columbia.

When we got here there were 2,700 policemen in the District of Columbia, and I think only about 10 percent of them were black in a city that was 75 percent black. Today we have 5,100 policemen, of which I think almost 50 percent are black.

When we got here, police community relations was in trouble. Today it has the best community relations program in the United States. I am delighted to have had the opportunity throughout the country of participating in the establishment of police community relations programs.

Mr. HUTCHINSON. Have these changes come about through LEAA?

The ATTORNEY GENERAL. Well, this specific program was one that the President of the United States as Governor, if you will, of the District of Columbia, submitted to the Congress, on January 29, 1969. The Congress passed it about a year and a half later, and these dramatic changes occurred.

The point I am trying to make with respect to courts is that what we really need are more court judges, more personnel for the courts. Our judicial system around the country is a good system, though. It conforms with the whole concept of criminal justice, our Constitution, and the manner in which we address ourselves to——

Mr. HUTCHINSON. Due process.

The ATTORNEY GENERAL. Right. Now, when you talk about corrections, I think you are talking about something else. I am saddened to go to bed every night and realize that the next day 75 percent of those persons who are released from our penal institutions in this country are going to be arrested within a year or two for the commission of another felony.

I just believe as a concerned citizen, not as the Attorney General, that we are doing something wrong in prisons. Instead of making people pay for their transgressions. We are missing this opportunity to make better people out of them.

I just wish that members of this subcommittee would visit one of our large Federal institutions—and incidentally, they are the best as compared to our State institutions—but to go into Atlanta and see 2,300 or 2,400 people milling around, all ages, all backgrounds, all persuasions, all degrees of crime, with just a handful of people there dealing with them as individuals. Then I think you would understand why a young person who is in an institution like that, a first offender, would be almost guaranteed, when he came out, to be more inclined to a life of crime than when he went in.

All over this country we have to change the concept of prisons. This is a public education program, and that is to dichotomize the prison population so that we can have specific programs generally suited to meet specific kinds of persons in terms of their age, seriousness of

their offense, their education, their background, et cetera, so that we can have rehabilitation programs.

From a clinical standpoint, if not alone a human standpoint, it would save money, but I still insist that this has to be as a result of local action. And then in addition to that, we have got to get into the business ourselves.

Delta Sigma, which is the largest black college sorority in the United States, has taken on as its principal project this kind of a program. I think it might be interesting, Mr. Chairman. I think they now are dealing with some 235 specific young women on an individual basis, and although the program is very young, the recidivism rate with respect to those women that these wonderful ladies are dealing with is almost zero, almost zero.

The Junior Chamber of Commerce has 128 chapters in prisons throughout the country, and in those prisons where they have chapters and prisoners associate themselves with the program and are able to meet and know these young men who go to the prison, again the recidivism rate is down.

So in a long answer to your question, Mr. Hutchinson, I think when it comes to corrections, what we have got to do is educate the people of America, our Government, and State legislators, on a new approach.

Chairman RODINO. Mr. Attorney General, I am sure that you are aware that this committee, and subcommittee No. 3 under the chairmanship of Mr. Kastenmeier, is considering legislation or the subject of corrections, and it is a bipartisan consideration.

The ATTORNEY GENERAL. Yes; It should be.

Chairman RODINO. Mr. Flowers?

Mr. FLOWERS. Thank you, Mr. Chairman.

Let me add my appreciation to that already expressed to the Attorney General for his testimony and his obvious enthusiasm for this subject matter.

The ATTORNEY GENERAL. Thank you, Mr. Flowers.

Mr. FLOWERS. Let me say as a matter of political philosophy that I agree with passing responsibility to States and local governments; I think that that government which is closest to people is most responsive to the needs of people. I think to some degree we all probably share that philosophy.

I do worry though that, by replacing one bureaucracy with 50 or more, we might be just increasing the redtape of bureaucracy. How do you see that problem, Mr. Attorney General?

The ATTORNEY GENERAL. Well, you already have the 50 bureaucracies under the present system. I am trying to eliminate the great, big, granddaddy on top. I have been in this bureaucracy for 4½ years, and I am frankly not very impressed with it, Congressman.

Mr. FLOWERS. Would the concept of special revenue sharing in this area eliminate the great, big bureaucracy on top?

The ATTORNEY GENERAL. I think it certainly would, and would have a very salutary effect with respect to the future programs.

Mr. FLOWERS. In terms of the numbers, how many people are you projecting; how many less people would be required at the Federal level?

The ATTORNEY GENERAL. We are already anticipating a 10 percent cut in the LEAA budget for personnel, and I think that the program can be successful. Congress can monitor this and see if it works. I would anticipate a steady cut in personnel so that we would wind up with experts to give guidance to the consultants and to continue the very vital work of the institute.

Mr. FLOWERS. By the same token, on the State level would you anticipate a large increase in the personnel level?

The ATTORNEY GENERAL. No, sir. They already have their State planning agencies. They have their system in being in each of the States, Congressman, and they would continue to function essentially as they are now. They are set up, and I think that it would really facilitate the flow of this money.

You know, bureaucrats have a great tendency to say no. The best answer a bureaucrat can give anybody is no, because that is the safest answer. Superimposing my attitude or yours or anybody else's on a State is a great temptation. I don't like it, and I think Alabama and Arizona and Texas ought to have the authority and leeway to interpret the requirements of this legislation. We have a lot of educated, wonderful people in this country, and they should be free to determine the best approaches to workable solutions to their problems.

Mr. FLOWERS. I agree with that, sir, but John Q. Public doesn't like redtape, whether it comes out of Montgomery or Washington.

The ATTORNEY GENERAL. But he resents it a lot more when it comes out of the Federal Government.

Mr. FLOWERS. In terms of allocation under the special revenue-sharing concept, the money would flow according to population, is that right?

The ATTORNEY GENERAL. Yes, sir. Following an initial allocation of $200,000 per State, the balance is to be distributed in accord with each State's population ratio.

Mr. FLOWERS. Looking backward under the present program, I will assume that it has basically been allocated for the planning and bloc grants somewhere approaching the population of places; true?

The ATTORNEY GENERAL. Yes, sir, Congressman, what has happened up to now is that each State has reviewed its population share. However, for some of the merged categorical programs, the distribution was competitive. The new formula would distribute funds essentially this way. Eighty-five percent of the money would be distributed on the revenue-sharing grant to each State by population following an allocation of $200,000; 15 percent would be retained as a discretionary fund for LEAA by which, Mr. Chairman, we could get at specific deficiencies, or specific national priorities.

Also we will guarantee to each State a set amount for them as a planning fund, you know. In other words, we are proposing to provide them a specified portion of money so they can run their planning agency to submit and administer this plan. We are proposing to keep 15 percent of it for discretionary grants.

Mr. FLOWERS. I think that will help, too.

Just a side note: the idea of letting the local determination be done in the States, and there have been some discrepancies and some programs that I am well aware of in my State.

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I think it is interesting to note that the people in those States have largely corrected the program by replacing the administration at the local level——

The ATTORNEY GENERAL. I recall that was true in your State.

Mr. FLOWERS. And one of the others you mentioned, in Florida.

The ATTORNEY GENERAL. And we are going to continue this under this present bill, Mr. Chairman. We are going to audit these places, and if we find out that they are using funds inconsistent with the purposes of the act and taking vacations down in Bermuda, we are going to correct that. We have the means by which to do it.

Mr. FLOWERS. Well, I think that perhaps I share some of the reservations that some of the others have voiced about if we don't have any control at the inception, we still might have some problems.

That is all, Mr. Chairman.

Chairman RODINO. Thank you.

Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman.

I commend the Attorney General on his statement here this morning. I am very proud to be a cosponsor of the legislation which has been recommended to the Congress.

The ATTORNEY GENERAL. Thank you.

Mr. MCCLORY. As the Attorney General knows, I was the author of an amendment to title I of the Omnibus Crime Control and Safe Streets Act, and I frankly have been very disappointed in the implementation of that provision. It has not fulfilled the hopes of those of us who sponsored it.

However, I do note that the National Institute is retained in the bill that we introduced and that its role is expanded substantially insofar as the subject of possible regional training programs is concerned, which I think is an extremely vital role for the Federal Government.

In other words, I feel that the success of our Nation economically has been the result of large Federal expenditures in the area of science. With the Federal Government giving leadership in the area of science by way of the Science Foundation, I think that we could likewise assume a large leadership role with a National Institute of Law Enforcement and Criminal Justice, not to establish a national police force, but to provide the expertise, a research center for dissemination of information, and programs in which local and State law enforcement officials might be able to become better trained to perform their jobs.

The ATTORNEY GENERAL. Could I comment there, Congressman?

Mr. MCCLORY. I would appreciate your comments on that.

The ATTORNEY GENERAL. I agree with you that the Institute hasn't been as successful as it could have been, and the blame is partly ours, and partly yours.

When you get an embryonic structure like LEAA, and you start the Institute with conceptual people who must think philosophically and start coming up with ideas, that is a very difficult program to put together.

Congress, I think, was not too generous in our first couple of years in giving us money for it, but I think both have been corrected. Congress is now supplying money, and I think we now have in place that kind of expertise.

In just one area of its operations, requests for reference information, we are getting some 900 requests a week now asking for such assistance, and I think we are now beginning to have the personnel needed.

Mr. McCLORY. Do I understand from this chart which LEAA has furnished me that $48 million is requested for fiscal year 1974 to implement the National Institute?

The ATTORNEY GENERAL. Yes, sir.

Mr. McCLORY. Let me ask this, too: In the legislation we passed in 1968, and in the new bill, there is provision for the establishment of a research center. Do you have such a research center established as part of this National Institute of——

The ATTORNEY GENERAL. No, sir, we don't.

Incidentally, I might point out that we request $48 million for the Institute this year. Congress gave us $3 million in 1969.

Mr. McCLORY. I know. I have appeared before the Appropriations Committee to try to augment these amounts, so I appreciate the problems we have had.

But with strong support from your office, I am confident that we could improve the quality of law enforcement in the Nation through the National Institute, I might say.

With regard to the action grants, I notice that the limitation on the expenditures of funds for compensation of personnel is eliminated. Are you fearful at all that this might be an invitation, then, to the local police forces and others to try to get all or most of the action funds?

The ATTORNEY GENERAL. No; I am not. I think the fact that the decisions with respect to these funds have to be made publicly, as I enumerated in my remarks, will be enough of a deterrent.

But I think we have also been shortsighted in the past, where there has been a one-third prohibition on the use of funds for that purpose, because when you get right down to it, the center part of the criminal justice system has to be this dedicated fellow citizen of ours who is on the streets preserving order and making arrests. We need more and better trained, more broad-referenced people who are going to be our police officers.

Mr. McCLORY. We are receiving a great deal of correspondence about LEEP. The thing that concerns me is how do we have any assurance that during the next year LEAA will send an additional $33½ million to some 99,000 enrolled students in approximately 990 institutions who are presently aided under the LEEP?

That is my question.

The ATTORNEY GENERAL. Well, we have had over 100,000 people go through our educational institutions during the last 5 years. I think it is demonstrated clearly to every community in this country, the desirability of having better educated, better trained police officers and correctional officers.

I believe that as a result of this experience that the States, because of the public manner in which these plans have to be developed will provide adequate funds for a continuation of education activities.

Mr. McCLORY. That will be the States' decision, though. It won't be yours.

The ATTORNEY GENERAL. Yes, sir.

Chairman RODINO. Will the gentleman yield at that point?

Mr. MCCLORY. Yes.

Chairman RODINO. On that very point, Mr. Attorney General, I have a number of letters in my hand which address themselves to this very question, to assurance that funds be provided for the LEEP, which has been so successful, and which you talk about in a manner that seems to me a manner that approves this important law education program. These letters are from students, professors, policemen, even the International Association of Chiefs of Police.

Is Congress going to be able to do anything to insure, as the gentleman from Illinois asked, that if the States don't do it, that it will be done, so that these programs will continue?

The ATTORNEY GENERAL. Under our bill, no.

Chairman RODINO. Where do we go from there?

The ATTORNEY GENERAL. Well, I think as a result of the kind of leadership that we will continue to provide from the Department of Justice, the kind of leadership that you of the Congress provide in the district and your State, as a result of the success of LEEP in the past, I am confident that all, or nearly all of the States will continue this program and allocate a portion of their moneys for education.

In addition, the fund allocation formula in section 306(1)(A) of the bill provides the funding potential and a "floor" under which funds become available for the State to use for LEEP-type programs in an unrestricted manner. This floor of 30 percent is provided so that the State may administer the manpower programs at the State level as well as have an adequate balance of funds available for such programs.

Chairman RODINO. If there is no objection, I would like to add these letters to the record.

[The letters referred to appear in appendix F, p. 866.]

[Aditional material submitted by the Department of Justice appears in appendix I, p. 955.]

Mr. MCCLORY. In your statement, you outlined several points that are recommended or required with regard to the State planning process, such as unimpeded public access to all applications and awards and public attendance at meetings where policy decisions are made, and different things like that.

However, as I understand it, none of these are conditions upon which the special revenue sharing funds are allocated, are they?

The ATTORNEY GENERAL. No, sir, but they would be statutory requirements and the State would be expected to adhere to them.

Mr. MCCLORY. I think that is all for now. Thank you very much, Mr. Chairman.

Chairman RODINO. Thank you very much.

Mr. Seiberling.

Mr. SEIBERLING. Thank you, Mr. Chairman.

Mr. Attorney General, I must say I am delighted at your praise for the LEAA concept, which, of course, was created by the Congress under the guns of the Johnson administration.

The ATTORNEY GENERAL. Yes, sir, effectuated by President Nixon.

Mr. SEIBERLING. Well, I just wanted to say that you also indicated the effectuation had left something to be desired.

You pointed out that the local government——

The ATTORNEY GENERAL. I hope my performance will always leave something to be desired. I am just a human being struggling with human problems.

Mr. SEIBERLING. I wasn't referring to you, sir, but to the performance of the whole under the act.

As you pointed out, the program has gotten bogged down in a morass of redtape, to use your term, and this led to Congressman James Stanton's and my own introduction of a bill in 1971, H.R. 11813, to do what we felt was needed, and that was to create a special revenue sharing program in lieu of the present statutory program.

We are delighted, naturally, that the Attorney General is now promoting this concept as far as law enforcement assistance is concerned.

Back in November 1971 when we introduced our bill in an effort to try to clear up this morass of redtape and introduce the Federal revenue sharing concept Mr. Stanton wrote the Attorney General and asked specifically for his comments on our bill and to date we have never received a reply.

However, I quote back now——

The ATTORNEY GENERAL. That was a letter sent to Attorney General Mitchell in November 1971?

Mr. SEIBERLING. Yes, sir.

The ATTORNEY GENERAL. I will apologize for Mr. Mitchell.

Did Mr. Stanton ever write another letter?

Mr. SEIBERLING. So far as I know, he did not.

The ATTORNEY GENERAL. If he writes me one, I will give him a forthwith reply.

Mr. SEIBERLING. Thank you very much, sir.

In your statement, you cited the importance of local government control, which was one of the very strong theses of the Stanton-Seiberling bill, and this, of course, is the principle that has been incorporated into the administration's general revenue sharing proposal which the Congress has adopted, namely, having a large segment of the money go straight to the local government. Our bill proposed that it go straight to local law enforcement councils; I think the present concept of your bill—and I haven't had time to study it, we just received it yesterday—has the money go through the States to the local governments instead of having part of it go to the local governments directly.

And I wonder if that is really going to take care of the morass of redtape. It will eliminate, perhaps, some Federal redtape, but won't it in effect aggravate the State——

The ATTORNEY GENERAL. I think Federal Government has an interest in the cities, rural communities, urban areas, and I think the State is the sovereign government. The cities, counties are all political subdivisions of the State. The Governors are elected statewide.

And I think, although it is a debatable point, Congressman, I think that I would opt for having the plan be administered by a State, so the interest in criminal justice will go throughout a State.

Mr. SEIBERLING. Well, let me ask you more specifically: Do the recommended pass-through provisions of your bill to localities take into account population and crime rate factors, or is this again totally up to the discretion of the State?

The ATTORNEY GENERAL. Well, the amount of money is allocated strictly on the basis of population to the State. Then the machinery by which the State puts together its plan is left up to the State, subject only to the conditions that I have enumerated here today. Most States have such formulae, but this is up to them.

Mr. SEIBERLING. Wouldn't it be desirable to have some guidelines, so that the metropolitan areas, where the crime incidence is higher, will be given a greater share of these funds?

The ATTORNEY GENERAL. Here we go again. We are going to come up with a guideline by some bureaucrat in Washington, D.C. that is going to pretend that the situation in Akron is going to be the same as it is in Minneapolis or Jacksonville.

That is the problem with a lot of these great ideas that we get back here in Washington, D.C., that there is a standard of American life, and there is no such standard.

Mr. SEIBERLING. Well, our general revenue sharing bill has certain guidelines which it provides for greater or less revenue sharing, depending on certain factors, and I just suggest that perhaps that is in order here.

Well, I would just like to ask two more brief questions.

I think your testimony recognized that the Federal Government has strong interest in aiding local law enforcement agencies, particularly in attracting and holding good people for law enforcement agencies, and I am wondering if the administration, therefore, would object in principle to extending this concept to incorporate the bill which we adopted in the House last fall, of providing indemnity for local police and fire personnel in case they are killed, indemnity security for their families.

Do you object in principle to that?

The ATTORNEY GENERAL. No, sir, I don't.

That was in the administration bill, I believe, and I feel very keenly about it. I have no objection. No, sir.

Mr. SEIBERLING. All right. Just one other question, sir.

I have been greatly concerned to receive some correspondence from some of my constituents about the National Criminal and Information Center the FBI has established, and I know the LEAA tries to develop some guidelines restricting the use of this computerized raw arrest data information——

The ATTORNEY GENERAL. Yes, sir.

Mr. SEIBERLING [continuing]. To only the upper echelons of law enforcement agencies.

This, of course, is extremely important, and I wonder whether the LEAA is going to continue to try to develop ways of preventing the abuse of that kind of information.

The ATTORNEY GENERAL. Yes, sir.

Not only LEAA, Congressman, but also myself, as the Attorney General, and I can assure you Mr. Gray, as the Acting Director of the FBI.

Very rigid safeguards and regulations have been adopted by the FBI to guard against that very problem, and I was involved personally in the formulation of it, because I, like you and your constituents, shared an apprehension that that information be disseminated in a very limited fashion for the sole purpose of aiding State and local police.

Mr. SEIBERLING. Wouldn't this very loose special revenue sharing type of legislation work against that?

The ATTORNEY GENERAL. No. No, the administration submitted a bill last year with respect to this whole question of privacy and protecting innocent people, and we are doing it again.

I think that is a matter, however, that can be approached collaterally, and need not be, I think, necessarily involved in the whole problem here of LEAA and the funds.

Mr. SEIBERLING. Would it be possible to provide this committee with copies of whatever plans or objections LEAA has made to address itself to this problem, so we can understand what is being done?

The ATTORNEY GENERAL. Yes, sir.

Mr. SEIBERLING. There is a great deal of concern about it.

The ATTORNEY GENERAL. I think you might also want to know the FBI's regulations. Mr. Velde will submit both pieces of information to you.

Mr. SEIBERLING. That would be very gratifying, and I am particularly gratified by your personal interest in this.

[The information referred to can be found in committee files.]

Mr. SEIBERLING. Thank you, Mr. Chairman.

Chairman RODINO. Mr. Sandman.

Mr. SANDMAN. Mr. Attorney General, I have a couple of questions, and you will have a pretty good answer to those, I am sure.

The only thing that makes me smile in all of this is the continual reference to revenue sharing.

Did you ever try to answer what kind of a revenue we are sharing, what tax does it come from? Does anybody know?

The ATTORNEY GENERAL. We are sharing Federal taxes, primarily income taxes that are imposed upon 85 percent of the people in this country, millions of citizens.

Mr. SANDMAN. Well, then, whatever Federal contribution we make to any State is sharing of Federal revenues?

The ATTORNEY GENERAL. That is right.

Mr. SANDMAN. Sure.

The ATTORNEY GENERAL. I have no argument against that. It is just how we share it with ourselves.

Mr. SANDMAN. But there's not a whole lot new in this, it is just a different word.

The ATTORNEY GENERAL. It is a different concept of how we share it. It doesn't come along with about 60 little bureaucrats tagging along on every dollar.

I have watched these Federal dollars come to Washington all my life, and been paying my share of them, I think, and I have seen how it is kind of watered down by the time it got back home.

Mr. SANDMAN. Maybe it would be better if a lot more of the money stayed in the State where it was collected.

The ATTORNEY GENERAL. Yes, sir, you are telling me. You are telling me.

Mr. SANDMAN. OK. Now, just a few questions.

As I understand the whole line, I think the reason for revenue sharing is to cut down the redtape everybody is complaining about.

According to our information, it took a long time to disburse the 1969, 1970, 1971 money, and I think what the chairman has said is pretty much a true statement, that over that period only about 25 percent of it was disbursed at the end of fiscal 1971.

Is that accurate?

The ATTORNEY GENERAL. Yes.

I would like to make a comment there, Mr. Sandman.

In many instances, these dollars still haven't made an impact, and yet I believe you already have a dramatic effect. When the dollars spent all catch up to what you have appropriated up to now, and then with the added impetus that our proposed bill would provide, I really believe in a very reasonably short period of time we should witness a dramatic reduction in crime all over the United States. This will bring this problem back to where it ought to be in a free society.

Mr. SANDMAN. Right, but you held to a theory of the bloc grant, that the States should know more about their own problems than the bureaucracy here knows about the State problems.

The ATTORNEY GENERAL. And this is an extension of this theory.

Mr. SANDMAN. So for the most part, LEAA only requires, I would assume, a prima facie case that the State has a plan that would be the framework for using this kind of money.

The ATTORNEY GENERAL. Yes, sir.

Mr. SANDMAN. And once you determine that, to cut the redtape again, I assume——

The ATTORNEY GENERAL. We write them a check.

Mr. SANDMAN. You write the check, and it is up to the State.

OK. Now, that being the case, I think a good bit of confusion back in the States in trying to assess blame for what we don't do here lies in the fact that they don't understand that, I don't think.

From the State agency back home we get a lot of questions. For example, in my State the legislature has come up with a matching program of putting more policemen on the street. The State will put up 50 percent for an additional policeman, if the municipality will do likewise.

Now, question: With respect to part C funds, which are $480 million in fiscal 1973 and of which New Jersey last year got, I think, $11.8 million, can the State use any part of that money in this matching program to put more foot policemen on the street in the 20 cities where we have the most crime?

The ATTORNEY GENERAL. Yes, sir.

Mr. SANDMAN. We can?

The ATTORNEY GENERAL. Yes, sir.

Mr. SANDMAN. And this, of course, again, Mr. Attorney General, is determined by the State agency, and not by LEAA. Is that correct?

The ATTORNEY GENERAL. Yes, sir.

Mr. SANDMAN. Thank you.

Now, my second question concerns another point completely misunderstood back home. Can any part of the bloc grant be used for capital construction, such as parts of a new reformatory?

The ATTORNEY GENERAL. Yes, sir.

Mr. SANDMAN. It can?

The ATTORNEY GENERAL. Yes, sir.

Mr. SANDMAN. And that need only be decided by the State, and not by the Federal agency?

The ATTORNEY GENERAL. Yes, sir.

Mr. SANDMAN. Correct.

Now, a third question. Are you satisfied nationwide that the criminal cases are being tried with dispatch?

The ATTORNEY GENERAL. No, sir.

Mr. SANDMAN. In fact——

The ATTORNEY GENERAL. I am unsatisfied.

Mr. SANDMAN. This is one of our biggest problems?

The ATTORNEY GENERAL. It actually varies. In one State you can get a criminal case to trial in 2 months. In another place it might be 14, 15, or 16 months.

No, I am not satisfied with it. That is why I am here, and that is why we want this program.

We have cut it down here in the District of Columbia, I will tell you that. We have really made a great step forward in the District of Columbia on the disposition of criminal cases.

Mr. SANDMAN. This is my last question, Mr. Attorney General.

Under the system in the District of Columbia, where a man, for any crime with the exception of a capital crime, can be released on his own recognizance awaiting trial, it is said that more than half of those who were awaiting trial for a first offense had committed a second offense. Has there been my improvement in that situation in the last year?

The ATTORNEY GENERAL. Not very much.

I don't want to get into the hysteria of this so-called preventive detention program, because it would take us an hour to clear up the air on it. But it has critical applications by judges all over this country.

I think judges know that they are subjective findings in his own mind, that merely because the guy will be back for his trial does not cover the situation. There are some people with respect to whom you could have an evidentiary hearing, subject to appeal, with an attorney present, and say if I let him out, he is going to go out and get involved in more crime. We ought to devise a plan to promise to try him in 60 days, and if we don't, then let him out.

But, in short, it still exists. It is one of the great problems of the criminal justice system.

Mr. SANDMAN. I thank you.

Chairman RODINO. Thank you very much.

Ms. Jordan.

Ms. JORDAN. Mr. Attorney General, I was pleased to know that you had accolades and praise for the Delta Sigma program, and you were asked about the continuation of the funding of that program, and you sounded a little bit hesitant about whether funding would be continued for it.

The ATTORNEY GENERAL. Gee, I didn't mean to, Ms. Jordan.

One significant aspect of this program was that the discretionary grants authority is in the administrator. I am the Attorney General. I can't dictate to the Administrator.

I have some personal ways I have effect upon him, and I think I would use whatever personal ways I have to see to it that a program like the Delta program and One-American program would be continued, and I believe it would be.

Ms. JORDAN. Under the bill proposed by the administration, the one you are supporting this morning, what are the implications for staffing LEAA? Can we think there would be more staff as a result of this?

The ATTORNEY GENERAL. Less.

Ms. JORDAN. There would be less.

You point to the reduction in crime in the District of Columbia as a real example of the kind of work which can be done by attention being directed by LEAA to a given city.

I would ask you specifically how much money did LEAA grant to the District of Columbia?

The ATTORNEY GENERAL. Very little, Ms. Jordan. The big part of the money for District of Columbia projects came by special legislation for the District of Columbia.

The reason I like to think of the District of Columbia as a pilot project is that the kind of money that Congress appropriated especially for the District of Columbia is the kind of money the States would have to use in their own cities. They would be able to approach the problem in the way the administration did.

The President, can be viewed as the Governor here, by way of analogy since it is a Federal city. But we took a look at it, and said, "Here is the problem. This is what we need." We went to Congress and said, "Here is the program. Give us the money." Congress did, and we put the program into effect, and zwappo! the crime rate has gone down. I think it has the lowest crime rate in the United States of any city of comparable size.

To me, that is the proof of LEAA special revenue sharing.

Ms. JORDAN. So that money in terms of Federal dollars would not be available to cities of comparable size unless those State legislative bodies so appropriated money for that basis?

The ATTORNEY GENERAL. Yes; but I think on a comparative basis that you would have substantially that kind of money available considering total State and local revenues and law-enforcement revenue-sharing payments.

Ms. JORDAN. There is one other thing that bothers me, Mr. Attorney General.

You appear to have high praise for the law-enforcement education program, and yet this is going to be turned over to local communities. The money will be turned over to them, and the mayors will be asked to exercise their discretion in the expenditure of these funds.

Now, I ask you: realistically, do you feel that a mayor confronted with the choice of purchasing a police cruiser or a sociology course is going to purchase the course?

The ATTORNEY GENERAL. If you asked me that question, Ms. Jordan, 5 years ago, I would say he would have purchased the police cruiser.

As a result of the $2 billion in this program for 5 years, they have got a lot of those cruisers. They have had a lot of education. They have had a lot of orientation. And I believe today that they would now say, "We have to assign some of these moneys for education."

And I have faith that that would occur, but the Congress can take a look at that, and if they aren't, we might revise it, but I would rather put the presumption in favor of believing that they will, as it has been done, rather than against it, because I still have to come back to my basic premise: We have got to have basic faith and confidence in our State and local governments, unless it is proven conclusively that they can't handle it.

Ms. JORDAN. Mr. Attorney General, can we look at section 308 for a moment? I am very concerned about that law.

Where you propose no person in any State on the grounds of race, color, or creed may be discriminated against, how many people would you expect to be employed on the staff of LEAA for the purpose of civil rights enforcement?

The ATTORNEY GENERAL. Well, the budget has 22, and let me say here that probably isn't enough. I don't know if we could get enough to have a perfect answer to that problem.

But I think people who know me and the policies in this department know that civil rights compliance and minority employment has been one of our priority programs. It gets my personal attention equal to no other problems that I have in the Department of Justice.

And if we find that isn't enough to do a fair job, we will get some more.

Ms. JORDAN. How many are working in civil rights compliance now?

The ATTORNEY GENERAL. Eleven currently. We also have a little advantage. We have the Civil Rights Division of the Department of Justice, and we do a little bit better job of housekeeping for ourselves than we might be able to do elsewhere.

I know that minority employment on a percentage basis has more than doubled under this administration. We have been involved in the selection of more black Federal judges, for instance, than almost all administrations put together.

So it is something with which we are very concerned, and if we think 22 isn't enough, we will come back and ask for some more.

Ms. JORDAN. Thank you, Mr. Attorney General.

Thank you, Mr. Chairman.

Chairman RODINO. Mr. Dennis.

Mr. DENNIS. Mr. Attorney General, I, too, would like to thank you for the comprehensive statement you have given us. It certainly indicates a lot of work on this complicated subject.

The ATTORNEY GENERAL. Thank you, Congressman.

Mr. DENNIS. My first question is a general philosophical one. It goes to the whole concept with which we are dealing here. How realistic is it, in the march of human events to assume that the Federal Government is going to continue to appropriate and spend large sums of money over a period of years and leave the spending almost uncontrolled through local people who have had nothing to do with raising it?

The ATTORNEY GENERAL. I think that is a good question. I would like to think that if the last 5 years have been as good as I think they have been, and the next few years are as good as I think they are going to be, that we are going to price ourselves out of the market. We are going to get out of it, it won't be necessary. We are are going to have brought the criminal justice system of America as an institution up to modern times, and we will leave it in such a condition that State and local governments can thereafter sustain it. LEAA will be just another program in the past which, happily, will have been successful.

Mr. DENNIS. Your answer to that inquiry, then, I take it, is that over a long period of years that might not be practical, but you expect LEAA to be a temporary program and that it will work itself out of the business.

The ATTORNEY GENERAL. Yes, sir, in other words, as the crime rate goes down, the money goes down. When we get it down to acceptable limits in a free society, then I hope I would have the opportunity as a private citizen to come back here before this committee and recommend that you eliminate this aspect of LEAA. Maybe the institute you ought to keep, in terms of research and expertise, but certainly these large block grant funds can be phased out.

Mr. DENNIS. In a somewhat related area, it has always been my understanding that part of the federalism concept certainly part of the Republican party's concept in all these Federal programs, was to require some local effort in the way of matching. And here in this bill that is abandoned. In fact you have described it as a restrictive and undesirable feature.

What is the reason for what seems prima facie to be a little bit of a change in position?

The ATTORNEY GENERAL. Well, no, I think it is compatible if you start thinking about special revenue sharing. This is money from back home that is going to go back home to be applied the way back-home people want to apply it.

So if that is the point of it, then why have them come up with some other money to match it?

Also, it facilitates the immediate injection into the criminal justice system of money now. Part of the delay, Chairman Rodino, of the impact of these moneys came about in many instances because States didn't get around to the match. They might not have had the money. And the problem really demands immediate impact.

So I think the combination, Congressman Dennis, of special revenue sharing on one hand and no match on the other are perfectly compatible.

Mr. DENNIS. Now, as I understand it, in the bill we do have what they call a maintenance of effort provision.

The ATTORNEY GENERAL. Yes, sir.

Mr. DENNIS. Right?

The ATTORNEY GENERAL. Yes, sir,

Mr. DENNIS. And if I understand it, roughly speaking, that means that, for instance, if Indianapolis is spending $1½ million for law enforcement this year, they must continue to spend $1½ million next year, rather than relying on these funds. Is that correct?

The ATTORNEY GENERAL. Yes, sir.

Mr. DENNIS. Well, now, we also have, of course, what we call general revenue sharing, and my next question is: Could Indianapolis meet its maintenance of effort out of its general revenue-sharing money?

The ATTORNEY GENERAL. At the State level; yes, at the local level, it is not clear that they could.

Mr. DENNIS. Well, the State of Indiana could do that?

The ATTORNEY GENERAL. Yes, sir.

Mr. DENNIS. So in that aspect, the maintenance of effort requirement is not that stringent, is it?

The ATTORNEY GENERAL. A requirement will still exist.

Mr. DENNIS. Well, my point, of course, is if the State could take other Federal money for that purpose——

The ATTORNEY GENERAL. Congressman Dennis, I think Indiana is a unique State, where it has a State police force with regular overall criminal jurisdiction. Most States don't. The big 75 or 80 percent of the criminal justice system police function is a city effort. That is where the big effort is. That is where your policemen are. That is where your investigators are. That is where your magistrates are.

Mr. DENNIS. All right. But at any rate, the answer to my question, as I understand it is, "Yes; general revenue-sharing money could be used."

The ATTORNEY GENERAL. By the State.

Mr. DENNIS. By the State to maintain its effort.

The ATTORNEY GENERAL. To maintain the State level.

Mr. DENNIS. Now, the present law, as I understand it, also provides that not more than a third of any part C grant may be used for salaries of everyday personnel. That has been eliminated. Correct?

The ATTORNEY GENERAL. Yes, sir.

Mr. DENNIS. What is the thinking behind that?

The ATTORNEY GENERAL. Well, it is just a little string. It is a value judgment that it no longer is needed.

Mr. DENNIS. But suppose that we raise the salaries of everyday law-enforcement personnel with LEAA money and then, as you say we will, terminate the program. What is going to happen once they have to go back to local money?

The ATTORNEY GENERAL. I guess a lot of Governors and mayors will get a lot of mail from a lot of constituents.

Mr. DENNIS. We may not get out of the program if we get too much of that.

The ATTORNEY GENERAL. It is hard to get out of a program, but I think this is one that will be able to get out of.

Chairman RODINO. Mr. Dennis, I would like to remind the gentleman that there is a quorum call, and that we have a few minutes to get down to the call.

Mr. DENNIS. I think I have time for one more question.

Chairman RODINO. You may ask it.

Mr. DENNIS. I was very much in accord with your very eloquent statement about the need for correctional reform. However, you made a suggestion that that was a local problem, indeed a private problem, which is certainly true. My question is: If we are going to spend a lot of Federal money as leaders in preventing crime, is not one of the best ways in which we can prevent crime, correctional reform? Shouldn't a good deal of the money go to that purpose?

The ATTORNEY GENERAL. Well, if we are going to give leadership by the Federal Government, I administer 32 Federal prisons, and we hope as a result of programs that will work out, Congressman, that we are going to have prototypes in the Federal system that will encourage the States to follow. That is how I would answer that.

Mr. DENNIS. I thank you.

Chairman RODINO. We will recess now until 2 o'clock this afternoon, Mr. Attorney General.

The ATTORNEY GENERAL. Do you want me back again?

Chairman RODINO. Certainly, Mr. Attorney General, this is a matter of great importance to the committee.

Thank you very much.

[Whereupon, at 12:30 p.m., the subcommittee recessed, to reconvene at 2 p.m., the same day.]

AFTER RECESS

[The subcommittee reconvened at 2 p.m., Hon. Peter W. Rodino, Jr., chairman, presiding.]

Chairman RODINO. The committee will resume its hearings. Thank you very much, Mr. Attorney General for returning.

The ATTORNEY GENERAL. Thank you very much.

TESTIMONY OF HON. RICHARD G. KLEINDIENST, ATTORNEY GENERAL OF THE UNITED STATES, ACCOMPANIED BY RICHARD VELDE, AND CLARENCE COSTER, ASSOCIATE ADMINISTRATORS OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

(Resumed)

Chairman RODINO. Mr. Attorney General, I notice that by a number of these proposed statutory provisions, the State plan must still reflect the attitudes and needs of the localities. I see, for example, retention of 40 percent passthrough requirements and representation by area-wide planning organizations governed by local officials. If there is no Federal approval of the plan required, what leverage does the Federal Government have to enforce these provisions?

The ATTORNEY GENERAL. It would be a most specific leverage. The force of the intent of Congress is that the State present a plan within a framework of the congressional legislation. I think if somebody presented a plan on its face that was not in accordance with the statute as defined in sections 203, 303(b) and the definition of section 601(m) we would key our comment to these deficiencies and invoke the provisions of sections 509, 510 and 511 involving administrative and legal remedies.

Chairman RODINO. Let me ask you, Mr. Kleindienst, will LEAA hold back part or all of the planning money for the State that does not comply in that situation?

The ATTORNEY GENERAL. Yes, even though the basic obligation of funds goes on the books when the plan is filed, we could withhold payment.

Mr. HUTCHINSON. Mr. Attorney General, how often will an audit be made to see how well the States are complying?

The ATTORNEY GENERAL. We are gradually increasing our audit function in the administration. We would hope that we would audit every State at least once every 2 years. We would have an overview group there that would be aware of any obvious necessity and with respect to those we could have an audit immediately.

Mr. HUTCHINSON. Then if you can cover all the States in a 2-year period, the comprehensive plan would be good for a 3-year period?

The ATTORNEY GENERAL. Yes.

Mr. HUTCHINSON. Then it could be said that you plan to keep very current on these audits?

The ATTORNEY GENERAL. Yes.

Mr. HUTCHINSON. I thank you.

The ATTORNEY GENERAL. Keep in mind also we are not starting new here. Every State has a State planning agency which is used to dealing with the LEAA program and who are cognizant of this law. So it is not like a beginning type of situation. We have a pretty well defined in-house group at every stage.

Chairman RODINO. Mr. Attorney General, I am sorry to state that we have a vote on EPA. We are going to recess for 20 minutes.

[Brief recess.]

Chairman RODINO. Mr. Attorney General, if in the context of what we have been talking about, special revenue sharing really means little or no strings attached to Federal money, and if according to this bill all matching requirements are deleted, and other administrative restrictions such as the assumption of cost and non-supplanting revenues and personal salary limitations, are eliminated, I ask this question: Is there anything really so special about this that we should call it special revenue sharing? It's just general revenue sharing.

The ATTORNEY GENERAL. I think it is revenue sharing in a very special way. The distinction is that this revenue sharing is for specified law enforcement and crime reduction purposes. This serves to distinguish it from general revenue sharing.

Chairman RODINO. I am wondering whether that, since you answer it that way, would it not be the same if we put all these moneys into general revenue sharing?

The ATTORNEY GENERAL. I don't think so, Mr. Chairman. This is money for crime prevention and the presumption would always be in favor of the State plan meeting the requirements of the act. However, there are some strings. It is not devoid of strings related to appropriate uses of the funds. In addition, there is an elaborate procedure set up in sections 509–511 of the proposed legislation so that in the event any plan does not have substantial compliance with the act, rules and regulations of the Attorney General, we can withhold the money. There is a procedure by which that can be determined following the filing of the plan and beginning of the flow of funds. For instance, a State under the act has to give priority to high crime areas. You might argue nice distinctions, but if a plan came forward that gave no recog-

nition to high crime areas, the State would be notified of the statutory noncompliance and administrative or legal mechanisms would be instituted for withholding or termination of funding.

I think that what we really have to do, as I said earlier this morning, is to take a look at this in light of what has happened in the last 5 years. We are not starting brand new. This is the final logical evolutionary stage of a process.

Mr. HUTCHINSON. Will the gentleman yield for a question?

Chairman RODINO. I yield.

Mr. HUTCHINSON. Is is true that under the bill that has been introduced there must be a maintenance of effort?

The ATTORNEY GENERAL. Thus the concept of maintenance of effort is also a basic on which to distinguish this from general revenue sharing?

The ATTORNEY GENERAL. Yes.

Chairman RODINO. Mr. Attorney General, in your recent statement did I understand you to say that a plan could be rejected?

The ATTORNEY GENERAL. Yes. By that I mean we would not write the check. If we said, as set forth in the statute, the plan violated the provisions of the act, the regulations promulgated by the Attorney General, it would not be submitted in substantial compliance with the law.

Chairman RODINO. Isn't that a disapproval then?

The ATTORNEY GENERAL. No. They kind of twist the thing around. The presumption in every case would be in favor of the plan.

Chairman RODINO. You could reject it?

The ATTORNEY GENERAL. I believe so. The burden would be on LEAA to show that the plan did not conform with the provisions of the act.

Chairman RODINO. So it would not mean simply filing a plan and getting it funded?

The ATTORNEY GENERAL. No, sir. It is also a departure from what we have had in the last several years where they submitted a plan and it had to meet our approval with respect to the assignment of priorities. You know, we had to approve the whole plan before the money went out.

Chairman RODINO. Mr. Attorney General, a major area of concern has always been that the LEAA funds are frequently not going—I mentioned this before, this is what history has developed—with the necessary timeliness and certainty to the core city or urban area, to those with the most pressing crime rates, Newark, N.J., for example, has the highest crime rate of cities with a population of over 250,000. In 1972 the State of New Jersey was allocated more than $48 million for LEAA funds. Newark, however, received only $8,122,638 of the funds, or only about 16.5 percent of the New Jersey money. Yet up to 1970 Newark had 20 percent of the New Jersey crime, and that figure I think may have risen since then.

I could cite similar statistics for a large number of localities across the Nation, and I am wondering if a special revenue sharing formula is really going to be the best way for getting the money to where it is needed, even if there are uniform standards based on population. Does this really make more sense than distributing the funds

on a one dollar per crime type basis, or something like that, rather than on a simple one man-one dollar type basis?

The ATTORNEY GENERAL. I would like to comment on your question, Mr. Chairman, generally and then specifically. Generally speaking, in the first 3 years of the program the 100 largest cities in the United States, 25 percent of our Nation's population, got almost 50 percent of the total funds, generally speaking. Newark is one of our impact cities. In addition to the $8 million that Newark received from the State of New Jersey, it also received a substantial additional amount of money because it was one of the eight impact cities. It is going to receive substantial additional money for the next 2 years on a 3-year basis.

When we find a situation where a particular city has a particular need we can address ourselves to it through our discretionary fund. Then finally section 203(b) clearly states that the plan has to give priorities to high crime areas and section 306(1)(a) requires an assured passthrough of funds to local governmental units.

Chairman RODINO. I do know that Newark is one of those areas in the high impact crime program. Frankly, I am still looking forward to that. I do hope that it is going to have the effect you conceive it to have. I know that I have been urging your Department to look into this because there has been some delay in that area now.

Mr. Attorney General, in your statement you made mention of the figures relating to drug abuse here in the city of Washington, and how there has been a reduction in the crime related area of drugs. Has the cutoff of the supply of heroin from abroad played a major role in reducing heroin addiction in Washington and other coast cities?

The ATTORNEY GENERAL. Leaving LEAA aside, the Federal Government last year spent $750 million in one way or another in the war against drug abuse. LEAA is a little bit more specific oriented. The combination of our general war on drugs, plus LEAA, plus social programs in HEW, et cetera, all will have an impact on the drug problem.

Chairman RODINO. Would your Department be able to provide us, Mr. Attorney General, with the figures that relate to the seizures of heroin domestically and the seizure of heroin abroad?

The ATTORNEY GENERAL. Yes.

Chairman RODINO. You know I am vitally interested in that.

The ATTORNEY GENERAL. I can get you figures from the Department of Justice. The Department of Treasury also is involved in this through the Customs Bureau. I think the President's crime message of yesterday also touched on this. But we will get you those figures, Mr. Chairman.

Chairman RODINO. Thank you very much, Mr. Brooks.

Mr. BROOKS. I would have been here this morning but I was working on the FAA.

Chairman RODINO. Mr. Brooks, would you like to address any questions to the Attorney General? I know that I am catching you flatfooted.

The ATTORNEY GENERAL. I will be happy to read my statement for you, Congressman Brooks. It only takes an hour.

Mr. BROOKS. Mr. Chairman, I will say I apologize for not being here this morning. We had a delayed semiexecutive privilege problem over in Government Operations which occurred yesterday.

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The ATTORNEY GENERAL. I have a semiexecutive privilege problem.

Mr. BROOKS. They didn't send the people. They did send them this morning and said they misspoke themselves. They showed up. So I had to stay there and finish it up.

I am glad to see you here in good spirits. LEAA is an interesting Agency. Undoubtedly you will be asked questions on a long series of discussions and dealings over the years. I look forward to it.

The ATTORNEY GENERAL. Thank you, Congressman.

Chairman RODINO. Mr. Mezvinsky.

Mr. MEZVINSKY. Mr. Attorney General, I read through your statement and heard the long presentation which I appreciate. Somehow you continually stress that special revenue sharing is more effective. Can you elaborate somewhat on that as to why you really feel that special revenue sharing can in fact be more effective than what we have today?

The ATTORNEY GENERAL. I think it will be more. In this area it is a question of judgment, I believe. It also in part depends on a certain basic premise and a basic principle of faith in the kind of people we are here in the United States. I have been an amateur student of Government and politics all my life. I look back to the 1930's when America was at a crossroads; the great depression and the great promise that President Roosevelt held out to the people of this country; by his spirit brought us to our feet and got us going again. I witnessed in the 1930's and 1940's when I was in college, the tendency, anytime we had a national problem, for people to run to Washington and go to Congress to have them provide a Federal program to solve all our ills. As you know, this bureaucracy here in Washington, D.C. has become a monumental, almost unmanageable thing. Many people have observed that notwithstanding the hopes and aspirations sought in some of these programs, they did not accomplish what we intended. The bureaucracy became cumbersome; the carrying charges of having the Government do it here and divorcing the Government from the people had the results that Congress was spending billions of dollars and was not getting results.

The President of the United States has a deep, firm conviction that because of the general progress of America, our educational standards and the participation of our citizens in our participatory democracy, that the State and local governments are better able to be responsive to the people, and better able to spend these moneys more efficiently.

Just the carrying charges from your State to Washington, D.C. and back to your State are too high. General revenue sharing is the first instance of a program doing this. Congressman, where we have had 5 years of experience and built an organization nationwide, special revenue sharing can be part of an evolution of American democracy, so that crime will be the direct responsibility of the local community and not some Federal police officer.

Mr. MEZVINSKY. With that in mind, we have problems in my State, and around the country, with giving massive moneys to local units before they can effectively absorb them. I gather you are pretty much in agreement with the position of OMB concerning this. Last year OMB, in an unpublished memo, pointed out that local units cannot deal with large sums of money, and that controls must be tightened at the Federal level. They said that somehow the revenue sharing syndrome at

the State and local level, "Give us the money and leave us alone," must be overcome. I gather that the position has changed in 1973.

The ATTORNEY GENERAL. I guess the reason why that memo was not published is that it did not represent the thinking of the President of the United States and the Director of the Office of Management and Budget, because that is not consistent with my understanding of the President's policy, and I am here today to try, to the extent I am capable, to enunciate that policy.

Mr. MEZVINSKY. What is there to protect, to guarantee in fact that the local units will not utilize the fund in the category as the OMB supposedly says? That I gather does not necessarily reflect your position?

The ATTORNEY GENERAL. The act has some strings in it, as I am sure you are aware. The requirement of the act is that the arrival of the decision by the State planning agency be first participated in by elected officials and, second, that they be public meetings. Third, the publicity given matters like this by the President, and Iowa has a great free press. Then finally, the overview of the program by the LEAA Administrator and the Attorney General of the United States.

Mr. MEZVINSKY. I guess I am not quite as confident that all of this will be simply handled through sending money down without any kind of realistic guideline. I might point out that there has been a concern expressed by the Lawyer's Committee on Civil Rights whether or not the funds are going to be used by the State and local areas as was done, say, in South Carolina and other States where they have been criticized for providing funds to keep the black population in line.

What guarantees are there that the programs are going to be any better under special revenue sharing than the program as it is?

The ATTORNEY GENERAL. I am not aware that the State of South Carolina was using LEAA funds to keep the black people in South Carolina in line. If any substantial evidence was given me that any State did that they would have difficulty with the Department of Justice. But I think it goes back, Congressman, to your concept of this country and the faith and belief in it. With reasonable guidelines and reasonable parameters of a bill like this, Des Moines, or Davenport, or the Governor of the State of Iowa and its elected officials can assume the responsibility to employ substantial sums of money to bring the criminal justice system of that State up to modern day times. I believe they can.

I think the great success of our program in the block grant system in the last 5 years demonstrates this. I think we are now on the threshold of the third stage of participatory democracy in America with the taxpayers money without having the bureaucracy stronghold here in Washington, D.C.

Mr. MEZVINSKY. I would agree with minimizing the bureaucracy and the redtape as the money goes up and down. What I am concerned about is whether or not the funds will be utilized efficiently.

The ATTORNEY GENERAL. All bureaucracies are inefficient but I would rather have the inefficiency of State bureaucracy and not combine it with Federal inefficiency.

Mr. MEZVINSKY. Can LEAA funds be used by the States to supposedly fight white collar crime as well?

The ATTORNEY GENERAL. Sure.

Mr. MEZVINSKY. Such as antitrust violations?

The ATTORNEY GENERAL. Yes. Many States have antitrust laws. They have criminal antitrust laws. Certainly white collar crime is one of the main objectives of the whole criminal justice system right now both in the Federal Government and in States, and indeed this includes increasing prosecutors, courts, programs, and investigators. It is a primary target area in many, many localities.

Mr. MEZVINSKY. What amount of money was expended by the LEAA program to the States specifically with antitrust funds?

The ATTORNEY GENERAL. Sir?

Mr. MEZVINSKY. Can you give me an idea what was expended to fight white collar crimes in the States?

The ATTORNEY GENERAL. I am not sure that any was used under a State antitrust criminal case.

Mr. MEZVINSKY. Could they have been?

The ATTORNEY GENERAL. They could have been.

Mr. MEZVINSKY. How come they weren't?

The ATTORNEY GENERAL. I don't know whether they were or not. They could have been. I imagine they were. Antitrust enforcement has pretty much come to be preempted by the Federal Government, particularly in the civil area. It is a very, very complicated area of law. If there are criminal provisions of antitrust laws in the States, any of these LEAA moneys could have been used for that purpose. I don't know if any were.

Mr. MEZVINSKY. Thank you, Mr. Chairman.

Chairman RODINO. Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

Mr. Attorney General——

The ATTORNEY GENERAL. Congressman Hutchinson, let me make a footnote comment to Congressman Mezvinsky. In the last 4 years of President Nixon the antitrust enforcement of the Department of Justice has been far in excess of any other administration since those laws were passed. At the Federal level we have had one of the most vigorous enforcement programs in antitrust that this country has ever seen. I think it has had a great effect upon business practices in this country. I thought I would give you that information.

Excuse me, Mr. Hutchinson.

Mr. HUTCHINSON. Mr. Attorney General, turning to the language in the introduced bill, the administration's bill, having to do with the State planning process, section 203 says that the State shall develop a comprehensive statewide plan "for the reduction and prevention of crime and delinquency." Then in subparagraph 2 the phrase "for the reduction and prevention of crime and delinquency" is used again, as it is in subparagraph 3.

Now my recollection of the present law is that the language is "for improvements in law enforcement." My question to you, sir, concerns the change of language. Does the change intend any different thrust? Is it meaningful to you to use these words rather than the other?

The ATTORNEY GENERAL. Yes; because the focus on this bill is on crime control. Congressman Hutchinson, and that is a specific goal. So long as we are confronted with this problem and I don't think we

will be confronted with it forever—but until then crime control should be the main thrust, the main interest.

Mr. HUTCHINSON. Does this concept of crime control also include the administration of criminal justice?

The ATTORNEY GENERAL. No; the techniques or the tools by which we feel we control crime are varied. They start at the very beginning of the criminal process, the arrest. That in my opinion means a well trained, well educated, human being as a police officer. It includes arraignment, having properly trained people there. It includes trial, public defenders, and good prosecutors, and good judges and courts. It includes a quick, speedy trial and a good, fair trial for everybody. This then includes the sentencing process, the corrections process, and the probation process, all combined to deal with the overall objective of crime control.

Mr. HUTCHINSON. "The reduction and prevention of crime and delinquency."

The ATTORNEY GENERAL. Sir?

Mr. HUTCHINSON. Those are the words in the bill: "the reduction and prevention of crime and delinquency."

The ATTORNEY GENERAL. Yes.

Mr. HUTCHINSON. When you use the words "crime control" do you mean the same thing as reduction and prevention of crime?

The ATTORNEY GENERAL. Let me put it this way. In an enlightened society like ours confronted with a problem such as crime, it seems to me that there are two approaches that have to occur simultaneously. One is what I would call the long-range approach. The long-range approach to it includes programs calculated to eliminate poverty, ignorance, and racism; programs calculated to enable and uplift our society, make us a better society, to make people better in our society, and give them a better opportunity.

That long-range process is going on, and as you know President Nixon in 4 short years has completely reversed the priorities of the Federal budget. When he came in 60 percent of the Federal budget was being spent for military purposes and 40 percent for human programs. Today, only 38 percent now is for defense and 60 percent for human programs.

While that process is going on it seems to me that we have a specific responsibility to enforce the law. Because if we don't we would deprive ourselves eventually of the fabric of our society or the wherewithall by which to continue in a long-range program. So this program is a specific program. This program deals with crime. It does not pretend to get into the areas addressed by HEW, HUD, and EEOC. There are a myriad of other great programs supported by the President and the Congress and this Government in other areas. Our focus is on crime as a specific problem.

Mr. HUTCHINSON. I will then conclude from your statement, sir, that the change in wording from "improvement of law enforcement" to "reduction and prevention of crime and delinquency"——

The ATTORNEY GENERAL. Was intentional.

Mr. HUTCHINSON [continuing]. Basically insignificant.

The ATTORNEY GENERAL. Yes; it is a question of semantics perhaps, Mr. Hutchinson. We could simply say improvement of law enforcement and you may not be too concerned about crime control. We think

that improvement of law enforcement systems is one of the means by which you control crime.

Mr. HUTCHINSON. Turning to another subdivision of the requirements in these comprehensive State plans, sec. 203(10) says that the State plan must provide that all meetings of any planning organizations held for the purpose of approving a comprehensive State plan or local component thereof shall be public. Exception is made for confidential applications. Are there such things as confidential applications?

The ATTORNEY GENERAL. There are a few areas. Organized crime, other very specific programs to protect the public interest, that in terms of law enforcement techniques to control crime it would not serve the public interest to have it of a public nature. There is a lot of information about alleged criminals which if published and they were innocent could be very damaging. Also the contents of investigative files which if made a matter of public knowledge could do great harm to personal individuals. But that is a very, very restricted area, Congressman Hutchinson.

Mr. HUTCHINSON. Are there confidential applications now?

The ATTORNEY GENERAL. There are aspects of applications which are treated on a confidential basis. Organized crime, undercover operations and things of that kind. There again, the great saving in those programs is that they are subject to local control. It will not be somebody in Washington, D.C. determining it. It will be the mayor, the Governor, the city councilman who lives right there, with the local press and citizenry aware of it. The abuse at home, it seems to me, would be a lot less than it would be here in Washington, D.C.

Mr. HUTCHINSON. I have one other question at this time, Mr. Attorney General, as I understand the present law, the beneficiaries of the Federal moneys are governmental units, State and local. There are no beneficiaries in the form of nonprofit organizations and whatnot. But in section 304 the bill refers to "other applicants." Is it the purpose of this bill to make LEAA funds available to so-called eleemosynary groups?

The ATTORNEY GENERAL. Currently the grant would go to the State, and out of the State share of funds, the State could provide moneys to other than governmental units. Our own discretionary grants would go to private group foundations, through State or local governmental units.

Mr. HUTCHINSON. At the present time discretionary grants can be made to such groups under present law?

The ATTORNEY GENERAL. Yes. They must go through State government but they are subsequently awarded to private groups to accomplish the objective or purpose.

Mr. HUTCHINSON. On some kind of contractual arrangement with the State?

The ATTORNEY GENERAL. Yes. However, the proposed bill would allow for direct award where appropriate.

Mr. HUTCHINSON. Because the framework of this bill fulfills the concept of special revenue sharing and because you do not contemplate any Congressional earmarking for such programs as LEEP, do you find it necessary to include "other applicants" in a general way here? Then I suppose it would be left entirely up to the State plan?

The ATTORNEY GENERAL. Yes.

Mr. HUTCHINSON. The State plan could provide for making LEAA moneys available to groups who now under the present law would not qualify for direct action grants?

The ATTORNEY GENERAL. Yes; exactly with respect to discretionary funds.

Mr. HUTCHINSON. Thank you, Mr. Attorney General.

Chairman RODINO. Mr. Brooks.

Mr. BROOKS. Mr. Chairman, I have a couple of questions. Specifically, Mr. Kleindienst, how much money has LEAA awarded for police programs since the fiscal year 1966?

The ATTORNEY GENERAL. Police programs?

Mr. BROOKS. Yes. What has been awarded?

The ATTORNEY GENERAL. About $549 million.

Mr. BROOKS. Is that total?

The ATTORNEY GENERAL. Yes.

Mr. BROOKS. If that is not accurate——

The ATTORNEY GENERAL. You mean total moneys awarded by and spent by LEAA?

Mr. BROOKS. Right, for these programs.

The ATTORNEY GENERAL. Police programs? I don't know what——

Mr. BROOKS. Can you get a breakdown on that and furnish it to us?

The ATTORNEY GENERAL. Yes.

Mr. BROOKS. What has been the major area of concentration as far as police programs are concerned?

The ATTORNEY GENERAL. Sir?

Mr. BROOKS. Major area of concentration for police programs, manpower, equipment, or training?

The ATTORNEY GENERAL. Training.

Mr. BROOKS. Training has been your big thrust?

The ATTORNEY GENERAL. At the very outset back in 1969, because of the preeminent need, there was an emphasis with respect to equipment. Also because of the embryonic nature of the program we didn't have the training facilities and so forth in motion. But the emphasis has shifted now to training.

Mr. BROOKS. Have funds been used to increase the size of police forces, and if so, what impact has this had on any of the reductions in crime?

The ATTORNEY GENERAL. Under the old law, Congressman Brooks, there was a prohibition against using more than one-third of LEAA moneys for police salaries per se. Funds were used for the establishment of specialized units in police forces like narcotics units, police human relations units, and things of that kind.

Mr. BROOKS. They were allowed?

The ATTORNEY GENERAL. Yes; as new resources to bring to bear on these problems.

Mr. BROOKS. Are statistics available regarding types of crime, their time, place, and type of occurrence and are these statistics being used by the States in allocation of funds for these police programs?

The ATTORNEY GENERAL. The general statistics are available and we believe that all the States have access to them, are using them and will use them.

Mr. BROOKS. Approximately what percentage of the police program funds are spent on equipment?

The ATTORNEY GENERAL. I don't know. We can supply that.

Mr. BROOKS. Fair enough. What types of equipment are most commonly purchased with LEAA funds?

The ATTORNEY GENERAL. The commonest types would probably be radios, dispatchers and related communications items.

Mr. BROOKS. I have two other short questions. Really one is an observation. In 1969, Congressman John Rooney earned some notoriety with his comment about appropriations when he said that in his judgment the agency, the entire agency, could function with six persons and a check writer. I wonder if when this becomes law, if it does, wouldn't that remark be about true?

The ATTORNEY GENERAL. I think the chairman still believes that. I am going to go by and see him this afternoon. I will ask him, but I think he does. I think that is an oversimplification of it. I don't think Chairman Rooney really believes that, because he has supported our applications to his appropriation's subcommittee for LEAA almost completely. He has embraced the concept of a little bit more than six people and a check writing machine.

Mr. BROOKS. Now you indicate that a 3-year plan will be added for justification of allocation of special revenue-sharing funds to the States. Is that correct?

The ATTORNEY GENERAL. With an annual update, that is correct. It would have an annual update.

Mr. BROOKS. How would you impound those funds if you decided that the expenditure of those was for whatever reason the administration might use, was not desirable?

The ATTORNEY GENERAL. There is a procedure set forth in section 509 of the proposed legislation which sets out; that on a determination by the Attorney General that a State has not complied with the act, an administrative procedure is set in motion for withholding funds. Incidentally, that procedure is in substantially the same form as the current law.

Mr. BROOKS. You don't think there would be the normal impoundment procedures that we have been going through now, available to the President if he wants to impound half of this approximately $680 million?

The ATTORNEY GENERAL. I don't think so.

Mr. BROOKS. You don't think he could, or that he would?

The ATTORNEY GENERAL. I don't think he would. I don't liken it to that kind of situation. The President in his budget to the Congress has or will request an increase in funds from the Congress for LEAA, not a decrease.

Mr. BROOKS. Yes; but if he changed his mind, regardless of his recommendations, after it becomes enacted by the Congress, it is in the law for implementation by the executive agency, at that point he has impounded other funds. I wondered if he would not have the same questionable perogative and power to impound those funds.

The ATTORNEY GENERAL. If the President of the United States called me up and said for a variety of reasons that he has publicly enunciated a policy to not spend but half of those funds, that is all I would spend.

Mr. BROOKS. So, he would have the right, as you interpret it. It would be subject to the same impoundment procedures that other legislation is now?

The ATTORNEY GENERAL. Yes; if he said, "Don't spend any of it," I wouldn't spend it. While this is a different question from the withholding procedure in section 509 which would be based on noncompliance with the act.

Mr. BROOKS. I don't believe you would. I appreciate your candor.

Chairman RODINO. Would the gentleman yielded there?

Mr. BROOKS. I yield.

Chairman RODINO. Mr. Attorney General, on the very point, sections 204 and 205, where the States present these plans for 3 years and then for review by the Attorney General, the Attorney General would be reviewing and making comments and recommendations which would be supplied to the Congress in the Federal Register. What would be the meaning of the comments and recommendations if the States would not then have to comply?

The ATTORNEY GENERAL. It would be an aid to the Congress with respect to the basic legislation itself. You would have a continuing overview of this program, Mr. Chairman. It would also be comments that would be brought to the attention of the localities and the body politic in the States. One of the magics of our system of Government is that when the people are informed with respect to a vital program they have a pretty direct way about which they get some results. I think everybody in this room is aware of that.

Chairman RODINO. During the annual review though, if the recommendations were that a certain expenditure for a given project, say, should be discontinued, or would there be any way then that the Attorney General could just stop the funding in that direction?

The ATTORNEY GENERAL. If it was a substantial failure to comply with the act I could. Let us assume a case that would not meet that test. After I had automatically accepted the plan, I would make a formal statement for publication. I am not turning down the plan, but I am saying that I think the State planning agency of New Jersey could do better in terms of specific crime control allocations. If he got that kind of information and there was public support for it, I have a hunch that the Governor of New Jersey would very seriously consider acting on that kind of published statement.

Chairman RODINO. You mean notwithstanding the pressures on the local municipalities that come from the electorate to do otherwise?

The ATTORNEY GENERAL. Well, Congress knows what local pressures are. I think Governors, mayors, and city councilmen are able to withstand those pressures at least as well as the Congress of the United States.

Mr. BROOKS. Can you feel sure that if they suggest not to give them any money, you won't go down and take away that community's equipment they have already bought, will you?

The ATTORNEY GENERAL. No, in no way.

Chairman RODINO. Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman.

First of all, I want to say that I concur entirely with the concept of the new federalism, the principle which underlies a package of legislation which is being recommended by this administration. I think

that anyone who has had experience in local government and in State government in addition to service in the Congress recognizes the capacity, the knowledge, the ability, the wise decisionmaking, and other advantages in local officials, whether elected or appointed.

I would expect wise decisionmaking and much more efficient and economical administration of our Government under the new federalism.

The ATTORNEY GENERAL. Thank you.

Mr. MCCLORY. In the development of the formula for revenue sharing I know that we are going to experience difficulty if there is any diminution of funds. As I understand it, there will be utilized a "save harmless" principle so that no community or no State would receive less under the bill than they received in the 1973 fiscal year. Is that right?

The ATTORNEY GENERAL. Yes; that is with respect to each State.

Mr. MCCLORY. Now is it possible to provide funds solely on the basis of population and yet carry out that principle?

The ATTORNEY GENERAL. Yes; I think so. I think the population basis is the most equitable way to redistribute the pass-back money to the citizens from the Federal Government. Then it is up to the State, taking into account the variety of differences of problems and priorities in each State and local community, to make that next decision.

Mr. MCCLORY. There won't be any departure from the formula that is based on population insofar as the share that is going to the State?

The ATTORNEY GENERAL. No, sir, other than the initial $200,000 allocation per State, the only thing would be an upgrading through the application of discretionary funds.

Mr. MCCLORY. I gather that the provisions with regard to penalties are intended to increase the leverage that the Department will have with regard to the appropriate expenditure of funds?

The ATTORNEY GENERAL. Yes, sir, I come back to a point I made several times. We are not starting a brand new situation here with the State, Congressman McClory. You have in being in 50 States and five territories a State planning agency that has been functioning and has developed its own expertise. Its involvement and acquaintanceship with this whole concept is such that we really have a great resource ready to take advantage of this special revenue sharing program.

Mr. MCCLORY. Also, to insure the appropriate expenditure of funds consistent with the act and following through on the special "no strings attached" revenue sharing principle, is there expanded authority with regard to auditing or accounting provided by the bill?

The ATTORNEY GENERAL. Yes; we have increased our audit function. If deemed necessary, we will increase it further. Indeed, that would be an area where I would expect our activity to be increased.

Mr. MCCLORY. May I get back to the subject of the National Institute on Enforcement of Criminal Justice for just my own clarification and assurance? As I interpret table I, the amount that is designated as being the requested or budgeted amount for the National Institute comes opposite the title "Technology Analysis," and the figure is $48,498,000.

Is any part of that amount to be allocated to any function or activity other than the National Institute?

The ATTORNEY GENERAL. Mr. Velde says that about $15 million of that would be allocated in this way: $10 million to ODALE, which is the Office of Drug Abuse Law Enforcement, and $5 million for the Office of Science and Narcotics Research.

Mr. MCCLORY. How much for the National Institute?

The ATTORNEY GENERAL. Fifteen from forty-eight; we would have $33 million left for the Institute.

Mr. MCCLORY. I want to ask one more question about the subject of training. It seems to me in the amendment that was finally taken out in 1968 that the training role was carefully diluted, primarily because of the intervention or assistance or involvement of the Federal Bureau of Investigation.

I notice they have been carrying on a training program where they have trained deputy sheriffs and a lot of people like that, a small group of people like that, I might say, but carrying on nothing that is comparable to what the training requirement is.

Could I assume that the new and expanded training role that would be taken up by the National Institute would be the principal vehicle through which we could give guidance and direction to an improved and greatly expanded training program for local and State officials?

The ATTORNEY GENERAL. That would be one of its functions.

Mr. MCCLORY. That entire paragraph is being added in this amendment. And it had relatively no such function before. But that would be an added function?

The ATTORNEY GENERAL. Yes, sir, the programs here, plus the training programs out there.

Mr. MCCLORY. Regional programs. And the FBI training program would in a sense be continued in the way it has been in the past?

The ATTORNEY GENERAL. It would certainly be continued. As a matter of fact, it has been increased in the last short period of time.

Mr. MCCLORY. I yield back the balance of my time.

Chairman RODINO. Thank you.

Mr. Seiberling.

Mr. SEIBERLING. Thank you, Mr. Chairman.

Mr. Attorney General, I would like to correct the record on one statement I made this morning. I find out that Congressman Stanton did not write a letter to Attorney General Mitchell. Instead, the bill I referred to was referred on March 7 of 1972 to the Justice Department for comment. We have not received any comment.

The ATTORNEY GENERAL. That is my responsibility then. At that time I was the Acting Attorney General. I was busy with a rather protracted hearing of my own. Do you still want a comment on it?

Mr. SEIBERLING. I think your bill is probably an adequate comment. When I read the bill in detail I will be in a fairly good position to assess your views.

The ATTORNEY GENERAL. I apologize for not having given comments back in March of 1972, but I had a preoccupation at that time.

Mr. SEIBERLING. I understand. Now I think this exchange with the committee has been very, very helpful. I would like to record for the record, though, the fact that I haven't, and the other members haven't taken issue with some of the hyperbole used in your statement about the achievement of the administration. It does not necessarily mean that we are in accord with it.

The ATTORNEY GENERAL. We have decided it would not be used against you, Congressman.

Mr. SEIBERLING. I was particularly interested in one of the other exchanges on the effect on the problem of the correctional side of our law enforcement system. Is this money usable by State or local authorities for correctional manpoyer training or for correctional——

The ATTORNEY GENERAL. Yes, sir, I hope that they use a substantial part of it where necessary in every State.

Mr. SEIBERLING. It does seem to me that this is probably the most glaring weakness and anachronism in our whole law enforcement system in the country.

The ATTORNEY GENERAL. I agree.

Mr. SEIBERLING. We are just beginning to understand the problem, but there has been a lot of progress made in understanding it. Not so much, however, in implementing it.

The ATTORNEY GENERAL. I intend to be involved in the problem of corrections for the rest of my life, Congressman.

Mr. SEIBERLING. Thank you. It is a worthy cause to occupy one's self with.

Going to another subject, I wonder if you could give us briefly a statement as to what programs have been developed through the discretionary grant program, or national institute, that have subsequently been adopted by the State for improving the operations of the criminal justice system. Has there been a substantial program along those lines?

The ATTORNEY GENERAL. There are so many, I would like to ask leave, Congressman, to supplement the record by furnishing them to you.

Mr. SEIBERLING. I would appreciate it if you could.

The ATTORNEY GENERAL. We have barely scratched the surface.

[The information referred to may be found in the committee files.]

Mr. SEIBERLING. The American Bar Association has proposed a National Institute of Justice. I wonder, are you familiar with that proposal?

The ATTORNEY GENERAL. Yes; generally speaking.

Mr. SEIBERLING. How do you feel about replacing the present LEAA agency with that?

The ATTORNEY GENERAL. I would be against it. However, there are some aspects of the American Bar Association proposal that interest me and the Bar Association is a great source of assistance I would not favor turning over substantial sums of money to a private nonprofit group, the American Bar Association which I belong to or to any other group, to do what I think Government has to do.

Law enforcement, control of crime, is a responsibility of Government, in my opinion. I don't think the Congress would want to turn over to the American Bar Association x million dollars and say, "OK, you get the monkey off our back and you go out and solve the crime problem."

I want the States and the cities to continue to be primarily responsible, and that is the main thrust of our proposal.

Mr. SEIBERLING. I was thinking of the analogy to the National Institutes of Health. Of course, they have not relieved the Federal or local authorities from their responsibilities in the field of health care gen-

erally, but it has been a rather successful approach to having some independent body that conducts research and provides advice. I wonder if that would not be helpful?

As long as we are turning over all this money to local government, it seems to me that it would be consistent with that idea to have an independent agency not influenced by political changes and that sort of thing to make really objective studies in this field, and yet still have the authority and financial support of the Federal Government.

The ATTORNEY GENERAL. Of course, the National Institutes of Health and their employees are part of the Federal Government. The research they do is noncontroversial—finding the cure for disease, and so forth. If we had such an Institute financed by the Congress and recommending to the States that they appoint, not elect judges, adopt this or that kind of no-fault insurance, sentence offenders in certain ways, and so forth. These would be justifiable changes of Federal domination and improper imposition of Federal standards. But these are legitimate functions for non-Government, nonpolitical influenced group of private citizens, with appropriate safeguards, to dedicate their time and resources to an overview program to benefit the public interest, a "think tank" type of thing and then come back to the Congress and give it the benefit of their findings, and then ask the Congress for money to be given the Government to carry out appropriate recommendations.

I don't think I would deviate from my position that law enforcement assistance, what LEAA does, should be a Government function. That is to say, it should belong to the people through their elected representatives.

Mr. SEIBERLING. I agree with that. When it comes to research and development of new ideas, it seems to me that then it might be well to have nongovernmental——

The ATTORNEY GENERAL. There are many such non-Government. nonpolitical private organizations who with LEAA are doing that. and doing it very well.

For example, the American and State and local bar associations, the American Bar Foundation, law institutes, the National Center for State Courts, and so forth, have received many millions in LEAA funds for research, demonstration, and technical assistance. We really think we should work through such established private groups and through the LEAA Institute rather than ask the Congress to set up still another body like the proposed National Institute of Justice.

Mr. SEIBERLING. Turning to qute a different but related question: The role of the LEAA through the National Institute or some other institute in the development of national policies on crime. For example, could you tell us whether the LEAA had any role, or the National Institute, in the preparation of the President's new crime proposals; as a result of which he is recommending increasing reliance on the death penalty?

The ATTORNEY GENERAL. Yes, people in the LEAA and also in the Office of Criminal Justice in the Department of Justice, through the Attorney General, he had participation.

Mr. SEIBERLING. Is the LEAA the primary source of reliance or is there some other department?

The ATTORNEY GENERAL. LEAA was not a primary source. When the President has at his command the resources of Government that he has, all having an input, I would not presume to say which input the President considered the most. He shakes it up and it comes out and his program is our program.

Mr. SEIBERLING. I guess this is not the place to get into the substance of that legislative proposal.

The ATTORNEY GENERAL. I would be very happy to.

Mr. SEIBERLING. I don't want to take your time or the time of my colleagues right now. I thank you very much.

The ATTORNEY GENERAL. Thank you, Congressman.

Chairman RODINO. Mr. Sandman.

Mr. SANDMAN. I have only one question.

The ATTORNEY GENERAL. It took Senator Kennedy 90 days to "ask me only one more question."

Mr. SANDMAN. I think it is generally agreed by everyone that we pretty much have a sad case of crime reporting by the 50 States as well as the District of Columbia, especially in narcotics. In narcotics control we have only two States that have any kind of statistics—California and New York—and the District of Columbia; the rest, almost none.

Are you in accord with that statement?

The ATTORNEY GENERAL. In part yes, and in part no, Mr. Sandman. We have started a program of State crime reporting and we have 15 States now in the program. In narcotics we have several others specifically. We hope to be able to expand the program and get every State. I think you have touched on a very real problem and one which has existed and one with respect to which we will try to develop programs.

Mr. SANDMAN. Since this money can be used for improving crime reporting in the 50 States, would it not be a wise idea if you made it a condition precedent for getting this money that regardless of how they spent their bloc grant, they would have to have a better system of crime reporting?

The ATTORNEY GENERAL. I don't know if I would agree with that, because you could start then carving out about 10 specifics and then we are right back to the categorical grants. So I am not for telling Vermont that they have to do this or they have to have a little more specific program with the limited amount of money they are going to get, or say, in New Jersey, an area of their own priority might not be reasonable. So I think I would not agree with you.

Mr. SANDMAN. Thank you.

Chairman RODINO. Ms. Jordan.

Ms. JORDAN. Excuse me, Mr. Chairman.

Mr. Sandman, Mr. Velde points out we also have a specific $25 million statistical program that is not involved in the special revenue sharing funds.

Mr. SANDMAN. Does that program require the 50 States to participate?

The ATTORNEY GENERAL. No. We are awarding money to do it and bring them up in the system. I would hope in a reasonable period of time all would be involved.

Mr. SANDMAN. Statistics are so often invaluable in assessing a problem, and with respect to crime, we have such a poor system nation-

wide, especially in narcotics, that it seems to me that this is an area that we should really get into.

The ATTORNEY GENERAL. Yes, sir.

Chairman RODINO. Ms. Jordan.

Ms. JORDAN. Mr. Attorney General, I am just a little bit disturbed by the very rosy picture you paint of the past performance of LEAA and the kind of results we have experienced in this country. You use your appraisal of what has occurred as rationale for a new system of special revenue sharing to send money to the States and localities who were responsible in the first instance for spawning the 1968 Omnibus Crime and Safe Streets Act, the municipalities and State governments who had the responsibility initially to control crime, to try to reduce it, to try to reform the system of the administration of justice. And now suddenly with the passage of these 2 or 3 years we are going to go back to those same States, to those same cities, and say:

> Now you have seen the light and we are going to give you free money, no strings attached, no review necessary by us or approval needed by us, but we are going to give you that money because all of a sudden you have the message and you have "got religion" and you "joined the church" and you can do the job.

Mr. Attorney General, you know as well as I do that there are southern police chiefs and Governors and there are law enforcement officers in this country who are not going to respond in the kind of sensitive and knowledgeable manner which you have alluded to here today.

I don't want anyone to be misled or lulled or comforted by what has been said here to think that we still do not have a very serious problem regarding the administration of justice and equity being established in the courts of this land.

Now that is not a question; that is just a statement that I felt I had to make.

If you look at your section 308, the bill which is under consideration, and the antidiscrimination provisions there, if you look at the language it sounds good, it is language we always use, "race, color, creed, national origin," it is the same language which has been applied to general revenue sharing with the enforcement by the Treasury Department.

I understand though there are only four agents in the civil rights compliance section, and no funds have been cut off as a result of failure to comply with the antidiscrimination provisions of general revenue sharing.

My question, Mr. Attorney General, is: Can we expect a realistic and practical look at what the system of administration of justice is in this country, and can we expect affirmative, positive enforcement of the language of section 308?

The ATTORNEY GENERAL. First, Ms. Jordan, I guess I am by training an advocate. I don't want to create the impression with you or anybody else that we have solved the problem of crime. Indeed, that is why Congress is in this business that we are about today, because our whole system of criminal justice has just fallen behind woefully all over this country.

I am, however, the first Attorney General of the United States in 13 years that has appeared before the Congress or anybody in the

United States who can say that last year crime in America did not increase. Having become a student of the subject in the last 4 years, I am of the opinion that as a result of two world wars, the depression, and the necessity to reorder ourselves in the fifties, that one institution of this country among others just didn't keep up with the pace. There are many, but one of them was criminal justice. I think that, together with the problems in the sixties, that factor brought about a terrible increase in the crime in America.

The reason I give the statistics that I do is that the block grant program up to now has been successful—it has not been 100 percent successful, but it has been successful; successful even though the impact of all those moneys has not yet been felt. Some of it is still in the pipeline.

With the fact that in every State you have a State planning agency staffed with trained people dealing with this concept where 5 years ago we did not have it, and with an awareness of what this kind of money can do, I sincerely believe, Ms. Jordan, that the best way to make the biggest, most effective impact with this money, not a perfect impact, is to cut out a lot of the procedure in between and get it back home.

With respect to civil rights compliance, the time that the crime rate started to increase coincided with the time when America at long last had its attention directed and focused on the whole problem of civil rights in America. This also coincided with the passage of laws and the very difficult struggle that ensued thereafter in the sixties to convince the American citizen that as a matter of law we had to accommodate ourselves to the whole problem of the elimination of racism in America.

We now have in the Federal Government an effective enforcement arm in our Civil Rights Division. One of our most difficult but nevertheless active aspects of civil rights enforcement are the laws with respect to police brutality.

What I am trying to say is that the total environment in America in 1973 is different than it was in 1959 as a result of a lot of hard work, effort, commitment, and courage by an awful lot of people in and out of the Congress of the United States and the Federal Government.

If I did not believe that this was the best way at this particular time to finish the job of bringing criminal justice up to modern-day times and of bringing the crime rate back to where it was in 1959, I wouldn't be here.

I would be the first one to admit to you that there is a great deal yet to do. We are not going to do it 100 percent efficiently, but I would hope that, whether I am the Attorney General 4 years from now or not and if the Congress goes along with this program, that we will have some new statistics and we will be able to say that we are almost at the end of the road. Even though we didn't get everybody in the church, we at least got them singing some hymns.

Chairman RODINO. Mr. Dennis.

Mr. DENNIS. Mr. Attorney General, this morning you said, I believe, that you thought that the omission of any matching formula in the proposed bill was consistent with the special revenue-sharing program.

Do you mean to say that it would be inconsistent with that approach if the committee should write some sort of matching requirement?

The ATTORNEY GENERAL. Yes, I think it would be inconsistent and incompatible with it, Congressman Dennis. This would create a slowup. It would interfere with the process by which we get this money back there and to work. Many a State legislator and many a Governor in the United States knows the problems confronting him in terms of his priorities at home. Many have lost their position because they had to have an income tax to meet those priorities.

Many of those legislators can be and legitimately would be inclined to drag their feet on matching funds because they need money to pick up the garbage and provide other essential services.

So I think it is incompatible with special revenue sharing, Congressman Dennis.

Mr. DENNIS. Do you think it would be incompatible with the special revenue-sharing approach to write in some restrictions on the use of LEAA money for salaries of law enforcement personnel?

The ATTORNEY GENERAL. Would that contemplate a restriction on the use of moneys for police salaries?

Mr. DENNIS. What I am getting at is this. Suppose we should decide that the money or part of the money should not be used for police salaries? Would you regard that as inconsistent with the special revenue-sharing program?

The ATTORNEY GENERAL. I think I would, because then the debate would get down to everybody's specifics, whether affirmative or negative. If we go on that approach in order to satisfy the legitimate interests of everybody, we will be back to categorical grants.

The "maintenance of effort" provision, I think, is the best argument there. You have to keep up your present effort. You can't drop what you are doing. In addition to that, you want to do something additional. Many a police department, because of cost-of-living increases, et cetera, may need more money to pay bigger salaries to get chiefs of police and other top people.

Mr. DENNIS. In a budget a pretty large percentage of it is salaries.

The ATTORNEY GENERAL. Yes.

Mr. DENNIS. Was that not one of the reasons for the former restriction, the fear that too much of this money would go into expanding personnel?

The ATTORNEY GENERAL. Yes, sir, that is one thing the "maintenance of effort" provision is designed to guard against.

Mr. DENNIS. You certainly would guard against it more effectively if you said the money could not be used that way.

The ATTORNEY GENERAL. Congress could come up with a categorical grant program and give some bureaucrat 1,000 employees and have him run all over the country imposing rules for the categorical grants. I just think it is not the best way to approach the problem. Generally speaking, to make the most effective use of money to control crime and bring the criminal justice system up to date, this proposed program is the best way.

Mr. DENNIS. I suppose it is a question of degree.

The ATTORNEY GENERAL. Yes, it is.

Mr. DENNIS. More control or less control. I think I can see some problem on salaries. We talked about one of them this morning. You raise

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them and then you withdraw the Federal money. Another would be if you start paying the police in city "A" how about the police in city "B"?

I can see the problem where you might provide for additional personnel perhaps at the expense of corrections or training or what-have-you.

The ATTORNEY GENERAL. One of the limitations of Federal programs in the past has been the assumption by very well-meaning but naive people that you can write a program that is just exactly right for everybody in every community in America. Those persons have spent too long a time in Washington, D.C. They haven't traveled around the country.

We have a very diverse, nonhomogeneous society in our cities and communities all over this country. This whole program is predicated on that basis. The President's position is that what might be workable in Minnesota might not be the best thing for Texas.

Mr. DENNIS. Again it is a question of degree. It seems to me that you could retain a certain amount of Federal control by requiring matching or limiting the funding of salaries and still adhere to a general special revenue-sharing approach.

The ATTORNEY GENERAL. You could. I would advise against it.

Mr. DENNIS. I understand that.

Shifting for the moment to another subject, I am still interested in this problem of corrections. I notice in section 303 of the proposed bill that it says that the Attorney General shall make special revenue-sharing payments to the State government if such State has on file with the Attorney General a comprehensive State plan.

Then it goes on to tell what a comprehensive plan is. One of the things it says is that this plan shall include a long-range, all-inclusive program for construction of correctional institutions and for "the improvement of correctional programs and practices throughout the State * * *"

Do you interpret that to mean that in order to have a comprehensive plan which would qualify under this section that it would be essential to provide in the plan for the improvement of correctional programs and practices throughout the State?

The ATTORNEY GENERAL. It would require money that would be allocated now for an assessment of the correctional situation and a plan with respect to the future by which they would do something about it.

Mr. DENNIS. As I understand you, and I am not trying to misinterpret, it would be your belief that this language would mean that in order to have a comprehensive plan within the definition of this section, it must include something for the improvement of the correctional program.

The ATTORNEY GENERAL. If a State submitted a plan, which said nothing about corrections, and in addition thereto, would not be able to submit to us a document that indicated that they had no need for such, it would raise a serious question in my mind as to whether or not there was a failure of substantial compliance with the act.

However, the corrections problem varies in different States. This is the difficulty you get into when you say 10 percent has to go for corrections. You might not need 10 percent in Vermont. You might need 1½ percent. You might need 40 percent in Mississippi.

Mr. DENNIS. Under section 303, if you came to the conclusion that a plan did raise substantial questions as to whether it complied with this section, is it your view that you then have the right to refuse to fund it?

The ATTORNEY GENERAL. This is one of the distinctive features of the proposal. If they address themselves to the problem and deal with it by way of priorities, then the Department of Justice or the administration is not going to be substituting judgment for the judgment of the local State planning agency. That runs into the many vices of the past.

Mr. DENNIS. As I read section 303, the plan is required to conform with the general purposes and requirements of the title and it is supposed to have something in it on this particular subject.

The ATTORNEY GENERAL. That is right.

Mr. DENNIS. Therefore, perhaps you have some authority to refuse.

The ATTORNEY GENERAL. I haven't taken the position—I think I should have pointed out in my response to Ms. Jordan—that there are no strings in the bill. We just think we have cut the strings down to a bare minimum and that the presumption of compliance would shift in favor of the plan and it would be up to us to come along and rebut that presumption by specific references to the act. This is to be compared to either the categorical approach or the bloc grant approach that we have had in the past where they have had to come along and justify compliance to us. It is essentially a shift in emphasis.

Mr. DENNIS. A shifting of the burden of proof, you might say.

The ATTORNEY GENERAL. Yes. A rather dramatic shift in emphasis, but not a "no strings, no holds barred, have a good time" approach.

Mr. DENNIS. It is not strictly automatic?

The ATTORNEY GENERAL. No, sir.

Mr. DENNIS. Thank you, Mr. Chairman.

Chairman RODINO. Before yielding to Mr. Mezvinsky, Mr. Attorney General, I am a little confused and would like some clarification. Now this morning, I think, in answer to some questions that were being developed about the authority of the Attorney General to act on State plans coming before him, I think you said it would take something like a matter of minutes, merely a cursory look at the plan; there would not be any rejection, and the funding would take place automatically.

The ATTORNEY GENERAL. I might have been a little bit too heavy in the role of the advocate, Mr. Chairman: Initial funding, yes; then examination, nonsubstantial compliance, and then no. If I created that impression, I apologize, but I did not intend to, because the act speaks for itself with respect to what strings there are on it.

If I may summarize the process which has been partially discussed in a number of questions, it would provide that on the filing of a plan the special revenue sharing allocation to the State is automatic. Actual payment is on a letter-of-credit (need) basis and only involves procedure. The plan itself must be comprehensive as defined in the statute, for example, sections 203, 303(b), and the definition in section 601(m). The States can interpret the statute as well as a Federal agency; therefore, an assumption arises that the plan filed is comprehensive. In addition, the States now have 5 years of experience in plan development and program administration and are very familiar with the requirements of "comprehensive" planning. While the dollar flow

begins when the plan is filed, all of the funds would not be spent immediately nor is it likely that a large portion of the funds would be spent all at once. Consequently, the requirement that LEAA comment and publish its views takes on substantial meaning and potential for the State and local units of government affected by the plan. Where the plan document assumes a posture which involves an obvious misuse or misdirection of law enforcement special revenue sharing funds, the comments of LEAA would be keyed to the provisions of sections 509, 510, and 511. These hearing and appeal provisions provide the administrative and legal mechanisms for withholding of portions of slated funding or the entire revenue-sharing payment if warranted in a very serious situation, for example, total disregard for the law enforcement purposes set forth in the act. In a summary fashion this is a "very dramatic" departure from prior LEAA approval procedures where the State had the burden of proving a plan to be comprehensive prior to LEAA approval and release of funds. Under special revenue sharing the burden of proof for a finding of noncomprehensiveness is on the Federal agency rather than on the State.

I do wish to emphasize the whole change in the basic thrust, the whole basic concept.

Chairman RODINO. Mr. Mezvinsky.

Mr. MEZVINSKY. Mr. Attorney General, I am very much interested in channeling money to meet the most pressing needs. One of the big issues I am concerned with in my State, and I think this is the argument again for special revenue sharing, is that we will be better able to attack the crime problem in this country and direct it to where the needs are by special revenue sharing. Now I am concerned that if special revenue sharing is adopted and limited simply to population, and not focused on crime rates, then what guarantee is there that we will be able to focus on the needs where crime is the greatest in this country. If you simply put it on a general guideline of population and you don't take in the guidelines of where the crime is the greatest in this country, what is the guarantee for high-crime areas?

The ATTORNEY GENERAL. I would be hard put to do otherwise. If you are going to get away from the categorical grant type of program, which we want to get away from. If we are going to be here talking about sending back to my fellow citizens the Federal tax dollars to deal with a universal problem in America in virtually every community, I think I would want to do it so that my State got its proportionate share of that money, and that Iowa got it. I might not need it as much as Iowa and I might come out of it with less crime than Iowa, but I think my State ought to have its fair share in the participation of its funds to help improve its criminal justice system.

Mr. MEZVINSKY. Isn't that the thrust of the argument that the special revenue sharing will be better directed toward the real problems in crime, whereas if we base it simply on population without any kind of guideline as to where crime is the greatest and where a particular area of crime is the greatest, then there is no reason why special revenue sharing is going to solve this problem any more than the present LEAA can solve the problem?

The ATTORNEY GENERAL. That has some logic to it, Congressman. I don't agree with it. Crime is a derivative of population. It is a derivative of people. The more people you have, the more crime you have.

Also, the crime problem varies in intensity in different places in the United States. I would not under special revenue sharing or the revenue-sharing program say that I am going to take out 10 cities in the United States and spend $1 billion because I want to bring them down to the level of crime some place else.

I want to improve the environment in which we live all over the country, and I want little old Arizona to have some money to help it deal with the problem of crime. We have crime in Arizona. It is not as bad as it is in New York City, but we have it. It probably is not as bad in Davenport as it is in Chicago. I think you would want your community to have access to moneys by which it could help bring criminal justice up to date and such access to the community can be based on such factors as you have mentioned. This is left up to each State.

Mr. MEZVINSKY. I don't question that, but I see a problem if we put it on a simple, general guideline of population, the whole focus will not be necessarily directed toward a particular problem that may be the greatest, whether it is in Davenport, Iowa, Phoenix, Ariz., or Newark, or Houston, Tex.

The ATTORNEY GENERAL. I understand your point. I disagree with it. I think it is equitable and fair to the taxpayer and also it pledges us to help deal with and confront ourselves with the crime problem all over America, not just part of America. At the same time it permits each State to direct the focus within that State.

Mr. MEZVINSKY. I appreciate your comment. I hope this committee will seriously consider need factors besides population.

Chairman RODINO. Mr. McClory, you have one more question.

Mr. MCCLORY. I want to ask this question, if I may: The thing that concerns me is the utilization of the very important work that is done as a result of the LEAA grants. I get the annual reports as to where the LEAA funds are expended, for what purposes, and I receive a summary of what it is. I know personally what happens to certain funded projects in my congressional district.

On the other hand, I would like to ask what evaluation is made of the results of LEAA projects and what effort is made to disseminate those results which seem to have the greatest rational importance and can have the greatest possible national utilization?

The ATTORNEY GENERAL. We are not as good at evaluation as we have been at programs, for obvious reasons. One is that it is a short period of time. We are getting better at evaluation. The States also have their own evaluation groups.

We had a big conference with respect to the newly developed standards and goals this conference was participated in by some 1,500 people from all over the United States. That was one of their functions. They were not mandatory requirements on everybody, but the States all are interested in developing their own standards with these as a starting place.

Mr. MCCLORY. And dissemination?

The ATTORNEY GENERAL. Yes, sir. Very broad dissemination, Congressman. Again, not as good as it could be. This is a new area that we are developing.

Chairman RODINO. Mr. Attorney General, I have two areas I would like to explore. First, you just touched on these goals and standards that

have been developed, and in your statement this morning you emphasized them.

You mentioned that LEAA in the past 18 months has sponsored the work of the National Advisory Commission on Criminal Justice standards and goals, and then you went on to say how these standards and goals were developed and were presented, and of how these standards and goals touch upon virtually every important aspect of police, adjudication, corrections work, community crime prevention.

Then you stated categorically, you use your language: "They constitute one of the best anticrime documents in our Nation's history, unprecedented tools for the States and localities, ways to determine exactly where they stand today, how far they have to go and how best to get there.

Now if that is a basic premise, that these constitute one of the best anticrime documents, then for the life of me I can't understand why we don't utilize them. Why should the Federal Government abandon the goals established by the Commission; why can't we put them to work to measure State performance?

The ATTORNEY GENERAL. Well, this Commission's work constituted over 4,000 pages. The key word, I think, with respect to it is that I think it is advisory. Many of those recommendations are highly controversial, both with respect to their substance and also their applicability in one particular case as compared to another.

The reason why it is such a great crime-fighting tool, Mr. Chairman, is the fact that it is the product of an awful lot of work and thought given to it and it is available to the States and local communities to use where it would be effective and applicable and we fully expect them to use it.

But I would really be upset if the Congress ever got to the point where it had a 4,000-page bill setting out with specificity what everybody in the United States is going to do about crime, because the next thing you would need is 5,000 "cops" at the Federal level to go out and enforce it.

I think the approach taken by this Commission is the best one. It is a great piece of work. I think if it is updated on a regular basis it will remain a great contribution to the literature against crime.

Chairman RODINO. But under this bill, it can be totally ignored and yet you say they are the tools and the standards and goals which are probably the best direction to take to fight crime?

The ATTORNEY GENERAL. We don't think it is going to be ignored. Judges and prosecutors and corrections people; probation people from every State, in almost every community in the United States are involved in it. They are the ones that will go back and put together these plans.

As I say, Mr. Chairman, we have the benefits of 5 years of expertise developed in the State planning agency. We are not starting brand new.

Chairman RODINO. Yes, I know you have said a number of times. Mr. Attorney General, that if you had been asked the question 5 years ago, you answer might have been otherwise.

The ATTORNEY GENERAL. Yes, sir.

Chairman RODINO. In other words, your expectations are greater today than they were 5 years ago.

The ATTORNEY GENERAL. Because we have done something in the last 5 years, the Congress has, the Department of Justice has.

Chairman RODINO. Has human nature changed, though, in this regard?

The ATTORNEY GENERAL. Human nature, I don't think, will ever change. Maybe, but I doubt it. It is more educated, it is more aware, it is better informed. I think education and information changes what people do even though their nature will remain the same.

Chairman RODINO. Mr. Attorney General, coming to another subject, you are aware of the Government Operations Committee inquiry into the question of LEAA. There is one chapter devoted to what I think they termed "program paralysis." In their report, there was an effort to point out how sums of money that had been distributed to the States in the various programs seemed to have reached a dead end—in my opening statement today I made mention of the fact that only about 19 cents out of every dollar which had been programed for the States actually had been spent.

If this is actually a fact, and I don't know whether you agree with it or not——

The ATTORNEY GENERAL. Part of it.

Chairman RODINO. If this is even in part the case, then how do we expect that suddenly the very State administrative level where the problem is, where there has been a bogging down, is going to do otherwise?

The ATTORNEY GENERAL. That is one of my principal arguments in favor of this proposal. I think Chairman Monagan referred to the problem as "program paralysis." We refer to it as "fund flow." This program is better calculated to have a better fund flow than the old program. If that is the only problem we had, we would not be here for more than 15 minutes.

Also, the Congress is a little bit involved in this. Sometimes we don't receive our appropriations from the Congress for several months after people from the State level have developed their plans.

Chairman RODINO. Sometimes we make appropriations that are not spent either.

The ATTORNEY GENERAL. We are not talking about that here. But the system is partly at fault. This proposal is calculated to make the system work better.

Chairman RODINO. Mr. Attorney General, I know you are aware of this, but I would like to make a comment here. You can given the benefit of your observations.

In the fiscal year 1972, the appropriation for LEAA was passed at the beginning of the fiscal year on August 3, 1971. Yet at the end of that fiscal year only 2 percent, actually, of all 1972 funds awarded to State planning agencies had been disbursed to subgrantees. There, actually, the appropriation had been made.

The ATTORNEY GENERAL. That is true. That is why I believe in this thing. Part of that was our fault. We had to approve all these plans. Part of it was a delay in State planning agencies getting the plans to us. Part of it was that when the money was awarded, the State planning agencies had not awarded their subgrants and subcontracts. When they got their check after award of the grant, they did not have the wherewithall to complete it immediately. People must be hired,

contracts let and paperwork processed. That is all part of the system.

I am aware of that. This is going to expedite and speed up the fund flow.

Chairman RODINO. I hope I can be convinced, but frankly, there are some questions in my mind. Before you go, Mr. Attorney General, though, I'd like to quickly shift into another area.

The question of organized crime: How much money has LEAA awarded for the fight against organized crime?

The ATTORNEY GENERAL. I don't know the exact amount. It has been a substantial amount. LEAA has had a very extensive organized crime program but, as I indicated in part of my other remarks, because of the nature of organized crime, the interstate nature, the main responsibility with respect to it probably should be in the Federal Government.

Just the administration of title III electronic surveillances, should be in one place where I think we could fix political responsibility on it.

The comprehensive investigation required, the nationwide correlation of it, the desirability of coordinating the FBI, Customs, the Secret Service, and Internal Revenue and Anti-Trust, the whole works, unfortunately but necessarily, has to remain a primarily Federal function.

However, from LEAA sources, 450 grants and over $30 million has gone into organized crime programs.

Chairman RODINO. Of what value has the organized crime intelligence system proved to be in combating organized crime?

The ATTORNEY GENERAL. To us?

Chairman RODINO. Yes.

The ATTORNEY GENERAL. Immense value, because it is one of the most essential tools that we have in this area. It is a conspiratorial type of crime. It is a highly organized type of crime.

Chairman RODINO. Does a good deal of your budget go in that area?

The ATTORNEY GENERAL. In LEAA or the Department of Justice?

Chairman RODINO. In the Department of Justice.

The ATTORNEY GENERAL. Most of our time is spent laboriously with a lot of people putting together evidence, just getting their case put together, so that when we go into court we succeed. The worst thing in this fight is not to be able to succeed.

The greatest weapon the Congress has given us is the title III electronic surveillances in organized crime cases. These are court-ordered and court-supervised.

Let me say this, Mr. Chairman, as a footnote. I think it is remarkable in this very sensitive area of civil liberties and personal rights, that there has not been one complaint by any civil libertarian group in this country with respect to the abuse of process or constitutional rights with respect to any one of these 700 electronic surveillances in organized crime cases. It is a great tribute to the Congress and also to the Department of Justice.

Chairman RODINO. That leads me to this, Mr. Attorney General. What about project search, the development of an automated exchange system for the States? Are these systems being tied in with the Department or the FBI's automated criminal intelligence system, and what types of information do these systems maintain? And as a corollary,

what safeguards exist against abuse of information regarding private lives of innocent citizens?

Mr. VELDE. Pursuant to the express authority in section 301(b)(5) of our existing law, we have supported the development of an automated organized crime information system. This system is limited to public record information. There are no reports of informants, field reports, or intelligence reports, in the system. It strictly includes such things as congressional hearings, newspaper accounts, criminal histories, and other items in the public domain.

We have $1 million in our current statistics budget for an operational system. It will be given to the Law Enforcement Intelligence Unit, LEIU. It will support approximately 135 terminals and a computer system with the index operated by the Michigan State Police.

This is strictly an exchange of information among the States. There is no direct Federal involvement other than the LEAA money. The system has a very strict privacy and security code. There is very limited access. There is no access at all by other than law enforcement personnel; even though it deals only with public record information.

Chairman RODINO. Thank you.

Mr. Attorney General, we are often told that in the area of organized crime the regional approach is the best means of effective control. Is LEAA involved in promoting regional law enforcement?

The ATTORNEY GENERAL. I don't know but that I agree with that. We have about 23 strike forces in the country and each force covers a specific area. We have about 23 regions. In some instances one will be just in one city, and out in the more sparsely settled areas a strike force would have cognizance of two or three States.

Chairman RODINO. Are they broken down in categories of crime under organized crime?

The ATTORNEY GENERAL. No. However, they have categories of persons who work on them. Then they zero in on the particular aggregations of organized crime in that area.

Chairman RODINO. I was talking specifically about the area of drugs, narcotics.

The ATTORNEY GENERAL. There is a combination of effort between the Bureau of Narcotics and Dangerous Drugs and these strike forces. A substantial number of these electronic surveillances under title III are used in drug cases, because, as you know and I know, the traffic in drugs is one of the biggest sources of revenue of organized crime—that and the policy factor.

So gambling and drugs are two very principal targets. Also extortion, murder, and corruption of public officials, et cetera.

Chairman RODINO. Mr. Flowers.

Mr. FLOWERS. I have no further questions.

Chairman RODINO. Are there any further questions?

Well, Mr. Attorney General, you have been very patient. We appreciate your frankness. While I think by the information you have supplied and the answers you have given you have made an effort to try to be as frank and responsive as possible, I believe there are still some problem areas to be addressed. If we find from reading the transcript that there may be some areas that lead to a little bit of confusion, I would hope that we could refer to the transcript and maybe ask for further clarification.

The ATTORNEY GENERAL. Mr. Chairman, first I want to express my appreciation to you and to the members of the committee for the courtesy extended to me today. It has been really very helpful to me and a very refreshing experience.

I am available to supply any additional information, and Mr. Velde and Mr. Coster are available to appear before the committee. If you want me to come back, I will be here.

Chairman RODINO. Thank you very much.

[Whereupon, at 4:15 p.m. the subcommittee recessed, to reconvene at 10 a.m., Tuesday, March 20, 1973.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

TUESDAY, MARCH 20, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 2141, Rayburn House Office Building, Hon. Peter W. Rodino, Jr. (chairman of the subcommittee) presiding.

Present: Representatives Rodino, Brooks, Flowers, Seiberling, Jordan, Mezvinsky, Hutchinson, McClory, Sandman, and Dennis.

Also present: Daniel L. Cohen, counsel, and Franklin G. Polk, associate counsel.

Chairman RODINO. The committee will come to order and we will continue our hearings on Law Enforcement Assistance Administration.

We are pleased to welcome this morning as our first witness the Hon. Fernand St Germain.

I recognize the need for you to get away early due to the fact that you have a very important executive meeting with your Government Operations Committee.

Mr. St Germain, you may proceed as you wish.

TESTIMONY OF HON. FERNAND J. ST GERMAIN

Mr. ST GERMAIN. Thank you, Mr. Chairman. I also want to express my appreciation to my colleague, Mr. Stanton, for allowing me to appear ahead of him because, as you know, I do have a problem on timing this morning. However, I did want to take the opportunity and I appreciate the committee's allowing me to testify on the very important matter of the Omnibus Crime Control and Safe Streets Act of 1968 and the Law Enforcement Assistance Administration. As you know, on the Committee on Government Operations last year we held extensive hearings on LEAA. I was one member who attended each and every hearing. I was there for each and every witness and when the report was finally compiled by the majority of the subcommittee I found myself in a position which was rather unique. It was the first time in my 12-year career in the Congress where I had to differ with the majority of the subcommittee, and as a result thereof, I filed a minority report of my own. I felt that, yes, it's true there were deficiencies, errors, mistakes made in the program. However, these are mistakes that we see made in any program that grows as fast as this one did. Yet the need for this program is quite evident.

Throughout the Nation the people of the Nation desire it, the law enforcement officials and agencies throughout the country are 100 per-

cent behind it. I still stand where I stood last year when I filed this minority report. I would therefore at this time ask unanimous consent that my written testimony be allowed to be placed in the record in its entirety. It includes the copy of my minority views that were filed in that report last year. It also includes the statement from one of the most distinguished law enforcement officials in the country. He is recognized nationally as one of the top State police commanders in the country. He has had very favorable experience with the programs under LEAA and I would ask unanimous consent for the statement of Col. Walter E. Stone, superintendent of the Rhode Island State Police, to be placed in the record.

Chairman RODINO. Without objection it is so ordered.

[The statement referred to follows:]

STATEMENT BY HON. FERNAND J. ST GERMAIN, BEFORE SUBCOMMITTEE NO. 5 OF THE HOUSE OF REPRESENTATIVES, MARCH 20, 1973

Mr. Chairman, I am very pleased to be here today to give you my views about the Omnibus Crime Control and Safe Streets Act of 1968 and the Law Enforcement Assistance Administration, with which I am well aquainted.

I read with interest your statement of last Thursday, Mr. Chairman, and I was pleased to note your comment as these hearings opened that this panel plans to examine the future of LEAA and the Federal leadership in fighting crime strictly on the merits.

I noted, too, that you said that the LEAA program had raised a number of questions.

For a long time, I have had a deep interest in crime control and the LEAA support of local law enforcement and criminal justice agencies. I have taken a careful look at how LEAA and these state and local agencies are operating both nationally and in my own State of Rhode Island.

During 1971 I had the opportunity to participate in the lengthy hearings of the Legal and Monetary Affairs Subcommittee of the House Government Operations Committee and to review the extensive staff work.

Thus, I believe I am fortunate in having a particularly good perspective by which to judge the issues being aired before your Subcommittee at this time.

As a matter of fact, I heard just about every one of the many witnesses who testified during the lengthy hearings on LEAA in the summer and fall of 1971.

I was in a position to take a very close look into LEAA's operations—including both its few deficiencies and its many accomplishments.

At the same time, I have asked people at home—in my State of Rhode Island—to give me their evaluation of LEAA's activities.

Naturally, the responses varied. A number of people said LEAA could do better, and a number of people emphasized the fact that LEAA has been a tremendous help.

But what is important—in addition to this detail and that detail—is the overall picture. What impressed me was that the total picture of LEAA was overwhelmingly favorable. The people told me that by and large LEAA was doing the job that the Congress directed it to do.

The people said that the help was coming in. To be sure, many people wanted even more assistance, but the point is that they said they were very happy, indeed, to have the help they were already getting.

I was particularly impressed by the reaction of the law enforcement and criminal justice professionals who are the people most concerned.

One of them, Colonel Walter E. Stone, the Superintendent of the Rhode Island State Police, had hoped to be here today and to give you his views in person.

However, Colonel Stone had scheduling problems, and he asked me to submit his statement to you, which I hereby do with your permission.

These men and women who work in police departments, criminal courts, probation departments, corrections agencies, and other related organizations have formed a general opinion about LEAA.

This opinion is that LEAA and the Safe Streets program have made major contributions in reforming the system and reducing crime.

One of the first things they do is to cite the crime statistics.

In Providence—Rhode Island's principal city—serious crime is down by 15.7 percent in the first nine months of 1972 compared to the first nine months of 1971.

Say what you will—that's an achievement.

Should LEAA get all the credit for that fine record?

Certainly not. There are thousands of men and women throughout Rhode Island who helped bring this about.

This includes patrolmen on the streets, clerks in the police stations, officials in the courts, and the men and women running the jails, the prisons, and the offender rehabilitation programs.

These wonderful people working day-in and day-out on the State and local levels are the ones who caused that crime rate to come down.

On the other hand, it was LEAA that gave Rhode Island the financial help so that these people could reduce crime in the first place.

Money isn't everything. By itself, without a plan, money can't do much.

But, as you know, the Safe Streets Act provides that each State must establish planning as an integral element in its part of the LEAA partnership.

Thus, with planning, LEAA technical assistance, and other LEAA help, the money that Rhode Island received was put to work efficiently.

I just told you that the serious crime rate in Providence was 15.7 percent lower in 1972 compared to the first nine months of 1971.

I cannot tell you how much higher it might have been without LEAA, without the entire Federal-State-local partnership. I simply would not want to guess.

But I do know this. Providence was not alone. During that same period of time, serious crime fell in 82 other major American cities.

Is this a coincidence? Certainly not. Nearby Stamford, Connecticut, had a 30.7 percent reduction. Hartford, Connecticut, had 21.8 percent less serious crime. Boston had 7.3 percent less, and so on.

These facts must be given due weight when examining the LEAA accomplishments. It will not do to take a one-sided stance. You cannot tell the American people only one-half of the story.

That, Mr. Chairman, is the reason I could not sign the Government Operations Committee's Majority Report. That is the reason I issued dissenting views.

I hope you have the opportunity to read them, for they went into my objections to the attacks against LEAA in considerably more detail than I have time for here.

As I feel they would be helpful to the members of this Subcommittee, I am submitting them for the record at this time. I believe they will give you a more balanced view of what actually transpired at the hearings than one could obtain by reading the Majority report alone.

In summary I would simply like to say that the Majority Report was unbalanced. It focused only on certain criticisms. It ignored the many good examples of constructive LEAA activity that the testimony had illuminated during the Subcommittee hearings.

For example, much publicity was given to the Majority Report's accusation that the LEAA fund flow was somehow deficient.

But I would like to remind the Subcommittee members that it was the Congress itself that caused many delays.

Many citizens have called me to ask why Safe Streets fund applications had gone unanswered. Usually I had to tell them we were to blame—that the Congress had failed to appropriate LEAA money in time.

Let us also not forget that LEAA is authorized to spend money appropriated in one fiscal year in the two succeeding fiscal years as well. This is consistent with sound planning.

Therefore, press releases and newspaper stories about fund flow lags did not ring true. On closer examination, the actual facts were far different from the first superficial impressions the news announcements gave.

I hope that in the future we all use the utmost care when we analyze the programs for which we have supervisory responsibility.

One-sidedness may be acceptable in matters of partisanship. During election campaigns we often ignore the virtues of our opponents.

However, when we come to Washington as legislators we must remember our obligation to the citizens to drop overblown rhetoric and assume a posture of reasonableness and fairness.

The voters in my district have all sorts of differing views, but it is my responsibility to represent them all, with prudence and care.

I would like to point out, though, that the voters do agree that crime is one of the most serious urban problems we have.

I suspect this is true throughout the country. Polls I have seen indicate that the electrorate thinks much, much more must be done to reduce crime.

It is, therefore, reasonable to assume that the voters will hold us accountable if crime rates do not continue to decline.

So if some people feel the need to carp about the Safe Streets program, I would like to remind them of their duty to say how it can be improved.

It's not enough merely to grumble that some things have gone wrong. Some things go wrong simply because a few officials on all levels are not as good as others.

But after some State officials failed to perform their Safe Streets program duties properly, LEAA found them out. Many of those same officials are no longer holding public office. Others are doing better.

LEAA's regionalization and its increased auditing and review capabilities were broad steps in the right direction.

For quite a long time now, LEAA has been developing a forward-looking program to reduce crime and to increase efficiency.

Things are getting done—we need only ask our local law enforcement agencies, our local judges, our local corrections officials. They will tell us so.

I can testify that that is what they tell me.

It is my unshakable conviction that the Congress will be able to continue to have confidence in LEAA.

[The Dissenting Views of the Honorable Fernand J. St Germain reproduced below are from the Twelfth Report by the Committee on Government Operations, dated May 18, 1972, U.S. Government Printing Office, Washington, D.C.]

DISSENTING VIEWS OF HON. FERNAND J. ST GERMAIN

I disagree with the majority report. I have a profound concern that the Congress not jeopardize the future of the Law Enforcement Assistance Administration. I believe my responsibilities as a member of this committee and of this Congress require me to emphasize this essential point and explain my reasons.

I would like to note that the hearings were lengthy. I was one of the subcommittee members who did, in fact, hear just about every one of the witnesses. As a consequence, I am qualified to say that the list of those who testified for the *prosecution* was most extensive, whereas that for the *defense* was brief in the extreme. Therefore, in fairness to the Members of the House who were unable to attend and to the general public whom we represent, I would like to highlight a few matters in the name of equity and balance.

It is true, as has been charged elsewhere, that a limited number of States got off on the wrong foot in their initial efforts to participate in the safe streets program. In addition, until they were caught at it, some State and local officials were involved in practices that bordered on the criminal.

By the same token, however, I was tremendously impressed by other witnesses, for example, Gov. Russell Peterson, of Delaware, chairman of the Governors' Conference Committee on Crime Reduction and Public Safety, whose testimony bore witness to the fact that the LEAA program can work and is working. To function properly it is necessary to have efficiency, vigorous motivation, and intelligent direction both at the State and local level and in Washington. The subcommittee quite properly looked into this question in detail. It is instructive, though, to note the report's silence in reference to the testimony from those witnesses who *did* call attention to LEAA's good work.

Certainly no one of us condones any of the improper conduct that was aired during the proceedings. Everyone who reads the record will agree that there were instances of flagrant abuses, such as the improper use of the airplane in Indiana. The State police representatives from Indiana were trying to play games with the subcommittee in their futile attempt to justify using the plane for non-law-enforcement purposes. The whole point of buying that airplane was that it would be available at all times for police purposes. But how could it be if it was in Washington to pick up moon rocks or in Michigan with the Governor's family? The excuses the Indiana officials offered were outlandish.

It is also beyond question that some national consulting firms, particularly Ernst & Ernst, took advantage of State and local officials responsible for the

safe streets program. It is deplorable that members of this firm and other businesses should betray the public trust in this fashion, for they, after all, are citizens and taxpayers, too, and should have more responsibility than this.

In general, it can be said that, when the LEAA program was launched in 1968, the directors of the various State planning agencies were thrust into the safe streets operation overnight. In 1968, LEAA was an agency with no history and virtually no precedents. We in the Congress have to understand that there are people in local government involved with LEAA who had to go through a maturing process.

A number of adjustment and shakedown problems were bound to occur. To imagine otherwise is to be unrealistic. However, to take these isolated incidents and use them to characterize the entire LEAA is divorced from reality. Moreover, it is an irresponsible misrepresentation of what happened. The Congress and the public are entitled to know about the entire safe streets program and not just what went wrong in those instances where local officials or outsiders consciously misused funds and betrayed their obligation to perform honest work. I say this especially because the report presumes to describe LEAA solely in terms of the one-sided testimony—and only a carefully selected portion of this testimony, at that.

In my opinion, there was very little effort to produce testimony about the safe streets program's positive achievements. Nevertheless, they are there, and this needs to be said forthrightly and plainly so that there is no mistake or misunderstanding.

As to statements to the effect that LEAA financed local purchases of large amounts of police equipment, was not this to be expected? I ask every Member of the Congress to take a close look around his own district. Is it not a fact that 90 percent of the police departments in your district have been operating with hardware that is 30 years old or more? Do you think this is right? Do we not owe our law enforcement personnel modern equipment? Do we not want to help them meet obvious needs that they themselves have cited?

There have been suggestions that some antiriot equipment and training was superfluous because there have been fewer civil disturbances of late, but can we forget the number of demonstrations that were going on at the time these funds were allocated and can we predict with confidence that good equipment and training will never be needed?

Certainly there were abuses in the purchase of some types of equipment. There *were* irregularities in the bidding procedures in many jurisdictions, especially in contracts for police radio equipment. However, I am not prepared to believe that in each and every instance a new radio system was purchased that there was an intentional circumvention of the law. Furthermore, LEAA itself has not and never would tolerate such irregularities as there were. Unfortunately, we did not hear from enough jurisdictions where the bidding procedures were and are properly conducted. I believe more balance should prevail. The Congress is entitled to hear the complete story. I am sure that those who sent us to Washington to represent the voters expect us to learn all the facts rather than just some of them.

The General Accounting Office reviewed a number of LEAA programs and offered its opinion that some of them were outside the scope of the Omnibus Crime Control and Safe Streets Act of 1968. Now, I, for one, have the utmost respect for the GAO and the assistance that it gives to the Congress as a whole and to the individual Members of the Congress. However, when GAO takes it upon itself to interpret legislative intent. I believe it is taking one liberty too many. When GAO attempts to judge whether or not a particular project falls within the purview of an agency's authority, I feel it is not incumbent upon the Congress to accept these interpretations and judgments. It is for the Congress to say what the Congress intends.

Rightfully, in my view, the Congress gave LEAA a wide latitude in answering the needs of local law enforcement and criminal justice agencies. The Congress was convinced that the State and local officials would be the ones most familiar with what they themselves thought would be useful in their own efforts to combat crime in their own communities. Hence, it is not for the GAO to say that the Congress did not intend LEAA to fund projects local officials specifically requested.

For example, I am convinced LEAA funds local officials requested for the prevention of juvenile delinquency are well spent. Money used to finance youth

centers and youth activities that keep our Nation's boys and girls usefully occupied and absorb their energies goes a long way toward deterring trouble and preventing lawbreaking and a life of crime.

There were also charges that the LEAA fund flow was somehow deficient. I would like to note, however, that it was the Congress itself that was in large part responsible for funding delays. I have had telephone calls at home from persons citing applications that remained unanswered because the Congress had failed to appropriate money for LEAA in a timely fashion. Let us also not forget that the safe streets program is authorized to spend money in the fiscal year in which it is appropriated and in the 2 succeeding fiscal years. This is consistent with sound planning. Hence, the stories about fund flow lags do not prove on closer examination to be what they at first seemed. The problem was simply not as black and white as it was painted.

Another matter that disturbs me greatly is that the report cites large amounts of material that came in following the completion of the hearings. Few members had a chance to review it, but it was used as the basis for many of the report's conclusions and recommendations.

Aside from this, I believe that the evidence that was developed at the hearings does not justify the report's sharp-edged and frequently hostile denunciation of LEAA. The agency's officials were in effect held guilty until they could prove their innocence—and then ignored when their reasonable explanations proved their competence in administering the program. There is no more a fair way to treat a government agency than it is to treat a person in a court of law. It is not the way the Congress should proceed against another branch of the Government.

I would be remiss were I not to state at this juncture that with this characteristic graciousness and generosity, Mr. Monagan, the subcommittee chairman, made every effort to accommodate my desire for more information about the report and its background. It was only because of my own involvement with the markup of the housing bill that I was not able to go through the report with him in greater detail.

I would like to take this occasion to thank Chairman Monagan for accepting the changes that he did make at my suggestion. However, it seems to me that with a report that is as critical as this one, it was incumbent upon the entire subcommittee membership to sit down at least three or four times with the staff to review the findings and the staff's work. In the alternative, the staff would have consulted about the report's preparation with the individual members who had shown an interest in the hearings.

In conclusion, I would like to cite a letter that I recently received that underlines and corroborates my concern about the report. I want to make it quite clear that the letter came to me unsolicited and that the writer, as is evident from the text, was not aware of my disenchantment with the report's text. The letter is from Jack W. Palo, executive director of the Blackstone Valley Committee on Crime. I quote it in its entirety, as I believe its message so warrants. It reads as follows:

BLACKSTONE VALLEY COMMITTEE ON CRIME,
May 9, 1972.

Congressman FERNAND J. ST GERMAIN,
Rayburn House Office Building,
Washington, D.C.

DEAR SIR: I recently viewed a TV show called "60 Minutes" which did a great job knocking the LEAA program.

I have also read news articles pertaining to congressional hearings which have been totally biased against the LEAA, and I am writing you this letter to get something off my chest.

In the first place the TV programs and the hearings always feature Mr. Charles Rogavin who initially was in charge of LEAA. He makes a great case on how poorly the program is being run, but when Mr. Rogavin was in charge it was almost impossible to obtain any funds at all for law enforcement.

Since Mr. Leonard has taken over, the situation has improved, but as a result of the hearings which all seem to repeat the same deficiencies, we are being crushed by bureaucratic rules and regulations.

We are at a point where regional units such as ours are limited to drawing operational money on a monthly basis rather than quarterly as was originally instituted.

This result has tripled the paperwork and redtape. As you know, Mr. Congressman, no one can operate a business on a shoestring, and that is now what we are expected to do. Just because a few States have mishandled their LEAA money is no reason why a State, such as Rhode Island which is doing a great job with LEAA funds, should be limited.

I'm sure you are aware that after years and years of functioning on minimal budgets, LEAA money will not improve our law enforcement systems overnight. It will take at least 5 years to properly evaluate the influence of LEAA on the criminal justice system.

I wish that when you hold further hearings, you obtain some testimony by the people who are working on the local level, so you can get a good comprehensive idea of how LEAA is working out.

As far as Rhode Island is concerned, we are in dire need of your assistance. LEAA funds appear to be allocated on a population basis, and because we are implementing so many new and modern projects we are not obtaining sufficient funds.

Planning money is so insufficient, it is causing our Governor's Committee on Crime to work with a skeleton staff. Our executive director, Mr. Jack Kilduff, is being forced to operate at the extreme limits of any man's capability. My own staff which has responsibility for five cities, Pawtucket, Woonsocket, Central Falls, Cumberland and Lincoln, is composed of myself, one assistant who specializes in youth programs, and one secretary. This was fine in the beginning but after 2½ years we have 14 existing projects to administer while writing five new projects for fiscal year 1973.

I respectfully seek your assistance, Mr. Congressman, in seeing that more action and planning money be allocated to Rhode Island.

We are doing a good job, the funds are being carefully and strictly handled and accounted for, and I don't feel that Rhode Island should suffer for the inefficient operations of some of the other States.

Respectfully,

JACK W. PALO,
Executive Director.

Mr. Palo's observations convince me beyond a doubt that the report is out of focus. I hope that whoever reads the report will realize that it is not a complete and total picture. My opinion is that despite the criticism from one of the persons who previously headed the agency, LEAA is on the right track. The agency itself has brought abuses to light. I am certain they will serve as a warning to all participants in the program and as a guide to all who are responsible for its administration.

LEAA's regionalization and the increased auditing and review capabilities that have long since been added have gone a long way toward eliminating the former problems.

It is my firm conviction that we will be able to continue to have confidence in LEAA and in its present funding concept provided the agency receives the wholehearted support of the Congress. If it does, and if the States and local governments will fulfill their obligations, LEAA will achieve the goals for which it was created.

Uncorrected by this comment, Mike Wallace's "Sixty Minutes" television show and unfavorable press stories might shake the electroate's faith in LEAA with exceedingly unfortunate results.

After all, the safe streets program has already contributed much—very much—toward progress against crime. And I happen to think that Mr. Leonard has done a good job in a short time.

I have talked about these things with the people of Rhode Island. I have talked with the laborers in the vineyards—with the law enforcement leaders who are the persons most directly involved with the safe streets concept. It is because of their interest and their very real concern about the future of the program that I attended the hearings.

Then, too, I have seen the youth program at work in Rhode Island. I have seen the young men and women in my district get to work on projects that are doing something about the problem. They are using LEAA help as seed money to build on. They are creating projects that are keeping boys and girls away from narcotics and dangerous drugs. I have personal knowledge about this approach, and I like it. The last thing I want to happen is to have LEAA put in jeopardy be-

cause of the unfortunate and irresponsible things that were said in the report.

Before I entered the Congress I practiced law for quite a while. I had many cases involving workmen's compensation claims. From this experience I got to know that there are a few phonies everywhere. LEAA found a few phonies, too, as the hearing record shows. In the meantime, the cheats and frauds have been thrown out of the Safe Streets program, and LEAA is getting on with the job of helping the States and local governments fight back against crime.

That is the way it should be, and I am pleased to have the opportunity of reporting these facts to the people of the United States of America.

FERNAND J. ST GERMAIN.

STATEMENT OF COL. WALTER E. STONE, SUPERINTENDENT OF THE RHODE ISLAND STATE POLICE

Mr. Chairman, my name is Colonel Walter E. Stone, and I am the Superintendent of the Rhode Island State Police.

Thank you for this opportunity to address this Subcommittee. I was honored by your invitation.

I would also like to thank Representative Fernand J. St Germain for his many efforts in support of the Rhode Island State Police and the State's law enforcement system in general. He has always been a steadfast supporter of the men and women who are our criminal justice professionals—and has been dedicated to helping develop effective crime reduction programs.

Mr. Chairman, I would like, with your permission, to express my support of the 1968 Safe Streets Act's block grant concept and the Law Enforcement Assistance Administration.

During the past 40 years, I have been actively engaged in the law enforcement field. During that time, I have seen a number of programs initiated which were primarily designed to assist the police officer in his role of enforcing the laws which govern our society. However, no one program has been more effective in assisting the entire spectrum of law enforcement and the criminal justice system than LEAA's. For years, special programs and projects never could be realized because of the funding they required. Today a great many of these programs and projects have become a reality through LEAA's support.

In its 1967 report the President's Commission on Law Enforcement and Administration of Justice called attention to the need for a complete overhaul of the law enforcement and criminal justice system. However, we in the law enforcement profession always have been aware of our problems—of the need to up-date outmoded methods and to take advantage of modern day technology.

All studies conducted by the various committees, including the President's Crime Commission, agreed that large sums of money would have to be expended to resolve our problems. Only the Federal government had financial resources on such a scale. The Safe Streets Act made them available.

One of the problems we in New England were confronted with was organized crime. As early as 1960, I personally called for the establishment of a Criminal Intelligence Bureau to be set up under the six New England state police administrators. It would have allowed state police agencies in New England to operate across State lines, providing criminal intelligence information on the movement and activities on those engaged in organized crime.

Today, I am happy to report that such a bureau funded by LEAA is in operation under the jurisdiction of the five New England attorney generals as well as the six New England state police administrators. This bureau is staffed by former members of the FBI, state police, and other law enforcement officers as well as other professional people who have expertise to contribute to this project. This three-year project establishes a multi-State Organized Crime Intelligence System. When completed, it should help us understand the complexity of organized crime in New England. It will also be the beginning of a permanent New England intelligence system that will assist law enforcement agencies in combating organized crime throughout the country.

The New England state police departments have greatly benefitted by the financial and technical assistance LEAA has provided. With the Agency's assistance, the six New England state police administrators established the first New England State Police Staff and Command College in Foster, Rhode Island, where staff personnel are acquainted with modern management tech-

niques. This college has provided the New England state police organizations with a nucleus of trained personnel.

The Staff and Command College has also conducted several seminars on organized crime designed to acquaint not only state police personnel but also municipal and town law enforcement officers with the activities of those actively engaged with organized criminal operations in New England.

In 1971, LEAA assisted the Rhode Island Governor's Commission on Crime to launch a project designed to provide the State with one of the most sophisticated communication systems in the country. This project is expected to be completed by 1975, and it will serve law enforcement agencies and bureaus within Rhode Island's criminal justice system. This project has three primary objectives. First, to provide data concentration and network control for law enforcement agencies in the State. Second, to provide crime incidence statistics, criminal profiles, and arrest information which will enable us to better satisfy contact, investigative, and surveillance requirements. Third, to provide management information for all agencies in the area of patrol, information control, crime, and coordination.

As I previously stated, the above projects and programs have become a reality. However, if we are ever to be successful in fighting organized crime and in reducing crime on our streets, we must continue our up-dating process.

Just last week, I announced my intentions as Chairman of the New England State Police Administrators Conference to present a proposal to that agency calling for the establishment of a regional security facility for persons held in protective custody. Since the Brinks robbery in the ear'y 1950's, we have seen an increase in the number of persons who are willing to testify and turn St te's witness because they believe we can protect them. We have to show them that we can deliver that protection.

It is a'so my opinion that the Federal Bureau of Investigation shou'd expand its laboratory facilities and establish regional labs throughout the United States. Each and every day, new scientific methods for the handling and processing of physical evidence are being developed.

The cost factor involved in training personnel and purchasing this sophisticated laboratory equipment is excessive for any one state or agency. However, the Federal Bureau of Investigation has long been a leader in this fie'd, and I hope that those in charge of that outstanding agency can be convinced of the need to establish and make avai'able to the police agencies throughout the country the very best modern scientific facilities.

Mr. Chairman, I am sure that your committee is well aware of both the successfu' and unsuccessful programs that have been funded by the Law Enforcement Assistance Administration. It is my humble opinion that the many successful programs should have greater weight than the few unsuccessful programs.

We are just beginning to make in-roads against crime in this nation. There are hundreds of thousands of loya', dedicated police officers in our country today. Whatever financial assistance they receive to obtain the very best in modern technology, training, and equipment must come from you, the members of the Congress.

I, therefore, respectfully request that each and every member of this committee give his support to the continued operation of the Law Enforcement Assistance Administration. Thank you.

Mr. ST GERMAIN. I thank the chairman and thank the subcommittee for their indulgence.

Chairman RODINO. Thank you very much.

Our next witness this morning will be the Honorable James V. Stanton, Congressman from the State of Ohio, who is the author of H.R. 5746. We are delighted to welcome you here this morning, Congressman Stanton. We know that you have been very interested and concerned as a legislator with LEAA, and I know that during the past several months you and I have had discussions in this area and I know you bring some expertise to this field. Please proceed, the committee is very eager to hear your views.

TESTIMONY OF HON. JAMES V. STANTON, ACCOMPANIED BY SANFORD WATZMAN, ADMINISTRATIVE ASSISTANT

Mr. STANTON. Thank you, Mr. Chairman. Mr. Chairman, we appreciate your leadership in this area and to the members of the panel I appreciate the opportunity to appear before you today on behalf of H.R. 5746, the Emergency Crime Control Act of 1973. This is a bipartisan bill whose principal coauthor is Mr. Seiberling of this subcommittee. Another coauthor is Mr. Sandman of this subcommittee. We offer H.R. 5746 as an alternative to the administration's H.R. 5613, the so-called Law Enforcement Revenue Sharing Act. The latter was outlined for you last Thursday by the Attorney General of the United States, the Honorable Richard G. Kleindienst.

We view our bill as more realistic, Mr. Chairman, because it zeros in on places around the country where two-thirds of the crime occurs—the large urban-suburban areas. Ours, too, is a revenue-sharing bill. As a matter of fact, if we move far enough along on the road to revenue sharing—as far as the administration and Congress already have taken us in the general revenue sharing act of 1972, and as far as President Nixon would have us come with most of his special revenue-sharing proposals—we arrive, Mr. Chairman, not at the bill on which Mr. Kleindienst expounded, but rather at the Stanton-Seiberling bill. Under the administration bill, the process of revenue sharing reaches a sort of dead end in the State capitals. The Stanton-Seiberling bill keeps Federal funds for crime control on the move, so to speak. It routes the aid from Washington to the State capitals, and then on to what we define as "high crime urban areas."

I would like to make one additional point in these prefatory remarks. Mr. Chairman, you and others here of course are aware of the running controversy that began with the establishment of LEAA in 1968. Some Members of Congress wanted State-orientation legislation. Others wanted a city-oriented bill, with aid dispensed on a project-by-project basis. H.R. 5746 resolves this question with an even-handed approach. It does away with categorical aid, whether it be to States or cities. Our bill accords bloc grants to the States, to be used by each State for its own needs and for giving guidance and assistance to areas of relatively light population and comparatively low-crime problems. The legislation also retains fund passthrough provisions for these areas; and the bill also awards bloc grants to the high-crime urban areas—the large county-city-suburban complexes where the streets are particularly unsafe.

The fact that the streets are unsafe is a point I did not think I would have to emphasize in this statement. However, after reviewing Mr. Kleindienst's incredible testimony, I must say that rebuttal is necessary, for the record. The fact is that, after 4½ years, the LEAA still is not effective. We must start here, in this very room, to restructure that agency's program in a way that would have it perform much better—not only to safeguard the $2.5 billion investment that the taxpayers have already made in LEAA, but also to justify any new expenditures on behalf of a program that heretofore has accomplished little more than to spawn a giant new bureaucracy in Washington, and a second generation of smaller bureaucracies at the multi-State regional level, at the State level and at the sub-State regional level.

If the present LEAA program were as effective as Mr. Kleindienst would have us believe it is—and we must keep in mind that the administration's proposal really does not alter that program a great deal—then we would not have the Gallup organization rating crime, only last January, as the worst urban problem. Dr. Gallup reported that the "fear of crime has pervaded all levels of U.S. society," and that it heads "the list of concerns of residents of cities and communities of all sizes across the Nation." He continued—and I quote: "Half of all persons interviewed (51 percent) think there is more crime in the areas where they live than there was a year ago . . . A comparison of current survey findings with those . . . in early 1972 shows increasing pessimism. At that time, a considerably smaller proportion of citizens (35 percent) . . . said crime was on the increase."

Mr. Chairman, I have checked with the Gallup organization to determine how these finds were made. I think it is significant that, when interviewers asked the question—"What do you regard as your community's worst problem?" They did not hand the subjects a check list. Twenty-one percent—spontaneously—ventured that crime was the worst problem, an additional 10 percent said it was drugs and an additional 6 percent said it was juvenile delinquency. Other problems cited, but not nearly as frequently as crime and problems associated with it, were traffic, high taxes, pollution and so forth.

Similarly, Mr. Chairman, a recent survey by Life magazine, with 43,000 readers who "approximate the national population distribution" responding, produced these findings:

Seventy-eight percent sometimes feel unsafe in their own homes; 80 percent in big cities are afraid in the streets at night; 43 percent of families were crime victims last year; 30 percent keep a gun for self-defense; 41 percent say their police protection is inadequate; 70 percent would pay higher taxes for better protection.

I submit, Mr. Chairman, that these are the people whom we represent, and it is their feelings, rather than Mr. Kleindienst's statistics, that more likely reflect the true situation. At the outset of these hearings, Mr. Chairman, you offered statistics that are less cheerful than those presented by Attorney General Kliendienst. For the purposes of my own presentation, I will not attempt to reconcile the opposing figures. But I would like to make two points.

First, statistical trends mean nothing to the man or woman on the street. Only the overwhelming number of crimes has meaning. I present here an excerpt from an article in the Cleveland Plain Dealer of November 28, 1972. It is self-explanatory. I quote: "Although crime in Cleveland is down 7.2 percent for the first 9 months of this year—(a figure which itself, incidentally, has been challenged)—the crime rate is five times what it was 10 year ago. Cleveland police reported 9,054 felonies in 1962. Last year there were 46,295. There are already 30,353 marked up for the first 9 months of this year. Homicides are up 19.1 percent. Rape is up 12.2 percent. Robberies decreased 6.3 percent, but there were 3,939 committed. There were also 1,468 assaults."

Second, I wonder whether Mr. Kleindienst is so certain of his statistics that he personally would want to venture out alone at night on the streets of Washington, which statistically he says, are much safer. I wonder whether he would care to walk the streets of Cleveland at

night—or the streets of some other city. I don't think he would. I don't think you would. I know I wouldn't—and neither would most of my constituents.

I say these things because I think it is vitally important that we begin here by rejecting bland assurances of progress, and that we draft new legislation that will protect and reassure our constituents. I am convinced that meaningful reform of LEAA can be achieved only through an honest appraisal of where we stand, and through some fresh thinking on where we ought to go.

With all due respect, Mr. Chairman, to our own past efforts and those of two administrations, we ought to begin by acknowledging that we in Washington, after all, do not know the answers. After 4½ years of the LEAA program—and $2.5 billion later—we still do not know what causes crime—or, once crime occurs, how to cope with it in a manner that best serves the interests of society. These answers so far have eluded not only the Federal Government but also, we must confess, the 50 State governments.

It really is not surprising that this is so. Because of their limited jurisdictions, Federal and State officials concerned with law enforcement and administration of justice have had little or no experience in dealing on the streets with the kinds of crime that frighten people most—the muggings, the robberies, the rapes and other assaults. An infusion of Federal funds and the establishment of new bureaucracies has not measurably increased the capability of the Federal and State governments. This failure was inevitable. For we must keep in mind, after all, that we have not increased the operational responsibilty of the Federal and State officials. It is the local officials who have remained on the front line in the fight against crime. In the year 1973, we still look to our city and suburban police, to our sheriff's deputies, our trial judges, our prosecutors, our probation officers, our mayors, our county commissioners, our city and suburban councilmen, for immediate assistance when crime threatens, and when crime occurs.

H.R. 5746 accepts this reality. It recognizes that we do not want to change our laws to create, in a democratic society, new institutions that might start a trend toward centralization of police powers and functions at the national or State levels. We want this power dispersed to be exercised, as it always has been in the United States, locally—by public officials who, for the most part, are elected by the people. We do not want to arm faceless bureaucrats with control of the police, nor do we want to trust them to dispense justice.

Our bill, then, provides the local officials who have such responsibility and who, we insist, must keep it—with adequate financial assistance to carry out this mission. Our rationale is that somewhere out there in the big cities, there must be people with brains, experience and motivation sufficient to deal with crime at least as successfully—or no worse—than it is now being dealt with under State and Federal power overseers. And if these local officials fail, H.R. 5746 will no longer permit them to pass the buck on up to the State and Federal governments, as the habit has been of late. Rather, they would have to answer for it at the polls.

What I am preaching here, of course, is decentralization—the philosophy underlying revenue sharing. As Alice Rivlin of the Brookings Institution points out, there has been a "conversion of liberals" to this

concept, because of "a new realism about the capacity of a central government to manage social action programs effectively." She adds, though, that we are not ready to give up entirely on the notion that there ought to be a Federal role, and that the States should not end up with everything—because "within States, resources are frequently concentrated where the problems are least acute." She continues: "The intervention of the Federal Government is required to channel resources to areas of need, a task that, fortunately, it is well equipped to handle. Two activities that the Federal bureaucracy carries out with great efficiency are collecting taxes and writing checks. Since the Federal Government is good at collecting and handing out money, but inept at administering service programs, then it might make sense to restrict its role in social action mainly to tax collection and check writing and leave the detailed administration of social action programs to smaller units. This view implies cutting out categorical grants-in-aid with detailed guidelines and expenditure controls. Lower levels of government would receive funds through revenue sharing or block grants for general purposes.

As to accountability, Mrs. Rivlin holds—and I agree with her analysis—that we ought to state it not in terms of inputs—through detailed guidelines and controls on expenditure—but rather through outputs. In other words, our local law enforcement and criminal justice officials should be held accountable afterwards, in terms of their performance in bringing crime under control.

This is the kind of program contemplated by H.R. 5746. Through this legislation, as I envision it, the role of the Federal Government would be to give financial support, to engage in broad research into the causes of crime and means of coping with it, to disseminate nationally information about successful programs in specific places, and to perform such other functions as gathering statistics and assuring their veracity. The States would have the role of assisting smaller communities, coordinating crime-fighting efforts with the States and operating the one major program for which States have primary responsibility, that being the prison program. And the role of the cities, suburbs, and counties would remain what it now is—conducting the operations in the war against crime, but better armed financially to use the resources of the police, the courts, and a mix of social programs.

I submit, Mr. Chairman, there is another important reason for directing money quickly to the "high crime urban areas" in the form of bloc grants. The reason is that the pipeline for Federal assistance funds is so clogged with redtape that much of the money still is stuck there, 4½ years after the establishment of LEAA. We are in a position where the President has asked for money, Congress has appropriated it, LEAA has put it in the pipeline—but incredibly large amounts of it have moved not at all, or hardly at all. If the money leaving Washington is intercepted in the State capitals, becoming unspeakably tardy in reaching the large cities where most of the crimes are being committed, then what good is the money?

Late in 1971, when I first called attention to this fact on the House floor, I reported the General Accounting Office had informed me that fiscal year 1971 ended with 92.1 percent of the funds appropriated for that year still being held in State capitals. The money had not been

spent because it had not been forwarded to the cities. Ten States had made no distribution at all of 1971 funds—Alabama, Alaska, Connecticut, Florida, Hawaii, Minnesota, Nevada, Oregon, South Dakota, and Virginia. Furthermore, more than half of the fiscal 1970 money still had not been spent at that time.

I have had the Comptroller General run a more recent check for me. Here are some of his findings—as of September 30, 1972, 3 months after the close of fiscal year 1972:

Nearly 20 percent of the LEAA's fiscal 1970 funds had not been disbursed to local governments by the State of New York. The figure for California exceeded 20 percent. For Alabama and Hawaii, it exceeded 10 percent.

As to fiscal 1972 funds, more than half of them—and I cite here only a few examples—were still being held in the State capitals in Illinois, Virginia, Alabama, and Washington State, and nearly half had not moved from the State capitals in Pennsylvania, Florida, and Wisconsin.

As to fiscal 1972 funds, more than 90 percent of the State's allocation still had not been distributed to the cities in Connecticut, New Jersey, Maryland, Virginia, Kentucky, California, Oregon, and Washington State—again, to cite only a few examples.

Furthermore, I learned from the Comptroller General that as of a few weeks ago, some $12 million had to be returned to the LEAA in Washington by various States because redtape had prevented the States from spending the money fast enough, and the spending deadline had lapsed.

I know it seems incredible that this should happen, but I think I can illustrate why. I have here with me a scroll which the bureaucrats refer to as a flow chart. It is from New York City. Municipal officials furnished me with this chart last year when I asked for an explanation of the snail's pace of LEAA funding. The chart depicts several hundred actions that must be taken at different levels of Government, and in different offices within each level, to move the money along. In other words, this is a trip ticket showing how spending authorizations are routed from the desk of one bureaucrat to another. You would never believe how many desks are involved.

H.R. 5746 would purge the LEAA program of most of this redtape by doing away with the requirements for separate applications, planning papers and justification papers for each law enforcement and criminal justice project.

[Scroll being unfolded and displayed.]

Mr. STANTON. The State capitals and the high crime urban areas would receive lump sums of cash from LEAA, and they would draw on these sums as they see fit. The make-work of paperwork would come to an end.

Mr. Chairman, in 1972 I wrote letters to mayors and other high officials in our 56 largest cities, asking them whether they were being allocated sufficient LEAA funds—that is, compared with areas of lesser population in their States—and whether the money that was allocated to them was timely in reaching them. I received a response from most of these cities—in some cases, lengthy letters of reply. Generally, the answer was no to both questions. I think these replies will

prove helpful to this subcommittee, and I will have my office submit them to you for the record with your permission, Mr. Chairman.

Chairman RODINO. Without objection, it is so ordered.

[The letters referred to are at p. 736, appendix E.1.]

Mr. STANTON. I would like to move now to a brief analysis of the Stanton-Seiberling bill. However, I must point out that the bill, reintroduced this year, was drafted for the 92d Congress—at a time when the legislative authorization for LEAA was not about to expire, as it is now. Therefore, the bill as presently written retains certain cash-match and other provisions which, in my opinion, should not be in the law at all. If I were redrafting the legislation today, it would emerge as a clean revenue sharing bill. I have not done so only because I know this subcommittee will likely start from scratch to mark up new legislation. Therefore, I offer H.R. 5746 primarily as a legislative vehicle. It has not been updated, but its central provisions do point the way to true revenue sharing for law enforcement.

These are the provisions:

First, the bill seeks to establish new entities for LEAA purposes, termed "high crime urban areas." These are defined as "any city with a population of not less than 250,000 and any counties, boroughs or parishes, if any, with respect to which such city substantially uses or shares services relating to law enforcement." In virtually all cases, we are speaking of large cities, their suburbs and the counties in which they are situated.

The figure of 250,000 obviously is arbitrary, but it was selected for two reasons. First, I believe it is necessary to concentrate LEAA funds in areas of great need rather than to spread this money around the country in a thin dew, as one writer has described it. Second, it happens that metropolitan areas of this size are precisely the ones that need this assistance most. These areas, while accounting for only 20 percent of the Nation's population, experienced 40 percent of the serious crime in the United States in 1971. The average serious crime rate for these cities was 55 per 1,000 population, compared with 22 per 1,000 for the rest of the Nation. Also, these cities, when combined with their surrounding metropolitan areas, account for 66 percent of the Nation's serious crime.

The reason for including counties—not merely cities—in the so-called high crime urban areas is that, in most jurisdictions the city controls the police force alone, while the county operates the courts and correctional facilities. No comprehensive programs could be launched were the courts and correctional officials not brought into the planning and operation.

In this connection, I would like to point out, Mr. Chairman, that my city, Cleveland, was chosen by LEAA, as was your city of Newark, N.J., as one of the eight so-called "Special Impact" cities, which are receiving special LEAA grants of $20 million apiece over 3 years. Despite the generosity of the Justice Department officials for my baliwick, I am critical of this program because the money is given only to the city, with the suburbs and the county being frozen out.

I doubt that an effective crimefighting program can be mounted in Cleveland for this reason. I have other criticisms of the Cleveland program which I shall be inserting soon in the Congressional Record.

But at this point, Mr. Chairman, I would like to point out that H.R. 5746 covers all the large cities, not merely eight, and it covers them as a matter of right. They are not selected for special favors by the political process, and no one would be able to level that accusation.

Second, the bill asserts that each high crime area shall constitute a separate regional planning unit. This would preclude its becoming submerged in any larger intrastate region that might exist for LEAA purposes inside the State. In this connection, Mr. Chairman, I would like to point out that this provision of H.R. 5746, as are most of the other key provisions, is consistent with the plan initiated in Ohio by Governor John Gilligan, who has launched a program of dispensing bloc grants of LEAA funds to the State's six largest metropolitan areas.

Third, the bill provides that receipt of the bloc grant by high crime urban areas hinges only on two simple conditions. One is that the area would have to submit a plan for use of the money, although there would be no requirement for awaiting review and approval of the plan. To impose such a requirement would serve only to retard the flow of funds. The second is that a criminal justice coordinating council would have to be established in the area, and notification would have to be given of its existence. The council would consist of representatives of the city, suburban and county governments—officials representing the police, the courts and corrections—and it would have complete control over all LEAA moneys allocated to the area. Its existence would assure a coordinated comprehensive attack on the crime problem. Until such a council is organized, the high crime urban area would be ineligible to receive the LEAA bloc grant.

Fourth, the bill states it is the intention of the Congress that the bloc grants be used in addition to, rather than in lieu of, any funds budgeted locally for crime control and the administration of justice.

Fifth, the bill allocates to each high crime urban area a sum of money based on the area's population and crime rate under a formula that weights the crime factor twice as heavily as population. For example, my Cuyahoga County has 16 percent of Ohio's population but more than 23 percent of its crime. Therefore, the formula would dictate for Cuyahoga County a bloc grant equal to 21 percent of the money allocated to Ohio by LEAA for distribution to local governments and combinations thereof.

Sixth, the bill does not change the formula under which States are allocated LEAA money. Population is the principal criterion for this purpose. Nor does it interfere otherwise with the pass-through of LEAA funds received by the State, to smaller units of local government.

This completes my presentation, Mr. Chairman. I would be happy to answer any questions you and your colleagues might have.

Chairman RODINO. Thank you very much, Mr. Stanton, for a very impressive presentation of a difficult subject. Congressman, yours is also a revenue-sharing bill as the administration's bill is.

Mr. STANTON. Yes; that is correct, Mr. Chairman.

Chairman RODINO. I think we will agree that the major difference between the bills actually is that your approach in the revenue-sharing formula is geared not to the States, but directly to the larger cities and

the surrounding suburban areas where there is a high incidence of crime; is that correct?

Mr. STANTON. That is correct, Mr. Chairman. It is also directed toward a coordinated approach, not just to a police approach. In other words, it takes into account the correctional institutions and the social services that most people recognize need to be a part and parcel of any crime-fighting operation.

Chairman RODINO. Mentioning that fact, Congressman, the administration's revenue-sharing proposal with no restrictions attached, and funds going to the States without prior approval of their plan but merely upon the filing, would leave the funds in such a manner that they could be distributed, as I understand it, and I would like to know if you understand it this way, too, without having to go to specific areas such as corrections or law enforcement education.

Mr. STANTON. That is correct; that is my understanding of the bill, and a good example of that is the $20 million, that "special impact" money, that is going to Cleveland. It is just going for the most part to the city of Cleveland police operation and also for the Cleveland Work House and in a letter from the State authority, Joe White, who is the deputy director in charge of LEAA in Columbus, points out that the Cleveland Work House is a minimum security institution housing persons convicted of alcohol influence, disorderly conduct, vagrancy, and minor assaults. So not all of the $20 million is going to address itself to the problem of the felon, to the dope peddler, to the people that have to go to the county jurisdiction and that is the failure of the administration's approach. It falls short of directing itself to that special coordinated approach we need to fight crime in the major urban areas.

Chairman RODINO. The Attorney General in his statement seems to have complete confidence in the ability of the local municipalities and the other government bodies which would be receiving the funds from the States, to distribute those funds in a manner that might most effectively and prevent crime. Do you agree with this kind of approach?

Mr. STANTON. No; I disagree with the approach of the administration and I think that they would perpetuate the thin dew dropping of funds without concern to the areas of crime. The reason that we wrote into this bill the formula for bloc grants, so that the money would be distributed predicated on the incidence of crime and population, was because that way the moneys are spent on the coordinated operation in the county where the problem exists. Now there is no guarantee that once the Governor of any State is given the money that he is going to direct it to where the problem is. He might continue this process which we have seen examples of where they buy sophisticated electronic equipment with LEAA money in areas that don't need it, and they waste the money rather than directing it toward a particular area.

Chairman RODINO. You have been a leading critic of the States delinquency in distribution and disbursement of Federal funds. Would you have confidence that the cities or this urban council which you would create in the high crime areas would do a better and quicker and more effective job utilizing moneys that they are given directly as you envision?

Mr. STANTON. We try and avoid that rather bitter State-city fight that continually goes on in the Congress by having a passthrough provision for the funds through the State to the local communities. The reason for this obviously is that the State has a role to play, but it is a much more limited role than the role of the local communities. The role of the State is limited primarily to the prison system because they have a large responsibility in this area.

Chairman RODINO. In other words, Congressman, you see the cities as better equipped to effectively absorb the funds that would be distributed for the purpose of reducing and preventing crime.

Mr. STANTON. Yes, I do, Mr. Chairman—only on the basis, though, that they take the coordinated approach. I would not be for taking the dollars and just directing them to the local police departments. I think that would be a serious mistake and I think we have got to require them to have these coordinated justice operations or councils in each of the large urban areas.

Chairman RODINO. Your bill, as you state, also differs from the administration's in the fact that it would contain a matching requirement and other Federal strings. What do you see as the value of these requirements if you believe in a special revenue sharing?

Mr. STANTON. Well, in the change of the position of the administration, as I indicated in my testimony, I would not favor the continuation of matching programs in the legislation, and when this committee takes consideration of that in markup, I would strongly recommend that they not consider matching and go to a pure revenue-sharing formula.

Chairman RODINO. How do you feel the so-called variable passthrough formula has worked to protect the cities share since the 1970 amendments?

Mr. STANTON. Well, a good example of the passthrough formula, if you want to go around the country, in Miami, Fla., after 3 years the city of Miami had not received one dime of LEAA funds even though they had continually applied, and it was held up at two levels: at the State level and then at the regional level. They had set up a four-county regional level around Dade County and the money was being held there and they had forced under this program, the city of Miami to become a partner with three other counties who had the political control and the money never got there, and that is why in what we would offer, in Dade County they would set up their own coordinated council and the money would pass through directly through the State on a mandatory basis to that coordinated body.

Chairman RODINO. Let me ask you, Congressman Stanton, is it your feeling that perhaps those who know the needs of local law enforcement best are the mayors rather than the Governors, and that they are best equipped to effectively deal with these problems and the distribution of these funds?

Mr. STANTON. Mr. Chairman, I spent 12 years in city government, and 7 years as the president of a city council of a major urban area of the United States. My experience has been and is related to local government. It may well be that in the areas that we designate in the Congress of the United States to receive funds that there will be failure, there will be local officials who might dissipate the money and not use it effectively, but at least the citizens of that community can

hold that mayor responsible or that council president or that coordinated operation on the local scene and that I think is extremely important. I think that with all due respect to Jerris Leonard and people in LEAA and the governments of the States, that we are ill equipped, both from a practical viewpoint and from an administrative viewpoint to be able to effectively do anything about crime in the streets. The people that can do it are on the local level and we ought to design the vehicle to get the funds there to the local level on an intelligent practical basis that makes effective action possible. We all share in this responsibility. I mean it isn't a question of blaming one here or one there. We all share in it because we live our daily lives with it. As an example, the crime that was inflicted on Senator Stennis is an example of the jeopardy that each of us faces no matter what position in life we hold.

Chairman RODINO. One final question, Congressman. You envision under title II of your bill special moneys given with no restriction at all to the cities for 3 years on a temporary basis. In what ways could this money be used that it could not be used under your title I bloc grants?

Mr. STANTON. Well, that provision was written in to overcome the matching provisions and the provisions of the LEAA act as existed in the 92d Congress. I would not recommend that you include that in my revenue-sharing bill that you write, and because also the matching provisions I would hope would not be followed in the future.

Chairman RODINO. I have no further question at this time.

Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman. Mr. Stanton, the definition of "high crime urban area" in your bill includes the central city and any counties with respect to which such city substantially uses or shares services relating to law enforcement. Who is going to determine what a substantial use or sharing of services relating to law enforcement is? Who is going to make that determination?

Mr. STANTON. Basically you can make that judgment predicated on the court functions, for example, is that county court function service had by an administration that takes in that central city. That would be the criteria for that judgment.

Mr. HUTCHINSON. Oh, that would be sufficient perhaps with regard to court system. In other words, if the court of criminal jurisdiction for a certain city had countywide jurisdiction, including that city, then you would say that the county and the city shared that service.

Mr. STANTON. They would share that service and then they would establish a coordinated council.

Mr. HUTCHINSON. Now then, what would be the situation though, if such a city was so situated geographically that the adjoining county also would be somehow or other considered to be involved? How could it be considered to be involved if it wasn't furnished a court system? However, from a suburban standpoint of the SMSA, the next county is as much a part of the central city as the county in which the city is located.

Mr. STANTON. Could you point to an example?

Mr. HUTCHINSON. Well, how about your own city of Cleveland?

Mr. STANTON. Fine. We have at this time, I have Cleveland and Cuyahoga County. That would be one principal area. Then the next principal area would be Akron. Akron takes in Summit County and

that would be another jurisdiction, so there would be two jurisdictions existing alongside one another.

Mr. HUTCHINSON. I believe that the SMSA of which Cleveland is a major part also includes a couple of other counties.

Mr. STANTON. Well, the fact of the matter is though that the high-crime area does not exist in Lake County or the areas that your assistant legal counsel is referring to. They exist in Cleveland in Cuyahoga County and in Summit. Those are the principal areas of crime and that is where the money ought to be directed.

Mr. HUTCHINSON. Now, I note that while you say the 250,000 population figure may be somewhat arbitrary, you state in your statement that is a very justifiable figure based on experience. But in my own State of Michigan, there is only one city that has 250,000 people, the city of Detroit.

Mr. STANTON. Who has the most crime in the State?

Mr. HUTCHINSON. Well, there is an awful lot of crime in Grand Rapids and in Flint, too.

Mr. STANTON. But where would you direct the money? To where the problem is?

Mr. HUTCHINSON. Well, surely, but I wouldn't direct it disproportionately to Detroit because we have problems in Grand Rapids and Flint.

Mr. STANTON. Well, it isn't all going to go to Detroit. It is going to the State government, but the passthrough provision for the cities in terms of crime and the weighted formula would give the heavier amount of money to Detroit, but there would still be money directed to other parts of the State.

Mr. HUTCHINSON. Yes, but with regards to the Detroit area, we don't need to take that as a particular example because there are a great number of similar situations in the country. But as I understand your bill, you would create a council in that area and that council would draw up a plan and would in effect become a separate entity, something like a State itself. It would administer its own plans. The State's won't have anything to say about it; is that correct?

Mr. STANTON. Well, this is basically the approach the President wants in general revenue sharing and the people that would be involved, of course, would be, for example, in Detroit the mayor, Mayor Gribs, the sheriff, the chief justice of the court system, maybe the chief probation officer. The people that are constantly dealing with the problems would be the council. They would be responsible public officials on the local level who would have to direct where the money goes.

Mr. HUTCHINSON. Within that area there would be an unrestricted revenue-sharing concept. That council would not have to put any particular percentage of funds in corrections or any percentage in administration of justice or any particular percentage for police. In other words, your criticism about the administration's plan—one of them, as I understand your statement—was that they could put everything into police and forget all about corrections. Won't the same thing be true within your metropolitan area?

Mr. STANTON. That is correct, but the fact is that at least on the local level if they ineptly perform there would be the ability for the

people to know who is responsible and that is a more saving grace than it is in the administration's proposal where you find it very very difficult to get at a Governor on the basis of the program.

Mr. HUTCHINSON. Now with regard to corrections, a good many States, including Michigan, manage the system on their own. The city of Detroit doesn't have a corrections system. It has the Detroit House of Corrections, but the felons and so on end up in State prison. The whole corrections system is State oriented. It isn't city oriented. I think that in such a case you can't completely ignore the State as your bill would.

Mr. STANTON. Well, we didn't obviously because I indicated in my statement that a certain percentage of the funds would go to the State in performing its functions with the prison system.

Mr. HUTCHINSON. Yes, but your bill says that that council is going to have the "responsibility of determining the manner and method in which such grant is used within the high crime areas it represents."

Mr. STANTON. Only for the passthrough funds that are to go to the high-crime urban-surburban areas. The funds that are to be directed to the State for the prison system are to be determined by the State government.

Mr. HUTCHINSON. So that the city would in effect be getting its "high-crime urban area" money so that it could improve law enforcement, but if it didn't have responsibility for all aspects of law enforcement it would get the money anyway plus the advantage of law enforcement services provided to it at State expense.

Mr. STANTON. Well, I would say that the money that goes to the State takes——

Mr. HUTCHINSON. And the State won't have any voice in the makeup of the city plan.

Mr. STANTON. Well obviously, the State is not going to have any voice in the setup of the coordinating council, but their responsibility extends to the prison system. It doesn't extend to the local problem. Our concern is that the State government doesn't know any more about fighting crime in the local community than you or I do from a Federal level.

Mr. HUTCHINSON. Well, I won't quarrel with you there. Probably as an individual the Governor doesn't. But on the other hand he may have law enforcement agents that are professionals.

Mr. STANTON. The State highway department? Is that what you are talking about?

Mr. HUTCHINSON. No; of course not, I am not talking about that. I am talking about State police departments in some States and the court systems and corrections systems in most.

Mr. STANTON. Well, if you will look at the State of Ohio, we have a highway department-police operation and I won't recommend that for fighting crime in the United States and I would indicate that the Cleveland Police Department is the best kind in the State in terms of fighting crime and what I am really advocating here is what President Nixon wants, to put power to the people, to put the dollars on the local level to help solve the problem on the local level.

Mr. HUTCHINSON. I have no further questions.

[Congressman Flowers now presiding.]

Mr. FLOWERS. Mr. Seiberling.

Mr. SEIBERLING. Thank you, Mr. Flowers.

Mr. Stanton, I want to commend you for making an excellent statement and of course you and I have worked on this bill before.

I think that it should appear for the record that Mr. Stanton as former president of the Cleveland City Council, is personally very familiar with this type of problem. Of course, he is also a practicing lawyer, and therefore he comes to this subject with a very great deal of background knowledge.

I would just like to clarify a couple of things, Mr. Stanton if I may. First of all, your bill does not alter the ratio of LEAA funds that goes to the States and to the cities as I understand it.

Mr. STANTON. That is correct, Mr. Seiberling.

Mr. SEIBERLING. In other words, the State will continue to get the same proportion of LEAA funds for use in State law enforcement activities as it gets under the present program.

Mr. STANTON. That is correct.

Mr. SEIBERLING. So that all we are talking about is that the bill that we are dealing with as well as the administration's bill would affect the way the money that is ultimately intended to go to local governments gets there.

Mr. STANTON. We are talking about how the money gets to the local area where the problem exists.

Mr. SEIBERLING. Now it just happens that in my county, Summit County, the city of Akron and the county and other local governments have already established a law enforcement council which is managing and coordinating the use of LEAA funds and other anticrime funds.

I don't recall whether there is a similar council in Cuyahoga County.

Mr. STANTON. There is.

Mr. SEIBERLING. Now, of course, Mr. Hutchinson, I think, points out that the 250,000 population floor may not be applicable in some States. Ohio perhaps is somewhat unique in that I think Ohio has more middle sized cities of 250,000 and above than any other State in the Union, and maybe that figure would have to be changed to—perhaps 100,000, that may be a better figure. What would you think of the possibility of reviewing that?

Mr. STANTON. Well, I certainly leave that to the wisdom of this subcommittee but I would indicate to you that in our statistical analysis of high crime areas in the United States, that every time we analyzed them we always came to cities of 250,000 or more where the incidence of crime seems to dramatically rise up and it also seemed to us that as indicated in previous testimony by the Attorney General and even by the statistics offered by Chairman Rodino that 66 percent of the crime in the United States exists in these 56 major metropolitan areas.

Mr. SEIBERLING. Now the portion of the LEAA funds that goes to the States could be used, or part of it could be used, to take care of the other smaller urban communities which have lower crime rates if the State decided a particular area needed help, is that correct?

Mr. STANTON. That is correct.

Mr. SEIBERLING. So we are not considering a proposal to eliminate any LEAA funds from smaller governmental units. I must say that

I was very surprised when Mr. Kleindienst offered the administration's bill that there was no effort to channel funds to local governments on the basis of the incidence of crime in those areas, but it was merely a straight population formula, and to me that would be a dreadful waste of funds because there are smaller communities particularly ones that are far from big urban areas that have no need for additional law enforcement funds. Of course, everybody can always use more money but with money being in short supply as it eternally is, it seems to me that this approach is very sound. I assume that you are not saying that every jot and title of this bill has to be preserved, but that you are making an emphasis here and a plan, the thrust of which is to put the money where the crime is.

Mr. STANTON. I would hope that the subcommittee and the Committee on Judiciary would present a bill to the House of Representatives that envisions that the dollars are going to be addressed to where the problem is and that this committee is going to have the courage and wisdom to go forward on a program one step beyond the administration and directed to the local communities.

Mr. SEIBERLING. And there is still a role for the States in your concept to provide overall coordination to the local law enforcement councils or local governments.

Mr. STANTON. That is correct.

Mr. SEIBERLING. I have no further questions, Mr. Chairman.

Mr. FLOWERS. Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman. I want to compliment this gentleman on giving general support to the concept of revenue sharing which is the underlying principle of the administration's proposal. I wonder if you have an estimate as to how much additional funds would be required under the high crime impact provisions in your measure?

Mr. STANTON. Under title II of last year's bill, it was $360 million. Of course, it would be up to the judgment of the subcommittee again as to what they think would be an adequate amount.

Mr. MCCLORY. Applying the $5 per person——

Mr. STANTON. $360 million would cover it.

Mr. MCCLORY. $360 million. In the general formula, and applying it to the Cleveland area, I am informed that Cleveland has approximately 7 percent of the State's population——

Mr. STANTON. Sixteen percent.

Mr. MCCLORY. The city or the county?

Mr. STANTON. The county has 16 percent.

Mr. MCCLORY. And the city has 7 percent, is that right?

Mr. STANTON. That would be about right. But our bill talks about the county. It doesn't talk about the city.

Mr. MCCLORY. Well, my question concerned the city.

Mr. STANTON. The urban area would be the county. Cuyahoga County would be the urban area. Then that would be the unit of government that sets up the criminal justice coordinating center, so you would have to use that for statistical purposes.

Mr. MCCLORY. And then what percent of the State's total crime does the area have?

Mr. STANTON. The area of Cuyahoga County has 23 percent of the total crime of the State.

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Mr. McCLORY. Now under your formula you would use that figure twice?

Mr. STANTON. Yes, weighing crime twice as heavy as you would population, you would arrive at the percentage figure of 21 percent.

Mr. McCLORY. And how much does the area receive under the existing law?

Mr. STANTON. Well under the past special impact program we have received $20 million.

Mr. McCLORY. I am not talking about the $20 million in impact funds. Even excluding that, the city of Cleveland alone got 18 percent of the State's funds so if you add in the other areas in the county you must have already received more under the existing law than you would receive under your formula.

Mr. STANTON. That is not correct because what happened was before they set up any organization such as we are recommending in the criminal justice coordinating council, before they set that up, the money went to an organization in a seven county area, called the Northeast Ohio Areawide Coordinating Agency (NOACA), and that money never really got distributed to the local governments effectively and that is why Mayor Perk went to the Justice Department and to Gerrice Leonard and got us a $20 million special impact grant.

Mr. McCLORY. How about the city? Did the city get funds directly from the State?

Mr. STANTON. The city got nothing directly and the fact of the matter is the only money they got directly was the $20 million impact grant.

Mr. McCLORY. So it is your position that the city of Cleveland did not receive in fiscal year 1972, $5,246,290 as LEAA has reported?

Mr. STANTON. Well that $5 million represents the $20 million special impact grant.

Mr. McCLORY. My LEAA information indicates that in addition to the impact money, Cleveland has received a discretionary grant of $150,000 and a grant of $730,000 from the National Institute. Moreover, the county regional unit—the high crime area—has received $3.3 million of the $7.1 million passed through to local governments, or 46 percent of the money passed through so far. Apparently, we have a difference of opinion.

Mr. STANTON. We sure have a difference of opinion and I can tell you that I know the records of our local community and I know what Mayor Perk has done and I know what the criminal justice coordinating center has done and also know what NOACA has done.

Mr. McCLORY. Yes; but if it is true that the city of Cleveland and the county are receiving more under the existing formula, you won't want to change the——

Mr. STANTON. Yes, I would, Mr. McClory, and I will tell you why I would want to change it. Because those dollars are going primarily for policemen. There is no adequate coordinated effort to do anything about the other aspects, the probation officer, the county facilities, there is little being done in terms of a coordinated effort on crime, and just emphasizing dollars for policemen is not going to solve this problem.

Mr. McCLORY. I might say that we did amend the law after it was initially enacted in 1968 to provide extra funds for correctional serv-

ices. Moreover, the testimony of the Attorney General indicates that while the initial expenditure of funds was weighted toward police hardware, recently that has not been the case. Now the money is being devoted much more for training, crime prevention, and corrections. I might say in my own area funds are being devoted for a halfway house which is a correctional service for young persons charged with rather minor offenses, and for the development of a new correctional complex at McHenry County, a rather substantial allocation of funds there for purposes which are innovative and not just police oriented.

Mr. STANTON. Yes; and one of the criticisms of the 1970 amendments which were adopted by the Congress was that it took the Justice Department over a year and a half to write the rules under which that money was eventually given to the local communities.

Mr. MCCLORY. Oh, well, now, we had early periods of trial and error, and these have been recognized. I agree with your statement wherein you place full faith in the ability of local officials to make sound decisions. Don't you think that local officials can make wise decisions with respect to what is best in the overall fight against crime in the community with respect to preventive measures, correctional services, and community relations?

Mr. STANTON. I am in total agreement with that and that is what the coordinating council concept does. It gives you a total approach so you just get a policeman's approach to the problem.

Mr. MCCLORY. One of the other aspects of your testimony, of course, is the slowness of the fund flow. But don't you see that by imposing a new requirement that you have a coordinating council and that the council draft a plan, you have imposed two additional conditions that may cause a delay? Do you think there is any possibility that the council might not get organized and might not be able to reach agreement?

Mr. STANTON. We have one precondition. The one precondition before they receive any money is that they establish a coordinating council. The submission of the plan comes after they have received the money, so it is not a precondition and the reason for the precondition for the coordinating council is because many, many areas as a matter of social policy—I think the U.S. Congress ought to say we are not going to just take a policeman's approach to a social problem.

Mr. MCCLORY. You mention two conditions. You mean these should be imposed in a reverse order?

Mr. STANTON. No; if you will read my testimony, I stated in the initial testimony that the condition for the establishment of a plan was not a precondition but could be submitted later.

Mr. MCCLORY. Thank you, Mr. Chairman.

[Mr. Rodino is now presiding.]

Chairman RODINO. Ms. Jordan.

Ms. JORDAN. The thing that bothers me most about your bill, I suppose, are situations such as in my own community of Houston, Tex., where there is a police chief who does not accept any LEAA money. Houston being the sixth largest city in the country and the incidence of crime high, it seems to me that we run a rather grave risk where other police chiefs do not want Federal dollars, to really put the real burden for the coordinating council on local police chiefs. How do we get

around that issue, the question of those units of local government who are really negative in terms of their feeling toward the dollars coming from Washington?

Mr. STANTON. Well, I concur with your apprehension and, of course, this coordinating council doesn't give it to the local police chief, it doesn't give it to the local sheriff, it doesn't give a policeman's approach to the problem. It gives a coordinated approach to the problem where the council would receive the money and the council would dispense the money predicated on their own program on the local level. Now, once they have got the money on the local level, if the police chief doesn't want the money, it can still be spent for corrective purposes in rehabilitation programs, in halfway houses, as indicated by Mr. McClory in his local community, of the 101 other services that we have to attend to in terms of trying to solve the problem of crime in the United States.

Ms. JORDAN. Who would serve on your council?

Just give me an example of an ideal ordinary council.

Mr. STANTON. I will give you the example of Cuyahoga County, Ohio. On that council are two of the county commissioners, the chief justice of the court of common pleas which is the highest court of jurisdiction for felons. The sheriff is on the council. The mayor of the largest city. The mayor of two suburbs are on that council. The representative of juvenile court is on that council. So it takes in the broad spectrum of our county, of the people who have a commitment to fighting this problem and solving this problem.

Ms. JORDAN. Who appoints the council?

Mr. STANTON. In this case the requirements for the council were established by the Governor of the State, but the appointment was automatic in terms of the people in their position. For example, the chief justice was automatically a member, the county commissioners were automatically members by virtue of the rules and regulations established in the State of Ohio.

Ms. JORDAN. By?

Mr. STANTON. By the Governor.

Ms. JORDAN. The Governor. Is there any way that one can review the activities of the coordinating council?

Mr. STANTON. Well, in Ohio we have this concept operating: Joe White, who is the administrator for the Governor, reviews the activities of each of the coordinating councils. He reviews activities in Summit County, in Cuyahoga County, in Toledo, Ohio, in each of the metropolitan areas.

Ms. JORDAN. How often? Annually?

Mr. STANTON. Well, they have to submit reports as to what their activities are and what they are doing and they submit it to Joe White, who is in State government. That gives some local control at the State level.

Ms. JORDAN. What if Mr. White does not agree with some program that is being promoted by the council? Is there any action to be taken at any other level to correct what is going on?

Mr. STANTON. No; but obviously, if there are abuses which Joe White sees that are going on in the local coordinating council, he can publicize that and by publicizing the abuses I think that the proper

procedure of correction will take place. I don't think that you need all the rules and regulations that have caused you to tie up this money in a bureaucracy, to sustain other bureaucracies that we have created since 1968.

Ms. JORDAN. No further questions.

Chairman RODINO. Mr. Flowers.

Mr. FLOWERS. No questions.

Chairman RODINO. Mr. Dennis.

Mr. DENNIS. Mr. Stanton, as I understand it, under your bill and under the Attorney General's bill, the State gets the same amount of money; is that correct?

Mr. STANTON. That is correct.

Mr. DENNIS. But under the Attorney General's bill, although there is a provision that requires a percentage to be passed on, the State determines how much each city or locality might get; right?

Mr. STANTON. The State determines it under the Attorney General's bill and we determine it on the passthrough formula predicated on crime and population in our bill.

Mr. DENNIS. Right. The difference is that under the Attorney General's bill the State determines who gets what as it pleases whereas you have a formula which is designed to say and does say that these larger urban units have to get so much of the money passed through. This takes that discretion away from the State. That is basically the difference, isn't it?

Mr. STANTON. That is correct.

Mr. DENNIS. All right. Now, the way you do that is to create these special regional planning units and the money is duly paid to them; is that correct?

Mr. STANTON. That is correct.

Mr. DENNIS. And then under the bill each such council has the responsibility for determining the manner and method in which each grant is used within the high crime urban area it represents, is that correct?

Mr. STANTON. That is correct.

Mr. DENNIS. Now, does that mean that this council then determines how much goes to police activity, how much goes to the Common Pleas Court, and so on?

Mr. STANTON. That is correct.

Mr. DENNIS. And, of course, the police activity is basically the activity of the city of Cleveland or the county sheriff; is that correct?

Mr. STANTON. That is correct.

Mr. DENNIS. And the court system is basically a State system?

Mr STANTON. Well it is a State and county system.

Mr. DENNIS. State and county, right. So this council is really determining then how much of this money goes to the municipal police, how much goes to the county sheriff, how much goes to the State and county courts.

Mr STANTON. Depending on the program that they establish on the local level, yes.

Mr. DENNIS. Yes, that the council establishes.

Mr. STANTON. That is correct.

Mr. DENNIS. Well, for good or ill, aren't you really establishing a new unit of government there?

Mr. STANTON. No.

Mr. DENNIS. It is taking over a certain number of both municipal and county and State functions, or at least the spending of money for those functions.

Mr. STANTON. No, because they are all public officials who have a responsibility in the area that we are talking about. They already have it. The problem that we have existed with historically under NOACA or under the regional concept of flowthrough of dollars was terrible and much worse because there wasn't the responsibility of the local official.

Mr. DENNIS. I am not saying they aren't the responsible local officials. I am not even saying that maybe you don't have a good idea. But I am saying that it seems to me you are creating a new unit to perform some of the functions of three different levels of Government.

Mr. STANTON. Well, you need a coordinated approach. You need the input of the probation officer, you need the input of the Chief Justice of the court systems, you need the input of the juvenile judge, you need the input of the sheriff who has to house prisoners, you need all of these inputs on this council in order to arrive at the appropriate conclusion.

Mr. DENNIS. Now, you have mentioned Governor Gilligan is doing something of this sort.

Mr. STANTON. That is correct.

Mr. DENNIS. But there, I suggest to you, the State is doing it. Now here the Federal Government will be virtually forcing local communities to create this new unit of government, and that is an important difference.

Mr. STANTON. Well, I dont' think it is much of a problem. The State mandated the formulation of it even though it didn't pick the people, and by the State mandating it, as I suggest that we do on the Federal level, it has worked rather successfully.

Mr. DENNIS. Well, it is at least a novel approach. Eventually your council is going to get money and it is going to decide where the money goes, right?

Mr. STANTON. Right. and if they waste it, that sheriff and mayor and judge, they are all going to have to answer to the voters on the local level.

Mr. DENNIS. It seems to me you are mandating the creation of a new level of government. Maybe we need one but it seems to me that is what you are doing.

Mr. STANTON. I commend you, Mr. Dennis, in the area of trying to direct the dollars that you are going to disburse through this program to where the problem is and that is the reason for the creation of this vehicle.

Mr. DENNIS. You would agree, I think, that maybe to accommodate additional cities you would have to change your figures? That isn't the basic thrust of the bill, I understand. But, for instance, take my State. We have only one city with over 250,000 people. That is Indianapolis. Yet Lake County up by Chicago is probably one of the highest crime areas. So, as Mr. Hutchinson says, is Flint and Grand

Rapids. You couldn't starve all of those areas. That is a matter of detail, I grant you.

Mr. STANTON. We don't intend to starve any areas. What we intend to do is have the infusion of the dollars to the high crime areas where it is practical and we have outlined and said that the figure of 250,000 was reached arbitrarily on our part. We also gave you the reasons why we arbitrarily selected it.

Mr. DENNIS. I thank you, Mr. Stanton. I don't think I have any more questions at the moment.

Mr. SEIBERLING. Mr. Chairman, can I ask one more?

Chairman RODINO. Just one more because we have got five other witnesses.

Mr. SEIBERLING. Would you feel it still consistent with the intent of this legislature if the Governors of the States were given the authority to direct one of these high-crime areas to form the planning council?

Mr. STANTON. I think that there would be a consistency there. I think that I presented to you an idea and the thrust of an idea and I am sure in the judgment and wisdom of this subcommittee they will be able to come out with legislation that is going to meet the needs of the total communities and total Nation.

Mr. SEIBERLING. In other words, the intent of the legislation is that there be such a council, and if certain States have problems with getting the people together on their own there would be nothing wrong with having the State government sort of get them together.

Mr. DENNIS. Mr. Chairman, may I ask one other question? I had one other thought which I think ought to be aired, and I would like to get Mr. Stanton's reaction to it. These same areas that have the highest crime rates—and I, of course, am not referring to any particular place—are often unfortunately the most governmentally corrupt. For instance, take the city of New York. The Governor has to send a special prosecutor in every once in awhile to clean up. And there are a number of cases of that kind around the country. It seems to me if you provide local control you are going to have more corruption by far than if you let the State make those choices.

Mr. STANTON. You have just given me real justification for the coordinating council, Mr. Dennis, because the money won't just go to a policeman or law enforcement officer. It would go to a coordinated council and if somebody on that council were corrupt it would be evident to the other members who are not corrupt. I don't think you would imply that all the members of the city of New York judiciary or all of the law enforcement agencies that are involved are corrupt. There may be one or two.

Mr. DENNIS. Well, I think they have had situations where what is called a courthouse ring included the judiciary, a judge, the chief of police, the mayor, and others.

Mr. STANTON. Well, the salvation of mankind is not contained in this bill. What we are really trying to do is make a coordinated approach.

Mr. DENNIS. Well, I thank you very much.

Chairman RODINO. Thank you very much, Congressman.

Mr. STANTON. Thank you, Mr. Chairman, and members of the panel.

Chairman RODINO. Our next witness is the Honorable Sam Steiger, Representative from Arizona. Mr. Steiger.

TESTIMONY OF SAM STEIGER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

Mr. STEIGER. Thank you, Mr. Chairman. I appreciate your courtesy. With your permission I will offer my testimony as if read for inclusion in the record.

Chairman RODINO. Without objection it is so ordered.

Mr. STEIGER. Mr. Chairman and members of the subcommittee.

Thank you very much for this opportunity to testify about the Law Enforcement Assistance Administration program.

I have carefully followed the progress of the Safe Streets Act since the program has grown enormously from a relatively simple effort to meet immediate needs to a complex, broad-based attack on all crime and criminal justice problems.

As LEAA's activities grew, so did its budget, from $63 million in fiscal 1969 to the $891 million proposed for fiscal 1974.

This is a relatively short period of time for such substantial growth. However, it reflects the intense concern that both the Congress and the President have in improving the safety of our citizens.

In view of this rapid growth, I think it is perfectly proper for all of us to ask what the country has received for its very substantial investment.

Other witnesses, I am certain, will present you with detailed testimony on various aspects of the LEAA program. Therefore, I would like to give you a general summary of what I think about the program.

To my mind, one of LEAA's most noteworthy accomplishments is its establishment of an integrated criminal justice system throughout the Nation. The agency has been the catalyst that has brought together laymen and professional people from every part of the system for a cooperative effort in the fight to reduce crime and delinquency.

This common approach has produced significant results in virtually every city, town, and hamlet in the land. Moreover, this impressive achievement was accomplished without forcing a new Federal bureaucracy upon any State, county, or municipal government.

We have inspired something unique in U.S. history. Law enforcement officers, jurists, corrections officials, lay volunteers, and many other interested citizens are now sitting down and discussing their mutual problems. They talk to one another. I cannot emphasize enough what an innovation this was.

In the past, these very same people barely acknowledged each other's existence, let alone sat down and discussed things and worked out new approaches. I am confident that you can recall examples from your own experience at home.

What this means is that LEAA has had a truly earthshaking effect on law enforcement and criminal justice activities on the local level. It has changed the very nature of how criminal justice professionals go about their work.

It has brought remarkable new insights into how police agencies, courts, and corrections institutions influence one another. In the past, very few people gave this much thought. Today, as a result of LEAA, responsible officials sit down and thrash out their problems and discuss their new ideas as a matter of course.

This did not happen overnight. This new coordination was the result of developments within LEAA. As LEAA grew, so did its efforts to improve coordination. On the day LEAA was born, there was no such activity. In the first year, LEAA concentrated on meeting first needs first.

Each State had to set up a planning agency. Their first programs were modest. In some States, the first year money financed communications equipment purchases and other hardware needs that local agencies had long neglected.

There were a number of startup problems and a few other relatively minor problems. No human organization is without some difficulties and deficiencies. But let us not overlook the most essential point, the problems were corrected as soon as they were brought to the attention of the LEAA administration. Therefore, I think that in the interest of fairness and balance it is absolutely incumbent upon each and every one of us to look behind the critical rhetoric that has surrounded so much of the comment about LEAA.

Any thorough examination of this agency must pay close attention to the ways in which the LEAA program and its administration have been improved, both at the Federal and the State levels. Such an examination should take careful note of the pressures that were brought to bear against LEAA by two conflicting groups.

One seems to feel that the Safe Streets Act established a categorical grant system. It appears to expect LEAA to run its program with all the stringent controls categorical grants would imply.

The other group seems to feel that LEAA has no function other than to pass the Federal money on the States with no Federal supervision whatsoever. Thus one group thinks LEAA is not tough enough, and the other feels LEAA is tied up in redtape.

It should be remembered that the act created a block grant system that distributes 85 percent of the part C action money directly to the States. In many ways, the 1972 House Government Operations Committee Majority Report seems to reflect a misunderstanding of this basic fact.

The majority report tried to have it both ways. On the one hand, it chided LEAA for not maintaining strict enough controls. On the other, it rebuked LEAA for not distributing large sums of money to the States most rapidly. But this is irrational. The critics cannot have project-by-project control and also unrestricted fund distribution.

For its part, I believe LEAA has struck a reasonable and proper balance. It has insisted upon maintaining the reasonable controls that the Congress intended. And at the same time it operates a bloc-grant program that permits the States a large degree of discretion in setting their own priorities.

There were all too many instances in the majority report where the criticism leveled at specific programs was not justified. There were many other instances where the criticism was based on only part of the facts or was based upon outdated information.

LEAA's bold and innovative efforts to reduce crime must have the confidence of both the public and the criminal justice system. It would be most unfortunate if inaccurate and unjustified criticism were to erode such confidence.

I know this is not the intention of the Members of the Congress. I am certain that each of us wants to see American law enforcement supported with all the Federal, State, and local resources we can afford.

However, despite our good intentions, I fear that our domestic security program will be impaired unless we have a clearer understanding of the distinction between curing minor problems and dumping the whole program.

LEAA's immensely important contributions to the reform of the system and the reduction of crime should not be allowed to be undermined because a few individuals want to confuse the issues.

Mr. Chairman, the people of America look to the Congress to provide them with the help they need to make their criminal justice system work better. LEAA has provided that assistance, and it is providing it today in ever-increasing measure.

At no time during the course of these hearings should we fail to take into account these essential facts: The LEAA program is working, and it is producing results.

Thank you, Mr. Chairman.

I will impose on the committee's time because I do feel perhaps as strongly as the committee about this particular matter, and I will tell the committee that I was a member of the Government Operations Subcommittee under Chairman Monagan when we reviewed the LEAA activities last year, and so I consider myself at least familiar enough to discuss it with you.

There is one plus for LEAA that regardless of whatever other structure or what new structures you gentlemen decide to impose on it, needs to be cited and needs to be retained. We here in the Congress are well aware of the dangers of parochial problems, the parochial feelings of committees as far as jurisdiction is concerned and the parochial feelings of personal prerogatives as far as individual members are concerned.

Well, that parochial feeling in law enforcement is intensified tremendously when one begins to examine law enforcement practices. Sheriff departments don't talk to municipal departments as far as enforcement is concerned. The courts don't like to get involved with the probationary process, et cetera.

The one thing that LEAA has done is to bring all the disparate vagaries, and the disparate arms of justice together of necessity, and I don't even know if this was by design, but this has been the result because these people have been forced to sit down and reason together in dividing up the spoils of LEAA, as far as the States are concerned.

That has been a tremendously helpful thing. I don't know if we can measure it by statistic, but this is the one thing that came through in the testimony, that regardless of what the experience of the State was specifically, the one thing they all said was, "We all talked." Jurisdictions began to cooperate for the first time in the history of the State. I think that is great.

I will tell you also, we learned in the committee it does not matter how elaborate a structure you design here. The final implementation is going to depend on the quality of the personnel that you involve in the distribution process. That is true whether you use the existing program or something in between. We are talking about people.

For example, we learned that in the State of Michigan they had an extremely positive experience because they happened to have a man as executive director—whose name escapes me. You may know him—but who was very qualified, and was the appropriate man to be the executive director for the State program. In my own State we happened to have had a very positive experience. We have gotten some innovative things even in the area of penal reform that just couldn't have happened if it hadn't been for LEAA.

So on any kind of balance I would just submit to you that when you take a program that in fiscal 1969 spent $63 million, and this year is budgeted, hopefully on their part I suspect, for $891 million—I would submit, I will stipulate at the outset, that there has been some excess, there undoubtedly has been some unwise expenditures—but on balance I don't think anybody can deny that LEAA has had a tremendously significant impact on the entire concept of our justice process, and I include in that enforcement, adjudication, and penal reform.

I don't talk about social reform because LEAA is simply not designed to attack the problem that was undoubtedly its root cause. But LEAA is designed to aid the entire judicial process, or the justice process in this country, and on any kind of objective review it has done a rather remarkable job considering the rapid rate of growth.

I am going to take this opportunity to comment on Mr. Stanton's suggestion, because I sat here and listened to it for an hour and I will tell you that if you were looking at it from the point of view of somebody who has had the opportunity to study it, but only listened to it, I will tell you everything that Mr. Stanton suggested could be accomplished under the existing structure. Indeed, by his own testimony it has been accomplished in Ohio, and that is exactly why we should not dictate to other States as to how to design the redistribution of the money once the State acquires it, because I will tell you, gentlemen, that in my State if we were to divide the money up only between two urban areas that are now over 250,000 we would ignore, for example, a community of some 10,000 on the Mexican border outside of the largest military facility in the State that has a crime problem per capita that exceeds any other city in the State, simply because of its unique problem.

Now I think that the State would be aware of this State concept and a proper State board would recognize this, and if there be a need for a distribution in Phoenix, Ariz., then let the State of Arizona do what the State of Ohio has done and establish a local council and let them distribute what funds they need, and in the manner in which they need it distributed for the cities of Phoenix and Tucson.

I do feel strongly, gentlemen, and I will tell you any program as sweeping as this, and as new as this, you can pick the fly manure out of the pepper all day and just lose sight of the whole process because undoubtedly they have made mistakes, and some unfortunate expenditures, but on balance, any kind of balance, I think you will agree that we are moving forward in this area, and that is the responsibility of the Congress to constructively proceed, I would hope.

I thank the chairman for his indulgence.

Chairman RODINO. Thank you very much, Congressman.

Do I take it that you would support the administration's proposal, which is a special revenue sharing type distribution of funds without any strings or standards, where all a State is required to do is submit a plan which wouldn't have to be approved?

Mr. STEIGER. Mr. Chairman, I would approach this in the same manner in which I approach most Federal programs, that the local authority is not only the wisest but the best to perform this function of distribution, so my answer is "Yes." I support the concept that says minimum restriction on special revenue sharing dependent upon a structure that is reasonable.

Now I would go a little further than the administration, frankly, in seeing that specific parameters are established with regard to the plan, not the quality of the plan but the parameters. The plan must address itself to those areas which the Federal Government feels are the areas of responsibility for this money. Now the administration bill doesn't do that and so my feeling is it should be amended to do that.

Chairman RODINO. You mentioned a while ago—this is why I address the question to you—your concern with penal reform, corrections, which represents an important factor in the whole criminal justice system. As I understand the administration's approach, funds could very well not be directed at these channels at all.

Mr. STEIGER. Well, Mr. Chairman, with regard to penal reform, of course, as you know, the Congress required that 25 percent of the funds must be applied to penal reform. Now as far as how it is to be applied, I think that should be in the State prerogative——

Chairman RODINO. Excuse me. You do know that under the bill the part E requirement would be wiped out?

Mr. STEIGER. I understand that, and that is why I think in the substitution for that, there ought to be a requirement that the plan include people knowledgeable about penal reform and a program that involves penal reform. For example, under the encouragement, if you will, or the requirement to spend 25 percent of the money on penal reform, Arizona has put in a number of minimum security prison camps for State prisoners, and it has been tremendously successful. It could not have happened if the Congress had not required that LEAA make this money available, but the Congress, nor LEAA, did not design the program that fit Arizona. The Arizona penal code people designed that. So, Mr. Chairman, I would like to make it very clear that I think some broad guidelines are not only appropriate, but a must.

I do think that if we sit here and try and design a program as described by the gentleman from Ohio, I think we are going way beyond the capacity of this body.

Chairman RODINO. I want to thank the gentleman. I merely pointed this out because in your statement you also made mention of the fact, with emphasis, that one of the most noteworthy accomplishments of LEAA is the establishment of an integrated penal justice system throughout the Nation. And I dare say this integrated criminal justice system throughout the Nation would hardly have been established, and I think you could hardly have hoped for such, if it had been left solely to the various governing bodies, local municipalities in the State, without any of these basic guidelines.

Mr. STEIGER. Well, Mr. Chariman, I am not going to quarrel with you because I think we are on the same wavelength, but I will tell you I think the integrated criminal justice approach came not as a result of any interior planning on the part of the administration or of the States. It came as a result of the natural greed of man in which the only way they could divide the spoils was to get together and cooperate for the first time. That has resulted in an integrated criminal justice system in the true sense of the word for the first time, and I think that will remain as long as we distribute money, because of the nature of man.

I thank you.

Chairman RODINO. Thank you very much.

Mr. Hutchinson.

Mr. HUTCHINSON. Mr. Steiger, I understand your position to be that you would go so far as to require State plans to specifically deal with such areas as corrections, as training and education, and so forth. You would not go so far, however, as to require a mandate for any particular percentage of funds to be allocated to any one or more areas, would you?

Mr. STEIGER. No; and I thank the gentleman for that because I think that is a great mistake. Any arbitrary figure such as the gentleman from Ohio's 250,000 population, or 20-percent requirement for penal reform, doesn't take into account the specific needs of the States. Each State has a unique problem, but I think each State should be required to address itself in those broad areas, and if I were writing the requirements they would be broad as far as the manner in which these problems were addressed, but the problems themselves must be addressed.

Mr. HUTCHINSON. I thank the gentleman.

Chairman RODINO. Mr. Flowers.

Mr. FLOWERS. Thank you, Mr. Chairman.

Mr. Steiger, I couldn't agree with you more. The Federal dollars that LEAA has distributed have brought together the Government agencies spending LEAA money. Would you not agree that the one statistic that we must always gear to is reducing crime?

Mr. STEIGER. Oh, I agree.

Mr. FLOWERS. But again, the problem of statistics would be a real problem, too.

Mr. STEIGER. The quality of statistics themselves, as the gentleman suggests, is subject to question.

Mr. FLOWERS. Right. And whoever is in carge of the statistics might be in charge of allocating money as well.

I have no further questions. I thank the gentleman.

Chairman RODINO. Mr. McClory.

Mr. MCCLORY. I compliment Mr. Steiger on the very incisive testimony which he has provided the subcommittee. It seems to me it gives a very reasonable appraisal of the existing LEAA. I would judge from your statement and from your work as a member of the House Committee on Government Operations, which investigated LEAA activities, that you would agree that although we might criticize how local officials spent LEAA funds, particularly during the early periods of the program, we can't on the one hand criticize all their decisionmaking and on the other expect them to have relatively unrestricted use of the funds. For if the criticism is taken too far, we come to the cate-

gorical grant approach—which is, in my opinion, even worse. We can't do better running law enforcement from Washington. Rather, we must encourage State and local governments to be responsible by giving them responsibility.

Does that accurately express your thinking?

Mr. STEIGER. Absolutely. In fact, you have hit an area that probably is as significant as anything in my view. The original problem the LEAA had was the pulling and the hauling between the two forces that you have described exactly. Those that insisted on categorical grants on the one hand, and those that wanted a wide open ballgame on the other hand. I think the LEAA on any kind of objective point of view has struck a very good balance now, at least under this last administration of the LEAA, between these two areas. I think that balance must remain. I don't think that the parameters of the balance are going to be up to the committee. I don't think we can prescribe any absolutes.

But you are right, Mr. McClory, there is no question that there have been two forces pulling and hauling on LEAA.

Mr. MCCLORY. Present law requires the States to give adequate assistance to high-crime areas. If they fail, present law also permits LEAA to make discretionary grants. So don't you feel that we can take care of the high impact or the urban crime area problem through the existing devices?

Mr. STEIGER. Absolutely. Again I believe that the existing device permits other devices if they are applicable, such as the gentleman from Ohio described, since the State of Ohio did institute the kind of council that the gentleman wanted. So I think all of the permissive factors are available in the existing bill.

Mr. MCCLORY. I note from the gentleman's experience on the House Government Operations Committee and on the Legal and Monetary Affairs Subcommittee, as well as experience in other areas and in other anticrime activity, that the testimony you are giving to the committee has a special significance and should be weighed very, very carefully. Thank you.

Mr. STEIGER. Thank you.

Chairman RODINO. Mr. Seiberling.

Mr. SEIBERLING. Thank you, Mr. Steiger, for coming before us and giving the benefit of your experience, which is considerable. I just have a couple of questions.

You rightly pointed to the local coordination of anticrime agencies, and law-enforcement agencies, as being one of the achievements of the LEAA program, but the administration bill, of course, does not contain any provisions to require the continuation of that. It merely dumps the whole thing into the laps of the States, so to speak. The States are free to require a great deal of coordination, or none at all.

But the reason why the Stanton bill was originally put together was because of the very sorry record that the LEAA, plus the States, have compiled in terms of getting the money where it is most needed—to the local governments. I am talking about the passthrough funds now. And I think that cutting out the Washington level of bureaucracy is a considerable achievement, but if the whole matter is now dumped into the lap of 50 State governments there is no guarantee

that we aren't going to still have all kinds of delays. Hence, the purpose of the Stanton bill is to get these funds down to the local governments without any delay whatsoever, and to require that there be a local law-enforcement council or a criminal justice council with a plan. I just wondered, in light of what you've said, whether the Stanton bill doesn't really meet your interests more than the Justice Department's proposal?

Mr. STEIGER. I will tell the gentleman that I don't believe we can create any structure, whether it be the Stanton bill or the Steiger bill, or whatever, that will circumvent the requirement that the quality of the people administering the program, whatever the structure is going to be, is the determining factor. I don't think that we can eliminate delay, or eliminate procrastination, or eliminate poor planning by eliminating structure. That is just a personal feeling.

I don't believe there is any way that LEAA can write a quality provision into the employment of LEAA administration at the State level that would accomplish what you and I are both after. I don't believe that the Congress could write quality requirements into the administration of LEAA here at the Federal level that would accomplish what we want. So again, I simply disagree that a structure can overcome what are basically in my view people problems. I do think in some instances it would compound the people problems by requiring additional structure. I wish I had the answer. I don't.

Mr. SEIBERLING. Well, on the contrary, I agree with you, and what we are trying to do is cut away as much structure as we can and just get down to the local government with these funds as fast as possible, as long as they have a planning structure.

Mr. STEIGER. It is my understanding that Ohio has done this in effect.

Mr. SEIBERLING. Yes.

Mr. STEIGER. Well, you don't think that where it is needed, and where it is effective, that it can be accomplished under the existing structure, and under the new bill, so that if it is desirable in a given jurisdiction it will be accomplished?

Mr. SEIBERLING. I know of no jurisdiction where coordination is not desirable. That is all we are talking about basically. Even with a coordinating council there is a great tendency for local units of government to want to go off on their own.

We had a situation in my own district where a local law enforcement agency out in the county wanted to have its radios on a different wavelength than the other agencies in the county. They were jealous of some of the others and this just can't be.

I would just like to ask one other question and then move along, and that is that you mentioned that there should be some parameters. Shouldn't one of those parameters be that we require the money to go where the crime rate is highest?

Mr. STEIGER. Yes; but I am a believer in invective myself, and I want to see where the crime is, but I don't claim the specific knowledge of knowing how best to accomplish that. I do think that those parameters—that should be the basic parameter, but I don't think we should tell the jurisdictions how to get at the crime.

Mr. SEIBERLING. But one is going to have to decide how to slice up the pie.

Mr. STEIGER. That is right, and we have a structure to do it.

Mr. SEIBERLING. So either we do it, or we pass it on to the States and they have the problems?

Mr. STEIGER. All right. It is a matter of judgment.

Mr. SEIBERLING. No further questions.

Chairman RODINO. Thank you Mr. Dennis.

Mr. DENNIS. Mr. Chairman, I think the gentleman made a very clear statement, and I don't think I have any questions.

Chairman RODINO. Ms. Jordan.

Ms. JORDAN. I agree with you there ought to be broad general parameters and guideposts for the use of these funds. What I want to know is who is going to look over the disbursement of these funds? Whose judgment will that be in terms of oversight that the money is going to the areas so designated?

Mr. STEIGER. Ms. Jordan, in our experience on the Government Operations Subcommittee, Mr. Monagan's subcommittee, originally LEAA had an insufficient review. They have increased their accounting and review capability probably thirtyfold, I suspect, in this new budget request. It was increased even further because they indicated an awareness of a need to increase it.

Again we come down to what I believe is the essential. It is going to be the quality of the review people, I don't care who does it. If LEAA does it, GAO does it, again there has to be a judgment factor plugged in to review, I hope you will agree, so I think that it is up to the Congress to see to it that there is review.

I think the LEAA review is the proper review body since they are closest to the problem. If in your judgment there is insufficient review requirement language in the bill, it would be my strong urge that you see it is included in the bill and it will certainly have my support.

Ms. JORDAN. Thank you, Mr. Steiger.

Thank you, Mr. Chairman.

Chairman RODINO. Mr. Mezvinsky.

Mr. MEZVINSKY. No questions, Mr. Chairman.

Chairman RODINO. Thank you for a very fine contribution.

Mr. STEIGER. Thank you, Mr. Chairman.

Chairman RODINO. Our next witness is the Honorable Charles Thone, from the State of Nebraska.

TESTIMONY OF HON. CHARLES THONE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEBRASKA

Mr. THONE. Mr. Chairman, let me thank you for the opportunity to testify at your hearing today.

There has been a substantial amount of discussion during recent months about the Law Enforcement Assistance Administration and its stewardship of the Omnibus Crime Control and Safe Streets Act.

Much of this discussion has been good and to the point. The Congress has every right to look deeply into the operation of all aspects of our Government.

To do otherwise would be to default on the duties with which the electorate has charged us, to see to it that the Government is the best we can fashion.

At the same time, the people expect us to maintain an attitude of fairness and balance at all times.

They elected us to perform our work here with judiciousness and statesmanship and not to conduct vendettas motivated by partisanship or personal rancor.

This is especially true of the safe streets program. Unfortunately, ideological differences have long beclouded objectivity in this matter.

We all know that there was a disagreement among the members of the 91st Congress about how to shape the basic law governing LEAA.

The original proposal to provide Federal financial assistance to fight crime in large cities was modified at the time the act was written to assure the Nation's hard-pressed law enforcement agencies in smaller cities and in the country's towns and villages their fair share of Federal assistance.

The debate was settled by democratic means, by the vote of the members of the 91st Congress.

The 92d Congress amended the Safe Streets Act to sharpen its ability to finance local correctional systems improvements and to make other technical refinements.

However, the basic shape of the safe streets program remained the same. It is a program to help police departments, courts, probation departments, correctional institutions, and all other law enforcement and criminal justice agencies in every corner of the Nation.

Now I submit, Mr. Chairman, that it is upon this basis, and this basis alone, that we are obligated to evaluate the conduct of LEAA and the operation of the safe streets program today.

That is, we have the duty to examine LEAA by the standards the Congress established and not by some other yardstick or with some other goal in mind.

I say this because I sincerely believe that measured against the mark set by Congress, LEAA excedes all expectations of success.

As a member of the Committee on Government Operations I have had a particularly good vantage point to observe LEAA.

For the better part of a year, the Subcommittee on Legal and Monetary Affairs gathered material and took evidence relating to LEAA. I heard that evidence at length and carefully weighed it.

And I believe LEAA has performed wonders in establishing a nationwide program to counter crime.

The safe streets program has become an irreplaceable asset among the Nation's resources for combating lawlessness and disorder.

One of LEAA's very real accomplishments has been in the most important area of all, crime reduction.

The national crime rate increases have been slowed in dramatic fashion.

FBI statistics show that serious crime rose nationally by 17 percent in 1968. By 12 percent in 1969. By 11 percent in 1970. By 6 percent in 1971. And by only 1 percent in the first 9 months of 1972.

This pattern is especially apparent in the Nation's 150 largest cities, where much of the worst crime occurs.

The FBI figures show that 83 of these cities reduced serious crime in the first 9 months of 1972.

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These are notable accomplishments, especially when we consider that crime rose nationally by 148 percent during the decade of the 1960's.

This is the kind of achievement which the Congress expected of LEAA when the safe streets program was written.

The men and women who did the bulk of the frontline work that is driving back crime are in State and local law enforcement and criminal justice agencies.

They are the ones who have the basic responsibility for law and order in this land. And that is the way it should be and must remain in this Republic.

But LEAA's contribution cannot be overlooked. For it is LEAA and the safe streets program that are making thesse local efforts more effective.

The Federal assistance is paying off in dividends, safer homes, and communities. And the prospect for the future is even brighter.

No one in the 91st and 92d Congress thought the Safe Streets Act was going to reduce crime to zero immediately.

Those who understand society and the forces within it realize that our past criminal justice deficiencies were so great that as much as a human generation in time might be required before we reach a crime reduction with which we can be satisfied.

We are not content with what we have accomplished so far. Neither the administration nor the Congress feels that everything has been done yet that could be done. But a good start has been made, and the results to date are good. That Mr. Chairman, is the message that I want to impart on this occasion. A fine beginning has been made in a program that holds out hope, the first real hope in our lifetimes, that crime will be reduced.

Every State now has an ongoing program that is developing new tools for fighting crime and improving criminal justice techniques.

And every State is working hard at improving liaison among its various subunits so that the right hand really will know what the left hand is doing to control crime.

What the Subcommittee on Legal and Monetary Affairs did learn was that a small number of States had been having problems in properly controlling a small share of their LEAA funds.

However, what most interested me about all this was that the vast bulk of the problems we found had already been discovered by LEAA officials and that the remedies were already being applied to the individual situations where corrective action was necessary.

As a result, I feel confident in saying that the problem is not only under control, but that very forceful and positive steps were taken by LEAA to prevent recurrences.

Jerris Leonard, who is leaving LEAA after excellent service as Administrator, talked with a large number of Governors, State criminal justice planning agency directors, and other State and local officials, speaking in very strong language about the need for fiscal integrity and the electorate's demand that public moneys are honestly and effectively spent.

As a matter of fact, he was exceedingly blunt on a number of occasions and declared that the misuse of safe streets program funds absolutely would not be tolerated.

This has been a matter of more than just rhetoric on Mr. Leonard's part. He reorganized the Agency from top to bottom, turning it into a vastly improved organization.

LEAA has been particularly energetic in its auditing program, which is seeing to it that whatever abuses did exist are stopped and rectified. Where necessary, safe streets program money that was mischanneled is being returned to the U.S. Treasury.

In other words, there is to be no fooling around with the fundamentals of good government. There is to be no trifling with any type of public money.

All of us agree that we have to maintain the highest standards.

LEAA is, of course, hard at work in my home State of Nebraska. We are proud of the good work that it is doing there to help Nebraska's anticrime efforts. They deserve all the help and support we can give them, and it was high time that our obligation was recognized in the form of meaningful assistance.

To be candid, Mr. Chairman, I have great confidence in the administration's pledge that it will continue to be a tenacious watchdog over the public purse.

For this reason, I think some of the safe streets program critics have been out of line in suggesting that there was something basically amiss with the whole LEAA concept.

Let us by all means have fiscal responsibility. But let us also be prepared to back up a sound program when it is so clearly an unparalleled boon to the Nation's State and local governments, and especially their law enforcement personnel.

If one takes the trouble to ask them, one will receive an overwhelming response of approval.

I congratulate LEAA on a job well done.

Mr. Chairman, that will conclude my statement.

Chairman RODINO. Mr. Thone, I know that you have another commitment to keep. I have no questions. Do any members of the committee have any questions?

Thank you very much, Mr. Thone.

Mr. THONE. Thank you, sir.

Chairman RODINO. Our next witness is Hon. Jonathan Bingham of New York.

Mr. Bingham, we are delighted to have you appear before this committee. I know you are the author of H.R. 3924, which relates to LEAA moneys but is not before this subcommittee. It is currently pending before Subcommittee No. 6, chaired by my friend John Conyers. Nonetheless we are anxious, as always, to hear your views. You may proceed.

TESTIMONY OF HON. JONATHAN BINGHAM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. BINGHAM. Mr. Chairman, I appreciate this opportunity to appear before this subcommittee in the course of its review of the provisions and administration of the Safe Streets Act programs. The particular purpose of my appearance is to draw to the subcommittee's attention the failure of the Safe Streets Act adequately to encourage

and assist citizens' anticrime groups engaged in helping protect themselves against crime.

In the city of New York alone, there are more than 150 citizen anticrime organizations, and thousands more across the country, particularly in our crime-ridden cities. In most instances, these organizations work in cooperation with local police and professional law enforcement officials. Their activities are generally welcomed and encouraged by the police. However none of these citizens' organizations in New York City receives financial assistance under LEAA programs, and I am informed by LEAA officials in Washington that, while information on projects funded by the various States is incomplete, they are not aware of any direct funding to citizens anticrime groups.

Mr. Chairman, dominance of State anticrime planning and funding bureaucracies by law enforcement professionals, and the cool attitudes of these professionals toward citizens' anticrime efforts, would appear to be the reason for this exclusion of citizen groups from Federal anticrime assistance. The law enforcement professionals support citizens' anticrime activities verbally. But when it comes to sharing Federal financial assistance, the professionals tend to keep the funds for themselves, and citizens generally end up paying out of their own pockets for the anticrime services they provide on their own and their neighbors' behalf.

I believe action must be taken at the Federal level to remedy this bias in Federal funding, and I have introduced the Citizens Anticrime Patrol Assistance Act, H.R. 3924, with that in mind. My bill would earmark funds to be allocated directly by LEAA to citizens' anticrime organizations meeting certain minimum criteria. One of those criteria is that citizens' organizations coordinate their anticrime activities with local police and law enforcement officials. But local officals would no longer be able to prevent bona fide citizens groups from receiving Federal assistance by consistently putting professional projects ahead of citizens' projects.

To qualify for Federal assistance under my bill, citizens' anticrime organizations would be limited in their activities to crime deterrence and reporting through the use of patrols, escorts, and rapid crime warning and reporting systems. Apprehension and prosecution would remain in the hands of law enforcement professionals.

The financial needs of citizens' organizations are generally small. Under my proposal, funds could be used for training and equipping citizen patrols, and for minimal stipends. Funds are explicitly prohibited from being used for the purchase, lease, maintenance, or use of any firearm or weapon, or the purchase, lease, or maintenance of any motor vehicle.

This legislation is in no way intended to detract from the use of auxiliary police. In fact, New York City is one of the few jurisdictions in the country to request and employ Safe Streets Act funds to pay for uniforms and some expenses of the volunteer auxiliary police. I feel strongly that the auxiliary police perform a very useful function, and that more Federal anticrime assistance funds ought to be used to attract, equip, and reimburse these fine citizens.

The fact remains, however, that many citizens who would like to take an active part in helping stop crime in their neighborhoods cannot afford to commit the time required of auxiliary police. Many such

citizens could, however, participate effectively in citizens' anticrime patrols operating in their own neighborhoods and buildings. Existing patrols have proved, Mr. Chairman, beyond a shadow of a doubt that they can function responsibly, without violating individual civil rights or becoming vigilantes. As Deputy Commissioner for Community Affairs Benjamin Ward of the city of New York Police Department put it in a letter to me:

> I find that concerned citizens, acting together in self-protection efforts, in cooperation and as an adjunct to the regular police, discourage vigilantes—not encourage such lawlessness. They encourage people to return to the streets. The street criminal abhors people on the street in significant numbers. But the streets belong to the people and it is time Washington helped in a campaign to support concerned citizens.

Mr. Chairman, professional law enforcement organizations must continue to assume primary responsibility for public safety and should continue to receive the major share of Federal anticrime funds. We must recognize, however, that we may never have enough police to fully deter crime and that citizens must work actively with law enforcement officials to make their neighborhoods safe again. Citizens' anticrime organizations, while perhaps not the first priority for Federal assistance, should certainly not be so excluded from such assistance as they are now. I, therefore, urge this subcommittee and the full Judiciary Committee to take action to revise the Safe Streets Act along the lines I have suggested in H.R. 3924 to assure that appropriate Federal assistance will be reserved to encourage, assist, and reward citizens who are willing to help deter crime by initiating and taking part in organized anticrime patrols.

Chairman RODINO. Mr. Bingham, my only concern, my only reaction, is that while I recognize the need for citizenry to be aroused and to be interested in this matter, and while it might serve as an effective deterent to crime, won't this possibly be the seed for the growth of vigilante groups?

Mr. BINGHAM. No; I really don't think so, Mr. Chairman, and that has not been the experience of those communities that have managed to have such groups organized. I would repeat again that there would be no money for them to be armed. They would be more the eyes and ears of the police.

Chairman RODINO. They would be wearing uniforms?

Mr. BINGHAM. They might or might not wear uniforms or some distinctive badge or insignia, but they would not be armed, nor would there be funds for motor vehicles. People have been puzzled as to why we said no funds for motor vehicles, but motor vehicles tend to create an atmosphere of vigilanteism, which we think is undesirable. These are people from a community, working in a community, and I think that the record indicates that when organized this way, working in cooperation with the police, there is no danger of their getting into the vigilante category, or anything like that.

Chairman RODINO. Thank you, very much, Mr. Bingham, Mr. Hutchinson?

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

Mr. Bingham, although your particular bill may not be before this subcommittee, the administration's LEAA bill is, and as I understand that bill, it would provide that money could go directly to "other

applicants," so-called nongovernmental groups. So, even if your bill is not before us, the idea of your bill is.

Mr. BINGHAM. I am glad to know that, Mr. Hutchinson. Thank you.

Chairman RODINO. Mr. Flowers.

Mr. FLOWERS. No questions.

Chairman. RODINO. Mr. McClory.

Mr. MCCLORY. I commend the gentleman for his statement. I don't have any questions.

Chairman RODINO. Mr. Seiberling.

Mr. SEIBERLING. Well, I must say this is a very new idea to me, and I think one that we ought to consider seriously. I do have some misgivings about the tendency of the people who are paid to do this kind of job, or who are given some sort of official funds to become a little more vicious in their approach to this and develop a vigilante frame of mind. I think we have to give some careful thought to it from that standpoint.

I would like to ask you, though, if we could see that LEAA funds get to the local governments and local law enforcement planning groups without the delays that we have had in the past, and, if we could have sound evaluating and auditing requirements so that we can see that the money has been properly spent—in other words, if we were to do everything we can to make sure that local law enforcement is able to do its job effectively, we wouldn't really need so much of this sort of private group, would we?

Mr. BINGHAM. Well, I tend to think we would, Mr. Seiberling. I can't conceive, for example, in New York City, that we would ever have enough funds to have "the cop on the beat" that everybody would like to have on his block. Use of auxiliary police, and of civilian patrols adds to the number of anticrime personnel that are available to make a presence as much as anything, and for communication.

I hope that the administration of the LEAA program will be greatly improved, and in this particular proposal that I have made, the relationship would be direct from the Federal agency to the community. But I think the need for civilian controls would still be there even if the program were greatly improved in the way it operates.

Mr. SEIBERLING. How would your bill work? Would it provide enough funds to hire people on a full-time basis?

Mr. BINGHAM. No. I have suggested small compensation, which would probably be a little more than to meet expenses. We are not thinking in terms of full-time people at all. These are people who work part time, in the evenings primarily.

Mr. SEIBERLING. And is this to pay them for their time, or just out-of-pocket expenses?

Mr. BINGHAM. The experience with the auxiliary police has been that there is a great turnover in these voluntary personnel. They get enthusiastic and work for a few months and then tend to drop away. If there was some compensation, however slight, I think that their interest would continue for a longer period of time than it does on a purely voluntary basis.

Mr. SEIBERLING. Thank you.

Chairman RODINO. Thank you.

Mr. Dennis.

Mr. DENNIS. I have no questions.

Chairman RODINO. Ms. Jordan.

Ms. JORDAN. I have no questions. I just express serious reservations about this kind of program.

Chairman RODINO. Mr. Mezvinsky.

Mr. MEZVINSKY. I only have one question which Mr. Seiberling touched on. I gather if somehow you could get more involvement of the public, if the planning commissions had more public involvement, that really is the answer to trying to solve the problem. Is that it?

Mr. BINGHAM. Yes. I think that is right.

Mr. MEZVINSKY. Thank you, Mr. Chairman.

Chairman RODINO. Thank you.

The Chair wants to state that Representative de la Garza appeared here and presented his statement in person, however, he had to leave in order to meet other commitments. If there is no objection his statement will appear in the record as if he had personally presented it.

TESTIMONY OF THE HONORABLE E. DE LA GARZA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. DE LA GARZA. Mr. Chairman, I am pleased to appear before this committee as you consider the future of the Law Enforcement Assistance Administration.

I am a strong supporter of the program, and I believe it must be continued. May I add that I personally believe that Mr. Jerris Leonard has done a good job for LEAA.

LEAA has helped Texas achieve impressive gains in the war on crime, a war we believe we are winning at last.

LEAA has made it possible for our local and State agencies—police and sheriffs' departments, courts, correctional agencies, and probation and parole systems—to make changes and improvements which they needed desperately.

And because of LEAA and its State equivalent, the Texas Criminal Justice Council, we are changing citizens' apathy about criminal justice to citizens' involvement.

The latest FBI figures show that during the first 9 months of 1972, crime decreased in six large Texas cities: Austin, Corpus Christi, Dallas, El Paso, Forth Worth, and Lubbock.

Statewide, crime has slowed, a slowdown which began soon after the LEAA financed programs went into effect. We registered our first statewide decrease in property crimes: burglary, larceny, and auto theft, early in 1971.

Since the program began, LEAA has allocated over $100 million to Texas for hundreds and hundreds of innovative crimefighting projects.

Cities and counties in the 15th Congressional District has received $1 million of that money, and they have used it to make major improvements in criminal justice.

Let me highlight a few of these:

The new high-speed, statewide police teletype system is a great thing for all police and sheriffs' departments in Texas, and especially for Brownsville and McAllen law enforcement agencies in my own district. Until they got this system and these teletype terminals, they

were tremendously handicapped, for it took anywhere from 12 hours to several days to send or receive a message. LEAA paid for installation of 290 terminals in the State, plus training of law enforcement officers in operating them.

A number of other projects also have started.

Brownsville has hired a court administrator in a program to improve court management.

Rio Grande created a youth service bureau to reduce youth crime and delinquency, and a home for delinquent boys is opening in that area.

Throughout the 15th district's 13 counties, we have a number of new probation programs, projects to improve police management, and efforts to reform court operations.

Clearly, many projects throughout Texas are paying large dividends in terms of crime reduction.

A foot patrol project in Fort Worth has been eminently successful and may well serve as a model for the rest of the country.

In this project, two-man teams of officers patrol a high-crime area on foot so they can respond quickly to problems, make contact with area residents, and act as deterrents to criminal activity.

Since 1970, when the project began, major crimes have decreased 39 percent in the patrolled aread. And Fort Worth—when the crime rate was highest in history in 1969—has steadily reported crime decreases. The lastest FBI figures for the first 9 months of last year show a 9.4-percent decrease for the city as a whole. Some preliminary estimates show that the major reason for the citywide decrease is the reduction of crime in the patrolled area.

A Houston-Harris County project, less than a year old, is already making inroads on serious court problems.

The pretrial release project staff interview persons in jail and recommend to judges whether they should be released on personal recognizance bonds. So far, 445 defendants were released on these bonds and only 2 percent forfeited bond.

These released defendants have earned nearly $400,000 in salaries, with a saving of thousands of dollars in welfare assistance payments. Moreover, the county saved over $250,000 by not having to house and feed them.

Without a doubt, this project has enhanced respect for the criminal justice system and improved the rehabilitative potential of the defendants.

Population of the Harris County jail was reduced 25 percent in the project's first 9 months. Part of the reason is that there has been a 23-percent increase in dispositions by the district courts.

New procedures for case screening have been begun by the district attorney's office to avoid clogging courts with inappropriate cases and to prevent issuing unnecessary complaints and arrest warrants. These procedures greatly reduce the time which Houston police officers spend in court giving testimony. The Houston mayor's office said there will be a saving of $420,000 a year.

One other project I'd like to cite is in a smaller city, Tyler, and the LEAA grant is only about $23,000. The money was for a Tyler Police Department project to reduce commercial burglaries.

Tyler sent an officer to attend the LEAA financed National Crime Prevention Institute in Louisville, Ky., and the burglary prevention

methods this officer learned there were then put into effect in Tyler business places which had been victimized repeatedly, including drug stores and gas stations.

After less than a year, the police department reports that the project has brought a 29.7-percent reduction in commercial burglaries and a 20-percent decrease in major crime.

I mention the Tyler success because I think it should be emphasized here that LEAA has assisted smaller cities as well as large ones.

Everywhere in the country you find the Federal crime control funds doing a great deal of good.

And everywhere in the country you find that LEAA has inspired respect and brought hope to citizens that we can stop crime.

I believe the agency has the overwhelming support of our citizens and that they strongly approve of the LEAA approach to crime control.

LEAA is firmly backed by the Nation's criminal justice associations, criminal justice agencies, and all employees of those agencies.

In closing, I quote from a resolution adopted in 1972:

> We, the members of the Texas Police Association, unanimously go on record as extending our heartfelt appreciation to the Law Enforcement Assistance Administration for their efficient and effective administration of the Omnibus Crime Control and Safe Streets Act and for the invaluable assistance they have rendered to all law enforcement agencies in the State of Texas.

I have added herewith, Mr. Chairman, a list of how some of the LEAA funds were used in my district. I appreciate your courtesy.

Chairman RODINO. Without objection the list will be included in the record at this point.

[The document referred to follows:]

Grantee	Project	Amount
Cameron County	Rehabilitation of county jails	$7,785
Lower Rio Grande Valley Development Council	Drug education coordination	9,600
LRGDC	Regional drug survey	14,700
LRGDC	Law enforcement training	14,303
LRGDC	Identification and retrieval system	89,517
LRGDC	Rollcall training equipment	1,643
LRGDC	Detective and apprehension equipment	3,000
LRGDC	Riot control equipment	27,200
Cameron County	Prosecutor aid	53,639
Willacy County	do	32,589
Hidalgo County	do	54,615
LRGDC	Esperanza home for boys (Brownsville)	79,689
LRGDC	Administrative assistants, district courts	26,911
LRGDC	Law enforcement teletype system	14,400
Donna	Public safety building	37,500
LRGDC	Police academy	33,000
LRGDC	Teletype network	15,854
Cameron County	Regional probation	57,878
LRGDC	Drug education in region 1	2,200
LRGDC	Drug education summer training	125,825
LRGDC	Hidalgo County probation program	100,324
Edinburg	Police management study	15,000
LRGDC	Youth service bureau	78,329
LRGDC	Design of regional communications system	10,000
Hidalgo County	Regional drug treatment program	21,000
LRGDC	Probationers trips	4,100
LRGDC	Police academy	19,840
LRGDC	Regional probation system	168,076
Willacy County	Prosecutor aid	27,626
Hidalgo County	do	72,682
LRGDC	Valley youth service bureau	85,000
McAllen	Crime lab	50,000
LRGDC	Esperanza home for boys	86,879
Cameron County	Microfilm equipment	11,000
Hidalgo County	Juvenile detention facility planning	20,603

Chairman RODINO. Our next witness is the Honorable John S. Monagan, a distinguished former Member of Congress, who was responsible for the widely known Monagan report which treated the subject of LEAA.

TESTIMONY OF THE HONORABLE JOHN S. MONAGAN, FORMER MEMBER OF CONGRESS

Mr. MONAGAN. Thank you very much, Mr. Chairman and members of the committee.

Chairman RODINO. I would like to state that in view of the fact that the House is meeting, I anticipate that there may be a substantial number of rollcalls. However, you would bear with us if we have to part at some time.

Mr. MONAGAN. I understand completely.

Chairman RODINO. You may proceed.

Mr. MONAGAN. Mr. Chairman and members of the subcommittee, I am happy to appear before your subcommittee today in connection with the request by the administration for authorizing legislation to continue the activities of the Law Enforcement Assistance Administration. I thank you for this opportunity to present my views and congratulate you on your determination to examine the national crime problem as a whole.

The control of crime, the reduction in the volume of crimes committed, and the improvement of our law enforcement process are primarily domestic goals today and it is a legitimate and necessary activity of the Congress to assume the responsibility for creating programs dedicated to achieving these vitally important objectives.

It was in response to this urgent need that the Congress passed the Omnibus Crime Control and Safe Streets Act of 1968, and its amendments and, over the 4 years since its inception, has made available over $2 billion for its support.

During my service in the Congress, I supported the LEAA appropriations. At the same time, I believed that the defects in the operation of the program which had been publicized in the news media showed that it required examination and review. Accordingly, on my recommendation, the Legal and Monetary Affairs Subcommittee of the House Committee on Government Appropriations, ably assisted by the GAO, took on the task of examining the program, held extensive hearings, and on May 18 of last year transmitted to the Speaker of the House a report of these hearings together with its recommendation.

Although this examination of the LEAA programs created some controversy, it seems clear to me that auditing of this type is not only the right, but the duty of the Congress, and that its appropriate committees should constantly appraise executive performance of programs which it has created, especially as in this case where the last appropriation was over $800 million. I believe that this study was helpful in setting forth the problems which existed in this new program and the conclusions which the committee reached can be helpful to the Judiciary Committee as it enters upon its task of determining what the future of the program should be. The study also spurred the LEAA into activity in policing and reforming its programs.

A basic question goes to the desirability of financing such a program through the so-called revenue sharing approach. The last Administrator in the hearings continually stressed the point that the Federal agency did not follow in detail the funds which it passes on to the State agency for State and local distribution and use. At the same time, our committee examination, as well as independent developments, showed defects in performance, departure from congressional goals, poor operating practices, waste of funds on the one hand and underutilization of funds on the other. Although it admittedly cannot be asserted that categorical programs are without defects, nevertheless it can legitimately be asked whether the vast sums of money involved in the instant program can be properly and productively spent without greater control. Certainly the deficiencies in the operation of the program raise grave doubts as to the effectiveness of this method of spending the taxpayers' money.

These doubts existed in my mind under the bloc grant approach of the old program and they would still exist under the new proposal since the current restraints of prior approval and Federal supervision and such measurements and standards as have been introduced will be abandoned.

On the details of operation, our examination of the LEAA program resulted in certain specific conclusions and they may be listed as follows:

1. Program paralysis.
2. Hardware: overpriced and misused.
3. Consultant abuses.
4. Duplication of other Federal programs.
5. Failure to exaluate.
6. Bloc grant funds in banks and bonds.
7. Lack of accountability.
8. Politics and bureaucracy.

Since the detailed evidence under these headings is contained in the hearings and the report of the subcommittee, and since the headings are self-explanatory, I am not going to discuss them in great detail in this statement. I do feel that they have pertinence even in relation to the newly suggested program.

The evidence before us showed that there was an inordinate delay in getting programs into operation and that appropriated funds were not getting on to the streets where the crime was. It showed an extraordinary concentration on the purchase of hardware and a consequent neglect of other and more important aspects of the national need in this field. For example, in Arkansas where several prisons had been held unconstitutional, 7 percent of LEAA funds was allocated to corrections and 37 percent to hardware.

It showed an unreasonable reliance upon outside consultants; many of whom were overpriced and inexperienced. It showed a use of money for activities which duplicated already existing Federal programs. It showed a failure to evaluate the effects of the programs in existence and to measure performance under the program. It revealed the use of funds for investment purposes by State and local governments contrary to Treasury regulations instead of financing programs under the act. It showed a lack of monitoring and auditing of programs and a

failure to make auditing personnel available for such supervision. Finally, it demonstrated that political influence and bureaucratic paralysis have played too large a part in the operation of the program, with consequent misuse of funds and loss of operating efficiency.

In a program which spends billions of dollars from Federal taxes and whose objective is so vitally important, there should be more responsibility on the Federal level for following its operations at the State and local level, measuring its effectiveness and evaluating its future. The Congress did not conceive this program as a simple conduit for making Federal funds available to local governments. It was not expected that it could solve the problem of national crime all by itself. It was hoped, however, that it would move outside the boundaries of routine enforcement and contribute to extraordinary and imaginative measures and programs which would improve our analysis of the crime problem and assist its control in novel ways.

This objective still lies before us. Unfortunately the commission of serious crimes continues to rise. Contrary to the objectives of this law, our streets are not safe, as the recent tragic shooting of a Member of the other body amply demonstrated.

I do not say that these programs have been wholly bad. There have been good results. A notable one has been to increase consultation and cooperation between police officials and to cause them to join to examine common problems. I do say, however, that the number of situations subject to criticism was so high as to cause concern and require reform.

When the committee report was filed, certain recommendations were made and these should be considered by this committee even though it is now nearly a year since the report and some improvement in performance has been achieved and notwithstanding the new revenue-sharing proposals of the administration.

The recommendations dealt basically with stepping up auditing and followup practices on the part of LEAA and assuming responsibility for the character and quality of programs and for their compliance with the law and intent of Congress. They suggested taking the lead in creating proper procurement practices, setting equipment standards, and developing measurement of the effectiveness of programs for establishing proper bounds for their activities. They made proposals for the recovery of misused funds, the proper drawing down of appropriated funds, and the definition of the proper role of outside consultants.

It was also recommended that increases in funding be suspended until it was shown that States, likened to a man trying to drink from a fire hose, could properly absorb such massive funds and that followup, evaluation, and information procedures had been established.

Everyone wants to control crime. Certainly, no one begrudges the provision of ample funds to reach this goal. At the same time, these funds must be spent efficiently and with measureable effect. In too many instances they were not so spent in the past. The new proposals involve the withdrawal of Federal controls without the substitution of any alternative regulation of this spending. This committee should provide standards and safeguards so that these funds will be properly spent in the future before extending the authority for this program.

Mr. Chairman, I haven't had much opportunity to go over the legislation. I just came in, as you know, a few days ago. I see no specific authorization as far as funds are concerned.

There is a general authorization which I would raise some question about. Apparently the amount would be determined through the Appropriations Committee. As I said before, prior approval is taken away and I think it is important.

Several times that correction program has been mentioned as something which conceivably could not be financed at all. I think that is a perfectly proper point, and that you should be concerned about that as well as other areas of the program so that, in short, I do not say that localities or States could not develop the ability to manage this program. If they don't have capacity—our hearings showed many instances under the bloc grant program where they were not able to do it. I believe that would be a hundred-odd million, and maybe more, that there should be controls that are provided in the legislation that is proposed.

Thank you very much.

Chairman RODINO. Thank you very much, Congressman. I am aware of the massive amount of study that your committee conducted in this area, and the report that you produced. Therefore, your contribution today is invaluable.

Would you say, Congressman, that your principal criticism is directed at the slow pace of fund flow, what you described as "program paralysis" in your report?

Mr. MONAGAN. Well, that was an important part of it, certainly. Eighteen percent of allocations was actually disbursed by nine major States over a 3-year period. A lot of it was also directed to the point that these funds went out without adequate pre-examination of plans and then without followup to find out how the money had been used. There weren't adequate auditing resources in LEAA itself.

Chairman RODINO. Well, critics of your report claim that program paralysis, or the delinquency in fund distribution was partially caused by Congress itself, and we heard the argument that Congress fails to appropriate LEAA money in time. But the fiscal year 1972 appropriation, for example, was passed at the beginning of that year on August 3, 1971. Yet at the end of fiscal 1972, less than 2 percent of all 1972 ACTION funds awarded by State planning agencies had been dispersed to subgrantees.

Would you say that Congress was to blame for this?

Mr. MONAGAN. Well, no. Not only was Congress not to blame, Congress made available in every instance the amount of funds that were requested by the administration, but the funds, the money was not passed on to the streets. Even though it went to the subgrantees they weren't always able to use it. We made a table printed in appendix B of our report that showed the periods over which funds were held. They went up, to 254 days in one State. Of course, this was an extreme example, and in several instances, in Indianapolis, and down in Louisiana with the State, the authorities took pride in pointing out that they had received these funds and put them into bonds, or put them into banks without interest being paid.

So the money was there. It had been provided. But it wasn't moved out onto the streets where it was needed.

Chairman RODINO. Congressman, I dislike to impose on you to come back this afternoon, but that is a quorum call and we have about 12

minutes in which to be present on the floor to answer the call. I am wondering if you would come back at 2 o'clock this afternoon so that the subcommittee may ask some questions.

Mr. MONAGAN. I will be glad to.

Chairman RODINO. Thank you very much.

The Chair would like to announce that Hon. Ronald V. Dellums of California was here and was prepared to testify, but unfortunately he had other commitments too, and if there is no objection the Chair will entertain his statement as if he presented it in person.

TESTIMONY OF HON. RONALD V. DELLUMS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. DELLUMS. Mr. Chairman, distinguished members of the committee, I appreciate this opportunity to briefly comment on the first manifestation of the "new federalism," the Law Enforcement Assistance Administration. Its maladministration has not only prevented an effective solution to the urgent problems of crime and justice, but it must cause all of us in Congress to reflect on the efficacy of the concept of revenue sharing.

Establishment of an effective system of criminal justice in this Nation is imperative. Contrary to many popular images, it is the poor, the native American, the Chicano, the black, who suffers most from the ravages of crime, because it is they who live in the cities, where crime rates are the highest. It is also they who suffer discrimination from the police, from the courts, and in correctional institutions. It was on this account that the members of the congressional Black Caucus brought our concern about LEAA's failures to President Nixon's attention, during our meeting with him on March 25, 1971—2 years ago almost to the day. The subsequent record shows the reasons that as in so many other areas our concerns have been reinforced and our questions unanswered.

And the record speaks with painful clarity. During the week of June 25, 1972, the congressional Black Caucus conducted formal hearings on "governmental lawlessness." The hearings focused on violations by a number of Federal agencies of the spirit and letter of the laws establishing the programs they administer. The Law Enforcement Assistance Administration was one of the agencies about which we heard testimony.

The caucus was told by witnesses that contrary to congressional intent that expected LEAA administrators to assist the States in developing reform programs to upgrade the criminal justice agencies and to help them wage a more effective war against crime, the LEAA program is actually being used to supplement local resources in meeting the material needs of law enforcement agencies. Federal funds are being absorbed as contributions to State and local budgets without purchasing basic reforms.

The caucus was told that despite the extensive racial discrimination that pervades all aspects of the criminal justice system from decisions to maintain surveillance to interrogate or to arrest through sentencing and parole board decisions, LEAA has not created appropriate procedures for determining whether its grants will have a discriminatory

effect on minorities, with the exception of racially discriminatory employment practices. Consequently, the program is leading to increased harassment and abuse of law enforcement power in regard to minorities.

Further, the caucus was told that in a number of Southern States, riot equipment is purchased by localities based on the simple justification that they have a minority population. For instance, one town's application showed as justification for riot equipment the fact that "16 percent of the population is riot potential," that is, 16 percent of the town is black.

The caucus was informed that LEAA funds have helped create a national computerized criminal offender file housed in the FBI's NCIC System and that the use of the files threaten potential injury to many because of the lack of regulation of their use by the grantees.

Finally the caucus heard testimony that LEAA does not have an appropriate evaluation mechanism from assessing the effectiveness of its programs at the national or State level. Similarly, LEAA does not have an operating clearinghouse whereby localities can become informed of the efforts of similar localities to address the problem with which they are confronted. This results in great duplication of effort and reinventing the wheel.

Because of my great interest, I brought this testimony to Mr. Leonard's attention by a letter dated August 7, 1972. I have yet to receive an answer. I then requested the Comptroller General of the United States to report on whether LEAA in fact did not have evaluation mechanisms for assessing the effectiveness of its grants. I asked further about the procedures used to determine whether grants will have a discriminatory effect on minorities and whether LEAA is meeting its responsibility regarding insuring equality of opportunity from Federal funds.

My staff was also requested to thoroughly research the LEAA record, including the evaluations made by the Committee on Government Operations and the U.S. Commission on Civil Rights.

After reviewing the record I was even more appalled. This almost $1 billion a year program, the fastest growing item in the budget is a bust and beside crime in the streets, we may be encouraging crime in the suites.

As you well know, GAO reports show $475,000 was misspent in Florida; Alabama misspent $593,000; Massachusetts $400,000.

There is the infamous one-quarter of a million dollar renovation of Mr. Leonard's office; the $84,000 for the Governor's plans in Indiana.

The new budget shows a potential for misdirected funds. The Air Force receives funds for translating police hardware needs into practical hardware.

The U.S. Army Missile and Munitions Center will conduct project studies on civil disorders.

Inmate education and training is being significantly reduced despite the fact that our prisons are a failure.

LEAA action grants are up $135.7 million, with no evaluation of their effectiveness.

To make matters worse, the LEAA audit capability is weak, and the capacity for effective evaluation is nonexistent.

Worst of all, this department of justice stands in complete default on its constitutional responsibilities to assure equal opportunity. A GOA letter to me dated February 27, 1973, indicates that by LEAA's own words, they intend to review grantees employment practices in only eight cities.

For all intents and purposes the civil rights enforcement of funded construction contractor's employment practices is nonexistent. Title VI enforcement, the assurance of equal benefits and services, is nil.

Gentlemen, instead of an instrument of innovation, the LEAA is a defender of the status quo. We cannot tolerate this posture, when the outcome is so important.

I sincerely hope and urge that you will lead the Congress toward an effective effort.

We should scrap LEAA, the agency, the concept.

We must develop a system that specifies goals and standards.

It must be a direct conduit, going basically to where it's needed, cities.

It must assure an equal emphasis to law enforcement agencies, courts, and correctional institutions. It must deemphasize hardware.

It must have a capability for innovation, and an ability to make others aware of successful experiments.

It must assure equal opportunity to benefits and services for all.

It must fulfill the hopes of American for both a just criminal justice system and safe streets.

Gentlemen, thank you for letting me appear this morning.

Chairman RODINO. The subcommittee stands in recess until 2 o'clock this afternoon.

[Whereupon at 12:15 p.m., the subcommittee recessed, to reconvene at 2 o'clock the same day.]

AFTER RECESS

[The subcommittee reconvened at 2 p.m., Hon. Peter W. Rodino, Jr., chairman of the subcommittee, presiding.]

Chairman RODINO. The subcommittee will come to order, and we will resume with Hon. John Monagan.

TESTIMONY OF HON. JOHN S. MONAGAN, FORMER MEMBER OF CONGRESS—Resumed

Chairman RODINO. Mr. Monagan, the report of your subcommittee recommended that the appropriate committees of Congress suspend increases of LEAA grant money authorized and appropriated until the States develop the capacity of promptly and effectively absorbing such funds, and until LEAA has improved its management, auditoring, and evaluating systems.

I am wondering, first whether you have any evidence that the States have developed the needed mechanisms to do this and, second, whether the administration's special revenue-sharing proposal really doesn't simply pass the buck to the States with regard to maintaining the appropriate auditing processes. I recall that in your report there was some suggestion that of the 55 State planning agencies, only three had been comprehensively audited by LEAA as of October 1971. This is despite the statement contained in LEAA's 1969 guidelines that it is

the intention of LEAA to conduct an annual audit of fiscal administration by each State agency.

Mr. MONAGAN. Well, we haven't made any study, I haven't made any study, of what has happened since the time of the reports, and I can't testify about that. There may have been one or two audits since that time. I know that Congress was audited and there were a great many deficiencies that were turned up there, but one of the things that bothers me very much is the fact that under the proposal, even the modicum of auditing and followup that took place under the bloc grant program would not necessarily be done under the new proposal.

Now I certainly won't say that the localities and the States couldn't eventually develop the capacity to take care of these responsibilities, but we have found that they didn't have the money and they refused to make their own funds available to provide auditors to audit the programs in the past, so that will be the problem in a nutshell as I see it.

Chairman RODINO. The administration proposal provides I believe, for, as the Attorney General, the spokesman for the administration, stated, broad auditing and review of and by the State. How does this jibe with the conclusion and the findings in your report that the great majority of the 55 jurisdictions receiving bloc grants from LEAA are unable or unwilling to institute and maintain continuing audit programs and to find the resources to implement them?

Mr. MONAGAN. Well I think that his statement is a generalization, but I don't find any basis in the legislation for requiring or making the resources available to set up this procedure. I must say that Mr. Hutchinson put his finger on one point where the question was of the approval of the plan. In the past there has been some prior approval of plans that have been submitted, but as I read the legislation this would be—and as I listen to the testimony of the Attorney General—I would say that any preappropriation examination, or preauthorization examination would be just a formality, and that their emphasis is on the confidence that they would have in local communities to do a good job.

But I say that minimum auditing is necessary and in fact LEAA in more recent years was asking for more auditors and they were turned down in the Bureau of the Budget and in the Justice Department. One of the results was that Mr. Rooney's committee did make funds available, I believe, in the 1972 Appropriations' bill for 50 positions, let's say. I forget the exact number.

Chairman RODINO. How would you characterize the recommendations that you made with regard to the Federal audit responsibility, insofar as the special revenue-sharing proposal is concerned? Would you say that those recommendations would be more relevant or less relevant?

Mr. MONAGAN. I think you have to have responsibility. I think you have to have some Federal responsibility where you are making $800 million—actually the authorization in the former bill went up to $1.5 billion. I believe you have to have some responsibility on the Federal level, but you have to have an apparatus somewhere that will take this responsibility. You don't have it now on the local or the State level, and if you just make the funds available, I believe that you are

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going to have more of the same sort of thing that we turned up here under the bloc grant program.

Some people seem to think that you can make these funds available and have programs without any oversight apparatus at all. I think that is obviously wrong and you don't want it.

Chairman RODINO. You made the point in your report that there were some areas where most of the money had been spent on hardware rather than in some of the other areas which you considered to be more pertinent to crime reduction and crime prevention.

How do you feel about this in light of the fact that the administration bill as presently drafted doesn't seem to require any categorizing of the funds in any of those other areas?

Mr. MONAGAN. Well, I think it would be very important to have some guidance in this regard. I do believe that the expenditures for hardware after the 1968 bill probably came as a result of the disturbances in the cities, and there was a tendency to concentrate on that. I think that police chiefs tend to think in terms of hardware too. I don't want to discount the importance of communications either, but I mention the case of Arkansas where 39 percent, as I recall it, was spent on hardware and 7 percent on correction, even though several jails in that State had been held unconstitutional.

There has always been a very active communications industry. They have been out pushing the hardware, and they have salesmen in the field. They have had advertising and all the techniques of modern salesmanship.

I think it is important to have some proportion. The purpose of the Safe Streets Act is not to do the ordinary thing, not to pay salaries, or not to build a police station, or I think not to go too far into the hardware business. You want to do something that is a little different, a little out of the ordinary, innovative.

Chairman RODINO. Well, would you then be saying, Congressman, that the expenditure of funds for hardware in this area really did not produce an appreciable result in reducing crime or preventing crime?

Mr. MONAGAN. Well, of course, crime statistics are very unstable, but at least you can't demonstrate that the program resulted in any change, any substantial reduction in the commission of crimes.

Chairman RODINO. I have no further questions.

Mr. Hutchinson.

Mr. HUTCHINSON Thank you, Mr. Chairman.

Mr. Monagan, subsequent to the report of your subcommittee, the Law Enforcement Assistance Administration obviously read through that report with a fine tooth comb and took a lot of your suggestions to heart and has made some noticeable changes in its procedures and practices. Wouldn't you agree?

Mr. MONAGAN. I think that is true. I indicated that they had in my statement. They have also filed with Chairman Holifield a rather extensive bill of particulars of things that they have done. I certainly applaud any steps that have been taken in this direction. It isn't so much the specific performance as the philosophy of not having controls that I object to.

Mr. HUTCHINSON. I see. Well, I would simply like to say that in my opinion I think that your subcommittee performed a most meritorious service, and I think it has produced results.

Mr. MONAGAN. Well thank you. If we did concentrate on deficiencies it was not saying that there were no good results. That was not the intent, but the point was that here were these things that should be looked into.

Mr. HUTCHINSON. Mr. Chairman, the Law Enforcement Assistance Administration has prepared a response to the Monagan report. I ask unanimous consent that the record contain at the conclusion of Mr. Monagan's statement their response.

Chairman RODINO. Without objection it is so ordered.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

Now, Mr. Monagan, one of the points that your committee made in its report was this problem of fund flow—the slowness with which appropriated funds are actually expended. You talk about the capacity of the local units to absorb the program's funds. Specifically, just how do they lack the capacity? Has it been through a reluctance on their part to qualify?

Mr. MONAGAN. No. I think it is just the size of the program——

Mr. HUTCHINSON. Of course, that is right. It is a big program. It was growing very rapidly and, of course, not everything can be done at once. Would you agree that sometimes that it is better, more responsible administrative practice to be sure of what you are doing before you spend the money than to go out and spend the money and discover afterward that it was a mistake?

Mr. MONAGAN. Yes. And we cite examples where the directors of the State agency would send around a communication to all the local communities saying, "We have $430,000—some to spend, and get going. We want to get this out of the way." The same thing that we used to see in the foreign aid programs toward the end of the fiscal year. It is not peculiar to this particular program.

Mr. HUTCHINSON. That is to say it is not peculiar to this program that not until the tail end of a fiscal year are most of the funds committed.

Mr. MONAGAN. That is right.

Mr. HUTCHINSON. What were some of these obstacles that created problems in the fund flow? Was one of them perhaps the requirement of some local matching money that these cities and even the States didn't feel they had?

Mr. MONAGAN. It might have been. They were very liberal in construing what was matching and in many cases we felt that there was no actual match, but it might be.

Mr. HUTCHINSON. In your opinion would the program be enhanced if the law would remove the matching requirements?

Mr. MONAGAN. Well, I have been thinking that over and I think probably that it would be better, although there was some feeling—Governor Petersen, I believe, thought that the administration, the LEAA should be more strict and require a matching grant because it gave the local municipality more of a stake in the program.

Mr. HUTCHINSON. Well, I can understand the persuasion of that argument. On the other hand, if the locality didn't have the funds available to provide the matching in cash, then that requirement would have constituted an obstacle to spending the Federal funds.

Mr. MONAGAN. What they did was permit time to be counted as cash contributions and contributions in other ways than actual funds, so that it wasn't entirely nugatory.

Mr. HUTCHINSON. I understand that. Now you talk also about what you think the Federal responsibility should continue to be in the program. If we adopted a revenue-sharing concept for this program, would you agree that the Federal responsibility would still be evidenced in such things as LEAA audits? LEAA would be auditing these programs and post auditing them all the time I should expect. The other day the Attorney General—if I recall his testimony—indicated that LEAA would expect to audit each State once every 2 years.

Mr. MONAGAN. Well, I would certainly like to see that. It hasn't happened under the present arrangement, and I would hope that they would have an audit of each program at least within a 2-year period.

Mr. HUTCHINSON. And if the revenue-sharing concept were adopted, of course, this committee and the Committee on Government Operations each would continue to have an oversight responsibility for the program, would it not?

Mr. MONAGAN. It would. I would hope that it would exercise it. I was somewhat disappointed in the attitude toward the study that we made because it seemed to me that the agency was hypersensitive when this was something that was just the sort of thing that the Government Operations Committee should be doing.

Mr. HUTCHINSON. Now, I think also that there has been some criticism heard from time to time that at the outset an excessive percentage of LEAA funds was spent on so-called hardware. My recollection may be faulty, but it seems to me that at this time we had just received the recommendation of the Johnson administration's Crime Commission that law enforcement could be improved with modernized equipment. I don't think under those circumstances that the program should have been faulted, because initially it placed an emphasis upon so-called hardware.

I understand that in more recent years as the program has grown and more money has been made available to it, the emphasis has been on training programs rather than on hardware. Do you agree with that?

Mr. MONAGAN. Well, I don't have the facts, but I imagine that it would be true. I know that Mr. Leonard said when he testified specifically before our committee that the emphasis in the future, in the future at the time when he was testifying would be away from hardware and in other directions.

Mr. HUTCHINSON. That is the very apparent trend, I think.

Mr. MONAGAN. I have no doubt that that has been the fact. I just don't know of my own knowledge.

Mr. HUTCHINSON. But there will always be a certain need for hardware because techniques improve and machinery improves and models improve. And, of course, the old equipment wears out.

Mr. MONAGAN. Well, I said just a few minutes ago that I didn't want to downgrade the role of hardware and the importance of communications, of equipment, but it can get out of proportion.

Mr. HUTCHINSON. Thank you very much.

Chairman RODINO. Mr. Seiberling.

Mr. SEIBERLING. Thank you.

It is a real pleasure to see you again, sir. I am glad to see you are still continuing your career in public service even though you are not a member of this body at the moment.

I just have a couple of questions. The idea of revenue sharing, as I understand it, would not be considered by you to be incompatible with the conclusions of your subcommittee report, so long as we set up a proper evaluation and audit procedure? And standards to measure them by?

Mr. MONAGAN. Well, of course, I think it is a mistake to say revenue sharing, as if that meant something. All Federal programs are revenue sharing. My position is what you have stated. That I won't object to the block grant program which was introduced as a prototype of revenue sharing provided you had the followup and the evaluation of the type that I have mentioned. I think LEAA was moving increasingly in that direction.

Mr. SEIBERLING. Did you hear Mr. Jim Stanton's testimony on his proposed bill which would provide for the local share intended ultimately to go to local governments, to go straight to local law enforcement councils instead of going through the State, and having the State decide where to parcel it out? I wonder if you have any feelings about that as opposed to the administration's proposal which would have it go to the States and let the States decide in their own discretion where to parcel out the money.

Mr. MONAGAN. Well, that has been a question since the legislation as first introduced. There has always been a fight. It is a political question I think to some degree as to how the funds are going to be distributed and who is going to do it. I am not too unhappy about the present situation, although I think you might have a proportion, set out a proportion as between the State and the local communities.

Mr. SEIBERLING. Do you think that we should have a weighted formula so that we would make sure that the major part of the money was directed to the high-crime areas instead of just having it handed out on a State population basis?

Mr. MONAGAN. I really think you should, but I don't know whether it is feasible, whether you can actually get that provision into the legislation because there are other areas that would be represented in any vote on the legislation.

I think it should be a factor—let's put it that way—and not just spread the $5 thin over the whole State. I would agree to that.

Mr. SEIBERLING I have no further questions.

I just want to commend you for your excellent statement as well as for the tremendous spadework your subcommittee did in the last Congress.

Mr. MONAGAN. Thank you.

Mr. SEIBERLING. Thank you, Mr. Chairman.

Chairman RODINO. Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman.

I want to welcome our former colleague.

Mr. MONAGAN. I am in favor of the metric system, too. I want that understood.

Mr. MCCLORY. Well I am glad to hear that too. You have very good judgment on a great many subjects.

Mr. SEIBERLING. How about the metrical system?

Mr. MCCLORY. I want to state quite frankly that I think in the investigation which your Subcommittee on Legal and Monetary Affairs

carried on, we witnessed the Congress exercising a highly appropriate oversight function. There has been a great deal of discussion recently as to whether or not committees should oversee the implementation of their own products, their own legislative products. It is true, I think, that we should review what we have already done and see how we can improve it. But the general oversight function of the Congress insofar as the effectiveness of the implementation of legislation and the manner in which the executive branches has carried out the mandates of the Congress seems to me to be appropriately reposed in the Government Operations Committee.

I would only add that I have been terribly disappointed that the principle of adequate minority staffing is not reflected in the present staff of the Government Operations Committtee. The minority ought to be a much higher ratio than it is at this time.

Mr. MONAGAN. There is a minority representation, and I believe it has been increased, but I don't know just what the number is.

Mr. MCCLORY. That was just an observation I wanted to make.

Mr. MONAGAN. I think you are absolutely right and I think that the Congress is subject to criticism for not doing more in this followup function, and if people criticize us we can hardly object if we ourselves are not following up.

Mr. MCCLORY. I know when I served on the Government Operations Committee I used to have a briefing each week on every GAO report. I was disappointed that only a small fraction of the GAO reports ever became the subject of any kind of an investigation by the committee.

It occurs to me as I see your report—and I know that there are disagreements on both sides of the political aisle with regard to the findings, which I think is an indication of a very healthy way in which to undertake this oversight function—that some important questions are raised.

One, of course, is the question of accountability, which I think we are answering adequately in the administration bill, as I recall.

I know that was the subject of testimony by the Attorney General. The bill seeks to make the States and local governments more accountable for the appropriate utilization of funds.

Mr. MONAGAN. Yes; but I don't think he gave any specifies. He said they were going to have open meetings, and they were going to make sure everyone could go to the meetings and know what was going on.

Mr. MCCLORY. The bill also fills some potential loopholes in the present criminal provisions. This should strengthen audit capabilities somewhat.

Another question raised by your report concerns the dissemination of valuable information produced through research so that its maximum benefits may be enjoyed at the local and the State levels.

That brings me to the National Institute on Law Enforcement and Criminal Justice which was created by amendment to the 1968 act and which was intended to serve this function of gathering together the best possible research material by whomever performed and making it available, publicizing it and recommending it where it had high utility. The amendment also gave the Institute the function of guiding and directing the training activities of the local and State law enforcement personnel.

It seems to me that the report makes good recommendations, even though it doesn't specifically make reference to the national institute.

Mr. MONAGAN. I think we do. I am just looking for it. I think it was a marvelous addition to the legislation. If it was your amendment, you are to be commended. I believe somewhere that we say that we thought they should have made more people available for that function, but I don't find it quickly here.

Mr. MCCLORY. The sense of it at least is contained in the recommendations on page 108 of your report.

Mr. MONAGAN. And also in the fact that we found that the institute was extremely important and that that would be a function of this unit.

Mr. MCCLORY. I thank the gentleman for continuing his interest in our work, and I hope we can have the benefit of his very thoughtful recommendations in other activities of this Congress.

Mr. MONAGAN. Thank you very much.

Chairman RODINO. Mr. Dennis?

Mr. DENNIS. Mr. Monagan, the thrust of your remarks, If I understand them, is that the present law has insufficient provision for Federal supervision and control and the proposed law has even less and, therefore, we have got problems. Is that about it?

Mr. MONAGAN. Well, almost, I think there are provisions in the present law, but I think the philosophy of it, at least at the beginning, the philosophy of the LEAA was that it was not their function to persue this auditing and followup.

At any rate, I do feel it was not, and this is the majority report that it was not pursued assiduously enough. Whatever specifications there were and whatever provisions there were in the Safe Streets Act would not exist in the proposed legislation, that is right.

Mr. DENNIS. Of course, one of the problems that you pointed out was this fund flow problem, the slowness with which the funds are actually spent, but I suppose if you put in more checks and balances, as you may want to do, that one ramification of that would be to slow up the fund flow.

Mr. MONAGAN. I don't think so because it wouldn't have anything to do with the application or approval of the specific program, and this is based on Treasury regulations. The only effect would be that you couldn't draw down the funds more than 30 days before they were needed, so that you are not borrowing the money on the Federal level and putting it down to the State, then having the State put it in a bank or buy Federal bonds and hold them for 100 days or 150 days.

Mr. DENNIS. It just seemed to me that if you required LEAA to review the plan, approve the plan, and check out rules and so on, that—valuable as that might be—it might at the same time tend to show up the funds at least in comparison with a situation where LEAA sends out the money and says, "Go ahead and spend it."

Mr. MONAGAN. Yes; that isn't drawing down the funds. That is the operation on the application and the program itself, and I think it would slow it down over the situation where you just make the funds available.

The point is that if you do just make the funds available, won't you have some of the abuses multiplied many times that you had under this program?

I think it is inevitable that even if you started that way that the local municipalities and the State governments would have to come up with an apparatus that could do the auditing, too.

Mr. DENNIS. I am wondering how much you can have it both ways. That is all. The more control you have, the slower the fund flows. The faster you want it, the less the control. How are you going to resolve that problem?

Mr. MONAGAN. I think it depends on the degree of your faith in the integrity of the process, and perhaps mine is not as strong as yours is as a result of having looked at some of these case histories.

Mr. DENNIS. I am not sure how strong mine is. I am just thinking out loud here.

Another aspect of the problem has occurred to me. The level of appropriations is not rising as markedly as in the beginning. From 1973 to 1974 we are moving from $850 million to $891 million, whereas we began with only $63 million a few years ago. So you feel that this leveling off might ameliorate the problem of absorbing of the passthrough funds somewhat?

Mr. MONAGAN. I think you can say it would be easier to absorb $800 million than the $1½ billion, but you still could leave the problem that we mentioned here. I think naturally everyone in Congress wants to demonstrate that he is willing to take action to put down crime and to look critically at the program, which is not the easiest thing in the world, but it is true that the rate of increase has dropped, but you still have $891 million, I believe.

Mr. DENNIS. You have still got a lot of money there. My only point is that the sudden jump isn't as great. You don't have to readjust as fast. Now, the present statute has a provision that says funds appropriated for any fiscal year may remain available for obligation until expended. Do you think that is a good provision or a bad one?

Mr. MONAGAN. I have said in my opening statement that the present legislation does have specific amounts of authorization, and I believe that I would like to see something of that sort in the legislation.

I think that our legislative committees ought to maintain jurisdiction over these programs as to amounts as well as to details of the program. This would leave it up to the Appropriations Committee, and I don't recall what the time limitation is on this legislation.

There is none as far as I know. So, you are writing a blank check, and I would like to see the legislative committees keep control. I felt that way in the foreign aid program and I feel that way here.

Mr. DENNIS. All right, are you saying you think it would be wise to remove this provision?

Mr. MONAGAN. I would like to see a specific amount. Of course, it still might be more than the appropriation, but at least there would be a limitation to it.

Mr. HUTCHINSON. If the gentleman will yield at that point?

Mr. DENNIS. I yield.

Mr. HUTCHINSON. For a further observation, I suppose it is within the power of Congress with regard to any of these programs to recapture appropriated funds which have not been committed.

It seems to me as though I recall some kind of a chart explaining the overall budget which indicated that at the end of fiscal 1974, it

is envisioned that there will be some $288 billion of funds appropriated but unexpended.

As I say, I think that the Congress at any time could recapture any part of those funds. So when a provision in the law says these funds will remain available until expended, we can always change that. We can always recapture.

Thank you, Mr. Dennis.

Mr. DENNIS. Of course, what this means here is that if the money isn't spent in the fiscal year, it does not revert to the general fund. Now, I can see arguments both ways on that. I think we might require that the money be spent.

On the other hand, we might not. We could tell the State and local governments to wait until they found a good purpose for it. I don't know which way this cuts. I was wondering what you thought about it.

Mr. MONAGAN. I would like to see the limitation. You can commit it. There is nothing as long as your commitment is made.

Mr. DENNIS. I note in your final conclusions in your report you make two very striking conclusions. The first is block grant programs of LEAA have had no visible impact on the incidence of crime in the United States.

You gave a number of reasons: Conservation of funds, a waste of funds, expenditure in excess amounts for equipment, failure to absorb grants, and so on.

The second is impact on the reform of the system of criminal justice has been minimal. If those two findings are correct, obviously the program has serious problems. I would gather from your general approach—maybe I am wrong—that you don't think the new bill is likely to improve that situation.

Mr. MONAGAN. Of course, I think we can put too much reliance on expecting on the statistics and on expecting to have too much of an effect too soon. I guess it is the best measure that we have, and we do have to go back to it, but I think there is a lot of hot air spilled on both sides on statistics, and I wouldn't want to give up the attempt to do something innovative in the control of crime because in a particular year it didn't have an impact.

The big claim that as a result of this particular program there had been a reduction in crime, I don't think that was demonstrated. On the other hand, I don't believe that that should discourage us from trying to improve the program and deal with the problem so that eventually this and all the other things that go into dealing with the administration of criminal justice will have an effect.

Mr. DENNIS. Do you think that in spite of these fundings continuing the program is basically worthwhile?

Mr. MONAGAN. There were witnesses that advocated stopping the program. Our committee never took that position. The most we did was say spend this year what was spent last year, and don't increase it until you are satisfied that the necessary precautionary steps have been taken.

Mr. DENNIS. Do you feel in continuing the program that the special revenue-sharing approach is basically correct? Or would it be better to establish categorical grants? Or would you prefer simply to extend the program?

Mr. MONAGAN. If revenue sharing means making the funds available without adequate controls, I would rather keep the present system and improve the evaluation and the controls there, and there has been movement by LEAA in that direction.

Mr. DENNIS. Then the thrust of your remarks is rather to keep the present system and improve it, is that correct?

Mr. MONAGAN. That is correct.

Mr. DENNIS. I thank you.

Chairman RODINO. I have just several more questions and would welcome your opinion. Would you say that the accountability requirements in the present administration proposal are more stringent or less stringent than those that now exist?

Mr. MONAGAN. In my judgment, with the opportunity I have had to study them, they are much less stringent.

Chairman RODINO. If that is the case, then in view of the fact that in your report you pointed out that very few of the many State planning agencies that had been required to present audits actually did, would you expect these problems to continue until this bill?

Mr. MONAGAN. That is right.

Chairman RODINO. You suggest in your findings and conclusions that the impact on the system of criminal justice has been minimal but couldn't definitely be ascertained because LEAA has failed to develop studies for measuring the effectiveness of the program.

What standards for measuring or evaluating the effectiveness of the programs would you suggest? What do you think ought to be required?

Mr. MONAGAN. I think first of all you should have audits of each program every year or every 2 years, and then I think that, for instance, LEAA should review the operation of the programs to see what the effect has been, see whether they conform to congressional intent, see whether they are the sort of thing that should be done under this program.

Also, the coordination is something that I don't see how that could be accomplished under the proposed legislation, but if city A has a program that is very effective and all the witnesses here were familiar with some individual program that had worked out pretty well, how does city B in another State know about that?

The criminal justice—the name escapes me—looking ahead and evaluating new proposals in science of administration of the justice system, all these things should be important and cranked into a program.

Chairman RODINO. Would you say that the real question which ought to be asked here is how far have these programs gone in really effectively reducing and preventing crime. How do you view some of the recent crime statistics that show a decrease in the rate of increase?

Mr. MONAGAN. There has been a reduction in the rate of increase, but the volume of crimes that are committed is certainly unacceptable, and you get into a definition. If you say serious crime, which crimes are you talking about?

You have to look at the whole—well, if you look at the FBI statistics on the commission of crime, you will find that it is very uneven, but the general tendency is up.

Mr. HUTCHINSON. Mr. Chairman.

Chairman RODINO. Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman. I wish to comment on that, if I may. It is my understanding from the testimony as I recall it given by the Attorney General the other day that the rate of increase in crime had leveled off so that it was only about 1 percent.

However, I have been informed that the Department of Justice is about ready to announce that in 1972 there was an actual decrease in class 1 crimes—an actual decrease of 3 percent.

That means an actual decrease, not a declining increase. In view of that, Mr. Monagan, do you still stand by the first statement of your findings and conclusions that the bloc grant programs of LEAA have had no visible impact on the incidence of crime in the United States?

I think it is becoming evident that they have had.

Mr. MONOGAN. It hasn't been demonstrated. Of course, I am delighted if there has been a decrease, and I want to make that clear. I would look to see the statistics, whether they are talking about the city of Washington or the Nation as a whole, because they have emphasized Washington, which is not a typical city.

I would be willing to say that this was part of the effort, and whether you can ascribe any proportion of it to this particular agency or not, I don't know. I also would say that the tendency of criminal statistics of this committee report and hearing was not what you say it is today if that, in fact, is so.

Mr. HUTCHINSON. In other words, it appears that in recent months the situation has materially improved?

Mr. MONAGAN. There has been a decrease in the rate of increase. That has been going on, but I don't think we ought to settle for that.

Mr. HUTCHINSON. My information is that this is actually a decrease, a nationwide decrease. It is not just a matter of the city of Washington. I would agree with the gentleman that the city of Washington is not a typical city. I think it is worse.

Mr. MONAGAN. I think the resources are greater, the police forces and so forth, so that you can't double the police force in the State of Michigan just overnight.

Chairman RODINO. Might I just point out that while I am hopeful that the statistics that have been touched on would show a decrease or overall general reduction, I think we ought to analyze how the aggregate figures break down.

In the uniform crime reports through September 1972, it seems that while there is a reduction in crimes that affect property, nonetheless, crimes that effect the person have been on the increase.

My question is, are these funds that are being channeled in this area going toward crime that can effectively reduce and prevent assaults on individuals, and the terrible crimes that affect the people in the streets today who are primarily afraid that their persons are going to be attacked?

This is something that hasn't as yet been really questioned, that the crimes of violence, the crimes against the person are on the increase, whereas the crimes that relate to property have been on the decrease.

Mr. MONAGAN. That is why it depends on what you mean by serious crime. When you say serious crime is down, you may mean larceny or embezzlement, but on the other hand murder and rape and those others

may be up and you have to look at the specific statistics in order to know.

I think the answer would be that some of the money is helpful. It has been demonstrated that a lot of it has not been, and the role of Congress is to set standards to make sure that the largest possible proportion will be effective in this direction.

Chairman RODINO. Are there any further questions?

Mr. SEIBERLING. If I may, Mr. Chairman, I would just like to try to clarify one point.

I didn't understand originally that you felt that the preconditioning of grants was nearly as important as the standards and the audit and the evaluation of grants after they have been through the whole process.

Mr. MONAGAN. I don't know that we tried to make a determination as to which was more important. I think probably it is true that the audit would be more important. We don't want to put any more obstacles than you have to in the way of making these funds available. On the other hand, what is proposed now, as I understand it, is almost a registration of a plan.

It is not a review, and it is not an examination to make sure that it corresponds to the legislation and the intent of Congress.

Mr. SEIBERLING. If we laid down some standards and provided for the LEAA to update them, and disseminate them to the local agencies, and we said: "Now we are going to tell you exactly what you have to do to comply with these standards, but after the fact we are going to take a look at it, and if you are not in compliance with the standards and you have dissipated this money unwisely, then you are not going to be able to come back again to get it without making some changes"?

It seems to me that we would then have the effect on the local governmental law enforcement agencies of making them more careful without at the same time having all of the bureaucratic redtape which the Attorney General admitted was a morass.

Mr. MONAGAN. Well, you can't avoid some bureaucracy. I think you have to have it. Eventually you will have it on the local level.

Mr. SEIBERLING. We have got it now on the local level. What we are trying to do is restrict it to that.

Mr. MONAGAN. You don't have any in regard to this program. That is what we are really talking about. I wouldn't want to make it any less restrictive than it is at the present time in the preview.

Mr. SEIBERLING. The matter that strikes me is that the subcommittee's report, as well as your statement, indicated that the LEAA program had no visible impact up to now, and it seems to me that if that is the case, one of the reasons is because a great portion of the money was very, very slow in trickling out to the cutting edge of the fight against crime which is the local law enforcement authority.

So, I would think to achieve the objectives of having an impact we have simply got to do something to end this incredible amount of funding delay that has hit these programs in many areas all along the line. I don't see any way of doing that if we are going to continue with a kind of a categorical program.

Mr. MONAGAN. I think it might be advisable to have GAO make a report as to what the current status is because this report was made

last May and the hearings were sometime before that, so that I am not sure that it is as bad now as it was then.

Mr. SEIBERLING. That strikes me as being a very constructive suggestion, and I think the committee ought to give that some consideration. In effect, update your subcommittee's report.

Chairman RODINO. I certainly want to thank the gentleman for his contribution. It has been of great value to this subcommittee, and we assure you that it will be given great consideration as we proceed.

Mr. MONAGAN. Thank you.

[The response to the report follows:]

U.S. DEPARTMENT OF STATE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., February 20, 1973.

Hon. WILLIAM J. RANDALL,
Chairman, Legal and Monetary Affairs Subcommittee, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR CHAIRMAN RANDALL: This is in response to the request from the staff of the Legal and Monetary Affairs Subcommittee for an updated reply to the series of questions posed last July by Congressman Chet Holifield, Chairman of the Committee on Government Operations. In his letter, Chairman Holifield requested my comments on the thirteen Recommendations contained in the Committee Report entitled "Bloc Grant Programs of the Law Enforcement Assistance Administration", and he asked for my response to 26 separate questions.

As you know, my initial reply of August 22, 1972, has been made somewhat obsolete by recent changes in a number of administrative areas of concern to your subcommittee. I believe the revised responses which are attached demonstrate that LEAA has developed an efficient mechanism and effective management policies for the administration of block grants to State and local units of government.

I would like to emphasize, as I did in my letter to Chairman Holifield, that the time period dealt with in the subcommittee recommendations and report relates to fiscal years 1969, 1970 and 1071—the first three operational years of a fledgling program of unique and somewhat experimental design. That some aspects of the initial design were in need of modification or restructuring is apparent. Those needed changes have been implemented.

This administrative restructuring obviated the need for additional action on several of the recommendations advanced by the subcommittee. However, I believe you will be pleased to note that the attached comments indicate LEAA is well along in the development and application of other procedures which conform to the recommendations subsequently postulated by the subcommittee.

I trust this material will be helpful in your review of LEAA's progress and I assure you of LEAA's willingness to cooperate with you and the subcommittee in a continuing effort to strengthen the Federal partnership in the fight against crime and delinquency.

Your interest in the programs of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

JERRIS LEONARD, *Administrator.*

RECOMMENDATIONS OF THE SUBCOMMITTEE

The committee recommends that: (1) Appropriate committees of Congress suspend increases in action grant funds authorized and appropriated until the States have developed the capacity to promptly and effectively absorb such funds and LEAA has:

(a) developed an adequate and reliable grant management information system;

(b) determined the existence and adequacy of State audit and review controls to monitor and evaluate block grant programs;

(c) developed evaluation standards and measures of effectiveness for planning and action grant programs;

(d) established an adequate system for disseminating the results of research, development, and experimental projects.

1. I am pleased that the Congress rejected the subcommittee recommendation of a suspension of increases in action grant funds. Such an action would have been a breach of faith with State and local governments and might have been a crippling blow to the goal of reducing crime.

(a) LEAA's Grants Management Information System will be operational in June, 1973. A prototype was developed and tested. Work is currently underway to collect all historic information and to design the updating mechanism. This project has been accelerated by six months in deference to the Congressional interest. (See response to question 22).

(b) State capabilities and audit adequacy is being quantified in FY 1973 Part B planning grants which have now been submitted, in order to serve as a basis for the future work plans of LEAA in the audit and financial management area.

(c) States had been given an evaluation responsibility in 1972 Part C guidelines, and this responsibility was refined in 1973 Part C guidelines. Project evaluations which they produce will, in turn, be evaluated by the Office of Inspection and Review in order to formulate comprehensive evaluation criteria and standards.

(d) LEAA is conscious of the need for an exchange of technical information, particularly the results of research, development and experimental projects, throughout the criminal justice community. We are addressing this need through the efforts of the National Criminal Justice Reference Service and the Technology Transfer Division of the National Institute of Law Enforcement and Criminal Justice, LEAA's research arm.

The Reference Service is intended to provide a nationwide exchange of information on criminal justice research and development projects and to maintain a central repository for information on those projects. The specific services offered by the Reference Service are outlined in response to question 22. Users of the Reference Service may search the data base for information on specific topics; they also are notified on a regular basis of new entries in their fields of interest.

The National Institute's Technology Transfer Division is specifically charged with implementing a two-way information flow about research developments between the Institute and the LEAA Regional Offices, state planning agencies, other Federal agencies with related programs, and a number of universities and private research organizations engaged in criminal justice-related research. This is accomplished through field visits, frequent personal contact, and widespread dissemination of research reports and summaries. TTD is also developing prescriptive program packages: practical models that will permit local administrators to follow, step by step, the implementation and operation of specific action projects. These packages will include a summary of experience and findings of significant action and research projects in a specific problem area, (e.g. methadone maintenance), detailed procedures for implementation and evaluation, staffing and budget requirements, possible problems in implementation, data and information requirements, and other information.

(2) LEAA require SPAs to maintain minimum levels of audit and evaluation resources, including personnel, as a condition to the awarding of action grants.

2. It is LEAA audit policy that the agency responsible for the audit of the SPA and the subgrantees is the State Central Auditor (appointed, elected, etc.). We have stressed monitorship of subgrantees by the SPA but have not required the SPA's to hire strictly auditors. It is LEAA audit policy that where the SPA does hire its own auditors they are independent and report to the Supervisory Board and/or the Executive Director.

The Guideline for State Planning Agency Grants now requires that the application describe the State's specific plan and procedures for performing this annual audit, including specific documentation, i.e., agreement with the appropriate State audit agency.

(3) LEAA require States annually to conduct compliance and management audits and include in their comprehensive plan copies of the reports of such audits.

3. State legislation in some cases prohibits States from conducting compliance and management audits. Although we stress comprehensive audits, which we consider to be all encompassing, including compliance and management, we believe that it will be some time before most of the States will be able to provide

this service. Starting with FY 1973 it is a planning grant application requirement that the SPA describe the State's specific plan and procedures for performing an annual audit, including specific documentation, i.e., agreement with the appropriate State audit agency.

(4) LEAA promulgates regulations on minimum procurement and contracting standards and procedures applicable to the purchase of goods and services by State and local governments, including requirements of competitive bidding, open specifications, and standards for professional service of outside consultants.

4. The Office of Management and Budget issued Transmittal Memorandum No. 2, Circular No. A–102, Attachment O, which established uniform procurement standards for grants-in-aid to State and local governments. LEAA adopted, in its entirety, the procurement standards outlined in this OMB memorandum by incorporating the procurement standards into LEAA's Guideline Manual G 7100.1A, Financial Management for Planning and Action Grants (to be released in March 1973). Accordingly, LEAA has provided standards for use by State and local governments in establishing procedures for the procurement of supplies, equipment, contribution, and other services with LEAA grant funds. These standards are furnished to insure that materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive Orders.

(5) LEAA increase the size of its audit staff to a level sufficient to meet workloads projected by its Office of Audit *including annual fiscal* and management review of the programs of each of the 55 jurisdictions receiving block grants.

5. For FY 1973 the Office of Audit staff will be increased by 19 positions. This will give the Office of Audit a total staff of 59 (professional and support). The OMB has approved 30 additional positions for FY 1974. LEAA does not intend to conduct annual fiscal and management review of each of the 55 SPA's with its own resources. Our program is to build State audit capability and review their audits for comprehensiveness and compliance with the LEAA audit guidelines. In addition, specific staff of the Office of General Counsel has been given full-time responsibility in the area of resolution of audit related legal problems.

(6) LEAA increase the staff of its Office of Inspection and Review to a level sufficient to perform the evaluation functions assigned to the Office in May, 1971.

6. Recommendation (6) goes counter to the intent of the May 1971, Task Force Report which projected the Office of Inspection and Review as a small core of specialists who would use evaluation as a tool for planning the course of the LEAA program. The recommendation implies that evaluation is not occurring and the I&R is the unit to do evaluation. Neither is correct.

The following points militate against the need to enlarge the I&R staff to the point where it would perform every evaluation involving LEAA funds:

a. As a planning tool evaluation requires the participation of line managers if planning is to be effective.

b. I&R should not grow to a size capable of performing direct program or project evaluation. For example, we are planning on spending about $2.0 million for the National evaluation of the $160.0 million Impact program. It would be most undesirable to build a staff capable of substituting for this effort.

c. Evaluation is also a research function, in that it finds out what works and what doesn't so that advice and direction can be given. The Institute is doing and will do a great deal of evaluation.

d. I&R's charge, as we interpret it, is to *see to it* that evaluation is done. In that respect we:

(1) Have performed one comprehensive evaluation of SPA's and are now discussing with the SPA Executive Committee the criteria and procedures by which this can be done regularly, including sanctions for poor performance and rewards for superior performance.

(2) Have placed an evaluation requirement on SPA's for 1973 and will follow this with "how to" manuals and technical assistance in 1973 and 1974.

(3) Will evaluate project evaluations performed by SPA's to give guidance on improvement and provide technology transfer.

(4) Have trained all Regional Offices in crime-specific planning and are assisting them in training SPA's, RPC's and local units in crime-specific planning.

(5) Will give more extensive training to limited members of Regional Office personnel to develop superior capabilities in crime-specific planning and evaluations.

(6) Are refining a draft of an agency and system-wide Performance Management System.

(7) Are in the process of evaluating all Regional Offices administratively.

(8) Are constantly using what we have learned through evaluation in the past year to make recommendations on program planning and resource allocation.

(9) Are evaluating relatively unexplored areas of crime-specific attack for possible Discretionary Fund Impact Programs.

We agree with the committee that evaluation is an important adjunct to operating a successful program. The above information clearly shows that I&R is in the midst of evaluation efforts and can be effective without the addition of large numbers of personnel to do on-site evaluation of all LEAA programs and projects.

(7) LEAA establish standards for effectiveness in programs financed by block grant funds through establishment of objectives and analysis of the potential impact of programs prior to their implementation.

7. Immediately after becoming Administrator of LEAA, I directed LEAA staff to develop a strategy for developing criminal justice performance standards and goals.

In the summer of 1971, two planning conferences of criminal justice experts were held. The conferees in August recommended the establishment of a national commission to oversee the development of standards. Pursuant to this recommendation, on October 20, 1971, I announced the creation of a National Advisory Commission on Criminal Justice Standards and Goals. Delaware Governor Russell W. Peterson was named Chairman of the 20 member Commission and Los Angeles Sheriff Peter J. Pitchess, Vice-Chairman.

Twelve task forces were created to support the Commission. Four of the task forces were charged with preparing staff reports—police, courts, corrections, and community crime prevention. A fifth task force was asked to develop standards on information and statistics.

The task forces have completed their work. The standards, recommendations, and priorities developed by the task forces were reviewed by the Commission. Modifications were made in these standards, new standards were added, and some standards developed by the task forces were deleted.

The Commission has sent five reports to the Government Printing Office for printing and publication in the spring. These reports set out detailed standards and priorities for community crime prevention, the criminal justice system, the police, the courts, and corrections.

The Commission staff is now completing the work on a report which summarizes the findings in the five task force reports.

The major findings of the Commission were published as working papers on January 15 of this year for consideration by participants at the first National Conference on Criminal Justice. Almost 200 standards and recommendations were contained in the 750 page working papers. The findings of the Commission were discussed and presented to the participants at the Conference and many States are now in the process of developing strategies to implement standards with LEAA block grant funds.

LEAA will continue to support the standards and goals through a permanent headquarters staff which will be responsible for encouraging States to implement the standards and for evaluating the effectiveness of the standards. An advisory group of business leaders, community leaders, government leaders, and criminal justice practitioners will be established to oversee the implementation and evaluation efforts.

(8) LEAA make a review of proposed programs which are directed at functional areas outside the criminal justice system and require that such programs clearly demonstrate that they will advance the goals of the Safe Streets Act and not duplicate other Federal programs.

8. LEAA has coordinated its efforts with other Federal agencies as follows:

a. Memorandum of Agreement on Responsibilities in the Program of the Office of Drug Abuse Law Enforcement (ODALE).

b. Memorandum of Agreement with the Bureau of Narcotics and Dangerous Drugs to marshal manpower resources through joint undertakings.

c. Coordination of Law Enforcement Assistance programs and Highway Safety programs.

d. A working relationship with HUD under the Model Cities Program.

e. Project COPE–LEAA. HEW and Dept. of Labor are cooperating in a comprehensive offender rehabilitation effort. All the States at this time are submitting comprehensive inventories on how the Federal resources are being utilized in areas related to offender rehabilitation (both juvenile and adult). The States

are identifying areas of need, where there is overlap and where there is a gap. Once all the inventories have been compiled, LEAA, Labor, and HEW will re-evaluate its programs and coordinate efforts in this area so that there will be no overlap and the appropriate agency will be addressing the proper areas of nonresponsibility.

f. LEAA is a member of the Interdepartmental Council to Coordinate All Federal Delinquency Programs. In addition, minimum standards for the eligibility of juvenile delinquency prevention program for LEAA funding have been prepared and are now in the process of receiving final approval of the Administration.

The standards bring into focus the considerations which must be addressed before LEAA funds can be used for such programs outside of the criminal justice system.

9. LEAA institute manpower development programs in financial and program areas for personnel of State and local governments which participate in the block programs.

(9) LEAA has established a Financial and Grants Management Training Program to better prepare the State Planning Agencies for financial and general grants management and for the FY 1973 statutory revisions to our program. The training curriculum includes classes in fund forecasting, allowable costs, accounting systems, and financial report requirements.

The training is being given in Annapolis, Maryland, with sessions of one-week duration. Eight sessions are being provided throughout the year so that the State Planning Agencies may send as many staff members as necessary without unduly disrupting the State Planning Agency operations. At this time three sessions have been completed.

(10) LEAA take action to recover earnings from investment of block grant funds by local governments.

10. During our audits of local governments, we determine whether or not interest has been earned, and if so, we require that the amount be refunded to LEAA. We have recovered $57,706.44 from the Louisiana SPA and an additional $10,513.70 from local subgrantees in Louisiana. In addition, $2,431 has been recovered from the City of Indianapolis.

(11) LEAA establish limits of permissible use of outside consultants by States in the preparation of annual comprehensive plans and in the conduct of action programs and projects, and set a reasonable fee standard for consulting firms engaged under the bloc grant programs.

11. LEAA has taken steps to reduce the percentage of funds authorized under Part B Planning Grants for contracted services. Through FY 72, States were authorized to allocate up to 33 percent of the State level planning grants for contracting with non-governmental agencies or organizations to provide planning services or assistance. The FY 1973 Planning Grant Guidelines, which were officially issued August 22, 1972, reduced the percentage of funds available for contracting planning services to 20 percent of the total Federal share of the planning grant funds.

In addition LEAA has supplemented State Planning Agency Memorandum No. 17 with further Grantee Procurement Standards and Procedures and distributed OMB Circular A–102 and a Grantee Procurement Handbook with a view to insure that certain minimum procurement and contracting requirements are met. Thus it is hoped that the action programs and projects will be conducted in a more reasonable and equitable manner by any necessary consulting firm. LEAA regional and SPA personnel have been trained in the procedures necessary to adequately review a contract proposal from the State. This training has been conducted in all regions—over 200 attended (see attached documents).

(12) LEAA upgrade and accelerate its effort to evaluate and develop standards for equipment available for use by agencies in the criminal justice system, and disseminate results by brand name to potential users under the bloc grant program.

12. Upgrading and accelerating of the evaluation and development of standards for equipment to be used in the criminal justice system has, in fact, already been done. For FY 73, the budget for the Law Enforcement Standards Laboratory (LESL) has been substantially increased. Many of the proposed LESL projects are being funded at an accelerated level, leading to the issuance of standards and reports earlier than originally anticipated.

With regard to dissemination of results of tests by brand name, Institute policy is to disseminate results by brand name and model where testing of equipment determines that a hazard to safety exists in connection with its use. In these circumstances, the Institute undertakes both public disclosure of results by brand name and model and private consultation with the manufacturers of the defective equipment.

However, in general, Institute policy is to disseminate standard methods of testing equipment without identifying equipment by brand name and model. This provides information which operating agencies may use to evaluate the equipment available to them in light of their individual performance requirements. Brand name information becomes obsolete very rapidly: by the time a series of tests has been completed and the information published, some of the tested equipment may no longer be available while new equipment may be on the market. In some instances, manufacturers do not change the model designations to correspond to the changes in performance characteristics, so that published test results would not only be out of date but also misleading.

The standards are to assist operating criminal justice agencies in selecting and purchasing equipment. They may be included in procurement documents or provide a basis for test and evaluation of available equipment.

The standards are also intended to aid manufacturers in evaluation and redesign of their products, leading to upgrading of the equipment on the market.

In some areas, guidelines are being produced in additional standards in order to provide more detailed information on how to select and to use to best advantage proper equipment. An example is a guideline which will supplement the standard for selection of hearing protectors for use on firing ranges. This guideline, currently being developed, will recommend the use of hearing protectors on firing ranges and provide guidelines for the selection and proper utilization of hearing protection devices on firing ranges.

The Committee recommendation that LEAA evaluate equipment and disseminate the information by brand name to potential users under the block grant program raises the spectre of mandatory standards for procurement with Federal funds. A Federal evaluation program, enforced through constraints on the expenditure of Federal funds for equipment purchases, would provide a highly centralized governmental dominance over what is now a series of individual competitive free enterprise markets. The factors which rapidly render brand name results obsolete would make mandatory standards truly inequitable.

In addition, it is not likely that, for complex equipment systems, a central bureaucracy could establish performance requirements which would be well suited to the great variety of law enforcement agencies' responsibilities, modes of operation, climate and geography, personnel capabilities, and budgets and priorities. In police body armor, for example, the standard provides a uniform way for testing the ballistic resistance; as a general rule, the bigger and heavier armor provides greater bullet resistance at the cost of decreasing mobility and increasing discomfort to the wearer. LEAA does not presume to say whether lighter armor or heavier armor, cheaper armor or more expensive armor, or no armor at all is best. The same police department may very well have several different types of armor and frequently employ no armor at all, depending on individual circumstances. It is LEAA policy, as expressed through the operation of the Law Enforcement Standards Laboratory, to rely on the individual agencies to determine their own performance requirements and to provide them with sufficient information to enable them to match particular models of equipment to those requirements.

(13) The Treasury Department set standards of cash supplies to be held by State and local governments, and LEAA suspend the letters of credit of States which hold amounts of bloc grant funds in excess of Treasury standards.

13. Revised letter of credit procedures requiring a reduction of the excessive cash balances maintained at the State and local levels were implemented in Memorandum for State Planning Agency Directors No. 2 (Revised).

This memorandum required each SPA to maintain no more than one week's supply of cash effective with the quarter beginning July 1, 1972.

It is the responsibility of each State Planning Agency to review sub-grantee requests for funds and make every effort to determine that excessive cash balances are not being held by sub-grantees. LEAA Regional Offices have the responsibility for monitoring SPA formal adherence to the SPA memorandum No. 2 requirement to establish subgrantee disbursement procedures. Additional details relative to this subject appear in response to question 23.

RESPONSES TO CHAIRMAN HOLIFIELD'S QUESTIONS

(1) Please indicate the status of efforts by LEAA to insure that State Planning Agencies (SPA) retain the fiscal and program responsibilities delegated to them by Congress and to minimize the clearinghouse problems which exist in a number of States as a result of the requirements of OMB Circular A–95. (Please refer to your response to Subcommittee inquiries at page 709 of the Subcommittee's hearing record.)

1. LEAA and OMB negotiated a partial waiver from the A–95 clearinghouse procedure for bloc grant subgrants. (As previously noted only subgrants involving construction, renovation or the use of herbicides or pesticides would be required to go through clearinghouse review.) During the OMB Circular A–85 clearance process necessary to finalize the waiver, certain public interest groups objected to the granting of the waiver. While OMB did not officially deny the waiver neither would they approve it and, in light of the active public interest group objections, LEAA therefore had no alternative but to fully implement Circular No. A–95 Clearinghouse Review requirements. On December 11, 1972, LEAA guidelines were officially revised to require that all subgrants undergo A–95 clearinghouse review.

(2) Please explain the reasons why any SPA, particularly that of the State of Arkansas, would approach the end of a fiscal year with large amounts of bloc grant funds on hand without adequately formulated plans and programs for their utilization, as typified by the Memorandum from the Director of the Arkansas SPA which is published in the Committee's report at page 15.

2. It would be purely speculative for me to offer reasons why the State of Arkansas or any other SPA would be in the posture you describe. That information should come directly from the SPAs. I can state, however, that under the comprehensive state plan approval procedures employed since I assumed the position of Administrator, the likelihood of such an occurrence is minimized.

(3) Please provide flow charts or other diagrams which reflect the review processes applicable to the submission and approval of annual comprehensive plans to LEAA by the States, including the internal review that is made in each of LEAA's regional offices of comprehensive plans and requests by States for deviations from the comprehensive plans.

3. (See attached flow chart and Internal Directive #7.)

A request for deviation from an approved Comprehensive Plan is submitted in writing to the appropriate LEAA Regional Office by the State Planning Agency. It is reviewed by the State Representatives, Fiscal Officer and Technical Assistance Specialist (if warranted), the Chief of Operations and/or Deputy Regional Administrator. The final decision rests with the Regional Administrator. If the decision is made to approve the request, a Grant Adjustment Notice is prepared and signed by the Regional Administrator and forwarded to the SPA. Copies of the adjustment are forwarded to Headquarters in Washington. However, if the decision is made not to approve the request, a letter of explanation is prepared, signed by the Regional Administrator and forwarded to the SPA.

(4) Please indicate whether the Grant Management Information System, currently under development by outside contractors for LEAA, will provide LEAA with information, by State, on the amounts of block grant funds which are spent for the purchase of specific items of equipment, including land vehicles, aircraft, electronic surveillance equipment, communications equipment and computers.

4. The conceptualization, planning and design of the LEAA Grant Management Information System (GMIS) are being conducted by the LEAA. The outside contractor is responsible for the executing of tasks necessary to construct the GMIS under the specific direction of LEAA information and data systems professionals. Specifically, the classification and categorization framework of GMIS will identify each grant in terms of criminal justice function and the goods or services procured. See attached extract from the Grant Classification Dictionary. This identification will allow the aggregation of dollar expenditures for specific items or functions.

(5) Please describe the procedures utilized by LEAA, apart from certifications by SPAs, to assure that block grant funds are not used to supplant State or local funds. Specifically, please indicate whether the purchase of land-mobile two-way radio equipment by the States of Arkansas and Wisconsin, as described in the

report, constituted a supplanting of State and local funds available for law enforcement.

5. Consistent with the block grant structure of the LEAA grant-in-aid program, primary grant administrative responsibilities rest with the State Planning Agencies. Therefore, in complying with the requirement that federal funds awarded to sub-grantees be used so as not to supplant State or local funds, State Planning Agencies initially require written certification submitted by sub-grantees attesting to this fact. In addition to the basic statement made by sub-grantees that federal funds will not supplant State or local funds, this certification should contain sub-grantee figures which demonstrate that current expenditures for law enforcement for the annual period during which the subgrant is awarded are at least as great as for the preceding year plus the average annual increment in such expenditures for the past 2, 3, 4 or 5 years (the length of the averaging period to be left to the sub-grantee's option). This certification must be held in file by State Planning Agencies for purposes of audit. Sub-grantee records in support of this certification must contain estimates of total funds annually made available for law enforcement for the year of certification and the years used to determine the average annual increment and it must identify the source or basis for such estimates.

Verification of the sub-grantees non-supplanting certification usually occurs when State Planning Agencies audit grants awarded to sub-grantees. This annual audit must include a review of the underlying or supporting documentation, in this case a review of those documents supporting the non-supplanting certification, to insure that Federal funds are not being used for purposes for which State or local funds would have been available.

A written report must be prepared upon completion of the annual audit with copies furnished to the appropriate LEAA Regional Office and the LEAA Office of Audit.

With reference to the acquisition of land-mobile two-way radio equipment by the States of Arkansas and Wisconsin, the Wisconsin audit had indicated that no supplanting of funds existed insofar as purchase of that equipment was concerned. The Arkansas audit has just been initiated and no determination can yet be made.

(6) Please provide a status report of the matter that is currently pending at the Anti-Trust Division of the Justice Department relative to the marketing practices of Motorola Communications and Electronics, Inc., which matter you referred to the Department on February 1, 1972.

6. The Anti-Trust Division has advised LEAA that the case is in process and as long as there is a possibility of litigation in the matter, public discussion of legal aspects would be inappropriate. LEAA's Office of General Counsel is currently conducting investigations of Motorola activities in both Wisconsin and Arkansas to determine if there have been any violation of competitive bidding procedures.

LEAA has taken the following actions to improve procurement practices:

(1) Conducted training in all regions for SPA and Region staff. Over 200 attended.

(2) Issued a Grantee Procurement Handbook covering all areas of grantee procurement.

(3) Issued an OGC opinion that prohibits contractors from developing specifications and then competing for awards.

(4) Prohibited the award of contracts or orders for equipment that fail to meet Federal grantee procurement standards—OMB Circular A–102 (i.e., Pa., Vt., Texas).

(5) Aided States in the development of procurement procedures (i.e., Va., Pa., Calif.) and provided procurement technical assistance for many other States.

(6) Continued to audit and investigate States that may have violated procurement procedures.

Where States have failed to use sound management practices or failed to deal with contractors at arm's length, LEAA will require a refund or adjustment in the cost of such program.

(7) Please describe any efforts that LEAA has made to encourage and stimulate centralized purchasing of equipment by grantees and sub-grantees.

7. LEAA has conducted 14 training courses in procurement standards and procedures for SPA and LEAA regional personnel—over 200 attended. The training includes a discussion of the advantages of centralized purchasing and the grantees are encouraged to utilize this method of procurement. In addition, we have

issued a Grantee Procurement Handbook covering centralized purchasing and giving technical assistance to the states.

(8) Please indicate the policy of LEAA with regard to the purchase of equipment by grantees or subgrantees at catalogue list prices or higher. Specifically, please indicate whether LEAA and/or the SPAs have exercised any legal recourse, to recover excessive payments to suppliers of law enforcement equipment purchased with block grant funds.

8. The SPAs are responsible for the administration of programs funded by LEAA block grant funds. In the event an SPA or subgrantee fails to insure the use of prescribed or generally accepted practices, LEAA will require a refund or an adjustment in the allowable cost of the program involved.

(9) Please indicate whether LEAA has promulgated or plans to promulgate guidelines prohibiting the participation of equipment vendors and other representatives of commercial firms from the grant application and award processes at the State and local levels, including any requirements that competitive bidding procedures precede the award of equipment subgrants by SPAs.

9. The Guideline Manual G 7100.1A, Financial Management for Planning and Action Grants, paragraph 47, Grantee Procurement Standards and Procedures, covers both competitive bidding and restrictive requirements. LEAA guidelines have fully incorporated the requirements of the Office of Management and Budget Circular No. A–102, Attachment O, Procurement Standards which states:

"a. All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner so as to provide *maximum open* and *free* competition. The grantee should be alert to *organizational conflicts* or interest or *noncompetitive* practices among contractors which may restrict or eliminate competition or otherwise restrain trade."

"b. (2) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition."

(10) Please state the policy of LEAA and the Office of Management and Budget with regard to the allowability and deductibility of costs arising from the trade-in of equipment which is replaced by the LEAA-funded equipment. Please specify under what circumstances the value of old equipment is deducted from the Federal share of a grant or sub-grant under the block grant programs.

10. Office of Management and Budget Circular A–87, *Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments*, stimulates that "in case any assets are traded on new items, only the net cost of the newly acquired assets is allowable." In addition, under the applicable credits section of Circular A–87, grant-in-aid agencies are required to use applicable credits (purchase discounts, rebates or allowances, recoveries or indemnities, sale of publications, equipment, etc.) to reduce or offset expense items allocable to grants.

These requirements are implemented in the LEAA *Financial Guide for Administration of Planning and Action Grants*. The Financial Guide, Section III, Paragraph I, Page 23, requires that the "allowability of the cost of equipment purchased with Federal funds will be reduced to the extent of resale or recovery value when use of such equipment for carrying out the purposes of the grant project is discontinued (during the life of the project) or use for law enforcement purposes is discontinued (after completion of the project) unless all credits relating to such contingencies as set forth in Section C.3 of Circular A–87 ("Applicable Credits") are applied to offset or reduce grant charges." This requirement should be made a specific condition of all sub-grants which include Federal funds for the purchase of equipment.

The Act stipulates that planning and action grants awarded under Title I be matched by grant recipients on the basis of prescribed formulas (90 percent Federal funds to 10 percent State and local funds for action grants) and that Federal funds not be used to pay the entire cost of authorized grant programs and activities. In view of the matching requirements of the LEAA program, sub-grantees may use one of the two options in accounting for the value of trade-in equipment owned by the grant recipient which is replaced by new LEAA-funded equipment. Value of the trade-in can be used to reduce the Federal share of the grant program which cannot be in excess of the above mentioned formulas or it can be used by State or local governments to meet their required matching contribution to a program or project.

LEAA will scrutinize the value of the traded-in equipment and will not allow an inflated value or a trade-in in lieu of normal discount. LEAA will allow only the fair value.

(11) Please provide copies of investigative, audit, or other reports prepared by LEAA or State officials in Arkansas and Wisconsin relative to the purchase by sub-grantees in those States of land-mobile radio equipment with LEAA block grant funds.

11. The investigations of the Anti-Trust Division and LEAA are still in process. All reports will be provided when available.

(12) Please report on the actions LEAA has taken to recover funds misapplied by the Indiana SPA with regard to the utilization of the aircraft which is discussed at pages 41–44 of the report. Please include in your response a copy of the audit report on the Indiana SPA prepared by the Office of Audit of LEAA including the audit findings relative to said aircraft.

12. It has been determined that at least 25 percent of all flights made by the State Police aircraft were not for law enforcement purposes. LEAA is therefore requesting the return of $21,000, about one-fourth of the Federal share of the cost of the aircraft.

(13) Please provide an opinion as to whether § 652 of the Omnibus Crime Control and Safe Streets Act was violated by Indiana officials who prepared and submitted project documentation relative to the purchase of the aforementioned aircraft.

13. In response to the question as to whether or not § 652 of the Omnibus Crime Control and Safe Streets Act was violated by Indiana officials who prepared and opinion of the Office of General Counsel that § 652 was not violated.

The plane in question was purchased with both State and Federal funds. The plane was actually used primarily for State police purposes. Audit negotiations with the State have determined that approximately 25 percent of the flights were for purposes other than those in the grant application. Yet, in the course of an investigation conducted by the LEAA Office of General Counsel, there was nothing to indicate that any facts were willfully concealed by State officials. What happened appeared to be more of a misunderstanding of what the plane could be used for rather than any attempt to defraud the Federal government. As a result of this interpretation, LEAA is moving to administratively recover the money rather than proceed with criminal prosecutions.

(14). Please explain the specific steps which LEAA has taken, including increased personnel at regional offices, to upgrade technical assistance to State and local governments in the purchase of equipment, particularly communications equipment.

14. In 1971, LEAA recognized the requirement for technical assistance at the regional level from which point more expeditious responses to the State and local law enforcement authorities could be made. Accordingly, the position of computer systems specialist was established on the staff of each of the ten LEAA Regional Administrators. These systems specialists were carefully selected for their experience and expertise in the utilization of computer systems in the field of criminal justice.

The requirement to provide more detailed technical assistance in the communications field was also recognized by LEAA and a communications specialist was hired for the Washington office. This individual will provide guidance in the resolution of technical problems related to communications facilities and equipment and their interface with data handling equipment. From the Washington headquarters, staff works very closely with the regional systems specialists in the resolution of problems associated with the planning for and acquisition of data handling and processing equipment and the telecommunications facilities and equipment necessary for their interconnection. Grants for data and communications equipment are closely monitored by correspondence, telephone and frequent on-site visits.

In addition to the liaison just mentioned, round table conferences of all regional systems specialists and the headquarters staff are scheduled as required, usually not less frequently than every sixty days. During these conferences, problems regarding hardware and software are presented and resolved. Information is freely exchanged between the conferees regarding favorable and unfavorable experiences with various equipments and systems, innovative approaches in the configuration and utilization of existing or proposed equipment and new com-

mercial developments that could have application in criminal justice operations. One of the principal purposes of the information exchange is to preclude unnecessary duplication of effort and expenditures of monies by State, county and local government law enforcement agencies, many of whom might otherwise be unaware that related on-going research or procurement may be underway in another jurisdiction.

With the addition of the eleven specialists to the regional and Washington staffs, LEAA is in a position to provide technical assistance to State and local governments in the purchase of data processing and communications equipment and to insure that the goal of maximizing the transfer of technology is aggressively pursued.

(15). Please provide a status report on the steps which LEAA has taken in the procurement area as recited in your letter to me of January 3, 1972 which is mentioned at page 46 of the report.

15. Initially, LEAA issued Bulletin B–7370.1, establishing standards and procedures for the procurement of materials and services by State and local units of government under grants from LEAA. With the issuance of the Office of Management and Budget Circular No. A–102, Attachment O, Procurement Standards, which established uniform procurement standards for grants-in-aid to State and local governments, LEAA amended its Financial Guide and adopted, in its entirety, the Office of Management and Budget procurement standards in Guideline Manual G 7100.1A.

(16). Please specify the exact amounts of Federal funds which have been refunded by the States of Alabama, Florida, Maryland, Massachusetts, South Carolina and any other on which audit reports have been prepared by the Office of Audit of LEAA. In cases where the amounts refunded are less than the amounts found to be fundable by the Office of Audit, please explain the reasons for the reduced amounts. Please include a breakdown of the amounts refunded by each State related to the particular deficiencies discussed in the audit reports.

16. LEAA audits thus far have resulted in the collection of over $528,000. In addition, as a result of our review of contract proposals, contract negotiators have been able to reduce the final contract award below the proposed costs. The following amounts have been collected as a result of SPA audit reports: Florida, $893; Alabama, $143,182; Indiana, $19,959; District of Columbia, $52,224, Kansas $7,711 which totals $223,969.

Other SPA's have agreed that additional funds were expended for unallowable costs, but problems exist with State laws as to the methodology and legality of refunds. LEAA will pursue every available means of securing the refund of all unallowable expenditures.

Upon final resolution of these audit reports we will give you a detailed breakdown of the amounts funded, excused and reasons for actions taken.

(17). Please indicate whether LEAA or the Louisiana SPA have taken any action to recover from the consultant firm, Ernst and Ernst, Federal funds paid to said firm for preparation of the manuals which are discussed at pages 56 and 57 of the report.

17. These consultant contracts will be included in our comprehensive audit of the Louisiana SPA. The audit is in process and any irregularities will be cited in our comprehensive audit of the Louisiana SPA. In addition, the new Louisiana SPA Director, at the request of the Dallas Regional Office, has the matter under review.

(18). Please comment on the Committee analysis of consultant expenditures at pages 58 and 59 of the report.

18. LEAA chose one data base in determining the percentage of consultant expenditures to federal planning grants, the committee staff selected a narrower base. Given the wide variance in the base data of each submission, no objective comparison or comments can be made.

Intensive review of the State Planning Agency utilization of planning grant funds has resulted in decreasing the amount of planning funds these agencies may allocate for such services. Commencing with the 1973 planning grant awards, no State Planning Agency, without the prior approval of the responsible LEAA Regional Office, may budget more than 20 percent of the total planning grant for contracting the non-governmental agencies or organizations to provide planning services or assistance.

In addition to this reduction of consultant monies, consideration was given to redesigning the planning grant application and expenditure reporting forms, however, the publication of OMB Circular A–102—Uniform Administrative Re-

quirements for Grants-in-Aid to States and Local Governments precluded revision of reporting forms and does not accommodate such data gathering.

All consultant engagements are being closely examined in audit resolutions. Included is a thorough examination to determine if competitive bidding was followed and if not followed that the product was in line with the charges. Ernst & Ernst in Indiana is under specific scrutiny and all consultant agreements in Massachusetts are being examined closely.

(19). Please indicate what plans LEAA has to collect information on consultant expenditures by intrastate regional planning boards and sub-grantees from planning and action funds.

19. The Office of Management and Budget issued Circular A–102, Attachment H, Financial Reporting Requirements, which required standardized financial reporting forms. Attachment O pertains to the standardized Federal Grant-in-Aid Application Form.

LEAA is now negotiating with the Office of Management and Budget to determine whether additional information can be requested from LEAA grantees. If the Office of Management and Budget requires a strict adherence to the recommended report formats LEAA will be unable to obtain information on consultant expenditures by intrastate regional planning boards and subgrantees from planning and action funds by issue of the quarterly financial report submissions from grantees.

(20). Please indicate whether Section III of the LEAA "Financial Guide for Administration of Planning and Action Grants will be revised to address the abuses and deficiencies noted at pages 48–60 of the report which deal with utilization of consultants.

20. With the issuance of the Office of Management and Budget Circular No. A–102, Attachment O, Procurement Standards, establishing uniform procurement standards for grants-in-aid to State and local governments, LEAA has amended its Financial Guide (Guideline Manual G 7100.1A), and incorporated the Office of Management and Budget procurement standards. Accordingly, LEAA has not provided standards for use by State and local governments in establishing procedures for the procurement of supplies, equipment, construction and other services with LEAA funds. These standards are furnished to insure that materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive Order. These procurement standards amend Section III, I.(b) Specific Costs Requiring Approval—Equipment and Other Capital Expenditures (Action Grants), and Section III, M. Specific Costs Requiring Approval—Professional (including contract and consultant) Services. In addition, the professional services guidelines, (Guideline Manual G 7100.1A) have been amended by requiring that grantees not circumvent the requirements for contracts for individual services or with non-governmental organizations by contracting for a fixed product which would not be subject to the professional services fee limitation of $135 per day.

(21) Please explain any steps that LEAA has taken to define for SPA's and sub-grantees the substantive areas which are not eligible for funding with block grant or sub-grants. Please refer to pages 61–69 of the report. In addition, please indicate what formal procedures LEAA has instituted to coordinate programs of bloc grantees with those financed by other Federal agencies.

21. LEAA is addressing the question raised in the report, i.e., whether LEAA is authorized under the Act and, as a matter of policy, should become involved in juvenile delinquency prevention efforts not solely confined to the criminal justice system. We are attempting to take into account and reconcile the language of the Act, the legislative history, the possible problem of duplicate federal funding, and such matters as interdepartmental agreements and the most effective impact strategies.

The Office of General Counsel has drafted alternative guidelines for the Regional Offices and SPA's concerning the funding of delinquency prevention projects. LEAA has issued guidelines for the Integrated Grant Administration Program and State clearinghouse procedures. Hopefully, the net result of these efforts will be more policy direction on the fundability of certain delinquency prevention projects.

(22) Please provide a status report on implementation of the Grant Management Information System and the reference service which are currently under development for LEAA by outside contractors. Please indicate whether projected

milestones for these systems have been met and the dates on which the systems will be operational.

22. The Grant Management Information System is being developed under a multi-phased approach. Recognizing that the ability to properly identify and classify grants is the prerequisite for a utilitarian system, the initial phase was the development of a classfication and categorization framework for all grant activity. A prototype system was developed in order to formulate and test such a structure. The utility of the classification structure was tested through the establishment of a prototypical data base with terminal access for a two month period. The operation and exercise of the prototype data base and the review of systems concept by all LEAA organizations was successfully completed on the schedule, May 31. Significant enhancements to the Grant Classification Dictionary were incorporated as a result of the live test period.

Two additional phases remain for the implementation of the GMIS. The first is the collection and coding of the historic data of all SPA sub-grant data. Data elements common to all sub-grants will be collected along with the codification of subject matter using the Grant Classification Dictionary.

The historic data collecting activity, encompassing grants and subgrants awarded from July 1969 thru March 1972, is scheduled for completion March 31. At present, approximately 32,000 grants and subgrants have been collected, coded and entered into the GMIS data base. Validation of these data are underway with the completion scheduled by March 31, 1973. This task was originally scheduled for completion in December 1972. Underestimation of the size of the task was the primary reason for the delayed completion.

Procedures to collect grant data from April 1, 1972 to present and provide ongoing data on subgrants as awarded is scheduled for implementation in April 1973. Appropriate computer hardware and software to support the GMIS have been selected and are undergoing a full system test utilizing a subset of the categorical grant data.

The final phase is the specification of the grant update capability and output report requirements. This task is under way with total completion and implementation of the entire system scheduled for June 1, 1973.

The National Criminal Justice Reference Service (NCJRS) has been developed by LEAA to provide for the exchange of information resulting from criminal justice research and development being conducted throughout the nation. It is one component of LEAA's broad technology transfer program, which is designed to speed the adoption of innovative techniques by the criminal justice system.

NCJRS system design and development began in August 1971 and all services were operational by the target date of September 1972. A central repository of documents has been established from which data is abstracted and entered into a computerized data base. This data base now contains over 6,000 bibliographical listings and abstracts and is continuing to grow at a rapid rate.

Specific services which NCJRS currently provides include (1) an automated Selected Notification of Information system which furnishes individuals with abstracts of current literature in their indicated fields of interest; (2) distribution of selected documents to requestors; (3) publication of summaries of literature on topics of current interest; (4) issuance of current awareness brochures on important events and projects; (5) automated search and retrieval services which provide users wih computerized print-outs of document abstracts in response to specific subject area questions; (6) referral services to sources of information other than NCJRS; and (7) various indexes of the data base, including a thesaurus of criminal justice terms and a quarterly document retrieval index, listing all documents received during the period of issue.

NCJRS serves LEAA and other Federal agencies, State Criminal Justice Planning Agencies, legislators, police agencies, courts, correctional institutions, professional organizations concerned with criminal justice and others engaged in crime reduction and related efforts. Nearly 10,000 individuals are currently registered with the NCJRS and are receiving all regular services and products. Additional ad hoc queries from nonregistered users are being serviced on request. To date, more than 140,000 publications have been distributed in response to over 17,000 individual user requests. Approximately 2,000 specialized searches of the data base have been provided.

LEAA will continue to refine and expand NCJRS services and products to respond to the needs of the criminal justice community.

(23) Please indicate when LEAA will know the amounts which are expended by sub-grantees for law enforcement purposes as compared with sub-grant funds received by sub-grantees and held as excess cash. Please provide a report on the status of implementation of your directive to SPA Directors dated September 30, 1971, dealing with the letter-of-credit method of financing. Specifically, please provide information on the amount of excessive cash balances held by subgrantees since the end of calendar year 1971 and on the recoveries which have been made by LEAA and the SPA's from subgrantees based on their liability for interest on excessive cash balances.

23. Revised letter of credit procedures requiring a reduction of the excessive cash balances maintained at the State and local levels were implemented in Memorandum for State Planning Directors No. 2 (Revised). This Memorandum required each SPA to maintain no more than one week's supply of cash effective with the quarter beginning July 1, 1972.

Federal Funds Status Report (Form 152) for the quarter ending September 30, 1972 indicated that 14 states had over one week's supply of cash on hand. LEAA Regional Offices are monitoring this closely, even on a weekly or daily basis where desirable, and an informal check on February 15 showed two of the 14 States had reduced cash levels below the one week supply level criteria.

It is the responsibility of each State Planning Agency to review subgrantee requests for funds and make every effort to determine that excessive cash balances are not being held by subgrantees. LEAA Regional Offices have the responsibility for monitoring SPA formal adherence to the SPA Memorandum No. 2 requirement to establish subgrantee disbursement procedures.

A survey by LEAA's Financial Management Development Division reveal that as of February 1973, 31 states have been formally approved by the Regional Offices and 19 are still under review. Those states that have not yet completed the implementation of procedures that will meet the requirement of SPA memorandum No. 2 are being assisted by the Regional Offices.

Excessive cash balances at the subgrantee level remains as one of LEAA's most persistent problems. The two primary reasons are:

a. local requirements that money equal in amounts up to the total Federal share be on deposit before matching funds can be appropriated at the local level, and

b. state disbursement systems so cumbersome that as much as a month is lost between the time funds are requested by and made available to a subgrantee.

These are problems that are amenable to solution only as a result of initiatives at the state and local level. LEAA and the Regional Offices encourage such initiatives to the extent feasible under the various existing conditions.

(24) Please state the position of LEAA with regard to deletion of the sentence in Section 203 of the Intergovernmental Cooperation Act which reads: "States shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes."

24. We believe that a State or local jurisdiction which abuses the letter-of-credit system forfeits the exemption from accountability and should be held accountable for interest. It is LEAA's position that the exemption from interest accountability should be dependent upon compliance with Treasury and agency regulations which require that fund transfers be scheduled consistent with program needs so as to minimize the time between drawdowns and program disbursements.

We recommend amendment of the Intergovernmental Cooperation Act, Section 203 by inserting: "Where the State or political subdivision has violated the applicable Treasury Regulation and accrued grant-in-aid funds in excess of amounts allowed, interest or income earned on the excessive accrued funds must be returned to the U.S. Treasury or used for the grant-in-aid program purposes at the discretion of the funding agency."

(25) Please state the total amounts which LEAA has spent and obligated in its training programs offered for State auditors which are conducted in cooperation with the U.S. Department of Commerce.

25. LEAA trained 208 auditors at a cost of about $175,000 in FY 1972. Thus far in FY 1973, we have trained approximately 90 State auditors. The cost to date is about $7,200.

(26) Please indicate the number and identity of States which have placed SPA employees under State merit service or civil service laws or regulations and protection.

26. The following 33 states have placed their SPA employees within the State's existing personnel system or some other adequate State merit or civil service system.

Alabama	Kansas	Ohio
Alaska	Louisiana	Oregon
Arizona	Maine	Pennsylvania
California	Michigan	South Carolina
Colorado	Minnesota	South Dakota
Delaware	Mississippi	Tennessee
District of Columbia	Nevada	Utah
Georgia	New Mexico	Virginia
Idaho	New York	Washington
Illinois	North Carolina	West Virginia
Indiana	North Dakota	Wyoming

The State of Wisconsin has taken action to bring the SPA employees under the State Civil Service System.

Chairman RODINO. Thank you very much.

That concludes our hearing for this afternoon; the committee will meet again on Thursday at 10 o'clock when we will hear from the Governors Conference.

The meeting is adjourned.

[Whereupon, at 3 p.m., the hearing adjourned, to reconvene at 10 a.m., Thursday, March 22, 1973.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

THURSDAY, MARCH 22, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 2141, Rayburn House Office Building, Hon. Peter W. Rodino, Jr. [chairman] presiding.

Present: Representatives Rodino, Jordan, Mezvinsky, Hutchinson, McClory, and Sandman.

Also present: Daniel L. Cohen, counsel, and Franklin G. Polk, associate counsel.

Chairman RODINO. The subcommittee will come to order. We continue today our hearings on the Law Enforcement Assistance Administration.

As our first witness this morning we are very pleased to welcome the Honorable Robert Docking of the State of Kansas.

You may proceed as you please, Governor.

TESTIMONY OF HON. ROBERT DOCKING, GOVERNOR OF THE STATE OF KANSAS; ACCOMPANIED BY THOMAS REED

Governor DOCKING. Mr. Chairman, distinguished members of the committee, thank you for giving me this opportunity to appear before this committee as you consider the future course of Federal assistance to law enforcement activities of States and local governments. I am here as chairman of the Committee on Crime Reduction and Public Safety of the National Governors' Conference; therefore, I will present the position of the National Governors' Conference on the issue you now are considering.

In the Omnibus Crime Control and Safe Streets Act of 1968, Congress recognized that crime is essentially a local problem which only can be controlled effectively at State and local levels. The act established a partnership between the Law Enforcement Assistance Administration on behalf of the Federal Government and the 50 States on behalf of the States and local governments.

The Omnibus Crime Control and Safe Streets Act is scheduled to expire at the end of this fiscal year. Therefore, it is appropriate that we reassess the quality of the partnership between the Federal Government and the States. The partnership not always has operated smoothly. Especially in the last year there has been substantial criticism of the stewardship of both the LEAA and State programs. While

the criticism—at times—has been justified, the National Governors' Conference continues to believe the act was soundly conceived and that the partnership has been productive and effective.

At the 1972 annual meeting of the National Governors' Conference in Houston, the conference adopted the following policy statement:

The National Governors' Conference commends the Law Enforcement Assistance Administration for its extensive and helpful cooperation with the States in implementing the Omnibus Crime Control and Safe Streets Act of 1968. Its actions in fostering the development of qualified staff at the State level, providing wide latitude to the States in developing plans for improving the entire criminal justice system, promoting a spirit of cooperation between the various criminal justice disciplines, and generally supporting the State partnership required in a bloc grant program sets an outstanding example that could well be emulated by other Federal departments. Its efforts to insure the success of this first program embodying a true block grant approach to an intergovernmental problem are noteworthy. The National Governors' Conference further commends the LEAA for its reorganization plan designed to facilitate project review and decentralization by expanding the authority and responsibility of the regional offices.

Therefore, the National Governors' Conference expressly reaffirms its confidence in the LEAA program and urges the Congress to form a partnership with the Governors in working to strengthen the LEAA to assure effective intergovernmental action to deal with one of the nation's most serious domestic problems.

For the current fiscal year Congress has appropriated approximately $787 million for grants for planning by the States, law enforcement bloc grants, corrections bloc grants, technical assistance, and manpower development. Of the amount appropriate, only $528,430,000 is expected to be obligated in fiscal 1973. For the coming fiscal year, the President's 1974 budget recommends a program which would make $800 million available to the States for those purposes through revenue-sharing grants. The budget describes the program in this fashion:

The LEAA authorization expires in 1973. The continuation of its Federal functions will be converted to law enforcement revenue sharing. This program will distribute funds by formula among the States with an assured "pass-through" to local governments, eliminating unnecessarily restrictive Federal limitations. It also will provide greater flexibility in meeting variations of State and local needs, and permit quicker, more responsive approaches to crime reduction and prevention. Of the total, 15 percent will be reserved for discretionary grants.

And that is the end of the budget description.

My purpose today is not to discuss the relative merits of bloc grants to the States compared with special revenue sharing. However, the present bloc grant system, in part because of amendments added to the act in 1970, has proved to be unduly complicated and confusing. The States and local governments, as well as the LEAA, have been plagued with a variety of legalistic requirements and concepts to the point where the States' efforts to plan intelligently for administering Federal funds have tended to become mired in the swamps of such bureaucratically esoteric terms as "hard-match," "buy-in," and "flexible pass through."

The National Governors' Conference addressed itself also to this point at its 1972 annual meeting and adopted the following policy statement:

Insofar as it would contribute toward freeing State and local governments from onerous Federal administrative and fiscal restriction, we endorse those

principles special revenue sharing for law enforcement which would eliminate grantee matching requirements and dispense with the requirement of prior Federal approval of State comprehensive plans as a condition precedent to allocation of funds.

And that is the end of their quote.

When the Governors speak of eliminating prior Federal approval of State plans, we are not advocating the abdication of Federal responsibility for the program. On the contrary, we all recognize the importance of continuing and strengthening LEAA's audit function. It is important to note that LEAA has now developed a training program for State auditors. Under this program, intensive classroom instruction already has been given to more than 300 State auditors in an effort to improve the performance of State personnel who bear the direct responsibility for monitoring the operations of State criminal justice planning agencies.

I reiterate the incidence of crime affects all our people; it involves our governmental system at all levels, Federal, State, and local. Similarly, the campaign to make our streets safe and our people secure involves all components of the criminal justice system: Police, courts, corrections, prosecution, defense, probation, narcotics control, and juvenile delinquency.

The act's requirement for a comprehensive safe plan recognizes that only a systemwide approach will enable us to deal effectively with crime and criminals. Also it recognizes that State government, which alone is equipped to deal with all of the various facets of the criminal justice system, has an indispensable role in the effort to reduce crime.

I realize, Mr. Chairman, that almost any statistical information is subject to challenge. As we read of crime being slowed, we also read of more violence in our streets. Yet, it is significant that during the first 9 months of last year there was an increase of only 1 percent in reported crime, the smallest rate of growth in 12 years, and that an actual decrease in crime was reported for 83 major cities during that period.

I am convinced, as are most of my colleagues, that the combined efforts of the Law Enforcement Assistance Administration and State and local governments under the Safe Streets Act are responsible, in great part, for the progress which these figures indicate. However, instances of specific actions which have resulted in improvements in the criminal justice system are more significant than statistical compilations. Examples of successful projects which have been funded by the States with LEAA funds are numerous. They spell the success story of this partnership and the Safe Streets Act.

In Arlington, Va., an after-care program for committed juvenile offenders provides a counselor for each child immediately following the commitment hearing. The counselor works with the child, his parents, and the training school caseworker during the commitment and provides for immediate placement in school or in a job following the commitment hearing. The counselor works with the child, his parents, and the training school caseworker during the commitment and provides for immediate placement in school or in a job following release. Under this program, the recidivism rate for juvenile offenders has been reduced by 16.6 percent.

United Press International recently reported from California that a major breakthrough has been made in the State's No. 1 crime problem: Burglary. In the first 6 months of a program featuring cooperation between police and citizens, burglaries decreased by from 20 to 30 percent in six selected target areas.

In my own State of Kansas, which has received nearly $21 million in LEAA funds, we are proud of a community based detention and probation counselors program in Wichita which has reduced recidivism from 62 to 14 percent; of a baccalaureate degree program in criminal justice administration at Wichita State University; and of a short-term diagnostic and treatment center at Kansas City which substitutes counseling and job placement as an alternative to jailing selected misdemeanant offenders. Since last June, 151 youths have completed the program at this center, and only 12 of the graduates were later convicted of additional crimes, a recidivism rate of 12.6 percent. Our capital city of Topeka recorded a decrease in class 1 crimes of 14.8 percent in 1972.

I am especially proud of our accomplishments in Kansas. In Kansas, we are fighting crime—successfully.

Under the terms of the Safe Streets Act, each State is required to be representative, within their respective jurisdictions, of the law enforcement agencies, the general local government units and the public agencies which maintain programs to reduce and control crime. With this planning mechanism, we thus have a system which involves all of our people and in which representatives of all of our people are involved.

These State planning agencies charged with developing statewide plans for improving law enforcement and the criminal justice system throughout their States are composed of representatives of all organizations and professions. Included are police officers, housewives, corrections officials, mechanics, clergyman, probation officers, lawyers, teachers, physicians, social workers, persons from all walks of life. They are contributing to the development of a concerned citizenry which may ultimately enable us to find the answers to the problems of crime, which affect every one of us.

The National Governors' Conference believes the basic concept of the Omnibus Crime Control and Safe Streets Act of 1968, involving as it does a partnership between the Federal Government and the States and local governments, represents the best means yet devised for dealing with crime. We urge that this partnership be extended and strengthened.

To extend and strengthen this partnership is to maintain our commitment to protect our fellow citizens.

Mr. Chairman, I am here this morning representing the Governors of the United States to present this position which is their position.

Chairman Rodino. Thank you very much. Governor, I am sure that the rest of the committee appreciates as I do your coming here and giving us the benefit of your views, and expressing the views that you indicate are those of the National Governors' Conference.

However, while I seem to follow the thrust of your statement, and note that you applaud the merits of the Omnibus Crime Control and Safe Streets Act, particularly LEAA as it was written in that act, there isn't any specific references I can find in this statement to the

bill submitted by the administration. That bill is a special revenue sharing bill, which is quite different from what we have now, because many of the so-called Federal strings that are written to exist in the present LEAA do not exist here in the present administration bill. As a matter of fact, the Attorney General in stating the position of the administration indicated quite clearly that they feel that this is the best way to administer this kind of program, without any strings attached. They have faith in the ability of the States to get this money to where it is going to be used, and in that way most effectively deal with the question of crime prevention and reduction.

How do you feel about that specifically; can you give us the position of the National Governors' Conference?

Governor DOCKING. I think so. Of course, I think the States share the position that they can best allocate the funds where necessary. It is my understanding that the administration's bill doesn't require the 75–25 match that we have had, the major emphasis for improvement strengthen law enforcement, reduction and prevention of crime.

It does require a State plan every year for expenditure and, as I understand it, has a 70-percent passthrough to local governments. I think that this would be by and large satisfactory with the States, but I think on behalf of all the States that they would wish to continue such things as their central planning agency, such as our Governor's Committee on Criminal Administration in Kansas, which has 29 members.

Chairman RODINO. Excuse me, Governor, 70 percent of the funds will not passthrough—70 percent of the funds will be subject to partial passthrough. That's an important difference, unless I misunderstand what you said.

Governor DOCKING. No. That is what I intended to say.

Chairman RODINO. Well, in this sense, then, it is considerably less, is it not, than 70 percent?

Governor DOCKING. Well, my information was that 70 percent was allocated; was it?

Mr. REGAN. The 44.1 of the 70 percent.

Chairman RODINO. I just wanted to make that clear so you understood.

Governor, let me address this question. Can the Federal Government really appropriate some $680 million of its money with no strings attached? Should we really tie this money to no standards at all? What guarantee will there be that some of the really important areas in the fight against crime will be funded unless we continue to give some minimal, reasonable guidance?

Governor DOCKING. I don't know that the Governors, Mr. Chairman, want a carte blanche, so to speak, without any restrictions. I personally favor the audit function. I favor certain restrictions on how the funds are going to be spent, such as mandatory passthrough.

For instance, where I think we do need flexibility. In Kansas, I think for a while we were getting pretty hardware oriented, for instance, radios, this type of thing that will be necessary, guns, what have you, to police units. We needed to change directions, in my opinion, toward getting to the root causes of prevention of crime, the rehabilitation. As a consequence, perhaps you are acquainted with

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the Menninger Clinic in Topeka, which is one of the fine psychiatric clinics in the world.

I do think this, that the States do need the flexibility of deciding among the broad areas whether you go into hardware, whether you go into probation, or crime prevention. I think these vary among the States. Hopefully the Governors will judge how the emphasis would be best placed in each State.

Chairman RODINO. Let me put my question this way, Governor: Under the administration's bill, and this is what really concerns me, there is a total lack of Federal standards. You talk about national objectives in reducing and preventing crime. The Attorney General was quite clear when he appeared before us that we ought to have faith in the States rather than allow the Federal Government to take a leadership role in setting standards, or establishing goals.

Now I am wondering if you can give us any assurance as Governor of your State, or as the representative of the National Governors' Conference, that under the proposed bill you would be able to continue to fund at comparable levels some of the vital programs that no longer would be required. I'm referring for example to educational programs such as LEEP, and corrections programs such as those envisioned by part E of the current act, which would be eliminated. How do you address yourself to that?

Governor DOCKING. Well, I will address myself to it positively, Mr. Chairman. I would suggest—and I think that the Governors would have no objection to this—but they would appreciate the expertise of still having compliance plans. Whether it be done on an annual basis every 2 or 3 years, or during the term of every Governor, I would say would be up to the judgment, but I do think that the plans of compliance by the States should be reviewed by the Federal Government, and I would recommend this.

I think that the Governors would appreciate the added expertise that would come with them, and perhaps have the benefit other than the National Governors' Conferences of Federal expertise in doing them. Sure all the Members want to do what is right for the States, want to protect their States from the problem of crime. I think no one would object, as far as I know, to a review of their compliance. In fact, we welcome it in Kansas.

Chairman RODINO. When you say, Governor, you would appreciate the review, would you be intending approval of those plans?

Governor DOCKING. Yes; I would say certainly I think that reasonable plans should be approved.

Chairman RODINO. Rather than just reviewed just for the sake of review or filing.

Governor DOCKING. I would have no objection to approval. I don't think any other Governor would, assuming that the approval was reasonable, not absolute harassment, because I do think the Governors probably in a broad sense would know better about their own States than perhaps others. But I do think that the keeping of the goals, we would welcome it.

Chairman RODINO. But you believe that with the expertise that exists on the national level, if applied in trying to achieve certain goals and standards, that approval review would be good?

Governor DOCKING. Yes; I think it would be good. I think most Governors would welcome it. For instance, it is a partnership with the Federal Government and the States. With the Federal Government putting up most of the money, I think they should have input, or suggesting, or approval of plans, and I assume it would be reasonable. They always have.

Chairman RODINO. Governor, in fiscal 1972 your State received $5 million part E corrections money. Can we assume that under special revenue sharing at least that much money would be devoted to corrections?

Governor DOCKING. Let me check my figures here, Mr. Chairman. Yes; and our figures here indicate, Mr. Chairman, that there has been more money spent in corrections in Kansas than any of the various components. Yes; I think I can be very confident that we will continue, because in Kansas as we are now in the process of constructing the first new penal institution in our State in 50 years for young male first offenders.

Chairman RODINO. Governor, in fiscal 1972, Kansas received $4,516,000 in LEAA bloc grant money. Yet, according to the figures we received from GAO, by September 30, 1972, 3 months after the end of the fiscal year, the State had disbursed only $859,462 of those dollars, which amounts to only about 19 percent or less than $1 of every $5 of Kansas' LEAA dollars. In fact, nearly 10 percent of Kansas' 1969 funds have not yet been disbursed.

I don't say this in an antagonistic manner, I'm just trying to get at the heart of this. I can hardly isolate simply Kansas. Your State is by no means unique. Many States have the same and far worse records. Their money has been allocated, but the actual expenditure isn't there. Is there in general an inability to absorb this money, or use this money? I wonder if it is worthwhile to channel more rather than less authority in the States' direction, especially when there are fewer and fewer strings being attached, if we find this deadend.

Governor DOCKING. Mr. Chairman, I will have to refer to Mr. Regan on that, but your figures don't match my recollection.

Tom?

Chairman RODINO. This is from the GAO report.

Mr. REGAN. Mr. Chairman——

Chairman RODINO. The figure is about 19 percent that has actually been disbursed of 1972 bloc grant money I am trying to find out what the problem is.

Mr. REGAN. Mr. Chairman, our figures that we have prepared for this presentation do not indicate that. We show—now I am going to talk in total figures, Mr. Chairman—allocation ever since the inception of the program of $20,873,909. We show an awards figure—these are awards made to subgrantees—of $15,529,736.59, which is 74.4 percent of all funds received from LEAA had been awarded. Of those awards, 68.4 percent have been passed out to local governments.

The figures were prepared Friday, Mr. Chairman, and as I say, they cover all of the year and the total allocations of the States. That is discretionary, part E, and planning.

Chairman RODINO. I won't question that. This report from the GAO shows that there were only $849,000 disbursed as against $4,516,000

allocated, which, of course, shows quite a discrepancy. My question, frankly, is can you give us some idea why Kansas had such trouble disbursing its funds, and how special revenue sharing would affect the situation otherwise?

Governor DOCKING. Mr. Chairman, when you consider all of the communities and the activity we have in or 29-member board, we have far more applications for funds than we do have available and, of course, these are made on a basis of merit with compliance.

Perhaps that one figure, if funds were allocated right at the beginning of the fiscal year, but we operate in Kansas July 1 to July 1. Maybe that is some of the difficulty.

Chairman RODINO. Governor, I don't want to suggest that you ought to feel especially bad because many of the other States actually had a worse record of disbursing the funds.

Governor DOCKING. I thought ours was pretty good.

Chairman RODINO. Well, the problem that bothers me is that there is a stopgap here. While Mr. Regan suggested a higher overall figure for the period of 5 years in disbursements to the local communities, this is not my concern. My concern, and I think that of all of us is whether or not this money gets to the local communities quickly enough, for the immediate needs of the fight against crime quickly enough.

Since you pointed with some pride to some of the programs that have succeeded in helping to reduce crime and to deter crime in your State, then I am wondering whether or not if these funds were disbursed in those areas sooner whether we might not be that much farther ahead in the fight against crime.

Governor DOCKING. We have in our three major cities, Wichita, Kansas City, and Topeka, about 59 percent of our State's population, and according to crime statistics, about 64 percent of our State's crime. These areas have received the greater bulk of the funds. For instance, all three of these cities were among the cities showing crime reduction of the cities of the country. So I think in Kansas we are very effective with the use of the funds, but I do think that the urban-rural, so to speak, allocation of the funds, I think by and large the Governors and their committees are in very good position to know how they should be allocated among the States.

For instance, in the drug problem, while Kansas certainly doesn't have a drug problem to the extent a good many other States do, nevertheless it is there. It is not confined to one area. In certain rural areas we had drug raids. We had drug raids simultaneously in 33 cities in one night in Kansas, but this was essentially statewide.

I think that the Governors of the State administration are in a good position because if they don't know their own States better, they should. So in this respect, Mr. Chairman, I think that the arbitrary, say, between urban and rural could best be left to the judgment of the States themselves. I am sure, as we have done in Kansas, that we will make a distribution on this. I am sure that is true for Missouri, Oklahoma, whatever the State.

Chairman RODINO. While I respect the judgment of those who administer the State's operations, and I think that they have an overall view, nonetheless I'm concerned about some of the localities where there is a concentration of crime, especially in highly urbanized areas.

I am wondering if those areas really don't know the local problem better, and don't need to have at hand the ability to get these moneys directly and to distribute them according to their own priorities.

Governor DOCKING. Well, yes. Of course, I was thinking of the State distributing them to the local usage, and as far as I know this is in keeping with the thinking of all of the Governors.

Chairman RODINO. Governor, we have another bill before us, H.R. 5746, and I am sure that the Governor may not be aware of what its provisions are, but it is a bipartisan alternative to the administration bill, cosponsored by two members of this subcommittee. It too is revenue sharing, but it earmarks money and decisionmaking directly to the high-crime urban areas as well as retaining for the States some moneys for State control exclusively. But basically it extends the revenue-sharing concept to give funds directly to the cities where much of the crime is actually being committed.

We have already made reference to figures which demonstrate that LEAA funds often reach—and this is unfortunate, but a fact—a dead end in the State capitals. We had testimony on Tuesday, for example, that according to the Comptroller General, fiscal 1971 actually ended with more than 92 percent of LEAA funds still held undisbursed in State capitals. Nearly 50 percent of 1971 money is still held in the State capitals of Pennsylvania, Florida, and Wisconsin. More than 50 percent of 1971 moneys remain in State capitals of States such as Illinois, Virginia, Alabama, and Washington. And with regard to 1972 money, as of last September—and I may have already pointed this out—more thn 90 percent of the States' allocation remained undistributed in Connecticut, Maryland, Virginia, Kentucky, California, Oregon, Washington, and even in my own State of New Jersey.

Now the alternative bill before us, this bipartisan bill H.R. 5746, would seek to remedy this kind of a situation that has developed, by giving a portion of the States' money directly to cities, based on a weighted formula, based on the crime rate and population. How do you consider such an approach to the problem?

Governor DOCKING. I think that there would be nearly unanimous agreement among the Governors that they would rather have the money come through the State as it is now and be apportioned to the cities, rather than moving directly to the cities without regard to the States.

I don't know what period of years, and I can't speak budgetarywise for the other States, but perhaps at some point in time, I don't know GAO figures, but obviously the States receiving this money don't put it out. Of course they have the money available, and they consider the plans of the various cities. They consider the programs that they want to run. In Kansas we run a very tight fiscal ship, and we want to make sure that this money is spent for the purpose that it is, we want to make sure that it is properly monitored, so the cities submit their programs and plans and we make sure—for instance, one county is having a little bit of a squabble with the commissioners right now. They wanted one kind of police radio and the other one was also a good product, and it was the lower competitive bid. Well, in the State government all purchases that we can are made on a competitive bid. We require this too. We try to get value received for our dollar. I

think that the decrease in the crime rate shows that we are being effective.

Certainly there is a lag period, and then this is done on the basis of priority and applications. We have 29 members of our planning committee, including appointees by our supreme court; our legislature, by me, like Dr. Menninger, who is one of the 29 members of this group. But, once again, we have far more applications than we have money available. They are done on a priority basis of need.

So I think this is a proper way to run a ship. I think that if you just start saying the money has to be out immediately, we don't give the States the right to make sure they have proper management, and they get value received for dollar spent. We try to do that in Kansas. I am sure other Governors try to do it in their States as well.

Chairman RODINO. I am sure of that. Of course, Governor, you expressed that your conception of the program is such that you feel there ought to be some standards, and in setting standards there ought to be State compliance. This is crucial, but you must remember that it was the intent of the Congress when we passed the Omnibus Crime and Safe Streets Act to do something about the emergency nature of the problem. The Congress found that assistance was needed on an immediate basis where the incidence of crime was highest. We passed this bill expecting to channel assistance quickly to meet the need.

But it seems to me instead, what we found is that there is a stopgap along the lines, and you almost verify this when you say that of course there are squabbles that take place among the local municipalities before the money gets here. Crime just goes on——

Governor DOCKING. But I don't say this is so. I think our statistics show that we are being effective in at least slowing the rate of crime. We have got the best rate nationwide than we have had in 12 years.

Chairman RODINO. Governor, I don't disagree with that. If you are saying to me that the money you are spending is spent effectively, and you are getting there and helping to reduce crime, I am saying if this money is being used wisely why shouldn't it be getting to the areas that need it most a lot quicker so that we might even more effectively deal with the problem of crime?

I am saying that if moneys are still there that could have been spent in these areas then wouldn't we have been that much further ahead in the fight against crime if the money had been spent?

Governor DOCKING. Well, I would say like anything else, it depends on whether the money is spent effectively. I don't think money, per se, is the answer to it. It is how the money is used. For instance, as I mentioned, there is $1,705,000 going into the new penal institution that I mentioned. After all, it takes time to build a penal institution. Certainly this money is committed, but we haven't gotten it built yet. It takes time. We had the groundbreaking last spring, and we will be ready to operate it the first of this year, I guess.

Chairman RODINO. Thank you very much, Governor.

Mr. Sandman?

Incidentally, Mr. Sandman is one of the cosponsors of the bipartisan bill to which I referred.

Mr. SANDMAN. Governor, I am interested in the remarks that you made in the last paragraph on page 2 of your statement, which appear to be your only objections to the present handling of these funds,

where you said it is "unduly complicated and confusing" to have esoteric technicalities slowing down procedure. You referred to "hard-match," and "buy-in," and "flexible pass through." This is what I am interested in. What do you mean by that statement?

Governor DOCKING. Well, the signals change from time to time. For instance, we had for a time 100-percent funding, and then it went to the hard match, which is a dollar situation which you go to the legislature and get so many dollars for matching, matching in kind of services of one kind or another. I do think that perhaps the methodology of matching, if we are to have matching funds on this, should be uniform.

Mr. SANDMAN. I thought by and large the 75 to 25 matching ratio applied to the whole act, is this not true?

Governor DOCKING. I would say in general—Tom, what would you say?

Well, construction, Mr. Regan has mentioned, is 50–50.

Mr. SANDMAN. The Attorney General testified at length here, and he said that one purpose of the administration bill was to cut out redtape. Of course, the bloc grant concept is based on the theory that the State knows more about the State's problems than some bureaucracy does, and I go along with that. I buy that all the way.

Do you feel there is any room for improvement to cut redtape even more so that we can expedite the money to the States.

Governor DOCKING. Tom, you have handled this from day to day. Do you have any suggestions on it?

Mr. REGAN. The review process of the planning of the plan is sometimes cumbersome, to say the least, at the regional level and Federal level. I think that during the planning process if there was methodology by which approval could be indicated, so that the funds that you do have on your advance, especially the 40 percent advance, those funds could be spent in the context of an approved plan. I think that would be helpful. So I am saying that the planning, or plan approval, might be cumbersome.

Mr. SANDMAN. He testified, too, in answer to a question I asked him that under the bill LEAA would merely forward the money and that all that was really necessary to qualify was that the State submit a prima facie plan. Is this true?

Governor DOCKING. I would say in general; wouldn't you, Tom?

I don't know. I think our plan was very specific. The other States' plans that I have seen seem very specific as to what their emphasis was.

Mr. SANDMAN. When you submitted your plan for the State of Kansas, Governor, how long did it take you to get Federal approval, let's say, for 1972?

Mr. REGAN. For 1972, approximately 8 to 10 weeks.

Mr. SANDMAN. Was the plan approved for Kansas substantially changed, changed in any respect at all, or was it approved without change?

Governor DOCKING. I think it was approved essentially the way we sent it in. I didn't notice any major revisions that they made. Of course, in my opinion it was very carefully planned and we had law enforcement people, mayors, supreme court justices, judges, I would say a broad spectrum of the criminal justice area of Kansas was in-

volved in the preparation of the plan, and certainly it had the understanding of this area of people in the Federal Government I think essentially the same as we submitted it.

Mr. SANDMAN. Governor, did the Federal agency make any changes in your plan as to those amounts that you recommended go to municipalities?

Governor DOCKING. I don't believe so. Did they, Tom?

Mr. REGAN. None that I recall.

Mr. SANDMAN. And in Kansas what percentage of your whole allocation went to municipalities and counties?

Governor DOCKING. Well it depends. What do you call a municipality? We have three rather large cities in Kansas. We kind of use this as our urban classification and the rest of the State in another, but most of the State is in an incorporated community of one type or another.

Tom has here about 75 percent in those three areas, is that right?

Mr. REGAN. Well, 66 percent of the money that went to the local units went to our three major metropolitan areas.

Mr. SANDMAN. 66 percent of the whole went to three municipalities?

Mr. REGAN. Yes, those were the three municipalities with 59 percent of the population and 64 percent of the offenses.

Mr. SANDMAN. What percentage of this money went to counties, do you know?

Governor DOCKING. I don't know about—of course, some of the money would have gone to the counties in those three areas. We don't have those figures right with us.

Mr. SANDMAN. Some part of it did go to your counties, didn't it?

Governor DOCKING. Oh, yes, yes; as a matter of fact we are building a new facility in one county in Kansas that needs it very much.

Mr. SANDMAN. Governor, will you tell us something about how you set up your State agencies and describe roughly what time it takes to put your plan together so that you can use the money when you get it?

Governor DOCKING. Our planning agency is called the Governor's Committee on Criminal Administration. It is composed of 29 members. Many of the members are appointed because of their elective position. For instance, we have representatives of the police chiefs, representatives of the sheriffs, judges, some of the free appointments that we have like Dr. Menninger. Our chairman's name is Bernie Rice, an attorney in Topeka, Kans. The supreme court makes appointments. The attorney general makes appointments. The house of representatives makes appointments to this committee, as well as the State senate and the Governor.

Mr. SANDMAN. How many do you have on your committee all together?

Governor DOCKING. Twenty-nine.

Mr. SANDMAN. Now let's assume you commence today, Governor, putting together next year's application for LEAA money. Very briefly, how would you go about this, and what is your time frame involved, the time you meet with this committee, and the time it takes for your approval and then comes to Washington?

Governor DOCKING. We constantly work on this plan. I don't know that you could start one day, but we have projects that are worthwhile

for the future. I think they take them, by and large, prioritywise within the funds that are available. I would say that by series of meetings it wouldn't take very long because we have a lot of background and people who are involved in the various problems.

Mr. SANDMAN. The reason I asked you that, Governor, is that so many have complained that the uncertainty of what funds they were to get impaired their ability to plan properly for the use of this money. Have you had this problem in Kansas?

Governor DOCKING. I would say no, because the demand is always greater than we know the funds are going to be available, so as a consequence we go on somewhat of a priority basis.

Mr. SANDMAN. One of the statements you made was that the Federal agency has always been reasonable in their consideration of your requests. Did I understand that correctly?

Governor DOCKING. Yes. I do think that our plans have been very carefully considered. They have the support not only of the people who are going to operate them, whether at what level, but I think we have a very good understanding, good communication with the people of our State.

In my opinion this is one of the finest programs that the Federal Government has among the various States.

Mr. SANDMAN. Governor, in your meeting with the other Governors, did those Governors have the same experience in their State that you have had? Would you say your State is average in the operation of this act?

Governor DOCKING. Well, I would say that perhaps I have been more personally involved than some of the Governors in this area of operations in the State of Kansas, but I would say, by and large, that the Governors are very favorable toward this act, toward this activity.

As a matter of fact, I have yet to hear a Governor criticize this program. Obviously they have suggestions such as we have, but I think we have made those in Governors' conferences, and then submitted to you in various forms, but these are forms of suggestion. I don't believe that is criticism as far as I know.

I know there has been some publicity from some State activities where money probably should not have been spent, but I think this was in the earlier days before the guidelines were defined as well as they are now.

Mr. SANDMAN. The main interest I have in that question, Governor, is the time element that you referred to on getting an approval for the State of Kansas.

Governor DOCKING. Yes.

Mr. SANDMAN. Would you regard the time for submission of your plan to approval as being an average time from what you have experienced in your meeting with the other Governors?

Governor DOCKING. I have not heard the complaint that they were unduly delayed, but of course hopefully I think it is the responsibility of the States and their planning committees to submit their plans so that they would have proper review by the Federal authorities, submit them early enough so that the Federal authorities could review them within that period of time. I don't think this is a problem, or if it is, I haven't heard of it.

Mr. SANDMAN. In your opinion is 8 to 10 weeks sufficient time to do that or could it be shortened?

Governor DOCKING. I think it is adequate review. We like the expertise that goes into the review. If they have suggestions we welcome it.

Mr. SANDMAN. Now, does LEAA send anyone to Kansas to look over what you want to do?

Governor DOCKING. They certainly do, and they audit us very thoroughly. We welcome audits. I think if we could have more auditing at the local level I think the people would certainly not object to it to make sure that the money is being spent for the purpose for which it is valid.

Mr. SANDMAN. Insofar as reviewing what you plan to fund, do you have Federal agents come through Kansas to look over what you want to do under your plan?

Governor DOCKING. Yes. They review our application and I think they should. We don't object to tight control because we want to operate right. I think it is fine.

Mr. SANDMAN. After you have spent the money, does anyone from LEAA investigate to check that the plan was properly implemented?

Governor DOCKING. Yes. As a matter of fact they are there quite often to look at our programs, and we are proud of our showing.

Mr. SANDMAN. Do you have any complaint as to any unnecessary delay for which LEAA is responsible?

Governor DOCKING. No. I do think when we get our statewide audit, which was very intensive and very thorough, I think they took an awful lot of time and asked a lot of questions. Maybe this is indigenous to auditors. I will have to admit most of the time I am a banker and I enjoy bank examinations, but I do think they take an awful lot of time that might be productive somewhere else. I feel that way about accountants too.

Mr. SANDMAN. Apparently you feel that the inspections are good.

Governor DOCKING. Yes.

Mr. SANDMAN. I mean they are not unduly delaying and harassing within the State.

Governor DOCKING. No. I would say it is one of those necessary things that we have to go through. I would rather not spend as much time with them as we do, but I don't know how to avoid it.

Mr. SANDMAN. I have no further questions.

Chairman RODINO. Thank you very much.

Mr. Mezvinsky?

Mr. MEZVINSKY. Governor, I appreciate your comments, especially concerning the State of Kansas.

I was interested in your comment concerning the fact that certain States have taken their time and held back the funds, and then your feeling that the LEAA has worked out so well. We know that certain States still have a high crime rate, and we know that within the States there are areas where the rate is particularly high. Why shouldn't we take crime rate as well as population into account in allocating these funds?

Governor DOCKING. Well, I think in effect this is what will be done, and I think what I am talking about is that it should be done at the State level, and allocated rather than going directly and bypassing

the States. I think, frankly, as I think Congressman Sandman mentioned before, the Governors at the State levels know better about their States than perhaps part of the general bureaucracy.

Mr. MEZVINSKY. But you did indicate that the guidelines that were given to you were of help, is that right?

Governor DOCKING. Yes. But I do think that the judgment factor, the program factor should be left with the State planning agencies, and these State planning agencies are pretty well representative of the States, and perhaps loaded, if you want to say that, with representatives from high crime areas.

Mr. MEZVINSKY. Wouldn't some of the bureaucracy be cut, some of the redtape anyway be reduced, if we had some statistical presentation available showing where the high crime rates are and then get some funding there directly? Wouldn't that be quicker and more effective?

Governor DOCKING. No, I don't think so. I think by and large as it is set up in the State planning agency it is very effective that way. I think it gives it some assurance that the money is going where it is supposed to go.

We have all kinds of statistics where the high crime areas are. There is no problem identifying that. Every Governor knows that in his own State.

Mr. MEZVINSKY. Thank you.

Governor DOCKING. You may be talking about something that we do not have in Kansas. Perhaps other States do. I don't know of any instance of, say, an argument among mayors of cities, or mayors and their Governors. As far as I know there are no specific problems with the mayors or the chiefs of police, because, in effect, probably most mayors of the large cities or their representatives are members of the State planning agency.

Mr. MEZVINSKY. Would you accept the position though that the funds should simply be distributed as the administration bill is proposing on the basis of population and population alone?

Governor DOCKING. Well, I think that there are a lot of factors other than population. I think certainly your State's economy, the crime rate, all this should be a factor in the total funds to the States. What you want to do with them and how the funds will be used effectively.

Mr. MEZVINSKY. I gather it is your opinion then that we should take into account factors other than just population.

Governor DOCKING. Certainly. And I think most formulas for distribution of funds among the States themselves take into account other factors.

Mr. MEZVINSKY. Thank you very much.

Chairman RODINO. Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

Governor, I apologize for having to leave the hearing for a time. I had some business in my office that I just could not postpone. And I understand that the discussion of this morning has already alluded in detail to this problem of fund flow, or program of paralysis.

I would like to ask you if you would agree with the following observation? Inasmuch as the LEAA moneys which are distributed to the States remain available until expended, this delay is a one-time slowdown. Once you get going, it doesn't matter what year's funds you are spending. The disadvantage of delay has already been suf-

fered—in the initial years of the program. But now the money is in the pipeline, it is flowing out at the other end, the vice of the delay is past, and we have the added advantage of more funds to be spent in the present and future. The fact that in 1972 only 19 or 20 percent of the 1972 funds were actually spent is not a true measure of activity and not very relevant.

Governor DOCKING. I would say very definitely, sir, that is true. For instance, we have got a lot of ongoing programs, and they perhaps build with a crescendo. Some of our halfway houses, such as our drug rehabilitation programs. But you just don't say we are going to have a drug rehabilitation program and then tomorrow you have got one.

Mr. HUTCHINSON. You have to build it up.

Governor DOCKING. You have to build it up. Psychiatrists, doctors counselors, contacts with the people, and I think we are being very, very effective in this area, but we are doing ever so many good things with these funds but it is an ongoing program. We are now in motion and I think as far as I know—and I have talked to some of the other Governors and I think, really as I mentioned before, that this program is one of the very fine programs, one of the best programs of the Federal-State partnership.

Mr. HUTCHINSON. Has it been working very well in Kansas?

Governor DOCKING. Excellent.

Mr. HUTCHINSON. I thank you for your response.

Chairman RODINO. Governor, I merely want to make another comment and ask for your opinion regarding it.

During the course of your statement you made much of the expertise that exists here in Washington, and the fact that you think it a good thing to have Federal review of State plans because this expertise could be applied and would be helpful. Isn't that what you suggested?

Governor DOCKING. Yes, we want to be right. We want to do it right. I have no qualms in asking the best experts we know to make sure that our programs are right.

Chairman RODINO. Fine. That is commendable. Together with that you also did state that you certainly would not object to any—I don't mean review, but requirement that there be approval of the State plan, so long as it wouldn't be unreasonable, is that right?

Governor DOCKING. Sure, absolutely.

Chairman RODINO. When the Attorney General appeared here—and I just want your opinion regarding this—he made reference to the work that was sponsored by the LEAA of the National Advisory Commission on Criminal Justice Standards and Goals. He went on to say quite emphatically, and I agreed with him because I think it is a good conclusion, that they were able to come up with fine, comprehensive standards and goals that touched on every aspect of police, courts, corrections, law enforcement education, and community crime prevention.

In his statement the Attorney General said these standards constitute one of the best anticrime documents in our Nation's history. They are an unprecedented tool for the States and localities to determine exactly where they stand today, how far they have to go, and how best to get there with Federal help, though without dictation. The Attorney General called the work of this Commission a blueprint for

fighting crime. Nonetheless, there is no leverage assuring that these goals and standards of this anticrime document be actually used in the effort to try to reduce, prevent crime, and to fight crime. Do you think it would be so bad? Don't you think it would be more preferable to use this kind of expertise and assure that it be utilized so that we could effectively fight crime at the local level?

Governor DOCKING. I don't understand what the change would be from what we are doing now.

Chairman RODINO. Well, in the proposed revenue-sharing bill, there are no Federal standards at all. You yourself stated that as a Governor, you feel some standards would be helpful so that we could utilize some of the expertise that has been developed in these areas.

Governor DOCKING. Yes.

Chairman RODINO. So that this would be something that you wouldn't object to. You feel it would be helpful. But what I can't in my mind reconcile is that while we talk about these great tools that are available to us to fight crime effectively, and while we are going to spend money assisting the States, there are none of these tools utilized by LEAA as guidance. Now wouldn't it be better if there were some kind of requirement that there be, for instance, consultation between the States, the State planning agencies, and some commission such as this, or the National Institute?

Governor DOCKING. I would agree with you. What I meant to say a while ago is that I certainly don't object to approval of the plans. As a matter of fact, I would think it would be preferable. I think one thing—I may be a little bit off in my figures, but assuming $500 million in this total area, I think the total amount spent on crime is somewhere around $8 billion, and I think that the Federal funds are about, what, 1 in 18, roughly in fighting crime today, say $18 to $1. Right now a State and local function. This is to help. I think it is a fine thing, but crime still remains at the local level, and this is to help.

So I think when we talk about it overall we are only talking about one segment of fighting crime, because we are doing a lot of things that are not included in this. In this area if it is Federal funding I believe that authority should follow money.

I was one of the Governors who was not for Federal revenue sharing, but it is here. It is a fact of life. As a matter of fact, it is like sharing an overdraft. That is kind of another subject. But nevertheless, I feel the same way, that funds should make sure that they are spent right. I don't think that just money clears the problems. I think it is how the money is spent.

Chairman RODINO. I know that we are all of us interested in fighting crime and all desire that these funds are used most effectively. I applaud all of these objectives. What puzzles me is that we have developed these fine tools, and we are appropriating billions of dollars to fight crime, but at the same time saying to those who get these funds: "It makes no difference whether you use these tools or not."

Governor DOCKING. I don't know of any Governor who would object to having his plans reviewed and approved. Frankly, if we have a bad plan I would hope it would be disapproved.

Chairman RODINO. I think that is a very commendable attitude to take. I would assume by what you said, Governor, that if you were

shown and believe that this kind of expertise that would be presented to you would be such that you would feel that it would be the best and most effective means of fighting crime, you would certainly have no objection to using that, would you?

Governor DOCKING. None whatsoever. As a matter of fact, we welcome it and, of course, I am making the assumption, and I am sure you are too, Mr. Chairman, that the approval will not be politically motivated, that it will be expertly given. That it would be done in that fashion and not arbitrarily up or down or favoritism. I make that assumption.

Chairman RODINO. I suppose that would be one of the reasons why we would want to try it, that it would be apart and separate from any politics.

Governor DOCKING. Yes; politics has no business in this area.

Chairman RODINO. Are there any further questions?

Mr. HUTCHINSON. I have one further question, Mr. Chairman. I thank you for permitting me to inquire further.

Governor, has the Governors' Conference ever expressed a position, or do you as the Governor of one of the States care to express a position, on the question of using Federal funds to pay, in whole or in part, the salaries of law enforcement personnel? As I understand the administration bill, that would be permitted. And that would be a change from the present law. I am sure you appreciate the problem.

Governor DOCKING. I do appreciate the problem. I don't know. As far as I know the Governors' Conference has not taken a position on this as a conference. Speaking for Kansas, we do not fund salaries.

Mr. HUTCHINSON. You do not want Federal money to pay policemen's salaries?

Governor DOCKING. I think this opens up all different kinds of potentialities, not only in this. Firemen are poor too, policemen, people who pick up the trash. I think you get into all kinds of different areas where you can in effect discriminate for one area.

I think I mentioned before we are talking about $1 out of every $18 that are going into crime. I think that policemen's salaries, sheriffs salaries, are basically local and have to be in relationship to other salaries in local government, and perhaps this would just pay a part of it, but I don't know that it actually would without throwing it completely out of balance at the local level. I would not dare it. However, I would say on the part of funds that are relatively unrestricted, but as a matter of policy we try not to have the State involved in this area with the local governments because it does upset their overall salary structure.

Mr. HUTCHINSON. That, Governor, was the concern that many of us had when we wrote the bill originally. We could foresee the very great likelihood that Federal money might result in a higher salary structure for some policemen but not for others in similar public service jobs or in other competing jurisdiction. I appreciate your response to that.

Now, Governor, there was a bill discussed in these hearings the other day which is referred to as the Stanton bill. It was a bill, if I understood it correctly, which would create some kind of an urban council for cities of 250,000 people and in some cases the surrounding juris-

dictions to determine how funds allocated to it on the basis of a crime-rate formula should be spent.

As I understand it, the funds would completely bypass the State and would flow directly to the urban council, which would be a new governmental unit.

I can't imagine that most Governors would look with favor on that kind of a program. Maybe you have responded to it during my absence, Governor, have you?

Governor DOCKING. I haven't read the bill, but I don't believe that this would be favored by the Governors. I personally would not favor it because the higher crime areas, the cities, are represented as far as I know on the State planning agencies. In each State they are represented now, and I think that there is overall State view of this, and they do I am sure get most of the money now, as they do in Kansas in our three areas.

Of course, we have one city of 200,000. That would be Wichita. Wichita has fine programs that we are funding now. The way it is working now is very good. I would not favor that. I know of no Governor that would.

Mr. HUTCHINSON. My understanding of it is that under the present law such a system has been established in the State of Ohio. And so, of course, if it can be done under the present law, and the State wants to do it that way, it should be free to do it. But the scheme shouldn't be forced on all 50 States.

Governor DOCKING. That would be fine.

Mr. HUTCHINSON. Thank you, Governor.

Chairman RODINO. Governor, thank you very much.

You have been very patient and helpful in bringing to us your opinions and those of the Governors' Conference. Thank you.

Governor DOCKING. Thank you very much, Mr. Chairman.

Gentlemen, on behalf of the people of Kansas, we appreciate your interest. We want to work with you and we thank you.

Chairman RODINO. Thank you, Governor.

Our next witness is Mr. Richard Harris, who is Director of the Division of Crime Prevention of the State of Virginia.

Mr. HARRIS. Mr. Chairman, may I defer in favor of Mr. Owen, who has to take an airplane?

Chairman RODINO. It is all right with me as long as it is all right with you.

Mr. Owen, in the interest of expediting whatever we have to do here this morning you may present your prepared statement if you have one and we will be glad to insert it in the record in its entirety, and you may just summarize as you wish, and then we will address some questions to you.

TESTIMONY OF CHARLES OWEN, EXECUTIVE DIRECTOR OF THE KENTUCKY CRIME COMMISSION, REPRESENTING HON. WENDELL FORD, GOVERNOR, STATE OF KENTUCKY, AND THE NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS

Mr. OWEN. Mr. Chairman and members of the committee. Governor Ford was unavoidably detained today and asked me to present his

statement to the committee. Governor Ford is extremely interested in the Safe Streets Act and its implementation by the State planning agencies, and is entirely supportive of President Nixon's special revenue-sharing proposal for law enforcement. As chairman of the National Conference of State Criminal Justice Planning Administrators, I would also like to ask the committee's permission to have included in the record, the state of the States Report on Crime and Justice, a progress report and analysis of the first 4 years of State administration of the Safe Streets Act: What has happened, what is beginning to happen, and how we are taking action to iron out our problems, many of which you gentlemen have mentioned this morning. The report is currently being prepared by the National SPA conference and will be ready for publication within 30 days.

Chairman RODINO. Both statements will be included in the record without objection.

[The statement referred to follows:]

[The documents referred to appear in appendix G., p. 890.]

OFFICE OF THE GOVERNOR,
Frankfort, Ky., March 16, 1973.

HON. PETER W. RODINO, JR.,
U.S. House of Representatives,
Committee on the Judiciary, Washington, D.C.

DEAR CONGRESSMAN RODINO: As Governor of the Commonwealth of Kentucky, I wish to relate to this Committee some of the major improvements that Kentucky has made in law enforcement with the aid—both financial and technical—of the Law Enforcement Assistance Administration.

The LEAA has enabled Kentucky to completely revamp its criminal code, and point the way for local governmental units to improve their criminal justice systems.

In 1968, Kentucky's criminal law was not a uniform, comprehensive system, but a confused collection of legislation and court decisions accumulated over the years.

In a major effort to improve the quality of justice, the Kentucky Crime Commission and the Legislative Research Commission, acting on the instructions of the General Assembly, began a four-year effort to revise Kentucky's criminal laws.

First, the Crime Commission prepared a two-volume outline identifying special problems and legal issues. Then a distinguished advisory committee and team of legal scholars completely revised the criminal laws of the Commonwealth.

In 1972, the new Kentucky Penal Code was enacted by the General Assembly. After final revisions are made by an interim study commission, training sessions for law enforcement and judicial personnel will be conducted with Kentucky Crime Commission funding and the Code will become effective July 1, 1974.

That's not the full story, however.

That was just one of ten pieces of legislation, drafted and sponsored by the Kentucky Crime Commission, which the 1972 General Assembly passed.

All of them dramatically changed Kentucky's criminal justice system.

In addition to the revision of the penal code, legislation also authorized a police salary incentive program; implemented a statewide public defender system; created the state's first system of work-release for felons and misdemeanants; authorized probation and parole for misdemeanants for the first time; and established a system of mandatory supervision of all released felons.

The research, planning and organizational efforts behind this legislation were made possible by the Kentucky Crime Commission's planning grant funds. We needed the support of the LEAA.

These major revisions in our criminal justice laws give our local governments in Kentucky new crime-fighting muscle.

Although this was the most significant development in Kentucky's criminal justice history, it was by no means the lone achievement of the Kentucky Crime Commission made possible by progressive and responsible state administration of LEAA funds.

There are literally hundreds of such projects, but space permits me to mention only a few examples.

An early Crime Commission study of juvenile delinquency in our state recommended that "community offenders should be employed as probation aides and case aides for juveniles not only as a partial answer to the manpower shortage, but also for the special contribution they can make."

This led to the formation of a pilot project to improve the effectiveness of juvenile probation services in Lexington and Fayette County, the state's second largest metropolitan area, with the state's second highest juvenile delinquency rate.

The programs, called Operation Nightwatch, resulted in a significant decrease in recidivism among juvenile delinquents. Nightwatch youths had a recidivism rate of only 20 percent, compared to 68 percent for the rest of the county.

The program has served 243 juveniles since its inception, and 133 of these cases have been completed successfully. The program also successfully completed 57 of the 125 predelinquent cases referred to it from informal court adjustments, families, community agencies, and staff members.

The program's emphasis on community involvement in the juvenile justice system has generated widespread local support, and currently is being expanded to serve even more youths in the county.

In accordance with the recommendations of many national commissions, the Kentucky Crime Commission has used over $500,000 in LEAA funds to establish a comprehensive school delinquency prevention program in Louisville, the state's largest metropolitan area, which reports over 40 percent of our Index crimes. The project includes a "re-entry school," a special school for delinquents returning from institutions to the community; an "alternative school," for youths who would otherwise have to be institutionalized; and a "community school," which keeps school buildings open during the afternoons and evenings—when juvenile crime is most likely—for counseling, recreation and referral services.

Involvement in the program has kept many students from being institutionalized; 80 percent of the students remain out of trouble. Vandalism also has been low in the project. Students take care of the buildings themselves and have a new pride in their school.

Approximately 200 students were involved in the program during its first year of operation, and the program has been expanded to serve even more.

With this project the Louisville Board of Education has taken a giant step toward dealing with the delinquency problems within its own system.

In sum, the LEAA has given Kentucky—and other states—their best chance ever to effectively meet their public safety responsibilities.

The Kentucky Crime Commission and the other SPAs are the only agencies with the system-wide perspective to coordinate local policy functions and state court and correctional systems in a comprehensive attack on crime.

We must remember that when we finally win our battle against crime, we will have won it at the state and local levels.

Overall, the LEAA has done a lot to bring that day closer, and I am pleased to pledge my support of the LEAA.

Sincerely,

WENDELL FORD,
Governor.

Mr. OWEN. With the committee's permission, I would like to enlarge on Governor Ford's remarks and briefly summarize some of our major findings which will be included in the State of the States Report.

In 1972, for the first time since World War II, we had an actual decrease in serious crime in Kentucky; an 8 percent reduction, and a decrease of over 5,000 serious crimes from 1971.

That reduction, I believe, will be one of the largest in the country and while crime statistics are not infallible, we have audited our crime reporting system in Kentucky and found these statistics to be accurate.

We believe a major factor in this reduction is a strategy of urban impact which we have followed at the Kentucky Crime Commission. Louisville and Jefferson County, our largest urban area containing

21.6 percent of our State population and reporting 41.1 percent of our index crime, have received 38 percent of our action awards to localities. Lexington and Fayette County, the State's second largest urban area with 5.4 percent of the population and 11 percent of reported crime, have received 14.2 percent of our action funds to localities. Kenton and Campbell Counties, the State's third largest urban area with 6.8 percent of State population and 9.5 percent of the State's reported crime, have received 13.1 percent of our action funds to localities.

In other words, we have devoted a total of 65.3 percent of local action funds to three major urban areas, which contain only 33.8 percent of State population, but report 60.3 percent of the serious crime committed in Kentucky. We have put our money where our crime is and the result is a tangible improvement in the safety and security of Kentucky's citizens.

While both the responsibility and need for new and improved criminal justice legislation vary from State to State, we, in Kentucky, have taken the view that deficiencies in personnel, equipment, training, education and the like were only compounded by archaic and unexamined laws that did little to assist in the control of crime or achievement of justice in the State. The comprehensive planning process mandated by the Safe Streets Act led us to examine State and local law as one means of providing additional tools to law enforcement and achieving immediate and far-reaching system improvements. By accepting the task of drafting, recommending and supporting legislation, we have played an even more effective role than available Federal resources would ordinarily permit.

The legislative package developd by the Kentucky SPA will revolutionize the criminal justice system in Kentucky. A mandatory crime reporting law began the State's first effective collection of crime data. A $4.7 million police training and educational incentive program was approved in 1972, establishing for the first time statewide training, educational, and operational standards for police.

In corrections, laws authorizing probation and parole for misdemeanants give judges two viable alternatives to the incarceration or acquittal dilemma formerly imposed on such cases. Legislation authorizing work and educational release for both felons and misdemeanants adds another dimension to the rehabilitation capabilities of correctional agencies in Kentucky. Mandatory supervision of felons now insures that all offenders leaving prison, including the hard-core group denied parole, will be assisted and supervised in the difficult transition to community life. Finally, we enacted a professional Parole Board Standards Act, which took patronage out of the parole board appointments and established a professional Parole Board qualifications system.

In courts, a statewide Public Defender System was established by law after successful SPA pilot projects had demonstrated the workability of the concept, and the first-ever revision of the State's criminal laws was enacted. The effect of this legislation, which was researched, drafted and developed by the SPA itself, is that the criminal justice system in Kentucky is now providing services and performing tasks which it simply did not offer or attempt 2 years ago. I would ask that a chart indicating our legislative program be included in the record.

Mr. Rodino. That will be put in the record.

[The document referred to follows:]

1972 KENTUCKY
CRIMINAL JUSTICE LEGISLATION

✓ Approved

X Rejected

	House				Senate				Governor	
	Introduced	In-Committee	Before House	Action	Introduced	In-Committee	Before Senate	Action	Received	Action
Police Salary Incentive	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Penal Code	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Public Defender	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Work Release for Misdemeanants	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Probation of Misdemeanants	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Parole of Misdemeanants	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sheriffs' Succession	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Mandatory Supervision of Felons	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Work Release for Felons	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Judicial Article	✓	X								
Parole Board Standards	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
$6.7 Million State-Local Match	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

DRAFTED AND RECOMMENDED BY THE KENTUCKY CRIME COMMISSION AND ITS SIXTEEN REGIONAL CRIME COUNCILS

Minimum Standards for State Planning Agencies

ADOPTED BY THE NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS, REVISED FEBRUARY 1973

1. *Planning.*—The state comprehensive criminal justice plan shall present a complete and accurate assessment of the crime and delinquency problem and its impact upon the state. Further, the plan should fairly portray the services rendered by its criminal justice system and where its deficiencies appear. Each SPA shall have sufficient in-house staff and capability to determine planning priorities each year and to manage and/or oversee the development of the state's annual criminal justice improvements plan.

The state comprehensive criminal justice plan shall specifically detail a coordinated attack upon identified criminal and delinquency activity and upon the identified deficiencies within the criminal justice system, coupled with evaluation criteria for determining the success or failure of the planning effort.

2. *Auditing.*—Every state planning agency shall audit or ensure the audit of each and every action grant administered by the state planning agency, within one year of its completion. In the case of local planning and continuation action grants, audits shall be conducted no less than once every twelve months. Auditing staff should report to the SPA director, the governor, or to the appropriate state auditing agency.

At any time that information is received by the state planning agency director that a grant is being mismanaged and that the effective utilization of grant funds is in jeopardy, he shall order a special investigation to be conducted immediately and, where appropriate, a special audit shall also be conducted.

No state planning agency shall internally audit its own state planning grant, nor shall it audit any action grants in which the state planning agency is the implementing agency. In such cases, audits shall only be conducted by a certified public accountant, by the appropriate state audit agency or by LEAA auditors.

3. *Monitoring.*—Each action project administered by the state planning agency shall be monitored at least one time per year during the life of the project. Such monitoring shall include both on-site fiscal and programmatic review. This monitoring may either be conducted by the state planning agency or by the appropriate local or regional planning unit. Joint monitoring is encouraged.

In a case of equipment purchases and projects of less than six months' duration, the monitoring function may be merged with the final audit.

Each regional or local planning unit shall be visited at least once a month by a representative of the state planning agency, who shall offer whatever assistance the regional or local planning unit may require and shall report on its progress.

Each action project in which an on-going program is contemplated, which will involve more than $25,000 of LEAA funds, shall be monitored at least once every six months. If more than $100,000 of Federal funds is involved, such project shall be monitored at least once every three months.

When for individual grants the director of a state planning agency (or local or regional planning agency when that authority has been passed through) determines that more or less frequent contacts are advisable, he shall establish a schedule of visits which he deems appropriate.

Monitoring shall be defined as periodically determining, by on-site inspections, whether the subgrantee is fulfilling the fiscal and programmatic conditions of his grant award, during the lifetime of the project.

4. *Evaluation.*—Each state planning agency shall develop annually a specific evaluation strategy. A program shall be evaluated if it meets one of the following criteria:

—if it proposes to reduce the incidence of a specific crime or crimes;

—if it purports to produce quantifiable improvement of some aspect of the criminal justice system;

—if there is potential for technology transfer.

Evaluation shall be defined as determining whether the project or program accomplished its objectives, in terms of either preventing, controlling or reducing crime or delinquency or of improving the administration of criminal justice within the context of the state comprehensive criminal justice plan. Such evaluation shall include, whenever possible, the impact of the project or program upon other components of the criminal justice system.

5. *Grants Management Information Systems.*—Every state planning agency shall develop by January 1, 1973, and shall have operational by July 1, 1973, a manual or automated grants management information system which will accurately and speedily provide for access to grant information regarding such matters as the amounts and sources of funds received, awarded, disbursed and expended by local and state criminal justice agencies, including the state plan-

ning agency, classified by programmatic category and subgrant, whether planning, action, discretionary or Part E. Such system shall also indicate the status of each subgrant, as to spending level, reporting compliance and stage of development. Planning grants and planning subgrants shall reflect major and minor object account expenditures.

6. *Grant Administration.*—Each state planning agency shall ensure that each project application is acted upon within ninety days from the time of submission to the state planning agency by the community or state agency, or from the time of the Federal approval of the state plan, whichever is appropriate to each state's procedure.

Such action shall consist of mailing a signed grant award, a rejection of the application for specific instructions for modification or additional information. Grant awards shall be mailed with adequate forms and instructions, so that subgrantees may intelligently respond to demands for grant acceptance, periodic reporting and the submission of timely requests for additional funds. State planning agencies shall ensure that requests for information, additional forms, and technical assistance be answered promptly and efficiently, so that the success of projects will not be jeopardized. Each SPA shall take action for modification of block grant awards and shall insure that all requests for modification are processed within thirty days of receipt.

7. *Fund Flow.*—Each state planning agency shall ensure that funds will be distributed to subgrantees as quickly as state disbursement procedures, subgrantee expenditures and LEAA guidelines will permit. Upon receipt of a valid request for action or planning funds, the check or warrant shall be mailed to the subgrantee within thirty working days. With respect to subsequent disbursements, the same time constraints shall apply, upon receipt of timely and appropriate requests for funds from subgrantees and regional planning units. The ability of a state planning agency to promptly disburse funds shall not be measured by either the date of approval of the state comprehensive criminal justice plan or by the rate at which funds are expended by subgrantees. The efficiency of the state planning agency's fund flow procedures shall be measured only by the time elapsed between project submission and approval, by the time elapsed between subgrantee requests and the correlative disbursements, and by the efforts of the SPA to maintain an amount of Federal funds on hand at a minimum consistent with effective program management.

Each SPA should have an automatic abort procedure for cancelling grants that are not commended by the grantee within 120 days of award.

8. *Organizational Structure of State Planning Agencies.*—Each SPA shall have a full-time professional director.

Each SPA shall have a staff within its organization table, whose assignments shall be planning and research. Ideally, these positions should be full-time: In no case should less than 75 percent of their time be devoted to planning and research activities.

Each state planning agency shall have full-time professionals assigned to fiscal operations, including responsibilities for internal administration of the SPA planning grant and for fiscal review of action and local planning grants. Where auditing is performed by the state planning agency, as opposed to another state office or private accounting firm, additional personnel will be required as the quantity of subgrants dictate.

Each SPA should conduct yearly evaluations of all regional planning units and coordinating councils involved in that state's comprehensive criminal justice planning or grant administration processes.

SPA staff level should be based upon, but not limited to, the following factors: Size of the state, number of active project applications, range of duties, the degree to which state planning agencies offer technical assistance to local communities and state agencies, number of active grants and the manner in which grants are processed, managed, and evaluated.

9. *Technical Assistance.*—The NCSCJPA shall work, together with LEAA, toward an orderly transfer of technical assistance funds and manpower, so that, within three years, technical assistance shall be the recognized responsibility of state planning agencies, backed up by a national LEAA consultants contract, similar to that presently in force. Such an objective is consistent with, and an important first step toward accomplishing, LEAA's desires to reduce its staff size and to create strong, self-sufficient state planning agencies.

10. *Training and Staff Development.*—Each SPA shall provide a formal orientation program for all new SPA professional staff personnel, all new regional staff personnel and all new coordinating council personnel. Subjects to be covered should include organization and functions of the SPA, standard SPA operating procedures, and SPA criminal justice improvement philosophy.

Each SPA shall provide a minimum of twenty-five hours of in-service training per year to all professional staff. This should be augmented by appropriate state or national training efforts geared to specific functional areas.

Mr. OWEN. We are also particularly pleased with our progress in corrections and juvenile delinquency prevention and control. When the Crime Commission began operations in 1967, there were over 600 juveniles in institutions in Kentucky, including one large institution with almost 200 inmates. As a result of Crime Commission programs emphasizing community-based corrections, that large institution has been phasedout and the juvenile population of Kentucky institutions has been reduced from 600 to 280. What has happened to these kids? We are using Safe Street Act funds to place trouble-prone juveniles in group homes and in foster homes in the community, instead of sending them to the schools for crime which most institutions are.

In corrections, in addition to our legislative accomplishments, we have sponsored a reorganization of the State Department of Corrections and have doubled probation and parole staffs in an effort to provide adequate supervision for offenders in the communities for the first time and mandatory supervision for every offender leaving prison. This is in response to Crime Commission studies which revealed that 60 percent of Kentucky's offenders were leaving prison without supervision because they could not make parole. It seemed to make sense to supervise these people and give them support.

That is a very brief survey of what Governor Ford wanted to discuss with you today. I would now like to take a quick look at some national issues which have been discussed this morning.

First, I would like to say that I believe Kentucky has been fortunate in achieving an 8-percent crime reduction. I think, however, that we are also going to see a reported reduction in crime in the United States as a whole when the FBI statistics are released later this year. Over the past several years, we have seen a reduction in the rate of increase in crime, but I think that this year we will see an actual decrease in crime.

I cannot claim that this effective crime control movement is all a product of the Safe Streets Act, but I do think that the SPA's have made a significant and positive contribution to the Nation's anticrime effort, and that the safe streets program is a probable cause of what I expect will be a decrease in crime.

One indication of the effectiveness and direction of the SPA programs is SPA funding for high-crime areas. There has been a good deal of criticism concerning State commitment of anticrime funds to urban areas. This criticism is unfounded and many claims made concerning it are simply not true. Our research for the state of the States report has produced the following previously unpublished data:

SPA FUNDING FOR HIGH CRIME AREAS

	Total funding for high crime areas	Total funding for localities	Percent for high crime areas
Fiscal year:			
1969	$9,208,919	$15,044,308	61.2
1970	71,724,011	113,700,312	63.1
1971	136,733,204	226,661,120	60,3
1972	137,165,434	192,445,892	71.3
Total	[1] 356,268,374	[1] 551,044,534	64.7

[1] Total includes high crime area funding and total locality funding for West Virginia which is not included in yearly totals.

These urban areas contain 48.6 percent of the Nation's population and report 70.4 percent of our serious crime. Overall they have received 64.7 percent of SPA funding to localities. Arguments disputing SPA commitment of an entirely appropriate and substantial amount of action funds to high crime, urban areas are simply no longer credible.

At the same time, I would like to emphasize that I feel that it is essential to channel Safe Streets Act funds through the SPA's. In the first 4 years of the act's operation, total SPA bloc grants amounted to only 3.1 percent of total direct State and local government criminal justice system expenditures. Extremely limited funds were available to meet seemingly unlimited needs, and disagreements were bound to occur. Just as the Federal Government was, in the judgment of Congress, too far removed from the problems of the criminal justice system to be of maximum effectiveness, many cities are too close. If bloc grants had been made to cities, the overwhelming majority of funds would have gone for local police systems, with some emphasis on misdemeanant corrections. The two other major parts of the system—State controlled courts and felony correctional systems—would have been neglected, or would have received funds only through complicated contractual arrangements to provide services to the cities. Each city would naturally have satisfied its own priorities first, and few, if any, statewide programs would have been initiated.

The SPA's responded to this problem by insuring local input to SPA planning. Sixty point two percent of the members of SPA supervisory boards represent local interests. This permits the full participation of local units of government in the decisionmaking process at the State level. It makes each local representative responsible for taking an intergovernmental, statewide look at the problems of the criminal justice system, and then for choosing rationally among the many possible State and local programing alternatives.

The Kentucky experience is illustrative of the need for central planning and services. We found, to be specific, that State central services were simply not being offered to our police or being performed at the local level. We did not have criminalistic laboraties or evidence collection teams to professionally transport evidence to the laboratories. We did not have a criminal justice information system from which a policeman could recover information on whether or not an individual was wanted or whether property was stolen on almost an immediate basis. We had no medical examiner system and relied, instead, on a system of elected coroners, almost none of whom had any medical training.

As a result of Crime Commission funding, we now have one of the better equipped criminalistics laboratories in the country and evidence collection teams serving every county in the State. A statewide criminal justice information system has been implemented and by the end of this year, any policeman in Kentucky will be able to receive vital information on wanted persons and stolen property within 4 minutes of his initial request. Both citizens and police will have 24-hour access to regional police service centers to provide assistance in cases of emergency. A statewide medical examiner system has been established and is currently providing much needed autopsy and medical advice services to local coroners.

At the Kentucky State police, we have established the State's first organized crime control and investigation unit, have more than tripled the strength of the State police narcotics control unit which investigates major pushers and dealers and provides assistance to localities on request, and have increased the manpower of the detective command of the State police by 40 percent. These projects represent a major redirection of State police law enforcement activity away from simple traffic control toward an emphasis on serious crime.

I would next like to briefly mention the issues of hardware and consultants. Despite claims by well-intentioned critics that the Safe Streets Act has been a bonanza for hardware manufacturers, SPA funding for equipment has never been inordinately high, and has steadily decreased as program guidelines and SPA directions have been developed.

TOTAL EXPENDITURES FOR "HARDWARE"

	Fiscal year—				
	1969	1970	1971	1972	Total
Total for hardware	$4,828,127	$29,529,791	$34,860,175	$20,902,073	$90,120,166
Total Part C money	17,148,904	129,998,000	238,654,000	196,611,000	582,411,904
Hardware as a percent of Part C	28.2	22.7	14.6	10.6	15.5

I think we should also realize that criticism of an SPA simply because of the percentage of funds devoted to equipment is like criticizing the country for the percentage of funds devoted to social services without analyzing the need for such services. Such criticism discloses a basic distrust of people at the local level who are primarily responsible for determining their law enforcement and criminal justice priorities and needs. If the SPA's had arbitrarily limited the amount of funds which could be used for equipment expenditure, or any other type of project which localities have consistently identified as a high priority, they would have been accused of not responding to local needs and would have abdicated their planning responsibilities.

As far as consultants are concerned, I think that it is important to note that 32 of 50 SPA's which we have been able to contact have 20 or fewer staff professionals to develop and operate the five basic SPA functions of planning, grant administration, monitoring, audit, and evaluation. In the smaller SPA's the need for technical expertise remains acute and even large planning staffs have been hard pressed to find specialized personnel. This was particularly true during the earlier stages of the Federal transfer of authority and responsibility to the SPA's. Every SPA has therefore turned to consultants for expertise not otherwise available. Even as SPA staffs were built and competencies developed, consultants were and will continue to be used in specialized areas such as computers, communications, management studies, and law.

By 1972, every SPA had developed an in-house planning capability and the earlier reliance on consultants steadily declined. Even though the SPA's have created the Nation's first criminal justice planning capability *de novo*, consultant expenditures were never inordinately high.

CONSULTANT EXPENDITURES BY SPA'S FROM PLANNING GRANT FUNDS

	Fiscal year—				
	1969	1970	1971	1972	Total
Total pt. B SPA consultant expenditures	$1,540,653	$1,438,997	$1,382,489	$1,080,915	$5,443,054
Total SPA share of part B (60 percent)	9,289,800	10,246,800	12,627,000	16,940,400	49,104,000
Expenditures as a percent of the PSA share of planning funds	16.6	14.0	10.9	6.4	11.1

Another question frequently raised is the issue of fund flow. The fund flow issue has, unfortunately, been based on the mistaken notion that bloc grant funds appropriated for 1 fiscal year should be expended during that same fiscal year. This is a misconception carried over from Federal categorical grant programs, but it is entirely inappropriate for analysis of the bloc grant system of funding established by the Safe Streets Act. As a matter of fact, SPA's are legally authorized to expend 1 fiscal year's funds during the 2 succeeding fiscal years.

A significant step toward improving fund flow would be to make earlier appropriations and have LEAA require submission of comprehensive plans earlier in the year. Safe Streets Act funds have never been available to SPA's prior to the beginning of a fiscal years—in fact, 68 percent of the moneys under the act have only been available at least 3.7 months after the beginning of the fiscal year, and LEAA has never required submission of comprehensive plans until midway through the fiscal year. A proper perspective on the fund flow question should also include an understanding of the SPA planning and funding process. As far as an SPA is concerned, once a grant award for a project is made, the total amount of funds awarded is committed and effectively programed. How rapidly subgrantees request fund disbursements and actually expend funds is a matter almost entirely within the control of the subgrantees and not the SPA's. The following chart indicates the crucial difference between SPA award and subgrantee request for funds or disbursements.

SPA AWARDS AND DISBURSEMENTS

Funding year	Percent of funds awarded	Percent of funds requested by subgrantees
Fiscal year:		
1969	96.2	94.3
1970	95.0	92.1
1971	95.0	64.2
1972	67.7	20.3

In contrast to Governor Docking, I think the special revenue-sharing bill presented here, which will allow LEAA to comment on the State plans, will be effective. Quite frankly, if the LEAA comment is unfavorable, the SPA is not going to be able to live very long with it. On the other hand, having plans submitted every 3 years, with an update each year, and with LEAA comments and guidance but not prior approval authority before any funds are drawn down, would be an excellent way of speeding fund flow.

Finally, I would like to mention the self-regulating activities of the National Conference of State Criminal Justice Planning Administrators. I think we all realize that the Safe Streets Act got off to a shaky start, and the SPA directors are working together to try to do something about it. We have established 10 operational standards for ourselves, an action which is unheard of by a National Association of State Officials. Among other things, the standards require that an SPA take definite action on an application within 90 days of submission; that an SPA take no longer than 30 days to process any request for funds or for modification of grant programs; and that each SPA establish a comprehensive onsite monitoring system scheduled according to the size and type of grant being monitored. I will submit a complete text of the standards for the record. These standards are real and we intend to see that they are enforced.

With that, sir, I would like to ask if you have any questions of me. Perhaps I will be able to comment on or clarify some of the major issues you have raised this morning.

Chairman RODINO. Thank you very much, Mr. Owen.

I have a letter here from Mr. Holmes, commissioner of the department of corrections, Commonwealth of Kentucky, Frankfort, and he addresses me regarding LEAA, and this is his letter:

> Much of what we are doing in corrections today in America is an outgrowth of bonus funds available through LEAA. While Governor Ford demonstrated his commitment to improved corrections in Kentucky by increasing our budget this biennium by 32 percent, LEAA funding allows us to be bold and innovative in our Kentucky approach to treatment, custody, education, and humanitarianism. Without the flexibility offered by these additional funds, we would have a right common system.
>
> Failing corrections systems have plagued us for many years, LEAA assistance has slowed, and in many cases, turned around this decline.

Let me ask you, in view of the fact that under the administration bill part E is eliminated which deals with corrections, can you give us any assurance that under special revenue sharing what Commissioner Holmes is looking for is going to continue?

Mr. OWEN. Yes I can, and I would like to do it two ways: The first way to assure that the corrections system won't be taken care if is to pass this money straight to the cities. The second way we will assure you is this. In Kentucky we devoted 40 percent of our LEAA funds to corrections and juvenile delinquency, even in our first year of operation. We have always believed that the Safe Streets Act should be more than just a police act. We have an absolute commitment to the prevention of delinquency and the improvement of our corrections system. We will continue that commitment.

With part E no longer being particularized, I can assure you that the SPA directors will adopt a standard for ourselves—and I take these very, very seriously, as I think we all do—pass a standard for ourselves insisting upon full funding to all areas of the criminal justice system and certainly a continued commitment in our corrections area, which is a major concern to us.

Chairman RODINO. Wouldn't there be more assurance though if part of these funds were actually allocated in this are specifically as is now the law under part E? Wouldn't this provide more assurance that this area that is so important would be funded on a national scope?

Mr. OWEN. There is no question but there would be more assurance. If you require it, Mr. Chairman, we would do it. I understand how you feel about assuring support for corrections, but the answer is, yes, it will happen.

The answer is, "Yes," it will happen.

Chairman RODINO. Governor Docking stated that he would welcome reasonable use of a Federal approval authority with regard to State plans. Would you, or would the National Conference of State Criminal Justice Planning Administrations, also feel that the use of Federal expertise in this regard would be helpful in the administration of the program?

Mr. OWEN. We are always looking for people who have answers, whether it be at the Federal, State, or local level. We would certainly welcome assistance. Once in a while we have received good technical assistance where we didn't have expertise. The SPA's have begun to build a technical assistance capability themselves. I think prior approval of the comprehensive plans is simply no longer necessary. And it seems to me that the administration's bill will speed fund flow by doing away with redtape.

Chairman RODINO. Of course, Mr. Owen, you pride yourself on the fact that you have taken this kind of a progressive attitude in dealing with the problems of crime in Kentucky. But if you are and you feel that your progress is so important, than I just can't reconcile in my mind why this wouldn't be something that we would like to set as a standard for others to follow. Why just leave it to the good faith of others and merely hope that they are going to do it. Wouldn't it be that they would benefit, and put their money to better use, if this that you see as something worthwhile in our fight against crime would be established as a standard?

Mr. OWEN. If that means would we put it to better use if we had the second control check at the Federal level, I think the interaction of State governments is very constructive and quite adequate. I don't think I have seen the value of that check at the Federal level so far in the exercise of any approval power.

You mentioned earlier the National Advisory Commission on Criminal Justice Standards and Goals headed by Governor Petersen. I served on that committee and agreed with the idea of recommending the standards and goals that the 22 of us came up with. I am committed to many of the standards. But it would be completely impossible to require those standards and goals in all the States. For example, one of the standards says "Let's do away with plea bargaining." Another standard says, "Let's have the State take over local jails." I am totally in agreement with that as a goal, but shall we put our money there?

State assumption of the responsibility and authority now vested in local jails cannot happen tomorrow, and maybe not for years and years to come. We can begin perhaps, but it is not in the works that these standards can be imposed. What can be done with these standards is the States can take them and measure themselves against them. It will be our own SPA conference position that every State should review the standards and indicate why it is going to attempt to implement one or two and which ones it can put into effect. Each SPA should have the standards as a checklist, whether it is thinking about these stand-

ards and whether they would apply to a particular State. But there is no way realistically that those standards can be imposed on us.

Chairman RODINO. Mr. Hutchinson.

Mr. HUTCHINSON. Thank you.

Mr. Owen, does the group that you represent, that is the State planning agencies, generally support the administration's revenue-sharing approach to the LEAA?

Mr. OWEN. Yes; in every way. I think I could point out a couple of questions that I have about the legislation and its language but I don't know if that would be constructive now.

Mr. HUTCHINSON. Thank you.

Chairman RODINO. Ms. Jordan.

Ms. JORDAN. Mr. Owen, would you see anything unreasonable in the Federal Government or in LEAA setting broad program parameters for use of funds which would be dispensed by the Federal Government? When I said "broad parameters" I mean we are not talking about rigid guidelines or regulations, but some way to guarantee that money goes into those parts of programs which have been beneficial like education, parole, and probation and corrections. Do you see any inhibiting quality in that?

Mr. OWEN. May I answer that question this way. The way the bill is written now it would require planning in all these areas: police, courts, corrections, the entire justice system, and beyond the justice system. It does not require funding in each of those areas as now written nor did it before. As a practical matter, we would not be able to put all our money in one of the areas because of the interaction of the supervisory board in the States, or the planning process itself, and the genuine understanding of all of us that to attack crime you have to fight it across the board. You can't go with one or another of these traditional agencies.

Your suggestion would mean, really, more restrictions than we have had in the past. In fact, strict program parameters would actually interfere with the planning process which might indicate a need to "impact" a certain program or criminal justice system area. In Kentucky we wanted to put a substantial portion of our funds in corrections. Another State might have found they wanted to put a lot of money in another area.

I think you have to take it State by State. Every time you set out parameters or guidelines, if they get specific they cut down State and local discretion. We presently have an excellent interchange between States and local units of government and this is the first time this has happened. Over 14,000 people are involved at the SPA supervisory board level alone. They are getting the job done. For the first time, the police community is beginning to understand some of the aims of the courts and corrections systems and the resources available to the system as a whole.

Ms. JORDAN. I raise the question, Mr. Owen, because of my fear that some States may not be as enlightened as yours, or some of the ones we have heard this morning, and that maybe they need some directive in terms of where the money is to be applied. That is the only reason I asked the question.

Mr. OWEN. I think you have a good check on this first by looking at the plans and how they have changed. They have moved toward

courts and corrections in the last 2 years. And the other check you will have is each year when LEAA will have a review of authority, and they will review and comment on this.

Under the bill as proposed by the administration, I think you will know right away if the States were not to continue to submit the corrections and if they did not I think Congress might want to step in.

Ms. JORDAN. It might want to, but there would be no vehicle for the Congress to step in under the administration's bill.

Mr. OWEN. Maybe for 1 year, but I think you can take care of that.

Ms. JORDAN. No more questions, Mr. Chairman.

Chairman RODINO. Thank you.

Mr. McClory.

Mr. MCCLORY. Mr. Owen, in your capacity as the State Planning Administrator do you have any regular contact with the National Institute of Law Enforcement and Criminal Justice with regard to obtaining current research information and data?

Mr. OWEN. Mr. McClory, that is an excellent question. This is one of our problems, because we have not created at LEAA or between the States the information clearinghouse we need. We have started, we have begun to keep track, and begun to try to find technology transfer through our own association and through LEAA.

It took a while for the Institute to plan its projects. I think the Institute can perform a vital service, and one of those is the collection and transfer of information on successful projects.

I don't want to say everything is good when I testify here this morning. I am trying to be absolutely straight. This is one of the areas that we have got to do better in.

Mr. MCCLORY. I believe that the clearinghouse concept is an excellent one. The opportunity for Federal leadership in researching problems providing guidance and direction to States without superimposing Federal control on the States is great. This role should be greatly augmented. Is that not true?

Mr. OWEN. Yes, sir. I think that is correct.

Our national SPA conference gives us a chance to get together, and we do that twice a year. Our executive committee meets every 2 months. We have begun a very interesting program of actually sending personnel from one State to another in a program of SPA technology transfer. In other words, if we have someone who knows what he is doing in drug rehabilitation programs, we will send him or I will ask for him in Kentucky and get him from Illinois. They are now actually beginning to transfer these vital services. I don't have all the facts, but that is now going on.

Mr. MCCLORY. This is a piecemeal, an ad hoc operation at present. But if the mechanism which is already established by the law were carried out with adequate funding and staffing, the Federal Government in this research role could perform a tremendous service for the States and local areas; is that right?

Mr. OWEN. Yes, sir, many of us cannot pick up the research that can be done at the Federal level or in some of the largest States.

Mr. MCCLORY. Also, if the Federal Government would undertake training personnel in all aspects of law enforcement, that again could be a tremendous service to States and local areas.

Mr. OWEN. May I make a distinction there? When you are talking about research information collection and dissemination, that is one thing. Attempts to create training on an original basis for multiple States with different laws and different practices gets into a different area. My comments were originally directed to the fact that LEAA now is attempting to get information from the Institute to the States and I think they have made a very valiant effort over the last year, but it has been during the last year.

Mr. MCCLORY. Do you feel the training of personnel is not adequate at present?

Mr. OWEN. Well, sir, that is spotty, too. It depends on the States. We are developing training programs in the States now, but I, for one, would not favor regional training around the United States. I would think that is very much a matter for the State and locality to work out within the context of the State plan. I haven't found any particular instructors at the Federal level who were any better than those being produced at the State and local level.

Mr. MCCLORY. No, I would suggest that if the Federal Government promoted or encouraged regional training activities it would utilize local and State personnel for carrying out the training function. I strongly oppose any superimposing of a Federal training facility to try to make everybody correspond to what the Federal law enforcement norms might be. But I do think that we have a great need for improved training of personnel in all aspects of law enforcement and there could be some guidance, could be some direction, and could be some support from the Federal Government to the States and to the local areas in helping to improve the training of personnel.

Mr. OWEN. I misunderstood you there. The individual States should have responsibility for developing training programs, but when we come to quality and attempting to evaluate low training affects performance, there we do need information dissemination.

Mr. MCCLORY. And if the Federal Government would assume some leadership role there you could take the best trained, best qualified and help make them available in other areas so that they could carry on a training program; isn't that right?

Mr. OWEN. Yes. sir.

Mr. MCCLORY. Thank you very much for your very helpful testmiony.

Ms. JORDAN [presiding]. Mr. Mezvinsky.

Mr. MEZVINSKY. I think you gave an excellent presentation on behalf of the special revenue sharing proposal. I guess I will have to decide whether I can accept it all. One point of yours I noted in particular, Mr. Owen was that Kentucky had focused on impact, and looked at the high crime areas. I take it then that you would not have any objection to the bill including other factors besides population in allocation formulas, which is now the present form of the bill; am I right?

Mr. OWEN. Seeing that consistency is not always a jewel, I wouldn't agree with that, and there are some very pragmatic reasons why. For example, we pay taxes on an equal basis and I feel we are all entitled to share equally in the programs those taxes support. Perhaps more importantly, I believe every State must prove not only its need but its ability to improve the criminal justice system.

Crime reduction is one goal, but we are involved in something a lot more than that. We are involved in the framework of our society and our laws. I think you want to do that in every State, sir.

Mr. MEZVINSKY. I agree that the main reason we have the program is treat human beings, but to me if you simply base allocation on population you wouldn't necessarily be able to treat the problem where the human beings need it the most. How would you answer that?

Mr. OWEN. To the extent that California and New York have more population than the rest of us, they will be paid more.

Mr. MEZVINSKY. OK. Let's go on. You submitted some figures which the committee will appreciate. What percent of the LEAA fund figures you have were directed toward police activities, and what percent have been directed toward correction and prevention? Do you have that breakdown at all?

Mr. OWEN. No, sir, I don't, and we are going to have next year because it is critical. I think it is a logical question and one of the problems is that the guidelines for the plans that we now have do not split it up. We have 10 categories, some of which will run across the system and that information is not available. There are studies, however, State by State. I can tell you for our State——

Mr. MEZVINSKY. What about in your State?

Mr. OWEN. First I think you ought to understand—and I did pick this up today—across the country 59 percent of all State and local criminal justice system expenditures are for police protection activities. We often forget that and I think that may tell us something.

The figures for Kentucky do not follow anything like 65 percent for police programs, but our funding pattern is around 40 percent for police programs in Kentucky, and the rest to courts, corrections.

Mr. MEZVINSKY. My last question concerns white collar crime. What is being done with white collar crime under LEAA, in your opinion?

Mr. OWEN. I am sorry. I am not prepared to speak to that issue today.

Mr. MEZVINSKY. Well, what about Kentucky?

Mr. OWEN. In Kentucky we have principally aimed at two things: Reduction of street crime and violence and improvement of our justice system. Insofar as white collar crime is concerned, if you are talking about organized crime, we have done a great deal.

Mr. MEZVINSKY. All right. I appreciate your comment, I asked the same question of the Attorney General. I am very concerned that in the area of white collar crime I don't see a focus there. Can I ask you specifically are LEAA funds used for State antitrust provisions. Is that being used in Kentucky? Is it being used around the country?

Mr. OWEN. Antitrust provisions? Not to my knowledge, not at least in Kentucky. Now insofar as what we should do in the future. I think you would probably do about what we are doing. If you are faced with the concern of people in America about crime on the streets you would go after that crime and also, because of legislative mandate, would be looking at civil disorders. I think you would look at organized crime because of the legislation itself which points us in that direction.

You would be looking at the drug problem and particularly robberies and burglary and the other. Index crimes, but I don't think

that is the end of our responsibilities. Once you do that and take on the entire justice system to improve our laws and the framework in which criminal justice agencies operate, it is significant responsibility. Considering that we have only got about $850 million a year and the total criminal justice expenditures in the country are in the area of $11,750,000 per year we don't have enough leverage yet. I believe even more funds are needed if the SPA's are to continue to set those priorities on reducing street crime.

Mr. MEZVINSKY. Thank you very much.

Ms. JORDAN. Are there further questions?

Thank you very much, Mr. Owen, for coming and giving your testimony.

Ms. JORDAN. Our next witness is Mr. Richard Harris. Mr. Richard Harris is the director of the Division of Justice and Crime Prevention for the State of Virginia; and he will be representing the Honorable Linwood Holton, Governor of the State of Virginia.

Mr. Harris, I would just explain to you that there could conceivably be a bell shortly that will mean we must go to the floor to register our presence. In the event that occurs and you have not completed your testimony, I would hope that you could return at 2 o'clock this afternoon to continue.

Mr. HARRIS. Yes, Madam Chairman. I will certainly be happy to.

TESTIMONY OF RICHARD N. HARRIS, DIRECTOR, VIRGINIA DIVISION OF JUSTICE AND CRIME PREVENTION, REPRESENTING GOV. LINWOOD HOLTON

Mr. HARRIS. Mr. Chairman, members of the committee, I thank you for the opportunity to give you our assessment of the Safe Streets Act and the President's proposal for special law enforcement revenue sharing.

Governor Holton regrets that he is unable to be present today, but thanks you for providing him with the opportunity. He would be here if it were not for a compelling prior commitment.

The citizens of Virginia have received major benefits from the 1968 legislation and its 1970 amendments.

There is a new spirit in every law enforcement and criminal justice agency in the Commonwealth. And we know full well how much difference for the better this Federal assistance has made.

The buy-in and hard-match requirements of the present Safe Streets Act are causing, and will continue to cause, serious complications in the implementation of the program under existing legislation. These requirements create intense problems at both the State and local levels.

Currently, the act provides that beginning with fiscal year 1973 funds each State has to put up a buy-in totaling not less than 25 percent of the matching funds which must be provided by units of local government.

In addition, at least 40 percent of the non-Federal funding of the cost of any program or project shall be new money appropriated in the aggregate by the State or local unit of government for the purpose of shared funding of such programs or projects. This is the so-called hard-match requirement.

These requirements result in major budgetary and bookkeeping problems for the State planning agency and for State agencies receiving grants, and for each city and county receiving grants.

The recordkeeping for each project has four components, to wit: The 75-percent Federal contribution, the 15-percent in-kind match, the 6.25-percent State buy-in, and the 3.75-percent local hard-cash match.

As you can imagine, keeping four sets of books for a single project often gets complicated for a large county or city—not to mention the less sophisticated local political subdivisions with limited trained clerical resources.

There are 39 independent cities and 96 independent counties in Virginia—governmentally the cities are not part of the counties—and each of these has to anticipate and provide for the hard-match to be included in their individual budgets. In addition, we have 192 incorporated towns in Virginia, most of which have at least one criminal justice agency, and although we have provided very limited financial assistance to these small communities where the problem of crime is not very intense, nevertheless, as you might imagine, their financial resources are quite limited. If we succeed in bringing about consolidation of law enforcement services in many of these towns, as we are now attempting, we anticipate very serious problems with respect to their ability to provide the necessary hard-match.

After much effort on our part, at its January 1972, session the general assembly agreed to provide the necessary buy-in for grants to localities, and the necessary hard-match for State projects, in a single biennium appropriation to our State planning agency. In order to accomplish this we had to demonstrate to the general assembly the effectiveness of the program in our State, to convince them that the combined Federal and State funds are truly bringing about the reduction of crime and delinquency and improving the criminal justice system. This we did, to their complete satisfaction.

We have a biennial budgetary process in Virginia. We were appropriated, for the purposes of providing buy-in for the local grants and the hard-match for State grants, $1,149,785 for the first year of the biennium and $1,166,185 for the second year of the biennium.

These appropriations are designed to provided the need with respect to fiscal year 1973, and fiscal year 1974, Federal funds. We are not sure that we have all that will be necessary, but we think that with some careful budgeting on our part we will be able to receive our full Federal entitlement for Virginia for these 2 fiscal years.

I can assure you that it was no simple matter to obtain this appropriation. It was a particularly tight budget year in Virginia, and there were many competing demands. I am particularly gratified that our general assembly recognized the very significant successes of Virginia's Safe Street Act program. I am convinced that unless the general assembly had been completely convinced that our program was successful and continued to have great potential, they would not have appropriated these matching funds. And I think it is fair to say that we have no major problems in the program in our State.

Ever since the buy-in and hard-match amendments were enacted by Congress we, of course, have been educating our local units of govern-

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ment about the requirements. Strange as it may seem, we have a great variety of budget and fiscal years among our local units of government, so getting them to anticipate the need and include it in their budgets has been, and continues to be, a serious problem.

We are convinced that there are going to be a number of jurisdictions which will be unable to continue to participate in the program simply because they do not have the necessary matching funds, or have neglected to provide them in their budgets.

All of this is by way of saying that it is with profound relief, really, that Virginia and Governor Holton welcomes the President's special law enforcement revenue-sharing proposal. While we in Virginia have absolutely no quarrel with the idea of the grantee being required to provide some cash match, the complicated way by which this is accomplished in the present legislation has created a real nightmare.

The revenue sharing proposal would, of course, remove the virtual tangle of financial regulations brought on by the buy-in and hard-cash requirements, and for that reason, if for no other, is particularly welcome.

We have found that under the present Safe Streets Act legislation the paper flow at the Federal and State levels needed to implement it has grown and grown. For example, I have as many people in my agency devoted to the matter of pushing papers and administering the LEAA financial and procedural requirements as I do enaged in the real work of developing and implementing programs to fight and reduce crimes. I sometimes think that we are engaged more in a paper war than in a war against crime.

It seems to me that the President's special law enforcement revenue-sharing proposal will not only provide greater resources with which to fight crime in Virginia, but also significantly reduce the tangle of administrative control and requirements now imposed at the Federal level, necessitating, in turn, more of the same at the State-local level.

As a group the Nation's Governors have always been strong supporters of the Safe Streets Act program and of the Law Enforcement Assistance Administration.

Last June, the National Governors' Conference went to record to that effect with a resolution commending LEAA for its "extensive and helpful cooperation" with the States in implementing the Safe Streets Act.

At the same time, the Governors' Conference endorsed law enforcement special revenue sharing, "as it would contribute toward freeing State and local governments from onerous Federal administrative and fiscal restrictions."

I am one of the two or three State planning agency directors who has been with this program since its inception. I have seen it grow significantly, both in terms of financial resources and in terms of sophistication, by those of us who are responsible for the program's administration.

As a result of my 3 years in the program and my close association with many other States in my capacity as chairman of our directors' conference's legislative committee, I am personally familiar with the progress of the program in a number of States. Admittedly, there have been weaknesses because no program is perfect, but I am convinced that overall this program has been a resounding success.

Criticisms of it have been constructive, and I think have served the purpose in many cases of bringing about needed improvements, both at the National and State levels.

Congress deserves a tremendous amount of credit for having enacted the program, and particularly for having enacted it in a block grant form, placing the primary responsibility upon the Governors and the States. And I think the Governors and the States have fully justified the confidence reposed in them.

The passage of special law enforcement revenue sharing would be a confirmation of congressional recognition of the high level of performance by the Governors and the States, and you will find that the States will welcome this new Federal-State relationship.

Now, I will be happy to respond to any questions you may have about the President's bill or the progress of the program from its inception to the present.

Mr. Owen I addressed some of these items. I will be glad to do likewise if you wish.

Ms. JORDAN. Thank you very much. I have a few questions to address to you on this, Mr. Harris.

According to data from LEAA, Virginia had available $9,333,000 in fiscal 1972. Of these moneys according to LEAA $790,000 was allocated for "prevention of crime." $2,126,150 was allocated for "detection and apprehension of criminals," and $1,900,000 allocated for "juvenile delinquency." You might explain these categories and tell us how you determine if certain moneys are categorized as "crime prevention" or "detection and apprehension of criminals"; what do these programs entail in terms of how the money is used.

Mr. HARRIS. The juvenile delinquency programs category is called "C" in our plan, and the term used to describe category "C" is self-descriptive. It entails all of the programs for dealing with juvenile delinquency prevention and control, both in terms of softwear programs such as halfway house programs and in terms of programs that are designed to deal with persons already caught up in the juvenile justice system.

So, anything dealing with juvenile delinquency prevention control is lumped under that one category with an exception. The category for the drug abuse control obviously also has significant components in it which are designed and result in a great deal of emphasis on juvenile delinquency prevention and control.

Detection and apprehension of criminals is basically a program related to the police, almost all the funding there is for the police. This is category "D" in our plan and we recognize it as our police oriented category.

The other one you mentioned was category "B" which is prevention of crime. Originally category "B" in our earlier plans included the drug abuse control programs. I think in the first 2 years we put them in that area. Then in 1971 we broke drug abuse out as a separate category and it became category "K."

Programs in category "B" in the 1972 plan consist of all programs designed to prevent crime such as a program to improve the patrol techniques of police agencies so that we are preventing crime and not orienting patrol simply toward making arrests, but orienting it to-

ward police presence to deter the occurrence of crime as opposed to actually going out and making the arrest.

The other program that is under the crime prevention category "B" is a program labeled "hardening crime targets" to prevent crime. There, for example, talk about the installation of various surveillance equipment. As you know there have been problems in some areas of our country with attempts on the life of judges in our courtrooms. We use some of these funds for making courtrooms more secure, as an example.

We have funded one surveillance system in a public school where there had been a constant occurrence of riots and disorders among the students, some of it racially motivated and some of it not, apparently. We established here in the city of Alexandria, I think it was, a program which came under that particular category.

Ms. JORDAN. Mr. Harris, those bells did ring that I warned you about. I would appreciate it if you would come back at 2 o'clock this afternoon and the committee would continue with you as a witness because there are followup questions.

Mr. HARRIS. I shall be here.

Ms. JORDAN. The committee will then stand in recess until 2 o'clock.

[Whereupon at 12:30 p.m., the hearing recessed to reconvene at 2 p.m. the same day.]

AFTER RECESS

[The subcommittee reconvened at 2 p.m., the Honorable Barbara Jordan (presiding).]

Ms. JORDAN. The committee will please come to order.

Mr. Harris, when we left at the time of rollcall you had been posed a question about various expenditures you have made in various programs in your State of Virginia. Now, did you finish your response to that question, because all of this, you understand, gets entered into the record and we will be able to refer back to your testimony at such time as we begin the final work on a LEAA bill?

Chairman Rodino could not be here this afternoon but has asked me to proceed with the questions which we would like to have answered to get into the record, so we can have the benefit of it.

Now, had you completed your response?

TESTIMONY OF RICHARD N. HARRIS, DIRECTOR, VIRGINIA DIVISION OF JUSTICE AND CRIME PREVENTION REPRESENTING GOV. LINWOOD HOLTON—Resumed

Mr. HARRIS. As I remember, Madam Chairman, you asked me about three categories extracted apparently by LEAA staff from our 1972 State plan. You mentioned juvenile delinquency, crime prevention, and detection and apprehension, and asked me to describe generally what these programs were designed to cover.

Ms. JORDAN. That is right.

Mr. HARRIS. And I think I indicated just by way of summary that the juvenile delinquency prevention and control category speaks for itself. That is designed to deal with those kinds of programs in a comprehensive sense. I can give specifics if you would like those. I don't think that is what you are after.

Detection and apprehension basically, as I indicated, involves programs for the police. The prevention of crime program category—these are categories, not programs, in our State plan—crosses over different components of the criminal justice system because we have crime prevention programs in the police area and even in the juvenile delinquency area.

Ms. JORDAN. Mr. Harris, the report that you were talking about reflects that over $2 million was spent in the category of detection and apprehension of crime, that $495,000 was spent in a prosecution, court and law reform. That seems to be quite a significant disparity of amounts of money. Does that reflect the kind of emphasis you place in those two categories?

Mr. HARRIS. No, and I can explain that. If you look at our 1973 plan you will find a significant increase on the court side. Specifically the figures go up to $1.5 million on the court side in the 1973 plan and the reason why the 1972 plan was low on the court side is this: In 1970 the general assembly appointed something called the court system study commission in Virginia, and assigned it the responsibility of reorganizing Virginia's entire judicial system and asked it to report to the 1972 session of the general assembly.

We purposely withheld allocating any more funds for court and law reform in the 1972 plan than those that you have referred to, because we knew that the reorganization would be coming in the January 1973 session of the general assembly (the bill just passed, in January 1973), and we wanted to put a full heavy load into the 1973 plan for the purpose of enabling the State to implement that reorganization program.

In short, there was no purpose in beginning to spend significant funds in the 1972 plan when we knew that the whole court system was going to be reorganized and restructured, which it now has been.

I am not familiar with Texas, but we took our courts of limited jurisdiction and reorganized them into 30 districts. The upcoming reorganization was the reason for the differences in funding levels you ask about, Madam Chairman. It was our purpose, our full intent to allocate a low amount of funds in that year (1972) to the courts, which I guess demonstrates the significance of States having peculiar kinds of situations and problems and why you really couldn't have a law or regulation that said each State must allocate a fixed percentage of money to different programs, because if we had done that in 1972 it wouldn't have served any purpose at all.

Ms. JORDAN. In what ways does Virginia audit or keep tabs on the use of its LEAA funds?

Mr. HARRIS. I guess we could say that there are three basic systems and I use technical terms to describe them. I will try to define how we use these terms. To us "audit" means what you do at the end of a program, after its been completed from the financial point of view, and the program implementation point of view. That takes place with respect to all of our grants after the programs have been terminated.

In addition, during the course of a program we have a process which we call monitoring. I know some States use these terms interchangeably, but monitoring to us is what you do in terms of a constant examination, a constant review of the progress of the program while it is being conducted. Say the program began in January of 1970,

and was to run for 18 months thereafter. Well, we have a sophisticated program of constant onsite visits which we call monitoring to see where the program is going while it is in progress.

Ms. JORDAN. Who does the monitoring?

Mr. HARRIS. Our staff members. We have two types of monitoring. One is by our program specialists (we call them program coordinators). The other is by our fiscal or financial staff. In other words, we have staff program specialists representing the several categories or components of the criminal justice system. These staff members are the ones who also review and process the action grant applications. They monitor the programs in their area of specialty after grants are made. That is the professional or softwear monitoring, while the program is in progress. What we might call financial monitoring in addition to the softwear or professional monitoring, is conducted by the fiscal or financial staff, again while the program or project is in the implementation stage.

Then at the end of the program we have, as I said, the staff audit capability.

We also have at the end of the program or project an evaluation methodology, which is the third component. The evaluation staff is a separate staff from those already mentioned. They go in at the end of a project, evaluate the project and file a report which goes to the project people and our staff program coordinators and is also transcribed in summary form and used throughout the rest of the State as a guide for effective future performance and planning.

As a matter of interest, we were the first State to develop an evaluation methodology. We did this in 1970, and Mr. Jerris Leonard, Administrator of LEAA thought so well of what we had developed that he asked us to reprint it and it was mailed to all the SPA's and to all LEAA regional offices.

Ms. JORDAN. You anticipated the next question, Mr. Harris, because one of the great criticisms levied against LEAA is the absence of an effective manner of evaluation, and I suppose what you have just described is what your State of Virginia uses in terms of evaluating program results.

Mr. HARRIS. Right.

Ms. JORDAN. What kinds of Federal auditing are you currently subject to?

Mr. HARRIS. From the standpoint of the State planning agency itself, I will first address it from that point of view. We as an SPA are, of course, subject to audit by the LEAA Office of Audit. The LEAA auditors were in our office for 6 weeks in May-June 1972. I understand the audit report will be filed in the next several months. The audit team consisted of three LEAA auditors and two auditors from the Virginia Auditor of Public Accounts.

During that audit our own staff auditors and the LEAA auditors also visited subgrant projects. As far as I know that is the kind of audit, that is the relationship that LEAA sees. They see their responsibility as auditing the State planning agency and its procedures. We also have, as I mentioned, a full audit staff on their own. We don't audit our own State planning agency but we do audit all the subgrants our agency makes.

All of our own staff auditors and two auditors from the State auditor's office have attended the LEAA audit school. We have been unsuccessful, I might say, in talking the State auditor into lending us his two auditors to help our own staff, but we are still trying.

Ms. JORDAN. Mr. Harris, one of the fears expressed about a move to pure special revenue sharing is that some LEAA funded programs would suffer, for example, the LEEP program.

Mr. HARRIS. Yes, ma'am.

Ms. JORDAN. Can we expect that you, the State of Virginia, would continue to fund the LEEP program if special revenue sharing were to become law?

Mr. HARRIS. Absolutely, and I am aware of the concerns that you address because as chairman of the legislative committee of our SPA directors conference, I had some involvement in the preparation of the revenue sharing bill, at least conceptual parts of it. I didn't get involved in the detail of drafting but I had been made aware, by various groups, of the concerns of some of the Nation's institutions of higher education if in fact the States received LEEP funds in the revenue sharing pot, in some way the LEEP funds—that these institutions have become somewhat accustomed to I guess—will disappear and I have done my best to assure them that that will not happen.

I see no chance that our LEEP funds would be in any way reduced by shifting the revenue sharing. In fact, they will be increased because under revenue sharing, the total money coming to Virginia would increase under the formula in the pot.

Ms. JORDAN. That is a very encouraging response.

Mr. McClory.

Mr. MCCLORY. Thank you, Madam Chairman.

One of the amendments to the present law pending before this subcommittee in addition to the administration's revision of the Omnibus Crime Control and Safe Streets Act is one offered by Representative James Stanton of Ohio. It embodies in it a requirement that there be a county coordinating council established. The organization of this council would be a prerequisite to the receipt of LEAA funds. Apparently, in the State of Ohio, courts and corrections are in part under county jurisdiction and the police forces are under municipal control. So it is felt that this county coordinating council is essential to producing a comprehensive plan for the city of Cleveland and the metropolitan area which is adequate to its needs. How would that work out though in the State of Virginia, for instance, in the metropolitan area of Richmond?

Mr. HARRIS. As I understand the Stanton-Seiberling bill, as it is referred to by some people, although somebody referred to it this morning as the Stanton-Sandman bill—anyway H.R. 5647—or is it 5746? As I understand the proposal will involve jurisdictions in excess of 250,000 population. That is cities not counties. Let me make clear we have only one city in the State of Virginia that would qualify and that is the city of Norfolk. Richmond has a population of 249,000.

I see tremendous problems with this particular approach not the least of which is the fact that we have spent in the last 4 years under the existing program structuring what I hope has become in every State a comprehensive statewide system for planning for improvement

in the criminal justice system. And knowing, if you will, the extent in some States of the friction—and I use that word perhaps advisedly—between some city governments and some State governments. I can see in this bill great potential for destroying the kind of relationship and planning process that has been developed under the existing legislation and I would very much oppose the bill.

I do not oppose, on the other hand, I very much support, in fact, the idea of criminal justice coordinating councils. I believe Mr. Stanton uses a different term for these groups. In the city of Norfolk, Richmond, and Fairfax County, we have these. Each of these maintains a staff which we fund and that staff operates as an administrative arm of the coordinating council itself and as an internal planning mechanism for that city or county, and we have a wonderful working relationship, not only with our regions who serve these particular jurisdictions but also these coordinating councils. I think this same thing has been done in other States. We already have a mechanism by which the large jurisdictions can make more effective use of the funds that they are getting from the State.

Now as an example, we heard much conversation today about this Stanton bill presumably getting more money down to the cities because the States aren't giving it to them. I think Mr. Owen addressed that proposition. We are told that the bill is designed to correct a problem. I think Mr. Owen said the problem doesn't exist and I agree. Of the 12 cities and counties in Virginia of over 100,000 population, taking an average of the last 4 years, 50 percent of our LEAA funds have gone to these jurisdictions. I am sure they were reflected in the comments made by Mr. Owen.

Mr. McCLORY. Well, without adopting the provisions of the Stanton bill there presently exists wide flexibility for any State.

Mr. HARRIS. Absolutely.

Mr. McCLORY. For any State may develop coordinated councils if that kind of a structure fits the need of the State?

Mr. HARRIS. I hate to belabor the point but we have something called a crime specific program in Virginia which may be similar to the LEAA impact program. We call it the HIT program, high incidence target. We have made bloc grants of money available to Fairfax County and the cities of Richmond, and Norfolk, to the tune of $350,000 for each of these jurisdictions, in addition to the regular categorical program that is covered in our State plan in some detail and we are now adding eight more HIT cities and counties. We anticipate in fiscal year 1974 going to a bloc grant program to our 12 largest jurisdictions in our own State plan, so you have said exactly what I am saying. The mechanism for doing what Mr. Stanton wants to do already exists in the Safe Streets Act.

Mr. McCLORY. You would not want to have the Stanton concept imposed on you mandatorily?

Mr. HARRIS. No, sir.

Mr. McCLORY. Much of the criticism of LEAA seems to be directed toward the early years of its operation principally because of a large expenditure of funds on so-called hardware. What has been your experience in Virginia with respect to the expenditure of bloc grant funds for hardware as opposed to software?

Mr. HARRIS. Let me start with the basic premise and I believe somebody indicated this on the first day of the testimony. It might have been Mr. Kleindienst. Somebody asked him on what equipment, if any, had funds been spent and he answered radios and communications gear primarily, and that has been the experience in Virginia. These are percentages from total bloc grants for the fiscal years indicated. Of the total bloc grants communications gear expenditures in 1969 was 34.5 percent, fiscal year 1970, 11.9 percent, fiscal year 1971, 6.5 percent, and 1972 plan 2.8 percent.

We have now bought the communications gear in Virginia that we need, as you can see from those figures. I guess they indicate the initial buildup in communication equipment needs.

Now with respect to other kinds of equipment, from the inception of this program our supervisory board has refused to ever fund from Federal funds the purchase of any basic police equipment and that includes uniforms, weapons, any kind of gear that an officer or department must have as a basic issue.

None of this will we fund. We will not fund patrol vehicles and have never funded the first patrol vehicle, not even the smallest police patrol car have we funded. Our council's position has always been that basic equipment and patrol cars ought to be funded from the resources of local governments, from which they have been funded historically.

We can provide ammunition for a training program but that is the only case in which we will provide any kind of ammunition or weapons. I think we did provide some shotguns for a training program but we have never bought any other kinds of weapons. We will provide only special-purpose vehicles. We will provide, for example, a prisoner van. You should sit in on some of our council meetings and hear the discussions as to whether the vehicle being requested comes under the definition of a "special purpose vehicle." But, as I said, we will provide a prisoner van as an example.

I think we bought the city of Falls Church, or Fairfax, some small motor scooters to use in patroling shopping centers. The officers could stop and rattle the nob on the door without having to climb in and out of an automobile and that was a controversial one because some of our council members felt it was not special purpose but for patrol. For special purpose vehicles, in fiscal year 1969 we spent 7.5 percent of the total bloc grant, in 1970, 2.2 percent, in 1971, 3.5 percent, and in 1972, 3.1 percent. They are all the vehicles we have bought.

Now we do buy other kinds of specialized equipment like fingerprint kits, night vision equipment that is used in night surveillance. We have bought equipment for a forensic laboratory system. We have structured and designed with the SPA's leadership, a comprehensive statewide laboratory system, with a central laboratory in Richmond and three regional labs.

Mr. MCCLORY. I just have one more question Madam Chairman. You may have heard my question this morning directed to Mr. Owen. I would like to ask it of you. What is your opinion of the augmented role I suggested for the National Institute of Law Enforcement and Criminal Justice in the area of gathering, evaluating, and disseminat-

ing information regarding the most expertly produced projects developed by States with LEAA funds or by the National Institute itself?

Mr. HARRIS. Yes. I think that there is great merit in the approach taken in the revenue sharing bill of isolating still within the LEAA, the funds for the National Institutes. There needs to be—I think Mr. Owen spoke to this—there needs to be much more technology transfer pertaining to evaluations. We are exchanging that kind of information within our State. We have a system structured within our State for doing this so that a locality in tidewater can share with northern Virginia what has taken place in various kinds of programs. Now, we need some national programs, in my opinion, from which our findings with respect to a particular type of program can be shared with Michigan or California and vice versa.

Now the Institute, I think, has concentrated so far on research. What they have done has been excellent. Insofar as they have produced materials, these have been made available to the States and thus been shared, but I share your view that we need very much to have a better exchange of information as between States.

Now, of course, you could say I suppose that the States could form some sort of consortium to acomplish this. We don't need to rely necessarily on the Federal Government for that purpose. A State consortium may in fact be the best approach.

Mr. MCCLORY. Thank you for a very illuminating statement. It will be very helpful so far as the work of this subcommittee is concerned. I have concluded my questions, Madam Chairman.

Ms. JORDAN. Mr. Harris, do you recall under the 1968 act there is language to the effect that nothing in the act should be construed to require the maintenance of racial balances or quotas as a condition of funding?

Mr. HARRIS. I remember that.

Ms. JORDAN. The Attorney General, when he appeared before this committee, made much of the fact that that section will be eliminated, and that grantee discrimination on the basis of race, creed, color, sex, is prohibited by section 308 of the administration bill.

I am wondering if the Federal Government has in the past exercised an oversight responsibility where your State functioning under LEAA was concerned, to determine whether discrimination was, in fact, taking place vis-a-vis the use of these funds; discrimination in employment or any other sense?

Mr. HARRIS. Did they? Oh, very definitely. I can say with certainty that they did.

If I may, I will describe the process.

This was through the Office of Civil Rights of LEAA. Mr. Rice, I believe, directs that in LEAA. What they did was first get a computer printout of their own of all the agencies to whom we had made grants, the police agencies. They started with the police. All the police agencies to whom we had made grants.

When we got the printout we verified it and it was accurate. It was almost every police agency in Virginia except the small towns I spoke about this morning, where we have forces of five men or less. But all the major police agencies, some 200 or 250, of course, have received grants from us.

The Office of Civil Rights then had prepared a very comprehensive form which addressed all kinds of questions.

I would ask you, if you will: I don't have the form, but I think it would be helpful, Madam Chairman, if you could get a copy of that form from LEAA and you could see the kinds of questions that were addressed by each of these police agencies.

LEAA's original intention was to send that form directly from LEAA to each police agency and ask for it to come back to LEAA. We in Virginia objected to that. We felt that the State ought to be involved also in this undertaking with the localities. We were the only State—I managed to talk Mr. Rice into this. He permitted us to vary from the normal procedure. He sent us the forms and I sent them out from our agency to each of the police agencies and asked that they be sent back to us and we asumed responsibility for their correct completion and for their accuracy.

We then packed them up and mailed them off to LEAA. In the process, we made copies of this information for our own purposes and have used this to great advantage.

I understand from Mr. Rice, and you could see on the form, that this material had been designed for coding in some way in a computer. I had a staff member inquiring about that this week, to see if we could get the printout from their computer so that we would have this information available for activities of our own.

We are trying to structure a program of our own to see if we can't have more minority recruitment. It is a difficult problem, as I think you know. We had the problem in connection with our supervisory board. We wanted to have a board member from a governing body who was black. We have no way of controlling who gets elected to local governing bodies, but we wanted a person who was black on our State council. And we had one heck of a time because there aren't but five or six black county supervisors in all Virginia.

I wish there were 106, but that is the kind of thing we can't do anything about.

But we can do an awful lot in assisting local police agencies in minority recruitment. A lot of our local agencies have done great work. Richmond, in particular, has dramatically increased the minority representation on their police force in the last 2 years. They have a very positive program which we have fully supported.

Ms. JORDAN. Mr. Harris, thank you very much for your testimony. you have been very helpful to the committee and we appreciate your coming.

Mr. HARRIS. Thank you very much.

Ms. JORDAN. There will be no hearing tomorrow. We will reconvene at 10 o'clock on Monday.

[Whereupon, at 1:30 p.m. the committee recessed until 10 a.m., Monday, March 26, 1973.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

MONDAY, MARCH 26, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 2141, Rayburn House Office Building, Hon. Peter W. Rodino, Jr. [chairman] presiding.

Present: Representatives Rodino, Jordan, Mezvinsky, and Hutchinson.

Also present: Daniel L. Cohen, counsel; and Franklin G. Polk, associate counsel.

Chairman RODINO. The hearing will be in order. This morning, as we continue the Law Enforcement Assistance Administration hearings, our first witness will be the Honorable Mayor Gribbs of the city of Detroit.

I understand that you have to get away rather early this morning. In that same regard, we hope to be able to complete our hearing today before lunch, so that we will in that sense, be in keeping with your schedule.

TESTIMONY OF ROMAN S. GRIBBS, MAYOR, CITY OF DETROIT, ACCOMPANIED BY ANTHONY BERTONI, SUPERINTENDENT OF POLICE

Mr. GRIBBS. Thank you, Mr. Chairman.

Chairman RODINO. We are delighted to have you, Mayor Gribbs. I appreciate your coming here from the city of Detroit and giving us the benefit of your views and the expertise you have developed regarding the law enforcement assistance program.

We are ready to proceed.

Mr. GRIBBS. Mr. Chairman, we are very pleased to appear here this morning. We are grateful for the opportunity to speak to you on the subject of Federal assistance to fight crime and improve criminal justice.

On my right, if I may, I would like to mention for the record that I am pleased to present the superintendent of police of the Detroit Police Department, Mr. Anthony Bertoni, who will have just a comment or two, but principally we are here to respond to the questions of the Chair and the committee.

With your permission, Mr. Chairman, I would like to have entered into the record a position paper that was prepared by the National

League of Cities and the U.S. Conference of Mayors. It describes in greater detail the recommendations which I propose to make briefly this morning.

Chairman RODINO. Without objection, the document will be included in the record.

[The document referred to follows:]

NATIONAL LEAGUE OF CITIES,
UNITED STATES CONFERENCE OF MAYORS,

THE CITIES AND LAW ENFORCEMENT ASSISTANCE—A REVIEW OF THE NEED FOR FEDERAL ASSISTANCE TO CITIES

I. INTRODUCTION

We believe that the Law Enforcement Assistance Administration, in five years of operation, has done a number of extremely good and important things. Because much criticism of the Administration has been aimed at complete repudiation of the Act and LEAA, and because the Administration has at times interpreted all criticism as completely negative, we begin by reviewing what we regard as a few of the best activities under the Omnibus Crime Control and Safe Streets Act of 1968 and 1970.

At the same time, we also believe that the LEAA program, in its present form, is very seriously bogged down in red tape, multiple reviews, delay, and uncertainty; and that much of the promise of the "Safe Streets Act" program has been lost in that process.

Given this set of contrasting factors, we offer a series of suggestions in parts IV and V of this statement which we believe will substantially improve the ability of this program to impact on the crime problem in this country.

Positive aspects of the program

To begin, it is important to describe a few of the successes of the LEAA program which we believe have a long term national significance. These include:

At present there are in *all* of the nation's largest cities, full time staffs devoting themselves to planning, research, and program development, for the purpose of reducing crime and improving criminal justice for those cities. A very major part of the credit for this fact is attributable to the "Safe Streets Act" program, and funds made available by LEAA for this purpose. Concurrently there have been established planning and research staffs in essentially all of the nation's large and medium sized police departments (to which, of course, most of the crime in the nation is reported), either in the form of specific units with planning as their dedicated function, or in the form of executive and staff assistants to chiefs of police.

At least two very important positions in criminal justice which are essentially new since 1968 have been firmly established and have demonstrated their value. We refer to court administrators and police legal advisors (other positions can also be cited). LEAA has underwritten at substantial cost the development of these two professional activities, and deserves credit for their substantial benefits to criminal justice.

In the area of education we note with pleasure that across the country individuals who were substantially assisted in their dramatic rises in criminal justice agencies by LEEP, LEAA's education program, are just now emerging as chief executives and key policy officials in the top managements of criminal justice agencies. The chiefs of police of Madison, Wisconsin; Richmond, California; Birmingham, Alabama; and many others are examples. These individuals are manifest signs that some of the promise of the Safe Streets Act has been fulfilled by LEAA. In addition, there is excellent reason to believe that the LEEP program, taken together with other LEAA-sponsored training programs, is currently achieving a large-scale and highly significant rise in the educational levels and professional backgrounds among middle management personnel in our nation's criminal justice agencies. The Detroit Police Department currently has almost 1,000 officers attending college.

We have to look directly at the fact that the crime rate nationally is climbing less rapidly, and the absolute level of reported crime is lower this year than last

in a significant number of crime-ridden cities. Quite aside from very complicated and basically correct criticisms regarding reported crime rates,[1] the rate of crime growth does appear to be abating, and some LEAA programs have had some influence upon that abatement, although only a few have had demonstrably large effects. We are rather more circumspect than LEAA in claiming direct credit for the reduction overall, however, and would prefer to say, more candidly, yes, the LEAA program has undoubtedly helped, but by and large we don't know why crime growth is slowing; and we wish someone would look at the question longer before we jump at the first self-serving conclusion.

With regard to the dramatic decreases reported in most major crimes in the District of Columbia recently, there are several significant points to keep in mind. First, the reported decreases do tend to demonstrate that a massive, concentrated spending effort can affect crime rates within a single major city. Second, the amount of funds being expended in D.C. on this crime reduction effort are far greater than those available to any normal city in this nation, whether through its normal budgetary process, through LEAA funding, or through a combination of the two. To the extent that this is a success story of national significance for LEAA, it can be repeated in other cities only if the Administration's proposal is amended to provide both the immediacy and magnitude of funding currently found in the District. This is not an easy task.

In 1968 the annual budget of the D.C. Metropolitan Police was about $49 million. In 1973 it will be about $96 million (for a current population of 740,000), largely due to the special appropriations increases the Attorney General mentioned in his recent testimony. To put these numbers in perspective, Dallas, population 861,000, has a police budget of $27,123,000 in 1973; Boston, population 630,000, has a police budget of $46,394,000; Phoenix, population 705,000, has a police budget of $28,813,000; San Diego, population 773,000, has a police budget of $17,076,000; and San Francisco, population 715,000, has a police budget of $48,736,000. The *increase* alone in the D.C. police budget since 1968 is greater than the total current police budget of any city of comparable size in this country; and the current D.C. budget for police is $19 million larger than those of San Diego, Phoenix, and Dallas put together. LEAA proposes to distribute through the variable passthrough about $340 million directly to local governments. To achieve a similar sum of money in each city as has been received by the District of Columbia Police alone (not paying attention to courts and corrections), all the money would be used entirely in seven cities. This simply is not what LEAA is about.

The administration proposal

There is much that is very good, and with which we heartily agree in the Administration's Law Enforcement Revenue Sharing proposal. The proposal would greatly decentralize federal authority to the States, and reduce the oversight and over-the-shoulder functions of the Administration. However, beyond the state level what is proposed is, in effect, a state-administered categorical grant program. The proposal fails to address the most important problem of the existing program: red tape, uncertainty, delay, and a many-layered bureaucracy. Further, in some respects the proposal is, we believe, inimical in its practical result to the concepts of New Federalism and special revenue sharing. Two examples suffice for now:

The Administration Bill states as purpose number (2): "[It is the purpose of this title to] . . . encourage states and units of general local governments to prepare and adopt comprehensive plans . . ." That is, paperwork, as opposed to planning.

The proposed bill sets out roles for state and "areawide" planning bodies, but not for local units of government.

The Attorney General, in his recent testimony and answers to questions before Congressman Rodino's Judiciary Subcommittee, said that the red tape will be cut by the Administration proposal by cutting out the federal layer. He anticipates a 10% cut in staff immediately as a result of this bill. There are approximately 400 employees at LEAA headquarters and regions, and more than 1000 employees of state planning agencies. A cut of 40 persons, 10% of the federal complement, amounts to a reduction of much less than 3% of the bureaucracy

[1] Including (1) the susceptibility of reported crime rates to intentional and unintentional abuse, and (2) the weak relationship of reported crime rates to actual crime, assuming minimal abuse.

through which the money must sift before it reaches local governments. We agree with the Attorney General's objectives completely, but this bill does not address the red tape problem.

The Attorney General also said in his answers to the Congress' questions that the funds have flowed slowly for two reasons: because the Administration wanted to do the job carefully, and because the Congress has been very late in appropriating funds. Indeed, that may be so, but it doesn't address the question of why, after the states receive both money from the federal government and input from the cities it typically takes six months to one year for the state to put the two together and send a check to the local government applying. It takes that time because each state, under both the existing and proposed legislation, must set up what is in effect a unique and tailored categorical grant program within its boundaries in order to spend the money. This is extraordinarily wasteful, and its practical result is lost time, uncertainty, and, all too often, the very real subverting of the local effort to set local priorities.

Consequently, in the sections which follow, major problems with the existing program which are not addressed in the proposed bill, and the National League of Cities and United States Conference of Mayors' proposed remedies, are outlined.

II. PROBLEMS WITH THE STATE GRANT PROGRAM

State grant review and administration is a time-consuming and bureaucratic process which has tended to discourage, confuse, and frustrate local officials seeking LEAA funds for the reduction of crime and improvement of their criminal justice systems. Several factors common to almost all states largely account for this current dissatisfaction with the state grant review process.

A multi-layered bureaucracy

Local grant applications are subject to review and comment by several review agencies (and staffs of these agencies), resulting in a great duplication of effort on the part of both the applicants and the reviewing agencies. The time lag between submission of an application and receipt of funds to begin a program is typically 6–12 months. There is no evidence to show that close scrutiny of grant applications by as many as ten different review levels does anything to improve and strengthen programs to reduce crime. There is no reason to believe, to the contrary, that such scrutiny at so many different levels has had a negative effect on the development of innovative crime reduction programs at the local level. One negative effect is to skew city applications towards "hardware" programs.

Programs for training, education, improved services, and new services usually require a great deal of time and effort on the part of a local government and have to be carried out within a specific time frame. Given current funding uncertainty and long delays, it often makes more sense to some criminal justice agencies to submit equipment and hardware applications to the state for LEAA funding. Many police agencies which are generally viewed as very progressive have used LEAA funds primarily for hardware and supplementary activities. Kansas City, Missouri, and Oakland, California are good examples. Hardware applications do not require an agency to expend a great deal of personnel time and cities do not have to worry about their ability to carry new employees on a non-existent city budget surplus while awaiting grant approval or funds. If a hardware application is denied, it does not represent as great a loss in personnel time and energy as do those applications which require a great deal of work prior to implementation. This process gives a distorted picture of what local criminal justice agencies really need and want and provides ammunition to critics of LEAA.

It makes no sense to design a program which calls for innovative thinking and progressive planning on the parts of local governments, and then to provide machinery for planning which deliberately eliminates effective local input into the program. This state-dominated planning approach of the administration's bill, in combination with the bill's continuation of an uncertain funding process, will insure that no wise man would risk his best thinking to its delays and uncertainty, unless he has an extraordinarily good relationship with his Governor.

Superimposed priorities

With the current fiscal problems of most large metropolitan areas, the identification of priorities is an essential component of the planning process. The priorities actually funded in most states, however, are a reflection of what state planners think local units of government should be doing to reduce crime and

improve the criminal justice system, rather than a consideration of real local needs, aspirations or capabilities.

The language in the Administration's proposed bill would exacerbate the problem by further undercutting the input of locally-articulated priorities. The stated purpose of Part B of the bill, mistakenly, is encouragement to states and locals to prepare and adopt comprehensive plans—not to do planning, perhaps the least important form of which is the final printed document. The state alone is given responsibility to "define, develop, and correlate programs and projects" for both states and locals, and to "establish priorities" for the whole state, presumably including locals. This does not sound to us like a partnership of federal, state, and local governments.

The Administration bill claims to alleviate the problem by removing the top layer from decision-making. The top layer never has been involved in individual grant decisions from the state block grants, which constitute 85% of the program funds involved in the Act. The remaining several layers are untouched in the Administration's proposal.

Guidelines and information flow

States have been largely unable to establish information flows that provide strong leadership, or that benefit potential applications for funds. Information about LEAA and SPA budgetary and other guidelines is usually gained through a process of trial and error. An applicant is told very quickly if something is inconsistent with the guidelines, and thus, he eventually gains some familiarity with the correct procedures to follow by the process of elimination. Often, however, information about deadlines for submission of grant applications, reports, etc. is not widely disseminated, leading to further frustration and confusion. Imagine, as happened to many potential applicants in the Metropolitan Region in Minnesota this year, calling the state in January of 1973 and being told it was too late to submit an application for 1973, but to call again in 1974.

The LEAA guidelines have never clearly delineated how the requirements of the Act are to be met. Some responsibility for this must come back to rest with the Congress. The current legislation is contradictory and rather vague on several key points. Most responsibility for the continuing uncertainties in the Act must, however, be put with LEAA—specifically in its failure to develop workable guidelines. For example, the Act specifies that state plans must "provide for the allocation of adequate assistance to deal with law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity." The purpose of this clause is clear. Its specific implementation could have been readily defined in LEAA guidelines. However, the guidelines do not specify in any greater detail what constitutes adequate assistance. As a result, confusion exists at both the state and local levels. Local officials believing that this provision in the Act guaranteed a certain level of funding to localities with high crime incidence are in some cases upset with the way these funds have been allocated, even where the absolute amounts allocated are substantial. Many feel that their states have not lived up to the intention of the Act. In an attempt to resolve this and other guideline problems, NLC and USCM submitted a very long and detailed comment on LEAA guidelines on March 10, 1972. To date, LEAA has been unable to respond, either in rebuttal or by clarifying the guidelines.

The vague interpretations of the Act by LEAA have served, in short, only to further the dissention and division between state and local governments.

III. THE PROBLEMS OF LEADERSHIP

There has been, as numerous critics have claimed, a serious lack of leadership on the parts of federal and state governments under this Act. Those who would claim a universal lack of leadership are patently exaggerating—the written output of the National Commission on Criminal Justice Goals and Standards is a recent and good example to the contrary. Although not perfect, large portions of this work are fresh and excellent guidelines for improvement. Unfortunately, there has not been nearly enough of this kind of work done.

Information

At the federal level, LEAA has been unable to identify and disseminate information about program activities, or even to capitalize upon those project successes they have by informing others about them. The National Criminal

Justice Reference Service, after five years, is still not in full operation. Baseline statistical studies planned by the National Institute are not completed, and areas of clear need for information exchange, like training and diversion programs, have not begun to be formalized. Planning leadership has consisted exclusively of painful and elaborate reviews of mountains of paper, called "plans", required of and submitted by states. The states themselves have at times been vociferous critics, along with cities, of LEAA guidelines.

Technical assistance

LEAA has had great difficulty in administering its technical assistance program, and as a result of poor dissemination of information about assistance available, very little—with the exception of the Impact program—has been delivered to local governments. Nevertheless, technical assistance presents a powerful opportunity for LEAA to exert cooperative and non-coercive leadership with governments and criminal justice agencies. The Administration's proposal would distribute most of this function to the states. We believe that the majority of this function ought to be continued at the federal level, but agree with the Administration that the National Institute may well be a logical administrative location for technical assistance.

Guidelines

Guidelines are also a powerful opportunity for leadership. However, vague, ambiguous, or late guidelines detract immeasureably from the ability of the federal government to exert that leadership. For example, no discretionary guidelines were issued in 1972 or 1971 until after all funds were committed. Although an administrative issue, this is partial cause to a lack of trust, confusion, and uncertainty, exaggerated and exacerbated at lower levels in the multi-tiered bureaucracy.

The role of the state

At the state level, partially because of the administrative burden of an elaborate planning and grant award process, the states have failed to address, almost entirely, at least three functions which are greatly needed by local governments in their efforts to combat crime and improve criminal justice.

State standards and goals

The first of these functions is the setting of standards and goals for criminal justice. Some states, including California for example, have set standards on court delay: felony indictments must be brought to trial within 60 days, or a similarly reasonable period. Most such standards have been the result of legislative initiative, and state planning agencies have most often not been involved in the research leading to their adoption.

Because he grasped this problem and the consequences of criminal code revision not keeping apace of changes in the criminal justice system and crime, Jerris Leonard spent a great deal of money and time in 1971 and 1972 addressing and working with state legislators around the country.

Other states' planning agencies have attempted to set standards administratively through their grant processes. The Maryland Crime Commission—the LEAA State Planning Agency for the state—has a policy of not granting funds to assist any police department having less than 10 full time officers. The intent of the "standard" is to force police consolidation. The effect of the standard is to pre-empt the judgment of local elected officials as to whether or not they wish to spend extra money for extra services. Fortunately, as LEAA funds constitute less than 10% in the aggregate of local criminal justice expenditures, the effect of such "standards," as set by many state planning bodies is not as coercive as it might be.

However, the point is that to the extent that such standards are set, and standards *are* needed, though not the kind represented by this particular example, they need to be developed through the political process, with the consent of elected local and state officials. State planning agencies should assist in their development and should work with their Governors and state legislatures to that end. They have not generally done so. Where standards are set and enforced through the grant process, they are a bureaucratic coercion of the democratic process. This function cannot be carried out in isolation from the political process (and, incidentally, as a result we are pleased to see the Governor made more directly responsible for state staff activities in the Administration pro-

posal), and state planning activities need to more directly and emphatically address the need for state criminal justice goals and standards.

State training and education

The second state function urgently needed by local governments and largely undone by the states, is training and education. Many states have attempted to impose *uniform* training programs on their local governments (an action with which we disagree), but almost none have moved to provide comprehensive recruit and in-service training for those local governments which are not of a size sufficient to economically provide solid training for all their personnel.

The state criminal code

The third function—much more controversial, but also more basic than the foregoing two—is that of research and review regarding the obsolete criminal codes under which almost all states and localities now operate. Some states—notably Louisiana, Massachusetts, and California, among others—have recently made important revisions to their criminal codes. In most cases, state planning staffs have been involved not at all, or only peripherally in initiating and researching this need.

IV. SUGGESTED NEW DIRECTIONS

Five years experience under the Safe Streets Act has indicated to local government officials and local criminal justice agencies the benefits of criminal justice planning—consciously engaging all pertinent elements of the criminal justice system in programs to reduce crime and improve the system. That same five years' experience has also convinced localities that the Safe Streets planning process, as currently legislated and administered, is actually often detrimental to the efforts of those charged with controlling crime.

We will urge the Congress to make three major changes in the Safe Streets Program.

Provide for a specific local role

First, there must be stronger support of planning and coordinating efforts at the local level. It is true that there are some areas (e.g., probation subsidy) where state-wide planning is useful and some (communication systems) where it is essential. But it is unrealistic and unworkable to ask one agency at the state level to develop one or many plans for, for example, police-community relations for all the cities—large and small—in the state. The point is to have those most deeply affected by police-community relations in a particular local government—citizens, policemen and local officials—look at their problems and develop a plan of action—not simply a plan document—to improve it. In short, appropriate jurisdictions, at the local and state level ought to be setting priorities for Safe Streets monies in their jurisdictions and, of course, ought to be held accountable for those decisions.

Provide a strengthened and redirected State role

Second, the appropriate role for the State Planning Agency is to provide leadership and support to the local governments and criminal justice agencies within its state. As it stands now, the SPA—while required by the current Act to take a leadership role in improving criminal justice—is so embroiled in the development of a planning document, in trying to second-guess local priorities, and in the grant award process that it has little time to undertake this essential leadership task. We call, then, for removing the SPA from much of the grant award process and strengthening its capabilities to plan, give assistance, advice and support to state and local criminal justice agencies.

Simplify the grant process

Third, the grant award process itself must be vastly simplified. The basic intent of the Safe Streets Act is, and should remain, to provide federal assistance to state and local crime control and improvement efforts.

The Act simply is not providing what could be the critical impetus to creating real improvements when a local official says—as more and more local officials are saying—"If it's a top local priority, we simply cannot risk waiting for Safe Streets funding." These local officials want to eliminate extensive pre-grant award reviews and interruptions of project operations, and to substitute for those performance evaluations of their use of federal monies.

Specifically, the new Act must provide that local governments receive pass-through funds based upon a formula incorporating population and crime rate bases, which applies, not statewide, but to individual jurisdictions with serious crime problems, where normal city and county criminal justice functions are brought together to work jointly on their local crime problems. For example, the effect of the following specific language sections is to provide direct formula grants jointly to cities of over 50,000 population and their counties, to coterminous city-counties, to urban counties, and to cities which have under their jurisdiction all functions normally contained in city-county criminal justice systems—courts, corrections, and police. The grant award process would involve a single yearly application, describing planning activities and planned program activities, which application would be approved or disapproved by the state.

LEAA discretionary funds should be earmarked for two purposes: national scope programs, and impact and improvement programs at the State and local levels, as the Administration proposes.

Match requirements should be eliminated altogether. Quite aside from the Attorney General's correct observation that match is a bureaucratic nightmare, the fact is that any local government applying for funds makes a very substantial investment in overhead and indirect costs to obtain and administer those funds. The amount is not 5 or 10%, as allowed by Office of Management and Budget Circular A87, but 50–100% in real costs.

The Administration bill proposes a 30% state "categorical" program. We have already suggested that the education and technical assistance funds in that amount ought not to be allocated in this way. For the remainder, we believe that a 10–15% state discretionary program, for state allocation to state and local governments would be more appropriate. It could still be used for the pressing problems of courts and corrections, but in the spirit of revenue sharing, rather than another categorical program.

Finally, to the degree that local government proposals are reviewed and approved or disapproved by states, so too must state proposals be reviewed by the federal government. The foregoing proposal would take most of the complication out of state proposals, as they would not be required to second guess and report on all local priorities in the state, as at present. Review could be much simpler, and would not be subject to as much controversy.

These changes would vastly increase the impact of federal dollars on the crime problem. Those who have to cope with the problem would be required to set priorities, would get monetary assistance when they needed it, and would be properly held accountable—by the Federal government and by their own constituents—for how they used it. The State Planning Agency and the Law Enforcement Assistance Administration would be providing the types of assistance that now are generally unavailable.

What follows below are the specifics of our proposal:

V. SPECIFIC LANGUAGE SUGGESTIONS FOR THE ADMINISTRATION'S PROPOSED BILL

The following proposed changes are intended to accomplish the objectives outlined in the foregoing, in the context and spirit of the Administration Special Revenue Sharing Bill.

A. Emphasize planning, rather than paperwork:

Change Section 201 to Read: "It is the purpose of this part to encourage states and units of general local government to plan and get priorities based on their evaluation of state and local problems of law enforcement and criminal justice."

B. Create a specific role for local governments in this partnership:

1. Add a new paragraph, Section 202(c), to read: "Any city with a population above 50,000 together with any county with such a city within its boundaries, or any county with a population above 350,000 or any city with a population over 50,000 which has jurisdiction over all normal county criminal justice functions shall be designated a special impact area within its state if the share of the total state reported crime within the city or the county is equal to or greater than the share of the total state population; and if the boards of supervisors of the applicable counties, together with the city councils of any cities within those counties with populations above 50,000 and high crime as described above determine that they wish to do law enforcement and criminal justice planning on a unified basis within that county, and pass a resolution or ordinance to that effect, creating a unified planning process and identifying a unified planning entity which

shall be located in general local government and not in a functional criminal justice agency."

2. Change the heading of Section 203 to: "Section 203 (a) The State shall—"

3. Add a new subsection, Section 203(b), to read: "Section 203(b): Special impact areas shall—

"(1) develop, after appropriate consultations with law enforcement agencies, and public and private agencies maintaining programs to reduce and control crime and delinquency, jurisdiction-wide plan for the reduction and prevention of crime and delinquency, and for the improvement of criminal justice;

"(2) define, develop, and correlate programs and projects with the local law enforcement agencies, and for public and private agencies maintaining programs to reduce and control crime and delinquency within their jurisdiction;

"(3) establish priorities for the reduction and prevention of crime and delinquency, and for the improvement of criminal justice, throughout their jurisdiction;

"(4) adopt measures designed to bring to the attention of citizens of the area the contents of the jurisdiction-wide plan and any substantial modification thereof, together with priorities for crime control;

"(5) provide for the expenditure of amounts received under special revenue sharing in accordance with the laws and procedures applicable to the expenditure of its own revenues;

"(6) adequately take into account the plans, needs and requests of all law enforcement functions, and of all major classes of public and private agencies maintaining programs for the prevention and control of crime and juvenile delinquency within their jurisdiction;

"(7) provide for administration, fiscal control, fund accounting, audit and monitoring and evaluation procedures as may be necessary to assure proper management and disbursement of funds received under this title, in cooperation with the state;

"(8) provide for the submission of such reports in such form, at such times, and containing such information as the Governor may reasonably require to evaluate the overall impact of the special impact area program;

"(9) provide that all meetings of any planning organizations established under this title at which final action is taken respecting the approval of local plans, nonconfidential applications for or award of funds, and the allocation or expenditure of such funds shall be public meetings. Such meetings shall be preceded by a public notice giving the time, place, and general nature of business to be transacted; and

"(10) provide for public access to all non-confidential records."

4. Change Section 203(2), as follows: Delete "and the units of general local government in the state" and "or units."

5. Change *Section 203(3)*, to read: "Establish priorities for the reduction and prevention of crime *for* the State."

6. Change *Section 203(6)*, as follows: Delete the phrase "and provide for an appropriate balanced allocation of funds . . . and high law enforcement activity;"

7. Delete *Section 301(b)(8)*, which is redundant to the changes above.

C. Provide for review and approval of bith states and special impact area plans.

1. Change *Section 204(b)* to read: "The Attorney General shall review *and approve* such plans. . . ."

2. Add a new paragraph to *Section 204*, to read: "(c) Each special impact area within each state shall submit an anual jurisdiction-wide plan to the Governor, and shall be awarded funds upon the approval of that plan by the Governor."

D. Provide for local determination of areawide plans and priorities.

Add the following to *Section 202(b)*: "*Where such organizations exist or are created within the areawide planning organization's jurisdiction, whose memberships are appointed by the local governments involved for an express purpose including that of criminal justice planning, the Governor should designate such bodies, in preference to other bodies whose members are not appointed locally.*"

E. Provide for direct participation of local governments in this special revenue sharing program.

1. Replace the second sentence of *Section 306(a)(1)(A)* with the following: "*Per centum determination will be applied to 85 per centum of the total revenue*

sharing payment after reduction of the amount allocated for support of the planning process as specified in Section 306(a)(1); the remaining 15 per centum may be used by the state for local or state adult and juvenile corrections programs, court programs, technical assistance, and law enforcement education, or for other programs as described in Section 301 and other parts of this Act."

2. Delete the waiver clause at the end of *Section 306(a)(1)(A)*.

3. And a new paragraph, *Section 306(a)(1)(C)*, to read: *"Special impact areas shall be allocated a share of the local per centum funds described in Section 306(a)(1)(A), above, based upon an equal weighting of the population within the area and the reported crime in the area, as they relate to total state reported crime."*

F. Note that specific language to implement our recommendation with respect to new emphasis for the state role have not been supplied here.

Mr. GRIBBS. Thank you, sir.

I appear before you as president of the National League of Cities and as a member of the board of the U.S. Conference of Mayors.

More importantly, I address this committee on a subject which I have been personally involved and concerned with most of my adult life. I have served, as many of you know, as an attorney, as a public prosecutor, as a traffic court referee, as sheriff of the third most populous county in the United States, and for over 3 years now as mayor and conservator of the peace of the city of Detroit.

Today I will address myself to the administration's proposed law enforcement special revenue-sharing legislation, discussing the principles upon which it is built, identifying its shortcomings, and offering recommendations that might improve and better serve those principles of "new federalism," which we also support.

Before beginning this task, I would first like to address briefly, the problem of crime and history of the LEAA program to date.

First, I would like to speak to you about the problem of crime.

In January, I addressed the citizens of Detroit on the state of the city. I was able to highlight, first and foremost, Detroit's success in reducing crime.

In 1972 reported crime dropped in Detroit by 15 percent. Both property crimes and personal injuries decreased substantially.

This followed a drop of 5 percent in 1971 which was the first such drop in many years. These reductions are actual decreases and not merely a "decrease in the increase."

This reduction results from:

Improved relations between police and citizens;

An increase in the size of the force;

Greater emphasis on minority hiring;

The development of comprehensive drug abuse treatment and rehabilitation programs;

The acquisition of new equipment, including personal radios for emergency communications; and

Other numerous improvements in practices, procedures, and attitudes.

Improvements in Detroit and other cities do exist—and can be documented. Unfortunately, I cannot state to the people of Detroit—to the members of the subcommittee or to the other Members of Congress—that crime is no longer a problem in our Nation's cities.

You, yourself, Mr. Chairman, pointed out in your opening remarks to this set of hearings that the picture presented by the Uniform

Crime Report of the FBI is at best, hopeful. Regardless of hopeful signs, one fact remains clear—the absolute number of crimes reported to the police in this country continues to grow.

The cities continue to need assistance from the Federal Government to deal with the continuing and very serious problems of crime.

The second area that I want to address is the Omnibus Crime Control and Safe Streets Acts of 1968 and 1970. The bill before you is, of course, the proposed successor to these acts.

I believe that the Safe Streets Act program has played a crucial role in developing our capability to fight crime and improve the criminal justice system.

For example:

The law enforcement education program has impressively increased the capabilities of management in criminal justice agencies across the country.

Detroit and Wayne County have initiated a court administrator program as have 100 or so other jurisdictions. Funding from LEAA was instrumental in the creation of this program.

Legal advisers and executive assistants to police chiefs are other examples of new professional capabilities attributable to LEAA.

Further, all of the Nation's largest cities and their counties now have full-time staffs planning and improving the criminal justice system and reducing crime.

These are only a few examples. Local governments, as a result of the Safe Streets Act, have been able to undertake numerous innovative and significant ventures to combat crime.

Having briefly touched upon the problem of crime and the history of LEAA, I would not like to speak to the administration's recommendations before this subcommittee and the Congress.

The National League of Cities and the U.S. Conference of Mayors realize the need for improvements in this program and are very pleased to see that the administration also seeks improvement as evidenced by submission of a special revenue-sharing proposal.

The principles of new federalism and the remarks of the Attorney General do speak to our needs.

The bill itself does not speak to them completely and I will get to that in a minute.

Two of the principles are particularly important to the success of this program—and I want to emphasize them.

First, the Attorney General, in testimony before, you spoke of the importance of improving the management capabilities of States and local units of government. This is essential and we could not agree more. To achieve these capabilities, our time must be spent addressing our needs and our priorities—not in the exercise of bureaucratic paper shuffling.

Second, the concept of redistribution of revenue, so inherent to the new federalism, must be realized. Under the current legislation—we are not partners. Local governments, except where the State is especially interested, as in Detroit's case, are forced into the role of supplicant and beggar.

Let me emphasize that I am speaking about the national picture and not about our situation in Michigan. We are very fortunate to have

an excellent working relationship with Gov. William Milliken and with Lt. Gov. James Brickley who chairs our State crime commission.

To return to the proposed legislation—

We are in full accord with the general principles behind the administration's proposed bill. However, the last 5 years have convinced us that there remain three key problems with the actual wording of the bill before you:

1. It does not alleviate the problems of State-to-local fund flow;
2. It does not speak to the need of a direct role for local governments;
3. And it does not fully address itself to the needed improvement of the State's management capabilities.

Unfortunately, the administration's present proposal does not meet these concerns nor does it fully address itself to the new federalism concepts. Let me discuss each of them in some detail.

First, we have now, and will continue to have under this proposal, a serious problem with fund flow. Moneys have reached local governments slowly. As a general rule, we are uncertain as to how much money we will receive and for what it can be used—right up until the time we receive it. Then we are expected to spend it immediately.

It takes, on the average, 6 to 12 months for a local government to receive funds after first articulating a program idea, providing that program is not vetoed or amended in the process.

I submit to you, Mr. Chairman and members of the subcommittee, that a chief executive of a local government cannot submit his highest priorities or his best thinking to such a process of time delays and potential vetoes. It is just not good managerial practice.

This is a problem quite different from that to which the Attorney General addressed himself in his testimony, where he cited the Congress slowness in appropriating funds, and the fact that, as he put it, "Not knowing how much money there will be is a poor basis on which to build a sound program."

We agree with this statement as it describes precisely the position of local government under the proposed bill.

Second, the administration's proposal makes no provision for any specific, direct local role in the program. I call your attention to section 202 of the bill, which you will find defines roles for States and for "areawide" planning organizations. Note that there is no mention of a direct local role.

The Attorney General testified that the administration wants to allow States and localities to set their own priorities. The bill will have to be amended if we are to have that opportunity.

As I stated earlier, this bill does not provide for a full partnership of local government—the bedrock of new federalism.

For the sake of clarity I must comment briefly on the Attorney General's statement before you that "The kind of money appropriated in the District of Columbia is the kind of money which States can send to their cities under the new act."

The fact is that the annual budget of the Metropolitan Police Department was increased from $49 million to $96 million between 1968 and 1973. The increase of $47 million is by itself larger than the combined police budgets of the cities of San Diego, Phoenix, and Dallas. These are all cities of comparable size to Washington.

The current police budget for Washington is only 17 percent smaller than my own police budget, in a city well over twice as populous. I do not intend here to demean, in any way, the accomplishment in Washington with respect to a reduction in the crime rate. I simply submit that this bill will not provide that kind of infusion of moneys to the cities, even if all States were generous to a fault.

By our calculation, the total funds available under the administration's proposed legislation to all local governments through the variable passthrough provision total $445 million, just over five times the District of Columbia annual police budget in 1973.

Third, the administration's proposal does not fully address itself to the needed improvement of the States' management capabilities.

Under the existing program, the States have spent an enormous amount of time and effort on individual reviews of all local priorities and funding activities. Consequently, some crucial leadership responsibilities have been neglected.

The cutting edge of State leadership and authority in criminal justice lies in its ability to make laws governing the agencies and processes of criminal justice. The process of making funding decisions will never have the impact of this power, and that is as it should be.

Many States have misdirected much of their energies away from the normal political and legislative processes of State government. Instead, too much energy has gone into elaborate fund flow and grant approval procedures.

Local governments need assistance from their States, just as the States need help from the Federal Government. State standards are lacking. States should thoroughly examine their criminal codes, and States should offer help with training, education, and technical assistance programs, especially to smaller local jurisdictions.

Mr. Chairman and members of this subcommittee—I repeat—the administration's proposal does not meet three essential needs: Fund flow, local roles, and State management role (not related to actual grant process).

As a result, I would like to take this opportunity to suggest several approaches which would more adequately meet these concerns, thereby further insuring an improved "safe streets" program.

First, the bill must provide for a specific role for cities and counties, working together, to plan, set priorities, and develop and implement programs in all jurisdictions which have serious crime problems. This role should not, and need not, preempt the responsibility or authority of the States to set statewide priorities for statewide problems; for criminal justice agencies.

The local role must not in any way interfere with the States' prerogative to govern by legislation or to administer and to improve their own State agencies. What we propose would not interfere.

Local governments should be included as partners in this bill. We bear over 70 percent of the costs of criminal justice within States, and most of the administrative responsibility for its operation.

Over 70 percent of people in jail awaiting trial and serving sentences are held at the local level, and over 70 percent of police are employed at the local level. We must be allowed, as the Attorney General said, to set out own priorities within the areas of our responsibility.

As you know, a city together with its county normally contains all of the basic elements of the criminal justice system: Police, courts, prosecution, defense, probation, and corrections.

In some cases, a city alone, or a county alone, contains all of these elements.

In a few other cases, cities and counties are coterminous and contain all these functions. In a very few cases, in two or three small States, the State rather than a county has some of these lower jurisdiction functions.

We propose specifically that these city-county combinations, or equivalent units, as they perform complete sets of functions be designated special impact areas with a specific planning and implementation role.

As a second recommendation, the bill must greatly simplify the fund flow and grant award process with respect to all of the local governments with serious crime problems. Allocations of funds to these local governments by the States should be on the basis of a formula incorporating both crime and population factors.

Eligible cities and counties should be required to submit a joint annual proposal to the State for these funds. The proposal should include both planning and action program activities on a joint or unified basis.

What we propose, in short, is a relationship to the State which is equal and similar to that of the State to the Federal Government. No more and no less.

Third, you must address yourselves to the need to emphasize more concretely the substantive role of the States. We need statewide standards. And smaller local governments especially need training and education; the State criminal codes need review and revision.

Fourth, we believe that substantial technical assistance moneys and the law enforcement education program should remain at the Federal level.

LEAA has had difficulty in administering the technical assistance program. As a result, with the exception of the eight impact cities, relatively little of this assistance has gone to local governments.

Nevertheless, technical assistance is a powerful leadership tool, and the Federal Government should retain sufficient funds to deliver assistance throughout the country.

The education program has, by contrast, been much more successful, and in order to retain a measure of uniformity, it should continue from the Federal level.

Fifth, we believe that the 30-percent provision for categorical programs administered by the State is an unwise compromise in this special revenue-sharing proposal. After retaining technical assistance and education programs at the Federal level (and these are theoretically one-third of that 30 percent), a more useful approach would be a 10–15 percent discretionary program administered by the State for State and local governments. The balance would then be added to State and local direct action moneys.

Sixth, match requirements should, as the bill provides, be eliminated altogether. I mention this point only to emphasize its importance to us. In addition to the Attorney General's correct observation that

match is a paperwork nightmare, each time a local government applies for or administers a grant, it incurs very substantial and real, but hidden, overhead and indirect costs with that grant. We invest our personnel and money once to apply for and operate the grant. We should not have to show our commitment twice.

Seventh, and the last of our recommendations, is a simple one. We expect that States will review our plans and proposals, and approve or disapprove them, under the approach we suggest. We States should also have their plans and applications reviewed and approved or disapproved.

Under the approach we propose, the most difficult part of the State plan to review—its statement of local priorities—would no longer be controversial, as local governments would have submitted them directly. The review of such plans should be relatively quick and painless.

These changes must be made before the program will significantly increase the impact of Federal moneys for crime control and criminal justice.

The changes will greatly increase the speed with which Federal moneys are converted into programs at the street level.

The changes will make local governments full partners in the attack on crime, without in the least preempting proper State authority or responsibility.

They will allow responsibility and accountability to be placed on the level of government which has responsibility to the public for each program implemented.

Mr. Chairman and members of the subcommittee, I have one more request before I thank you for your interest and the invitation to speak to you. I say this in all capacities, as mayor of Detroit, as president of the National League of Cities, and as a member of the board of the U.S. Conference of Mayors.

A bill, revised, as I have suggested, is needed to help solve the crime problem.

You know that the current legislation expires on June 30 of this year. Typically, such a rapidly approaching expiration would result in a simple extension or minor amendments.

While you could take such an approach, I am sure you and all Members of the House and the Senate share my concern—a significantly revised criminal justice program is essential.

I urge you to proceed with all deliberate speed to help us.

Mr. Chairman, I thank you once again, and Superintendent Bertoni and myself will be very pleased to answer any questions from yourself and the members of the subcommittee.

Chairman RODINO. Thank you very much, Mayor Gribbs, for a very fine statement. It eloquently states the need of the cities, and I want you to know that the notion of getting money to the areas where the need is greatest, and where I think there is the capability for effective use of funds, I think certainly makes a good case.

And I applaud you for the initiative you have taken in this area, which is of great concern to all of us.

Mayor, as the administration explains it, special revenue sharing is linked to the concept of the new federalism. The President and

the Attorney General say this means access to both money and decisionmaking by those most affected by the problems. But is this really true of the administration's bill?

Mr. GRIBBS. No; and, again, that was one of the major points in my comments and my formal paper that you accepted. The local governments are not full partners, and we urge that they be full partners. With 70 percent of the responsibility and the experience and the need being at the local level, we should have that direct capacity to make those judgments, pursuant to this legislation that is now under review.

Chairman RODINO. And to make the question more precise: Does this revenue-sharing proposal really give the urban localities any greater role in the determination of how this money is to be distributed and used?

Mr. GRIBBS. Not in our judgment.

Chairman RODINO. Or are the benefits of this special revenue-sharing bill really going mostly to the State governments?

Mr. GRIBBS. Well, there are various experiences throughout the country. And we in Michigan, I am pleased to say, as I indicated, are an exception. But to assure the fact that Michigan's experience and Detroit's experience is the experience throughout the Nation, we are urging that the law provide for direct funding or mandatory passthrough, if you will, if that is the route the Congress wants to take. This will assure assistance for those localities throughout the country that have been, in effect, shortchanged by State action or inaction.

I wish they could all have the experience that we have had in Detroit, where we have gotten, Mr. Chairman, some $10 million over the last 5 years. We have gotten, we feel, a fair share of the State funds, because of the enlightened leadership in the statehouse, and I mean specifically the Governor and Lieutenant Governor.

But that is not the case in other cities throughout the country. We would like to have that repeated and assured by legislation.

Chairman RODINO. In other words, this kind of a formula would be more of a guarantee if it were written into the law rather than left to the leadership of some State governor or other. The good luck in Michigan may not be the case always, is that not the fact?

Mr. GRIBBS. That is correct; yes.

Chairman RODINO. One of my greatest concerns since the consideration of the Safe Streets Act of 1968, is that Congress provide the best mechanism for assuring that Federal funds reach the urban areas where the real needs are and where they are greatest.

There was a feeling by many that the initial 1968 formula was inadequate. I was one of those who expressed concern at that time.

I am wondering: how has that so-called "variable" passthrough formula adopted by the 1970 amendments served to protect the cities' share of LEAA moneys?

Mr. GRIBBS. Inadequate, in a word.

Chairman RODINO. Then I take it, Mayor, from the position you have stated in answer to my question, that you feel that stricter guarantees are needed in order to do the job, and to get the money quickest to the areas that most need it?

Mr. GRIBBS. That is correct, sir. Put the money where the problem is, because it does not achieve the spirit and the goal of the legislation

if the money does not go where the problem is or if it is distributed on some basis other than need.

And now we are talking about the degree of crime, the intensity of crime, and the concentration of crime in the cities throughout the country primarily.

Chairman RODINO. Thank you.

The current variable passthrough formula and the one we retained by the administration proposal, is an aggregate percentage requirement, isn't it?

Mr. GRIBBS. Yes.

Chairman RODINO. There is no assurance under these circumstances then that any particular urban area will be funded? Am I correct in that?

Mr. GRIBBS. That is my understanding, yes.

Chairman RODINO. Tell me if you can, approximately, what percentage of the total crime in the State of Michigan occurs in Detroit or Wayne County, and how does that compare with their percentage of LEAA's moneys?

Mr. GRIBBS. It is roughly comparative now, but I quickly add that we are an exception to the country.

Chairman RODINO. Do you know the relative percentages?

Mr. GRIBBS. We can develop those, Mr. Chairman. If they are general and imprecise we would be very pleased to send them to you in a letter, because the figures are available and I haven't compared them lately. But I remember testifying about 3 years ago on that very point, that even there in Michigan—we are there talking mostly about planning money—it had been distributed approximately on a population basis. The head count, if you will.

But since that time, when the bulk of the action money was distributed and because of the intercession by our Governor and Lieutenant Governor, it is fairly close. That is, the dollars have followed the problem fairly closely.

And we can be very precise in Detroit and Wayne County. And we will do this in correspondence.

Chairman RODINO. It would be helpful if you would supply those figures.

I notice that the league and the conference favor retention of Federal approval of State plans. I am wondering what kind of Federal standards and expertise you feel are helpful, and if you would let us know in what ways the cities might suffer if prior approval and Federal standards were imposed.

Mr. GRIBBS. They really shouldn't suffer; they should benefit by the uniformity that is in the best interests of the criminal justice fight that is ongoing and that is to improve it.

The staff informs me—a superb staff, ladies and gentlemen of the committee—that our prepared paper does discuss that in detail as to the kind of standards we recommend the States adhere to and that the Federal Government require, pursuant to the recommendation that we are now discussing.

Chairman RODINO. You do feel that there should be some standards that the Federal Government should require before approval?

Mr. GRIBBS. Yes, sir.

Chairman RODINO. Does the present formula afford enough moneys for the improvement of municipal and county court systems, compared to expenditures for State courts?

Mr. GRIBBS. We have in Detroit and Michigan very few special courts. The circuit courts are a State-county responsibility. We have a special court in Detroit called the Recorder's Court, just for the city. And the city does contribute in part to the judges' salaries and to the cost of that court.

I can't at the moment, speak precisely to that question, but again, the League of Cities and the Conference of Mayors will be happy to respond to that as directly as we can.

I am informed that the present legislation does not provide for any moneys for local courts. They are subject to, if you will, the wishes, sometimes the whims, of the States in that regard.

Chairman RODINO. Mayor, how do State expenditures for juvenile programs and corrections affect these facilities at a more local level?

Mr. GRIBBS. It is a very broad problem area, as I am sure you appreciate, Mr. Chairman.

Chairman RODINO. Yes.

Mr. GRIBBS. More and more, as I review mentally the grants as they have been approved in the State, they are reaching to that level. There is difficulty in assessing what program is good, which one is effective. I am pleased to say that the city of Detroit just recently received approval and funding through LEAA for a project that I would like Superintendent Bertoni to discuss briefly, because it is a program that is funded and will be operating in the police department, if I may, Mr. Chairman.

Mr. BERTONI. Mr. Chairman, very briefly: the city and the police department, realizing the problems with the juveniles and the youth, and to some extent with the police officers, have just recently received a grant which we are starting to implement now. It will form a team of a police officer, a policewoman, and a civilian, who will contact these juveniles, and if a young juvenile is picked up by the police, rather than being taken into the police station, he will be taken to some location where he or she will be interviewed at length by this team. A determination will be made at that time as to the disposition of that case.

I think one of the problems that there has been in the past is that the juvenile has one contact and then is forgotten. Under this new program, the juvenile will continuously be contacted by either the police officer or the policewoman or the civilian professional, depending upon his need and counsel, so that he will not be a repeat offender.

And I think that we all realize that the percentage of juveniles getting into trouble is quite high. We are looking forward to this with great interest.

Mr. GRIBBS. If I may elaborate just a little: before, just because of the necessities of time and lack of manpower, when a youngster was picked up for an alleged offense, any given juvenile age, the police officer had one recourse. He went to the juvenile court and juvenile authorities and deposited them there and there the responsibility was picked up by the juvenile authorities.

They had trouble because they had inadequate staff; they are overloaded. They have all kinds of problems. So we are trying to fill that void by providing emphathetic, sympathetic, knowledgeable people, a team: Policeman, policewoman, other skilled people, right on the scene, immediately on the scene within a few minutes, within an hour, to evaluate and then decide.

Perhaps the best thing is to reach the father within the hour. Perhaps the best thing is to make this known to another social agency and then follow it through. It is not just "Pick up and drop," but it is a continuation, based upon their presence right after the offense and the special needs, the special problems, of the juvenile.

I think there are over 200 personnel specialized with this sole responsibility to try to fill that gap with understanding and a breath of capacity to do things other than drop them off at the juvenile court or the juvenile home.

Mr. RODINO. It certainly seems like a commendable program.

An observation and another question, Mr. Mayor: Consistent general criticism of LEAA at the Federal level has been that it has failed to provide the States with the leadership and guidance needed to develop consistent and effective programs.

The general relationship of the Federal Government to the States is somewhat paralleled by the State's relationship to the localities and urban areas.

As the Safe Streets Act has developed, have the State planning, guidance and review processes given the localities sufficient leadership? Have the States taken into account the need for coordinating all of the otherwise fragmented local efforts, putting them all in one ball of wax?

Mr. GRIBBS. The answer is: Yes, there has been a vast improvement, speaking for the city of Detroit and the State of Michigan. A vast improvement: I think that has been one of the signal contributions to the whole justice program, the capacity to pull together and coordinate and build understanding in the various disciplines dealing with the criminal justice system, all the way from police, courts, corrections, the whole spectrum, if you will.

This, I think is noteworthy. And if it has done nothing else, the Safe Streets Act has allowed for coordination that would not otherwise exist today.

But it has done that. It has required, as a matter of fact, has spearheaded, coordination and cooperation, even on a smaller basis.

As I am sure you must know, Mr. Chairman, there are separate entities operating within the county or cities or both. The judges are separately elected. The prosecutor is separately elected. The mayor is separately elected. The crime prevention organization of whatever character, generally operates separately.

We, in Wayne County, as a result of funding from LEAA, created a coordinating council on criminal justice. And I sit as cochairman on that council, as does the chairman of the county commissioners. But in addition to that we have judges from every court, the police commissioner of the city of Detroit, the prosecutors representatives of upcounty police chiefs, the superintendent of the Detroit House of Correction, and all of the disciplines, not only local but we have a liaison with the State agencies with similar responsibilities.

And let me assure you that it has been a most effective means of building understanding, the most effective means of at least talking about the effect that one agency will have on another when there is a shift in programs. And this has always come about, even on a Wayne County-city of Detroit basis, because of LEAA funds.

And the principle I am talking about and supporting is that in our State it has been very effective in bringing these disciplines together in a very productive manner.

Chairman RODINO. Do you believe, though, Mayor, that the State's role with respect to the need for standards, training and education and review of the State criminal code could or should in any way be clarified?

Mr. GRIBBS. Yes, sir; that is why we are calling for standards and clarification in setting them up.

Chairman RODINO. Thank you, Mayor.

Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

Mayor Gribbs, I certainly have appreciated your excellent statement here this morning, setting forth the position of the National League of Cities.

I have some questions in mind. First, you make a point about the necessity for strengthening the partnership role of the local units of government in this whole process. And I don't quarrel with you in that concept at all, but I suppose that philosophically I look at it a little bit differently.

It has always seemed to me that the problem of partnership as between the States and the cities was a problem of partnership that had to be worked out by them and not here in Washington. In other words, Mayor, could not the plan that LEAA would require, even under the administration's bill, voluntarily strengthen the partnership as between the States and the local units. As a matter of fact, I believe that we have accomplished considerably that goal in Michigan, haven't we?

Mr. GRIBBS. You are correct, Congressman; yes, it could and it has happened in Michigan. But that is not the experience throughout the country. And thus, we would like to see that happen in other States. the only real assurance being to somehow build in a requirement in Federal legislation.

And thus I urge direct funding to cities. Thus we urge, as part of that, a comprehensive plan on the part of the State, consistent with the spirit of the legislation, that would assure both objectives.

Mr. HUTCHINSON. Well, the fact that it has not been accomplished in some States as well as it has been accomplished in others tells me that there is a problem in those other parts of the country, not that we should dictate from here.

But in any event, are you testifying that the administration's new federalism concept won't work and that we have to dictate answers from this level?

Mr. GRIBBS. Only in that we would be assured that the new federalism goes down to a second level. And that would be the local governments also. That we view as being within the proper definition of the President's new federalism.

We would like to have, and we urge, guidelines or legislative direction, if you will, to make that happen.

Mr. HUTCHINSON. Then, I take it that the position of your organization is that you would tend to favor the Stanton bill, a bill that you are perhaps not familiar with. It was discussed in a hearing here last week on a bill introduced by Representative James Stanton of Ohio.

Mr. GRIBBS. There are some similarities, my staff informs me, Congressman. But there are also some variances so we are not urging its passage entirely.

Mr. HUTCHINSON. You are not. Are you prepared to discuss the difference between what you are urging and what that bill would urge?

Mr. GRIBBS. We have one of the staff members of the National League of Cities who has been following the proceedings and with your permission, Mr. Chairman and Congressman, we would like to ask him to speak to those distinctions and differences.

Mr. Bell, Mr. Chauncey Bell, of the National League of Cities and Conference of Mayors.

TESTIMONY OF CHAUNCEY BELL, NATIONAL LEAGUE OF CITIES AND U.S. CONFERENCE OF MAYORS

Mr. BELL. The basic difference between the proposal of Mr. Stanton and the proposal that we have submitted to you in the technical paper which Mayor Gribbs has put before you is that the Stanton bill proposes directly addressing the problem in 56 of the largest cities in the country and expanding that addressing to their counties.

What we are proposing is that the Congress acknowledge that there are a very large number of cities with very substantial crime problems in the country, ranging down in size to much smaller than 250,000.

In addition to that, there is the matter of recognizing that the administration's proposal calls for a sharing of management responsibility rather than a Federal designation of impact areas.

Now, our language is somewhat confusing, I am sure, but what we are basically asking is that the Congress say that population and crime rate are the characteristics that ought to be addressed by this bill, and that in those local jurisdictions, cities and counties which constitute complete criminal justice systems, that is, all basic criminal justice functions, the bill ought to address right now the revenue sharing and management concepts of the new federalism and not pass on to the States the responsibility for making that decision, when it has taken the Federal Government some 10, 15, or 20 years to discover the grant programs are something that the Federal Government is not particularly good at, and that it is very difficult to make decisions from the Federal level, just as it is from the State level, about how to implement and operate programs at the local level.

I am not sure whether that is clear, but what we are saying is: Put it through the political machinery after designating crime rate and population as the two criteria that are essentially characteristic of the crime problem of this country, rather than setting up a separate grant machinery which parallels the political process and really confuses the political process.

Mr. HUTCHINSON. I thank you for the statement. I don't know that I thoroughly understand the difference, but perhaps upon reading the statement in the record it will be clearer to me.

Mayor, with regard to your recommendations here, in what respect do your recommendations make any corrections in this fund flow problem that you talk about?

Mr. GRIBBS. For one thing, if the cities were partners and were the recipients directly, by passthrough or otherwise, we would not have municipalities ending up literally shortchanged in part of the country. That would solve fund flow.

But really, that speaks to the paperwork required and the delay in approval of the project.

Again, we are the exception in Michigan, because our time frame is shorter than the national average I spoke about, 6 to 12 months.

If we were directly funded we would put the money where the problem is and it wouldn't have to be approved or vetoed. It is tough enough getting the dollars and it is tougher, I suppose, getting agreement on a solution to the problem.

By reducing the paperwork and by reducing the time we would achieve a solution much more quickly.

Mr. HUTCHINSON. But mayor, in that situation it occurs to me that that is direct funding, bypassing the States. I think that would confuse and obstruct statewide planning in the program.

Wouldn't you be bypassing the State planning agency? You would get your money directly——

Mr. GRIBBS. But they are not necessarily inconsistent, Congressman Hutchinson. We speak to a plan, statewide. Within that plan we have to allow for variances of local communities. We then get down to an election of local priorities, the putting of the dollars in a program that is of concern in that particular community.

It may be that the city on the western side of the State—in fact, there is Kent County, that I knew of generally, that I think is one of the leaders in handling juvenile problems. They have been very concerned and have had great leadership in that county regarding juveniles and juvenile problems.

It may be that it is unnecessary in the cities in that county to have a team such as I just spoke about that we have created in the city of Detroit. I think that is the case.

So they would not want to have a problem of that sort in that city or that county. However, it was necessary—it is necessary in Detroit, as we see it, to deal with the juvenile problems.

Mr. HUTCHINSON. But don't you have that kind of flexibility in preparing local plans?

Mr. GRIBBS. We do and we don't. It depends upon the understanding of the State. It depends upon which State you are in. In Michigan we have an excellent working relationship and we, by and large, get our programs through as we at a local level would want.

That is not the experience in many other States, Congressman.

Mr. HUTCHINSON. Mayor, I do not want to misquote you, but my understanding of what you said was that countrywide the urban areas, where 70 percent of the crime is being committed, are being shortchanged in LEAA dollars.

Last week there was a witness here, a gentleman by the name of Owen. He was from the State of Kentucky and he was appearing on behalf of all the State planning agencies. He testified that as of 1972 the urban areas where 70 percent of the crime was being committed were receiving 71 percent of the money. Do you disagree with that?

Mr. GRIBBS. No; Mr. Congressman. I am glad you brought that up. I didn't want there to be any misunderstanding.

The dollars are now going into the areas. What I speak to is the priority of programs to solve the crimes; the determination of which programs meet the need within the locale.

We used to have a major problem, if I could state it this way, where the dollars were not going to the areas; the dollars were not following the problem. They are now, generally.

I don't argue with that gentleman's conclusion, and neither does the National League of Cities or Conference of Mayors. But the dollars, once reaching that vicinity, we find in too many parts of the country the determination of how it is to be spent is not in the hands of local governments; it is in the hands of the State.

Mr. HUTCHINSON. But, Mayor, under the present law, the urban crime problem is being solved. If they have done it in Michigan and Ohio, then under the present law it is possible. Is it that you want something more than an opportunity? Is it that you want a mandate?

Mr. GRIBBS. Well, I think with a little tightening, for lack of a better phrase, Congressman, of the law, we can see it accomplished in other States. And you are correct; if the other States did as we have done in Michigan and apparently in Ohio, I wouldn't be urging this. I think it is a problem that we want you to look at carefully in reviewing the legislation, and I think there are means at hand, without becoming restrictive or controlling, that can be developed to assure the happening in other States.

Mr. HUTCHINSON. Mayor, I know that we are a little bit pressed for time, and I don't want to pursue this unduly. I will just ask one further question to clarify something on the record. I may have misunderstood you, but my recollection was that you said that the administration's bill provides no money for local courts.

Well, of course, there is money there for local courts, if State plans decide to spend it in that way. Isn't that so?

Mr. GRIBBS. That is correct, sir; yes. Not mandatory money; that is right.

Chairman RODINO. Ms. Jordan.

Ms. JORDAN. Mr. Gribbs, looking at page 2 of your statement: Where you discuss the various areas in which reductions of crime have been experienced, it is not just a "decrease in the increase," you say, but there has been a substantial reduction and "the reduction results from"—and then you enumerate several things.

Take your own city of Detroit. Could you give us any kind of a breakdown as to the way that you allocated LEAA funds between moneys spent for the acquisition of radios, communications and those other improvements and practices and procedures and attitudes?

Is there any percentage breakdown which you can give on that?

Mr. GRIBBS. There is, of course, and we would be very glad to send you, Ms. Jordan, a complete dollar percentage report on that—very specifically.

Let me simply indicate that at the very beginning of my adminsitration, in the early applications of LEAA funds to the State, one of the first programs that was implemented was the improvement of police-community relations as such, as a special project.

Secondarily, in an effort to build better police-community relations, I and the police department have been participating in a very vigorous recruitment program to get more black police officers on the force. There are specifics under that category.

For the first time in history we hired a black professional personnel person from one of the industries in the community. We hired him. We told him to look at the testing processes, the recruitment processes, to get the good men there, to increase the percentage of black officers in the community.

He revised our testing procedures so that the emphasis on the written articulation capability were minimized and an evaluation was made on capacity and ability to grow into a fine professional policeman.

As a result we are qualifying more black men for the police. The list for appointment used to be 10, 20, or 25 percent black. Now it is almost 50–50. If you get 100 men ready to begin a class the percentage of blacks, I am very pleased to say, is somewhat between 45 to 50 percent, by and large. And that is appropriate, because it is almost analogous to the ratio in our community.

The city of Detroit has 44.7 percent blacks. Now, there should be some close relationship when you recruit and want good officers. There are some variances, of course, but reasonable approximations of the reflection of the community should be the end product in our recruitment effort.

So, those are just a couple of the items we have found extremely useful and helpful.

We actively review managerial practices and promotion practices within the police department. As a result of review and revision and a better understanding and evaluation, we have many black command officers in the police department. All of these are pieces of the total effort that has allowed us to build community support and has allowed us collectively to reduce crime.

Ms. JORDAN. From your viewpoint, could you say how widespread the enlightened spirit you express is among cities of comparable size?

Mr. GRIBBS. Oh, I think it is very common. There are always, of course, exceptions. I have had the pleasure of dealing with many mayors through our national organizations, and I have served on the board of the U.S. Conference of Mayors and League of Cities and there are rare, rare exceptions to a general desire to do what I am talking about.

But the means of doing it, indeed are not simple and that is why I am so pleased that we have had some successes. And we talk to other police departments and other mayors and urge them to benefit by our experience and we benefit by their experiences as well.

I know that Mayor McGee from Dayton and Chief Hifelburger, who will follow our testimony this morning, are among the leaders in progressive and innovative police practices throughout the country.

Ms. JORDAN. One criticism that we have heard repeatedly of LEAA is the absence of any adequate evaluation tools to determine the effectiveness of programs being funded. Could you tell us what evaluative tools you use in your city to determine the effectiveness of the program?

Mr. GRIBBS. I would have to say it is done on a case-by-case basis insofar as the projects are concerned. Generally, as you know, they are funded for a year or two and if it is a worthwhile program we pick it up at city cost if we have the capacity to do so.

There is no way of responding to that except to look at the objective of the project and the funding for the project and determine whether or not it is accomplished.

It is awfully difficult to evaluate. How do you assess correctly whether or not you have helped 150 juveniles with this program that you have funded a year when you really won't know until they are adults? You know, some numbers are available. They have not gone back to crime, or some are back in school. But you are dealing with human progress and social progress and it is difficult to do.

For example: it has been called to my attention here, that when we looked at the black recruitment evaluation problem as such, we wanted more. An enlightened examination process or a different examination process was available as prepared by the University of Chicago. We have incorporated that process in the city of Detroit in evaluating applicants. And that is a marked, measured, clear success.

You will have to remember that we have had a little over 6,000 police officers in the city of Detroit. By the year 1980 the whole police department will generally reflect the composition of the whole community in terms of black officers and other minorities—which is as it should be, which is our goal.

Ms. JORDAN. Mayor, one final question: With respect to your remark on the expenditures for the District of Columbia, am I to gather that you imply that cities larger than the District of Columbia cannot expect to achieve comparable results in terms of decrease in crime without the application of massive adhesive moneys applied to the recruitment of more officers, more judges, more jails, and the rest of it?

Mr. GRIBBS. Yes, essentially that is correct. The funding for crime problems we submit, is inadeqaute. We also, in the same breath, submit that the local communities are doing as much as they can. They have financial constraints. So I agree that that is the implication.

And we are proud that Washington is able to do it, but we simply cite that they have had available—we are glad that you gave them the funds, that Congress gave them the funds—proportionately many more funds. They have proportionately many more officers. They have proportionately many more programs than the other communities in the country.

To get a handle on the crime problem is going to take that continuous effort nationwide.

Let me quickly add, if I may, I don't for the moment subscribe to the criticism—with few exceptions, of course—that there has been an overuse of "hardware" in the police courts and the criminal justice system. In many cases, the reason that crime was not solved as effectively as we would like is that police departments lacked hardware.

Let me give you one quick example, which is in the category of hardware, I think, according to most assessments.

In the city of Detroit partly with LEAA funds we are instituting a complete new communications system. Why better communications? What does it do? Well, it gets the policeman to the spot of the crime more quickly. Correct dispatch, correct concentration into high-crime areas. By "correct dispatch" I mean: Do you need a policeman, a fireman, an ambulance? If you need one, how fast can they get there? What cars are on assignment now investigating crime? What cars are free? What backup do you have?

And on top of all of that we are in the process of instituting what is called "the 911 system," which is the other end of communications, where the citizen knows where to call and doesn't have to remember the police number. And when he dials that number he will get, not just a police response, but a person who can say, "What is the problem?" It may be a heart attack. They will dispatch an ambulance.

Or it may be a fire. He will dispatch the fire department. Or police help. He will dispatch a policeman. That is hardware. But extremely effective in fighting crime and responding to the problem that we are discussing today. It is an appropriate use of hardware that is within the spirit of the law and the purposes of the Safe Streets Act.

So, I want to make that very clear, that the criticism in some extreme cases is warranted, but I think by and large, it is not. And there has not been an overuse of supplying hardware or improving hardware.

Ms. JORDAN. No further questions, Mr. Chairman.

Chairman RODINO. Mr. Dennis.

Mr. DENNIS. Mr. Mayor, I apologize to you that I was not here so I cannot very well examine you on your statement. But I have a couple of general questions.

What do you think is most important in reducing urban crime, particularly street crime?

Mr. GRIBBS. Well, I could respond for an hour. But essentially it is the support of the people. You have to have many things underneath that but there has to be an understanding on the part of the community as to the purpose and limitation and support of policemen and police efforts and justice and law enforcement, No. 1.

No. 2, total professionalism on the part of law enforcement. And the whole criminal justice system.

If you double a police force and increase your arrests and reduce the number of criminals on the streets and don't enhance the capacity of the courts to handle those cases there is a gap; there is a logjam.

So, professionalism on the part of the police department is one aspect. And the capacity on the part of the whole criminal justice system to respond to the problem.

Really, you are asking a very basic question. You would have to say too, that an important item is the handling of juveniles, the teaching of the "why" of rules in society, to have an orderly society. This is done when our citizens are young, in grade school and high school.

Mr. DENNIS. Of course, those things are very, very basic. And how much this legislation can do or should do in that respect I am not certain. One of the more basic items, I assume, is enough policemen on the streets; is it not?

Mr. GRIBBS. Yes.

Mr. DENNIS. And another thing is enough street lights, I assume.

Mr. GRIBBS. That is a factor, also and enough money to fight the drug fight, because that is directly related to crime. Fifty to seventy-five percent, depending on what study you look at, of the crimes, are drug-related in some fashion. There is a vast interplay of many activities, Congressman, so it is difficult to respond in a short period of time, except to say, sir, that many projects of LEAA, as we have experienced them in Detroit and throughout the State, have served well the goal and the spirit of the Safe Streets Act.

Mr. DENNIS. Drugs, of course, are a national problem and even an international problem. But it seems to me, as we discuss basics, that if any community would make drugs a No. 1 priority, you could get great results without Federal assistance, probably greater than what is being achieved in many communities that I am familiar with.

Mr. GRIBBS. You need that, but you need others also. You need the assistance of the Federal Government and the extension of this legislation, which we unqualifiedly support. When I say "we," I mean the National League of Cities and the Conference of Mayors.

And we would like to have the corrections that I mentioned incorporated in the legislation that we support.

Let me say again, Congressman—maybe you were not in the room when it was mentioned, that the essence of this legislation is that it pioneers new concepts and new ideas, and provides the capacity to improve old programs that otherwise would not have been available.

Quickly, now, again: In the last 5 years in the city of Detroit we have received about $10 million on various projects but we have contributed, as the city's share, $4.8 million toward those same programs. Those programs would not have come about if we didn't have the $10 million. We could have done it to the extent of $4.8 but by some cash and some in-kind we have been able to experiment with the formation, for example, of coordinating councils on criminal justice in the city of Detroit and Wayne County, pulling together the various disciplines in the criminal justice field: The courts, the police, the corrections, the prosecution—working together.

That has helped and helped substantially. We did that starting with a grant of $250,000 from LEAA to provide the staff and it wouldn't have happened, it just wouldn't have happened if we didn't have LEAA. A small example.

Chairman RODINO. Excuse me, Mr. Dennis. I know we have detained the mayor beyond his time.

Mr. DENNIS. I do not want to detain the mayor.

Chairman RODINO. I know that he had requested that he be permitted to go about 10 minutes of 11.

Mr. GRIBBS. I appreciate being here. We do have another meeting. A staff representation of the National League of Cities will remain, Mr. Chairman and gentlemen of the Congress, as well as Superintendent Bertoni, if you would like, and Mayor McGee and the chief of Dayton, who are here also.

Chairman RODINO. Ms. Jordan.

Ms. JORDAN. I do not have a question that we should take your time with or the committee's time with this morning, but perhaps your

staff would supply me with your view of the effect of incarceration for long periods of time of drug offenders, people who commit drug offenses, that is something that will probably be before this committee at a later time, because there are recommendations for life terms for users, pushers.

I would like to know if you would have some member of your staff answer that question for me and get the information to me—your view of just what effect incarceration has on the whole problem of drug abuse.

Mr. GRIBBS. We will be glad to respond.

Chairman RODINO. Mayor, before you go, I might suggest that if the National League of Cities has a suggested draft of the amendments that you have discussed or the positions that you have stated, the committee would be most happy to receive it.

Mr. GRIBBS. I am informed that it is in the technical paper and we will be very pleased to work together with your counsel, Congressman.

Chairman RODINO. We would be glad to receive any draft suggestion of what you might want to incorporate.

Thank you very much, Mr. Mayor. You have been very, very helpful.

Mr. GRIBBS. It has been my pleasure.

Chairman RODINO. Our next witness is the mayor of the city of Dayton, Ohio, the Honorable James H. McGee.

Mr. Mayor, we are delighted to have you here. We know that you have a prepared statement. If you would like, in the interest of time, we would include the statement in its entirety in the record. And if you would like to summarize it we can address questions to you. It is as you wish, Mr. Mayor.

TESTIMONY OF JAMES H. McGEE, MAYOR, DAYTON, OHIO

Mr. MCGEE. We would rather read our statement. It is not very long.

Chairman RODINO. You may proceed with it.

Mr. MCGEE. Thank you, Mr. Chairman, and members of the committee.

Over the past several days you have heard a variety of testimony, all suggesting systems for the allocation of LEAA funds. You have just heard from my distinguished colleague, Mayor Gribbs, regarding the organizational position of the National League of Cities and Conference of Mayors.

I would like to reinforce some of the mayor's points from the perspective of our efforts in Dayton. I am sure I do not have to tell you of the fine reputation Dayton enjoys in terms of its police program and criminal justice efforts. Our efforts have been highly touted by the members of the criminal justice profession, trade journals, periodicals and the news media and even LEAA itself. Yet despite our apparent criminal justice credentials, we daily struggle to maintain the level of law enforcement and LEAA support our community deserves and needs.

From this perspective, then, I would like to suggest how I believe Safe Streets Act funds can be most effectively directed toward alleviating the problems of crime which impinge upon Dayton, and, in fact, all of our Nation's cities.

Elements of the problems of crime and conflict can be found in almost every city, town, or hamlet. Yet in terms of scope and intensity, the serious problems of criminal justice fall heaviest on the center city. And for our citizens who daily must face the multiple evils of racial conflict, drug abuse, poverty, unemployment, housing, and poor health—of all these evils, none is of greater significance, or creates a greater sense of apprehension than the problems of crime.

It is a simple fact that center city criminal justice needs and problems are significantly more substantial both in degree and in intensity than are those of the rural and suburban communities that surround us. It is important that this committee in reviewing the bills before you, recognize this crucial fact and see that the needs of the cities are adequately addressed.

We welcome the thrust of programs designed to direct funds to the various States and localities for the purpose of addressing the crime problem. But we also seek special consideration from Congress as to the manner in which this allocation occurs.

Those of us who have been involved with LEAA programs have the ideas, talents, and experience necessary for working with the center city crime problem. What we lack is adequate flexibility and funding with which to proceed. To date we have not been able to maximize the impact of LEAA funds as presently allocated under State block-grant programs.

We have not been able to rely on receiving a certain level of funding from the moneys allocated to the State. This has seriously impeded our ability as a city to effectively plan, and efficiently and expeditiously implement criminal justice programs.

The problems which confront us require of us a maximum amount of flexibility and innovation. Yet to continue to require that we compete with suburban and rural jurisdictions on a year-by-year basis for the funds necessary to maintain and initiate important programs is to make it highly unlikely that any sustained progress can be achieved.

A brief recap of Ohio's history of the Safe Streets Act through the State funding procedures will illustrate this point. When the Safe Streets Act initially passed, the State established a funding mechanism whereby Safe Streets Act planning funds were allocated to some 15 districts, most of which were single purpose councils of government.

In our case the criminal justice planning responsibility fell to a five-county COG in which Dayton was the only major city. The concept called for the COG to rationalize a regional plan which was forwarded to the State for the State's funding consideration.

I will not trouble you with the horror stories of the difficulties we had in getting the region to recognize our legitimate needs. However, the State of Ohio's 1973 comprehensive criminal justice plan states that:

"The major urban centers, six of which account for 66.4 percent of Ohio's index crime, found themselves boxed in on these planning bodies, by suburban and rural interest groups who understandably wish to keep their distance from the problems of the center cities."

That clearly was the situation in our case. As this committee knows, the 1970 amendments to the Omnibus Crime Control Act provides the impetus for change in this situation.

Fortunately for us, the new amendments' stress on the "major cities with high crime rates" paralleled the interest of the Gilligan administration in redirecting the thrust of State government to direct more of its total resources against the problems of the major urban areas where the majority of the State's population lives.

Clearly we felt a fresh approach was called for. Ohio could not maintain the old 15 district arrangement and respond satisfactorily to the congressional mandate that major cities and counties receive their own planning funds.

The resulting concept for plan development and program implementation, now gaining national recognition as the "Ohio plan," was designed to direct more of the Ohio's share of Federal money into the areas of the State with the worst crime problems, to move the money faster and to bring about proportional participation in the program by all elements of the criminal justice system.

Under the Gilligan administration Ohio plan structure, 40 percent of the State's part B (planning) funds were awarded to the six major population centers, where the crime rate is 25 percent higher than in the State as a whole, which includes Dayton.

In order to foster a compresensive approach to local planning, the major city and county within each of these areas was required, in order to receive these planning funds, to form a combined city/county planning unit. These units, generically referred to as regional planning units (RPU's), follow the basic structural pattern of the SPA, that is, having both an administrative staff and a supervisory body with policymaking authority. Like the SPA, the local supervisory body was required to be representative of citizen interests as well as units of government and criminal justice agencies.

One of the key provisions, in my judgment, which made the Ohio plan a vast improvement over the previous system, is that it provides that in the event the center city and the county could not reach a consensus regional plan, the city had the authority to seek a separate planning unit designation from the State, and receive a separate bloc grant. This gave us the leverage to be able to negotiate with our suburban counterparts for our programs within the regional plan.

The Ohio plan is a vast improvement. But do not misread my enthusiasm. The present concept still requires us to negotiate with our rural and bedroom community neighbors in Montgomery County for every dime we receive in bloc grant funds.

Dayton has the overwhelming bulk of the crime problem, and yet we are always uncertain as to whether the programs we initiate to address our ills will attract sufficient suburban support to obtain funding approval.

We futhermore never know if funding will be available to complete programs we have begun. Our programs are complex, as are our problems, and frequently require more than 1 year's duration. Thus, it makes it difficult to undertake significant programs with LEAA money when we have no assurance that continuing funding will be available. We have a critical need to have more control over our own destiny if we are to maximize the impact of the Federal dollars we expend.

As I have cited before, Dayton has received considerable attention in recent years as an outgrowth of the innovative programs we developed within our own police department. It is significant to note that most of these programs have been funded through the use of LEAA discretionary grants and not the State bloc grant.

The man who is most responsible for trying to make our police department responsive to meeting the needs of the center city citizen is a 33-year veteran of our department. Chief Robert M. Igleburger. The chief has gained considerable national prominence for developing programs designed to improve center city policing, and in fact has been singled out by such LEAA program critics as the Lawyer's Committee for Civil Rights under Law as having made very good use of the LEAA funds at his disposal.

The chief will shortly discuss more in detail many of the points I have mentioned to you. From his testimony I believe that you will be able to recognize that the cities have the talent to plan, and have the ability to implement innovative and successful programs for addressing the center city crime problem.

However, we cannot take maximum advantages of such skill without having access to reliable funding over an extended period of time with which to undertake such efforts.

In pointing up the special needs for direct funding to the cities I am not suggesting that incentives should not exist to encourage regional cooperation. It is obvious that many problems can best be addressed on a regional basis and I would encourage incentives that induce and support such cooperation.

But I believe that it is imperative that both interests be given your support. The cities need special recognition through earmarking funds for cities in the legislation rather than leaving such matters to the uncertain sympathies of the various State administrations.

At this time, if the committee would like to hear from our chief of police, or perhaps would rather direct questions to us, however you would like to proceed. He has a statement he would like to make to you at this time if it is acceptable.

Chairman RODINO. Mr. Mayor, thank you very much. We are delighted to hear from the chief of police.

I understand, Mr. Mayor, that you also have a time commitment.

Mr. MCGEE. Yes, sir, we are committed, but we could answer some questions if you have some. Our position has been stated by the mayor that was here before us, but we had a statement to present to substantiate what he has said.

Chairman RODINO. I am going to recognize Mr. Mezvinsky, since he has been here and has not had an opportunity to question any witness.

Mr. MEZVINSKY. I would like if I might to play the role of those who testified prior to today. One of their arguments is that the States can handle this themselves, and can quarantee that if the local areas respond and present the case well, as in the States of Ohio and Michigan, the cities would receive the help and fight the crime rate.

I gather you really do not want to leave the fate in the hands of the State, as proposed by the administration. Can you give me the strongest argument possible besides what you have said here as to why the

cities have to have more focus than what you are receiving under the bill?

Mr. McGee. I would think that the main reason—all of us know, who have been elected to office, that if you are going to be the distributor of funds in a State or a county or local municipality, you have to be evenhanded in passing them out.

And in States like Ohio, with 88 counties, where the money would then have to be distributed from the Governor's office in most instances, then he has to be evenhanded in how he passes out the money that comes into his hands. And this can be pointed out in a rural-dominated legislature. It is being more responsive to cities that have less votes in the legislature and you may have problems that confront all of us.

This was one of the reasons why, if we had direction from a higher headquarters, it might help all of us and help him, too.

Mr. Mezvinsky. So your argument would simply be that population alone is not the criterion that would take into effect all the real needs?

Mr. McGee. Yes.

Chairman Rodino. Mr. Mayor, we will be glad to let you go and address our questions to Chief Igleburger. We know your position.

TESTIMONY OF POLICE CHIEF ROBERT M. IGLEBURGER OF THE CITY OF DAYTON, OHIO

Mr. Igleburger. Mr. Chairman and members of the committee, I must admit beforehand that I am not speaking from a statement that I will read. I do have a paper before me that is in outline form. And if it should be your decision that you would like a submitted statement later I would be happy to produce that for you.

Chairman Rodino. We would appreciate a statement.

[The statement referred to follows:]

TESTIMONY BEFORE HOUSE JUDICIARY COMMITTEE BY ROBERT M. IGLEBURGER, DIRECTOR, DAYTON POLICE DEPARTMENT

Thank you Mr. Chairman and members of the Committee for permission to appear before you today and discuss the proposed "Law Enforcement Special Revenue Sharing" bill.

Dayton is a very typical American Center City with all of the problems that are particular to our older cities. We have the problem of racial polarization and with it accompanying fears and suspicions. We are a highly industrialized town with the labor-management problems that so often accompany that relationship. We have experienced the turbulence associated with high schools and college campuses. Drugs are no stranger to our community and constitute a major motivator for crime. Urban deterioration and blight are part of our life. All of these elements are being greatly agitated by our poverty level and an increasing unemployment which has resulted from improvements in industrial technology.

In 1966 and 1967, Dayton experienced along with many other cities in this country the turbulence that resulted from black citizens discontent with their lot in the cities. Dayton's Police Department has made a determined effort to try to modernize itself so as to better serve our current residents and their needs. This has required a re-examination of "old truths" and which no longer seem to work and an experimentation with courses of action different from those developed during the previous 50 years. This has required a lot of thinking and planning for new directions. We were almost completely stymied in this effort because of the city's increasing financial dilemma that was overtaking us at this time. Fortunately for us, we were visited by Mr. John Gardner who was representing LEAA at that time. He offered us federal assistance if we were

willing to engage in the sort of changes that had been recommended in past federal task force reports but never initiated by American police departments. Gardner and later Tom McBride offered us funding for a period of five years in order that we might properly develop and try innovative approaches and we gladly accepted their offer. Shortly thereafter using discretionary funding provided us through the LEAA, we developed Team Policing which was a proposal to establish community-based police service as opposed to the highly centralized impersonal type of department existing in most medium sized cities. The community based office was designed to encourage citizen participation in police affairs and police participation in community affairs. We sought to improve the police-citizen relationship and to return the uniform police officer to the status of a generalist capable of performing all of the duties then being done by a myriad of specialists.

A second program, Conflict Management, was developed at this time to replace our previous police-community relations programs. This program was designed to identify sources of conflict in the community, and to work with our problem areas in an attempt to deal with these brooding community illnesses before they become an epidemic. It involved a specialist skilled in plugging the new unsophisticated center citizen with needs and problems into the municipal service apparatus. A public information officer was included for the purpose of increasing the amount of information about police efforts throughout the community and the department by providing information to the media and departmental personnel in the hope of bringing about better communications, understanding, and an awareness that change was taking place.

Thirdly, with discretionary funding we developed our Neighborhood Assistance Officers who were recruited from the neighborhoods they were to serve in order to handle service calls and thereby relieve police officers of many mechanical duties such as directing traffic at scenes of accidents, caring for children, transporting crowd control barricades, and acting as our eyes. These NAO's have *not* functioned as auxiliary police, have no special authority, and have served as liaison people between the police and the community.

In 1970 the National Institute under the supervision of Paul Cascarano selected Dayton as one of seven pilot cities. Pilot Cities quickly became a major factor in our ability to get the local criminal justice agencies (police, courts, and corrections) working together. Pilot Cities looked at the agencies that were exercising responsibility for processing criminals in the community and found that these various agencies were a "non-system" and that if efficiency was to come about, they had to be joined in a criminal justice system. Consequently Pilot Cities recruited a team of local professionals in the police, courts, and correction disciplines. They were combined under a Systems Analyst and they jointly engaged in system-wide planning and cooperation. To us they were a tremendous source of technical assistance particularly in our planned, program budgeting efforts. Pilot Cities provided us with evaluations for the discretionary programs which we had funded from LEAA discretionary funds. They also saw to it that funding was channeled into all criminal justice agencies, not just law enforcement, as had been the case prior to their creation. They were also instrumental in the development of the following programs: Youth Services Bureau, Regional Criminal Justice Center, Project CIRCLE, a criminal justice data system, and Diagnostic and Training Program for the Human Rehabilitation Center.

Unfortunately the role of Pilot Cities changed drastically. With the decentralization of control for Pilot Cities to Chicago, the original staff of experts from all the disciplines resigned and were replaced by persons with lesser skills in the criminal justice system and more skills in data selection and processing. The catalyst role was no longer played by Pilot Cities and that important function is now denied the criminal justice agencies of the County. It is my opinion that although Pilot Cities has a data evaluation function to perform, most all of the criminal justice agencies still urgently need outside assistance in planning their efforts for the future.

The changes in Pilot Cities were not our only set-back. Discretionary funds were curtailed at the time of the creation of impact cities programs and we were forced into a negotiating situation with our surrounding bedroom communities for the limited funds allocated to this region. We were thereby severely limited in the number and types of programs that we were able to get funded. Worthy programs were not funded as a result. Others had to be dropped

after initial use even though they had proven themselves valuable such as our Legal Advisor Program. We found it necessary to seek funds from OEO Model Cities to keep Team Policing going and from the Labor Department to finance minority oriented recruitment programs because we could not obtain LEAA funding. It was necessary for us to go to the Police Foundation for funds to start a police Policy-making Program.

Discretionary funding is vital to center cities, particularly those with severe financial problems as is the case with Dayton. During the past 2½ years we have lost 50 police officers through attrition, none of which could be replaced due to austerity conditions in the city as in the past. These are signs now that some of these men will be replaced with the arrival of revenue-sharing funds. Even so urban police departments desperately need the discretionary federal money with which to experiment and innovate in order to produce the high quality police service required in the problem-infested city of today.

I believe that earmarking of funds directly to cities will eliminate much red tape that is encountered at the State and Regional levels. For example, in October of 1971, Team Policing and Conflict Management nearly expired for lack of funding because of problems existing at both Regional and Federal levels as a result of bureaucratic decisions to change the direction of LEAA effort from emphasis on improving the system to a new emphasis on "crime specific programs". During this time it became necessary for the employees of our experimental programs to live on a day to day basis without any assurance that they would not be paid or laid off. This situation was only remedied after vigorous presentations to both the Regional and Federal headquarters of LEAA. If we are to address significant center city problems, we must have some assurance that funding will be for more than one year. It is essential that funds not be arbitrarily denied to cities that have shrunken to less than 250,000 persons. The problems that have caused the flight to suburbia of our more prosperous citizens are the same type of problems that are encouraging crime and many of these shrinking cities have crime problems far out of proportion to their size.

In summary we are concerned about four things. We would very much like to see funds directly earmarked for distribution from the Federal level to cities having severe crime problems. Second, we recognize that the states need to have a very real role in distributing additional funds for regional programs that also involve the center city. Further we believe that the state itself should administer a "super discretionary" financing program so as to encourage cities that are truly making a worthy effort. The "super discretionary" money should be in addition to federally earmarked funds and should be awarded on the basis of merit. Lastly, I would repeat my request that old shrinking center cities whose populations have declined below the 250,000 program not be excluded from discretionary programs because their need is often the most critical of all. It is my opinion that consideration of proposals such as have been outlined above would help to insure that cities would be able to most effectively maximize the impact of federal law enforcement dollars.

Mr. IGLEBURGER. Thank you. I will do that.

But I am going to speak from the position of the police practitioner rather than from the administrator's view, as was expressed by Mayor Gribbs and Mayor McGee.

Actually, as a supervisor of police, I would have to say that Dayton is not too much different than most urban centers. It has the ordinary problems, the usual problems, of race, labor problems. It is a highly industrialized city. Its economy is basically industrial rather than unbalanced.

We have the usual school and campus problems constantly before us. We have the drug problem among our young folks. Urban decay is part of our problem. The economic level of our citizens is constantly going down, as those who achieve a certain level are able to move out into greener pastures, with a little more grass to cut as they get out into the suburbs.

And all of this produces crime. All of these conditions result in difficulties with large communities. And these difficulties are aggravated by the worsening economic conditions resulting from industrial technology.

So we are very typical, I would say, of an aging industrial northern city.

In 1966 and 1967, when urban centers were experiencing the acute problems that erupted at that time, we shared in these problems and we had our community disruptions. We had our confrontations between the police agency and members of the community which caused us to do some soul searching and to examine ineffective old truths and discard many of them in search of promising new truths.

We had a lot of rethinking to do in our approach to the service delivery of the police service in an urban community. Center city life is much different from what it was when I was a boy. And I was born and raised and never lived elsewhere than in Dayton.

About the time we were pondering some of these things we ran afoul of economic problems and Dayton began to suddenly change from a very prosperous community to an impoverished community, particularly where government was concerned. There simply were not enough funds to run government.

So I could not get municipal funding for new police programs and right about that time a man from LEAA walked into our offices looking for police departments who were willing to participate in innovations and implementing the recommendation of Presidential commissions.

He said, "Would you participate in some of these things if you had funds, particularly on a 5-year basis? We are willing to talk in terms of 5-year programing."

This was Mr. John Gardner from LEAA. The proposal sounded good to us so we became involved in discretionary programing.

We were funded for such a program as "team policing." Team policing at that time was conceived as a community-based police service organization, designed to restore the police officer to the general kind of concept that he once held and still holds in small communities.

It is interesting to note that one doesn't find highly centralized, highly specialized policeman until one begins to get into the larger cities.

We wanted to attempt to see if we could restore that personalized policing to an older center city. Team policing has resulted in a lot of citizen participation with police officers, officers attending community meetings and citizens walking in and out of these centers to voice complaints and to speak with officers.

Another program funded was called the conflict-management program, and this program has attracted some national attention.

This program was designed to find problems in the community which were festering sores and remedy them before they could break out into cancerous problems, and to plug members of the community into available but unknown social service agencies.

Conflict management had a public information aspect that was new for us and it has been very uncomfortable at times to find a public information man prodding me to reveal conditions to the public that policemen traditionally just don't talk about.

But this program has been very successful in coping with urban gangs and school problems. It has dealt with campus problems by finding out what was wanted on the campus and by seeing if some way could be worked out to, compromise and achieve some of the things that were in need of remedy.

So I believe that conflict management has been very successful. It was a discretionary funded program.

Chairman RODINO. Chief, on that point: the programs you have been referring to have been funded through discretionary grants, have they not?

Mr. IGLEBURGER. Yes, sir; they were initially funded as strictly discretionary programs.

Chairman RODINO. And you are aware of the fact that in the administration bill discretionary grants have been cut back considerably, to the tune of about $45 million?

Mr. IGLEBURGER. Yes, sir; I am very aware of that, because about a year and a half ago we very nearly lost the conflict management and team policing programs, simply because there was a freeze on LEAA funds that we had thought we had a 5-year option on. And we had staffed these two programs on the basis of a 5-year commitment.

We had some very skilled local people in these programs and we were about to lose them.

Chairman RODINO. Chief, might I just inquire: What do you think the effect would be on programs such as you have referred to, in the future, should the administration proposal and this cutback be adopted?

Mr. IGLEBURGER. Well, if we have to continue to bargain for funding with our bedroom communities in the regional planning units as we do now, it is just not possible for us to get the necessary level of funding, let alone the perception of our needs, from folks who are not faced with our problems.

It is going to be very difficult and I am convinced that we must continue or have a return to a discretionary sort of funding for cities that have this problem. And it isn't only our city. We are slightly over 250,000 now, and we have an acute crime problem, as do many other cities who are less than our level.

To retrench on discretionary funding is going to make it very difficult for us to get at the kinds of problems that center cities need to be addressing.

Chairman RODINO. And you feel that those kinds of things, as you refer to them, are actually what is necessary to really be effective in the battle against crime and to reduce crime?

Mr. IGLEBURGER. I do, indeed, sir, because the many elements that are working in an urban situation are the factors that produce crime.

Chairman RODINO. Thank you very much. You may proceed.

Mr. IGLEBURGER. A third program that was funded under the discretionary process was our neighborhood assistance officer program. This program was designed to get volunteer citizens to function as neighborhood police aides; not as auxiliary police, in any sense. The program participants were solicited from their own neighborhoods, and served in their own neighborhoods, as our eyes and ears, and information conduits relative to neighborhood problems and crime. They have

functioned very well on a volunteer basis, with no remuneration at all other than gasoline mileage. It is a very popular program.

In 1970 the National Institute selected Dayton to be a "pilot city", under Mr. Paul Costerano.

With financing provided by this program a team of local professionals was recruited from the corrections; police and prosecution field. Under the direction of a systems analyst, this team attempted to bring the criminal justice nonsystem into a system, a criminal justice system. And they were an invaluable source of assistance to us, particularly in planning many of our programs and in helping us with technical assistance to develop our planned, program, budget system.

The pilot cities team also provided us with an evaluation of many of the discretionary programs I have just mentioned. And they saw to it that funding was placed where it was needed in the criminal justice system—that it was not just expended on police programs; they put it in on a systems basis. They helped us to create a regional criminal justice center, which is a training center established in our training building, so that perhaps at some future date criminal justice employees can at least basically receive similar training and perhaps be interchangable at some stage of their careers.

At this time the center is staffed by about a dozen professional persons. I think four of them have doctor's degrees and they are functioning to our great advantage at this time. I want to again emphasize that this effort was planned by the pilot cities team in conjunction with our own staff people.

Some of the other programs that pilot cities funded were the youth service bureau in our area, the treatment and diagnostic programs in the human rehabilitation center, and a data system for the criminal justice system as a whole.

I think when decentralization of control of pilot cities, to the Chicago regional office occured, that the whole original staff of experts left. The replacements they have are systems-type people, data gatherers. They don't have much skill in the criminal justice system. They don't want to perform the regional and systems catalyst role that was being performed before.

Perhaps the time has passed for that role but the new pilot systems people are not fulfilling it. And as you suggested a while ago, Mr. Chairman, since the curtailment of discretionary funding availability, we have had to negotiate for our funds with the regional planning unit, made up of center city people, plus a large representation of suburban people.

Much of our total program has not been achieved due to the lack of LEAA financial support. Policy planning for police was one program that we were not able to get funding for from LEAA. We did get funding later through the Police Foundation. We wanted to convert our holding jail into a therapeutic holding center. The criminally accused are persons who are not convicted of any crime yet and they deserve better quarters and better custody than they were getting. We were not able to get the funding for that project.

So our negotiations have not been entirely successful. We have had to drop our legal adviser program after the second year because we just simply couldn't fund it. And that individual was of great aid

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to us. We have had to seek funds from OEO model cities to keep team policing going this past year.

The Labor Department financed a minority-oriented training program or recruiting program at one time.

We believe that discretionary funding is vital to us so that we can experiment and innovate and that is what we must do if we are ever going to successfully meet the needs of the center city citizenry.

Right now we are trying to get funding for a juvenile program quite similar to the one that the Commissioner found and described to you. We have not gotten approval for funding yet.

We need to very much avoid the reams of redtape, particularly the sort of problems that we experienced the year that LEAA was converting from a systemic approach to a "crime-specific" approach. We nearly stopped on dead center for a period of time while this transaction was occurring.

We very much need to be able to count on funding for more than 1 year at a time. When we address and plan to remedy complex social problems we can't wonder if funding will come through next year so that we can continue to operate.

We think that we have need for three levels of funding. We are concerned that funds be earmarked at the Federal level for cities that have crime problems. That does not necessarily mean problem cities of more than 250,000. It should include many cities of less than that.

We agree that regional programing is important and funding should take place at that level but we would like to see the cities not restricted to that source. And we think that the State should engage in super-discretionary programs of their own so that we could compete on a merit basis within the State for funds to implement truly innovative programs that we would like to initiate.

It is our opinion that if we could influence the gentlemen who make our laws to include some of the things that I have spoken of here, it would certainly help to insure that the city would be better able to maximize the impact of Federal law-enforcement dollars.

Thank you, Mr. Chairman, for your permission to speak here today. And if you have questions that you would like to address to me I would be happy to try to answer them.

Chairman RODINO. Thank you very much, Chief. I just have a couple of more questions.

We have heard considerable testimony and criticism about the delays in funding which have been experienced. You, yourself—have you had any problems in this regard, and what have been their consequences?

Mr. IGLEBURGER. Well, let's take our Criminal Justice Center that I mentioned a while ago. It was funded for about $250,000 but I guess it must have been 6 to 8 months late getting off the ground because we can't recruit people and bring them aboard until we have the funds in our hands, and we can't get the funding until it has been properly processed through the agencies.

This has often taken as much as 6 to 8 months, and makes it very difficult to expend the funds during the funding year.

Chairman RODINO. We have heard testimony this morning, and prior to this, from one of the witnesses, about the Ohio plan and its merits, in terms of how it has handled the bloc grant funds. Generally what are the strengths of that plan?

Mr. IGLEBURGER. Well, sir, Ohio has been separated into regional planning units, which means the city-county groups in urban areas and into area planning units, which include multicounties in the more sparsely populated areas, more rural areas, that don't have to cope with the urban blight.

I think that by making the city-county partnership the important decisionmaking unit in those six or seven cities in which we are concerned, that has been a major improvement of this program over the past. However, we are still forced to negotiate, even under the Ohio plan, with the county suburban ring that surrounds each of the cities.

Chairman RODINO. That was going to be my next question. Actually, despite the merits of the Ohio plan, are there areas where the State has not been responsive and where there is legislation needed to make improvements?

Mr. IGLEBURGER. Yes; and of course it is not entirely related to LEAA or funding, but we have all kinds of problems with trying to solve the crime on the streets problem. Take prostitution, for instance. It is almost impossible for a city to get a good law that will enable dealing with this problem. Yet you are constantly beset by people who say, "Do something."

We need enabling legislation to encourage police organizations to go in for the policy development kinds of things that I mentioned a while ago.

GUN POLICY

There is very poor progress being made on ability to deal with these weapons that are filling our undertaking parlors with people on Monday mornings. This is a real disaster and nothing is being done to cope with that.

The detoxification centers, for instance, where a person is required to sign a waiver that he is willing to go to a detox center kind of infers that he is still in charge of his senses, and has to sign that. I think something needs to be legislated in that area.

Chairman RODINO. Thank you, Chief.

Mr. Hutchinson.

Mr. HUTCHINSON. Chief, did I understand you to say that you felt one of the weaknesses of the Ohio system is that you are a part of a city-county combination which forces you to deal with the counties to get funds? Would you prefer that the city alone receive funds from the State?

Mr. IGLEBURGER. I think, and I did state, that one of our problems is being required to negotiate with the county for the available funds. Not with the county per se, but with the bedroom communities surrounding, as that make up the regional planning unit. They are, of course, independent.

Mr. HUTCHINSON. In the Dayton area, the region consists of the county, and the communities within that county, plus the city of Dayton. But it seems to me there isn't any alternative to negotiating with them because crime doesn't know any artificial municipal boundaries. There is but one urban community from the standpoint of crime. You argue that having to negotiate with them in the application of funds is a weakness. I would rather call it an absolute necessity.

Mr. IGLEBURGER. Well, I can agree with that if we were able to share the problem equally with them. Unfortunately the problem is to a large extent ours, and the funding needs to be a large percentage to the center city. And just a population head count as a determinant for the disbursal of these funds doesn't put the money where the problem is.

If you are suggesting, and I think probably you are, and quite accurately, that I am urging moneys for cities and not for many of the bedroom communities, that is an accurate assessment, and I am doing that.

Mr. HUTCHINSON. I don't know exactly what the present situation is right now, but it seems to me that, as the crime rate in the city of Washington, D.C., began to go down, the crime rate in the suburban areas around D.C. began to rise.

I recognize that you have great needs in the central-cities. But it seems to me that you have to recognize the fact that if you put all the emphasis on problems in the central city, all you are going to do is push the crime out into the suburbs. All parts of the region have to work together because you are all part of one urban community.

Mr. IGLEBURGER. That is true and I imagine that it is especially true here in the District of Columbia area where you have been able to infuse massive resources into the District of Columbia department. I think their strength has been increased by probably at least a third in the past 3 or 4 years.

Now, out of the strength of 428 men I have lost 55 in the past 2 years without any replacement because of austere conditions in our city.

Mr. HUTCHINSON. Are you suggesting that you have lost those well-qualified men to other systems which could pay them more?

Mr. IGLEBURGER. No, sir; I am not suggesting that. There is a normal rate of attrition that takes place and we haven't been able to rehire or able to replace any of the attrition that has taken place in the last 2 years. I think we will be able to get some now shortly. We have been authorized, with the expectation of revenue-sharing funds, that we will be able to replace them.

Mr. HUTCHINSON. Now, suppose that the administration's bill becomes law and there are no longer any obstacles to using LEAA funds for the payment of policemen's salaries. Do you see some problems there, from the standpoint of local administration?

Mr. IGLEBURGER. Maybe I need to ask for a little clarification. You mean: if I get more men does that provide me with problems?

Mr. HUTCHINSON. No; I am suggesting that an increase in LEAA funds will perhaps mean an increase in salary level for the police department but not for the fire department and the other city employees.

Mr. IGLEBURGER. Very likely it could lead to problems if our organization and our personnel were to insist that all of these funds go to police salaries. Does that answer your question?

Mr. HUTCHINSON. I think so. I raise the question because at the time LEAA legislation was first enacted this was a matter of some apprehension to us on the committee. Lest that be the result, we wrote some very strict limitations upon the use of these moneys for personnel salaries.

Certainly, if there were no limitation and if all of the money went into the major city, the major city would thereby be able to raid the suburban police departments and pull into the major city force the necessary number of policemen or with LEAA funds and with no limitation upon the use of those funds for salaries, the major city could offer much better salaries for police officers than the suburbs could.

Mr. IGLEBURGER. Well, that is of course, a distinct possibility. However, I think most or at least a great many urban centers are more and more requiring that their police officers come from that city. Now, we have a new regulation that nobody can be hired now, and nobody can change their residence from in the city to out of the city once they have been hired.

The suburban policeman is not very likely to be attracted to the center city, because he, like his client, went to the suburban community because it seemed like that was a more peaceful life.

Chairman RODINO. Mr. Dennis.

Mr. DENNIS. Chief, going back to the matter Mr. Hutchinson was talking about a moment ago, as I understand it, the present law does have a limitation in it that no more than a third of the grant may be used for the salaries of everyday law enforcement personnel.

Mr. IGLEBURGER. Yes, sir.

Mr. DENNIS. And the administration's bill does not propose such limitation. Now, are you in favor of that change or opposed to that particular change?

Mr. IGLEBURGER. Well, I would almost automatically go from the police position of supporting such a change, but somehow or other, I think even police administrators are sort of controlled by reasonability. And there is certainly a reasonable level beyond which a police organization would not want to go.

I further believe that as time problems begin to get better in center cities, municipal administration should seriously consider attrition so as to adjust the strength of the police department, either up or down, in conformity with the community's need. I think this is an administrative responsibility that we must expect to exercise.

Mr. DENNIS. I would certainly agree with that.

I presume one of the most useful things you can have is more policemen on the street. That is true, I presume?

Mr. IGLEBURGER. I will not disagree with that, up to a limit.

There is a feeling that policemen will and can stop crime. I don't believe that cities in this country can support the numbers of policemen that are required to stop crime or to render service to victims of crime and to pursue crime to the point where the criminal can be apprehended and brought into the criminal justice system.

It almost takes having to have a policeman in every block to do the kind of thing that some people believe we are capable of. We are a security blanket many times. If we are visible and quite apparent on the scene, people do feel comfortable, because we are there. And we do render a certain amount of security in that respect.

But it is hard to say what is happening on the street back of us because the criminal is very capable of doing his operating where we are not, and certainly not where we are.

Mr. DENNIS. Certainly you do not get to the roots of crime, but if you have well patrolled streets and well lit streets you certainly reduce the incidence of street crime, do you not?

Mr. IGLEBURGER. I would certainly agree that street lighting is one of the most important things in the struggle against crime; certainly. And good, strong police forces are necessary.

Mr. DENNIS. Of course, if you get too dependent on Federal money to pay these troops and later that is cut off, you are going to have a problem, are you not?

Mr. IGLEBURGER. That is right; that is exactly the problem we have been facing in Dayton for the past 3 or 4 years.

Mr. DENNIS. The mayor said here a minute ago that you need more control over your own destiny. But as long as you are depending on Federal money, to that extent you are giving up a certain amount of control over your own destiny.

Mr. IGLEBURGER. Well, sir, I think we voluntarily give up a lot of control over our own destiny in the taxing legislation, the taxing laws.

Mr. DENNIS. Which taxing legislation?

Mr. IGLEBURGER. Involuntarily acceding to Federal taxation, removing funds from the local scene to the Federal level. I think we voluntarily did this.

Mr. DENNIS. Maybe we ought to give you back some of the taxes. But let me ask you this: Has not one of the great advantages of LEAA been to introduce ideas to you on a local level, things that could be done, such as conflict management, neighborhood assistance officers, and that sort of thing?

Mr. IGLEBURGER. That was very advantageous, sir. And you have touched on a point. The kinds of expertise and social awareness that are needed to develop those kinds of programs often is absent from our ranks. You have to recognize that people of my generation were recruited into the police forces because we were willing to work for laborers' salaries and we did not bring with us the kind of education and expertise that nowadays is really essential to the urban scene.

Mr. DENNIS. I appreciate that. Could not a number of these programs that have been started now be pursued with local support?

Mr. IGLEBURGER. I think so. For instance, at this time—and again I am getting back into Federal money—our team policing program is being supported by OEO funding.

The funds here are not for police officers, but they are for rent at the district headquarters office, the maintenance of that office, and those kinds of things.

Until the local ability to raise revenue is improved, our city cannot finance the sort of innovations that you have made it possible for us to implement.

Mr. DENNIS. Well, for instance, you mentioned the neighborhood assistance officer. He is paid nothing except a little gasoline money. Do you think that is beyond the reach of the city of Dayton to continue something of that kind?

Mr. IGLEBURGER. I think that that would be almost impossible to drop that because it has such universal support. Yes, I do believe the city will continue that.

Mr. DENNIS. The city could continue that without Federal money, couldn't it?

Mr. IGLEBURGER. They could continue it if its ability to raise funds improves in the next year. You see, four or five times we have been objected to at the polls for an increase in the local tax level.

Mr. DENNIS. That is a program which is costing very little, if I understood you.

Mr. IGLEBURGER. Yes; I would say $20,000 a year.

Mr. DENNIS. Now, conflict management is important. But what is to keep you from detailing some intelligent officers who are on the force to work on that?

Mr. IGLEBURGER. Oh, we have officers in there, sir. We have about eight sworn officers connected with this program right now and they work under the director of conflict management with the information specialist and the community specialist who help to plug people into community agencies.

Mr. DENNIS. The point I am making: now that that program has been started, brought to your attention, and you have officers who work in it, could that not be continued to a considerable degree, without Federal funding, if you really believe it is beneficial?

Mr. IGLEBURGER. If some means could be found to fund the salaries of those specialists we have in there that are not police officers, particularly the information man who is a newspaperman and has a graduate degree and the woman who works in the community, who also has a degree—I am not at all sure that I could provide that from within my ranks of police officers.

Mr. DENNIS. What does the information man do?

Mr. IGLEBURGER. He keeps constantly abreast of what is happening in the department and he keeps in touch with the media folks, tries to keep them informed accurately in order to keep the community better informed of where the department is going.

He is constantly in touch with those people and I am not at all sure that the city itself would find that that is an activity that they could justify under our stressful financial situation.

Mr. DENNIS. There is certainly a great deal that police officers themselves can do along these lines and do better than anyone else because they know their circle of people. That is true, isn't it?

Mr. IGLEBURGER. It certainly is, and one of the goals of the conflict management group is to bring that technique to the attention and to the capability of the beat officer. So that in essence they can phase themselves out, actually.

The beat officer must be allowed to become the professional that the center city requires. And the broad spectrum of skills that an urban police officer is going to have to master, is going to require that he be a professional. He no longer can be the sort of man that I was when I was recruited; he has to be a man who has a background in academic fields. A body of relevant knowledge has to be brought together in academia, and the policeman exposed to it and he has to be able to cope with the family problems, and the interpersonal problems between groups in society.

The breadth of the demands on an urban policeman at this time is much more than he can cope with, and he has to be professionalized in order to be successful. We can't afford to have him not able to cope with center city problems.

Mr. DENNIS. Again, I agree with you as to professionally well-trained policeman. I think I have nothing more at the moment, Madam Chairman.

Ms. JORDAN [presiding]. Mr. Mezvinsky.

Mr. MEZVINSKY. No questions.

Ms. JORDAN. Thank you very much, Mr. Igleburger.

Mr. IGLEBURGER. Thank you very much, Madam Chairman.

Ms. JORDAN. Mayor Wes Wise of Dallas is the next witness to appear.

Mayor Wise, it is good to see you and to have you here.

TESTIMONY OF HON. WES WISE, MAYOR, CITY OF DALLAS, TEX., ACCOMPANIED BY FRANK DYSON, CHIEF OF POLICE

Mr. WISE. Thank you, Madam Chairman, I think Madam Chairperson would be the correct salutation.

I am Wes Wise, mayor of the city of Dallas, and with me is Frank Dyson, our chief of police.

In the interest of time I will abbreviate my remarks and submit a full text for later possible examination by members of the committee.

It is especially good to see our fellow Texan here on the committee. There are very few things I might point out to the other members of the committee for which Dallas must envy Houston, and one of those things is Congresswoman Jordan.

It is good to see you always.

Ms. JORDAN. Thank you.

Mr. WISE. It is good to see that today citizens at the local level are becoming increasingly aware of the problems confronted by the criminal justice system and the system's capability to deal effectively with the alarming crime rate. Urgent citizen demands are currently being felt at all levels of government. These demands are most severely felt at the local level for it is at the local level that the impact of crime is most vividly felt in terms of fiscal, economical, and social loss and suffering.

Without continued effective planning and development of new and improved techniques and tools the problems will continue to grow. Nationally, the crime rate is growing at an alarming rate with a major portion of the increase coming from the metropolitan areas of the United States.

Dallas represents one of these metropolitan areas (eighth largest city). With the projected population growth, metropolitan areas can expect an ever and ever increasing difficulty in structuring the criminal justice system to effectively meet the challenges.

The high incidence of crime affects everyone. It exacts a toll from all citizens. It especially affects those citizens who support local governmental service programs through their dedicated efforts in terms of time, energy, and dedication to the preservation of local self-government and local self-determination.

Illustrative of the urgency of the crime problem in Dallas is the fact that major index crimes (murder, robbery, rape, assault, and burglary) within the city of Dallas increased by 270 percent during the 5 years between 1966 and 1971. Dallas is fortunate during the past 2

years to have shown a reversal of this trend and, in fact, a decrease in the crime rate.

However, again there is an increasing awareness on the part of the public of the problems and solutions to crime and also an increasing awareness of the seriousness of crime. Crime, in fact, while currently showing evidence of a reversal of the growth during the decade of the sixties, is emerging as more violent in nature. This is supported by recent Gallup polls showing an increased fear by the average citizen.

In 1968 Congress passed the Safe Streets Act. This act has had a major impact on the organized approach to the solutions of crime. Research and demonstration projects under LEAA financing have produced techniques, analytical approaches and new crime fighting solutions which permit the investigation and analysis of crime and the capability of law enforcement, prosecution, courts and corrections agencies to meet the problems on a systemwide basis. Congress should be applauded for the passage of this act.

As Congress now considers continuing authorization of the Law Enforcement Assistance Administration, I encourage you to show the determination and dedication which you have shown in the past. The Law Enforcement Assistance Administration program has financially helped local government.

The city of Dallas has aggressively pursued the financial and technological assistance available through LEAA where this assistance was compatible with local objectives in support of the criminal justice system. Examples of the areas in which this assistance has proven valuable are:

1. Increased professionalization of law enforcement through educational programs leading to college degrees for officers.

2. Improved informational systems through development and implementation of computerized crime information systems.

3. Improved apprehension techniques through helicopter patrol programs, organized crime task forces and installation of sophisticated burglar alarm devices.

4. Improved manpower programs through minority recruiting and in-service training.

These are examples of programs and projects which have been and currently are being implemented in Dallas.

Planning for the more effective functioning of the system may properly be fulfilled by the various components of the system. Certainly the criminal justice system components must be vitally involved in any planning effort. In many instances, however, by the very nature of the system as constitutionally and statutorially constituted, several governmental jurisdictions are involved. This gives rise to the role of the intergovernmental approach through the area Criminal Justice Council.

This approach is recognized in the report of the President's Crime Commission and the report of the Advisory Commission on Intergovernmental Relations entitled, "State-Local Relations in the Criminal Justice System."

I am in sympathy with the administration's announced efforts toward a new kind of partnership between governments at all levels

and especially within the areas of criminal justice. It seems to me that this partnership is a natural and logical one and should be supported through commitments by the Federal Government in the form of revenue sharing.

The emphasis which has been placed upon the sharing and redistribution of revenue will enable local governments to continue many programs and projects which have been given life through LEAA. This partnership is necessary because it is at the local level where most of these efforts must be implemented.

In our support of the special revenue sharing progress and its relationship to the criminal justice system, we encourage the Congress to make this a true partnership program, a partnership which creates a specific role for local government. In implementing criminal justice programs local governments must be given the flexibility to develop and implement their own priorities and must have the assurance that to the extent Congress commits the funds, these funds will be readily available in support of local priorities. We would therefore encourage Congress to guarantee this partnership by virtue of a direct allocation of funds to local government on an annual basis.

The experience gained in Dallas through the first year of the high crime impact program supports the contention of direct revenue sharing with local governments. Under the impact program Dallas is assured a fixed amount of funds from which it can develop its own priorities within the overall guidelines established by LEAA. Examples of the priorities which have been determined in Dallas are:

Reduce the opportunity for commission of stranger-to-stranger crimes and burglary. This goal is directed at making the targets more difficult to exploit and penetrate by systematically installing devices designed to make residential and commercial buildings more secure, and by making the setting in which crime occurs less advantageous to the offender.

Business concerns and private homeowners neglect to take the necessary precautionary steps to prevent illegal entry, thus contributing to the rapid increase of burglaries in Dallas.

Improve public awareness of what conditions and situations are conducive to stranger-to-stranger crimes and burglary and enlist public support in the detection of and reporting of crime. This program will address through two projects the need to inform the public on methods of crime prevention and the role of the citizen in the detection of crime.

Citizens who are frequently apathetic or uninformed about their role in the criminal justice system will be motivated to aid the police in the detection of crime and the apprehension of offenders.

Increase the risk of committing stranger-to-stranger crimes and burglary. The police are the most visible representatives of local government in a society marked by social unrest, rising crime, and institutional change; yet the resources available to police departments are being stretched beyond the level of effectiveness.

Many agencies find themselves hardpressed to deliver the quality and quantity of law enforcement services demanded by society. Therefore, improving the operational performance of the Dallas Police Department through the introduction of modern and innovative

techniques will strengthen the ties between the police and the community and will provide more adequate law enforcement service to all citizens.

The projects under this goal are designed to increase the efficiency of the department in the detection and apprehension of criminals committing stranger-to-stranger crimes and burglary and to strengthen police/community relations.

Improve the tactical allocation of enforcement agency personnel: The traditional responsibility of the Dallas Police Department has been to handle traffic and noncriminal service calls, while at the same time attempting to control crime. This has developed into a reactionary response to crime which provides only limited, if any, preventive effects. This program will transform this current reactive role into one which will give priority to analytical crime prediction and aggressive prevention. Projects in this program will directly support the effective application of police resources, including manpower, money, and equipment, all of which will directly support the preventive and apprehension efforts in Dallas.

Improve governmental ability to respond to stranger-to-stranger crimes and burglary: This program goal is directed at providing the capability to seek, develop, test, and implement new and improved response to crime in Dallas. The conditions relating to crime dramatize the need for improvement in virtually every phase and discipline of the criminal justice system.

The application of today's science and technology so vividly evident in all other aspects of the environment is probably the most critical criminal justice need. Historical and traditional methods have become increasingly obsolete as conditions in our society constantly change, and our total response to change must be continually evaluated and improved.

Prepare and assist offenders to reenter society: This goal will focus upon the need to alter the criminal behavior patterns of offenders by improving the effectiveness of the correctional system in dealing with the specific needs and problems of the offender. Programs have been established to take direct action with offenders by rehabilitating them for successful integration into society. This goal will be attained through impact projects geared toward improving the coordination and provision of services through probation, the jail system, alternatives to incarceration, and community-based correctional programs.

Develop innovative programs directed at reintroducing the offender into society: It is anticipated that the apprehension of offenders will increase during the impact program, with a resultant increase in the number of incarcerated offenders awaiting court disposition. In order to reduce the attendant reliance on institutional control of rehabilitation programs and gain support of the community through greater confidence of the public in community-based programs, more effective tools and techniques must be developed and implemented.

There should, therefore, be a corresponding increase in pretrial diversion programs which will address not only the symptoms of crime, but also the causal factors.

Alleviate conditions which promote stranger-to-stranger crimes and burglary: The goal of this program area is to address socioenviron-

mental deficiencies, such as high unemployment, deplorable living conditions, and poor educational and vocational training opportunities which contribute to the rising crime rate. In addition, poor mental hygiene, coupled with drug addiction and other similar character disorders, push these rising crime rates even higher.

In addition, this program area is designed to provide offenders and potential offenders with marketable skills. Various alternatives to incarceration are proposed for offenders.

You can see, Madam Chairman and members of the committee, from these goals, that Dallas has implemented a partnership on the local level between the city and county of Dallas. What little problems were involved were quickly ironed out, and now I think it is certainly an outstanding example of cooperation between the two entities of government.

Typical of the criminal justice systems in some States, local government in Texas has the responsibility for the criminal justice system. It is, therefore, necessary that the concept of revenue sharing be applied to the total system involving both cities and counties at the local level. This partnership might be encouraged by an additional financial incentive to develop and implement a cooperative planning and research program at the local level.

In Dallas, we have organized an area criminal justice council composed of all criminal justice system components in the city and county of Dallas. The Dallas Area Criminal Justice Council has the responsibility to guide and coordinate the planning and implementation of projects designed to assist all units of government in effectively dealing with the problems of crime.

The criminal justice system in the Dallas area is identified as lying within the limits of the county of Dallas because of the statutorial and constitutional makeup of the system which consists of law enforcement, prosecution, courts, and corrections.

Again we would like to thank the members of the committee for this opportunity to appear before you. Chief Dyson is here to answer any questions that you may have of him, or I will be glad to try to field anything you may have.

Ms. JORDAN. Thank you. I note that both you and Mayor Gribbs expressed some dissatisfaction with the administration's proposal to the extent that it really doesn't give the urban authorities the money or the decisionmaking which you feel these urban centers ought to have.

And this, of course, is an express principle of the new federalism. The U.S. Conference of Mayors stated that this legislation ought to earmark directly money for localities. I am wondering whether this view is expressed because the formula as we now know it has been inadequate in getting the money to the locales?

Mr. WISE. I think that is partially it, Congresswoman Jordan. I do feel, however, that there has been an improvement in the intergovernmental relationship, both with the city and county of Dallas and the State of Texas, as well as down from the Federal Government.

I am not one of those who blanches too much at Federal guidelines. I feel that the Federal Government is going to produce money for the local entities; that they should have at least some guidance over how they will be directed, but with local control.

And I think we have been able to strike a very good balance in the Dallas area in this regard.

We have not had the delays that apparently, from what I can gather from previous testimony, have plagued some of the previous witnesses.

Ms. JORDAN. Mayor, how much LEAA money did the State get in 1972? Do you have that figure?

Mr. WISE. For the State of Texas? Approximately $29 million for this year.

Ms. JORDAN. Now, how much of that did Dallas get?

Mr. WISE. The city of Dallas, $1½ million. The city and county of Dallas, about $3 million. But this does not count the high impact program in which Dallas is one of the eight target cities.

Ms. JORDAN. And what percentage of the crime comes out of Dallas?

Mr. WISE. Seventeen percent. I would emphasize, Congresswoman Jordan, that the crime rate has gone down, I think dramatically, in Dallas. I hope I am not disturbing your train of thought here.

Ms. JORDAN. You are not.

Mr. WISE. But I want to emphasize the fact that we are very proud of the fact that with the cooperation and with the financial assistance of LEAA funds, we have been able to really effect this dramatically.

Ms. JORDAN. I regret that Houston does not share the honor of having experienced a decrease in the crime rate. And maybe that is directly related to the absence of LEAA money in Houston. That is an observation you do not have to comment on.

Mr. WISE. Since Mayor Welch is a good friend of mine, I think I won't.

Ms. JORDAN. Do you see the Federal Government as having more than a checkwriting role in the disbursal of LEAA funds?

Mr. WISE. Oh, I think possibly so, but of course this keeps cropping up in the newspaper accounts.

Maybe I am going to defer to Chief Dyson on that. I don't feel that it has hamstrung the chiefs of police or the chief of police of Dallas.

Mr. DYSON. I think as long as the guidelines are there, they do permit the opportunity for local entities to develop their own priorities and their own total action program in such a way that community goals can be met; that it is not detracting from that effort.

What we are finding, I am afraid, is too many opportunities for developing the total action program for a community or for an entity, failing to materialize. And this is disturbing in the sense that I am convinced that a total program is the answer to some of the problems that we are trying to cure.

Ms. JORDAN. Your relationship in the city of Dallas with the Criminal Justice Council of the State, then, is a good working relationship in which you think you have received your fair share of LEAA moneys, aside from the high impact moneys. You feel that that kind of relationship is a good and a healthy one, and that Dallas gets its fair share.

Mr. DYSON. We have received, since the beginning LEAA funding, about $4½ million. That does include our impact allocations so far. I think we have a wonderful relationship in Dallas with the State planning agency. I think it could be improved and I think the impact of the

high crime program is one of the most promising programs that LEAA has sponsored, because it does permit Dallas to understand what funds will be committed and it does permit Dallas and the county of Dallas to develop their own priorities in a total action program that will really attack the problem in the community.

And I think this is one of the most promising programs that LEAA has funded, has initiated.

Ms. JORDAN. High impact, as you referred to that.

Mr. DYSON. Yes.

Ms. JORDAN. Then, Chief, you do agree that in any disbursal of funds, funds to be disbursed to locales, one should consider the crime problem as well as population?

Mr. DYSON. I am absolutely certain that that should come about, Madam Chairman. I am convinced that that is an important consideration.

Ms. JORDAN. Mr. Mezvinsky.

Mr. MEZVINSKY. I guess my first question, Mr. Mayor, is: Are most of your funds from LEAA coming on discretionary grants? And do you have a percentage?

Mr. WISE. With the impact program, about 50–50.

If you extend the eight cities which were given a special $20 million grant over a 3-year period, this includes the first allocation grant in that percentage of 50–50.

Mr. MEZVINSKY. Now Mayor, what would be the effect of passage of the administration bill? Would it have a very adverse effect on the city of Dallas, or have you analyzed it to any degree? Because of the cutback from the discretionary grant?

Mr. WISE. If you will, let me give the combination of staff expertise here. Mine is political expertise. That is what we mean by a total program, you see.

Would you repeat the question?

Mr. MEZVINSKY. Yes; the question is: In view of the 50–50 percentage and the great degree of help under the discretionary grants of LEAA, in view of the administration's bill, what effect would that have on the city of Dallas?

Mr. DYSON. We have taken great advantage of the discretionary money, of course. I think the bill in itself, if it provided revenue sharing on an annual basis, to the extent that local jurisdictions could properly plan their total programs—I do not think it would detract. I am not sure if it provides that or not. If it does not it would not detract seriously from the efforts.

Mr. MEZVINSKY. You are aware that the funds are simply given to the States according to population? There is no crime factor involved. It all goes to the States. And I am asking: If you did that, would that not have a very adverse effect on the city of Dallas?

Mr. WISE. I understand the concern but I think our past experience would indicate possibly not. Again, we come back to that very question which revenue sharing seems to be posing to the localities right now, and to which the mayors have addressed themselves rather strongly, I think, as to whether, when you get the money here, it is taken away from somewhere here.

And I think that would have to be carefully planned, of course.

Mr. MEZVINSKY. The reason that I pursue that is that we have just heard from Mayor Gribbs and the mayor of Dayton, and there is a tremendous amount of apprehension, at least I sense, expressed by both of those individuals and the chief, that if we simply relied upon the locality's hope that the State will respond, then in fact, local urban areas such as the one that you represent could be shortchanged.

Do you share that feeling that was expressed by the mayors from Dayton and from Detroit?

Mr. WISE. There is all the danger in a rural-dominated legislature that the metropolitan areas will be left wanting a bit. Again, Congresswoman Jordan is an exception, but unfortunately, many of her former colleagues are not very troubled with Houston's and Dallas' crime problems.

This could present a problem. However, again, I have to reiterate that our association with the State criminal justice council has been very good.

In other words, if they are going to be in control of the allocation I would think it would be advantageous to us and would meet the problems.

Chief, do you want to add something?

Mr. DYSON. I would just like to say that the relationship is good now. It is just a question of whether it would continue. If it doesn't, we are in trouble.

Mr. WISE. That could change. As a matter of fact, we had a change recently in the administrator of that program. And I anticipate good relations. But, you know, one never knows.

Mr. MEZVINSKY. You would not favor a cutback in the discretionary grants under LEAA?

Mr. WISE. No; I have never seen a government man favor a cutback.

Mr. MEZVINSKY. Thank you.

Mr. WISE. Well, let me emphasize to you that not everything in the bill is exactly what we would want. The only question is whether, as an overall picture, it presents a favorable picture. And overall, I believe it does. There are some improvements to be made and we have spoken to some of those improvements in the State.

Mr. MEZVINSKY. And you strongly support the idea that factors such as crime rate should also be considered in the distribution of funds, as well as population?

Mr. WISE. Yes; I think that has to be taken into consideration. If you have a city in the State of Texas that has below a 1-percent crime factor and almost no crime, say a city of 15,000 or something like that, and the city of Dallas does have a serious crime factor, and the city of Houston, and whatever, I would think that most of the money should go to those locales.

Mr. MEZVINSKY. You would not have any hesitancy to have the bill drafted with guidelines to that effect?

Mr. WISE. It would have to be carefully done but I personally, just speaking personally, just think that might be reasonable.

Mr. MEZVINSKY. Thank you.

Chairman RODINO. Mayor, I am sorry I was not here to hear your testimony. I just would like to ask a general question concerning your views regarding the setting of Federal standards, and requiring of approval of the State plan before funding could take place.

Mr. WISE. I think the planning part of any administration of crime control is important. I would feel that at the State level there should be planning and at the local level, at the local, city, and county level, there should be careful planning.

I don't see that this, in and of itself, would be detrimental to our crime reduction program in Dallas.

Chairman RODINO. Do you believe that the expertise that has been developed at the Federal level, as a matter of fact, would in any way impede the States, if it were handed down, and if it were required that some guidelines were required?

Mr. WISE. Well, now, again the chief of police feels that the guidelines which have come down from above have been reasonable ones and have still given him the freedom to do his own innovating, on which he has done an excellent job, and his own originating.

And, as long as that balance is retained I think that would be all right.

I don't think I am differing with the other two mayors particularly, but I believe that our governmental relationship, from the testimony I have heard here today may be a little better at all levels, from Federal to State to county to city in the Dallas situation, than perhaps with our other people today.

And we feel it can remain and should improve.

Chairman RODINO. You feel strongly, though, that Congress ought to, in dealing with this program and writing legislation, be able to guarantee the partnership by virtue of direct allocation of funds to the local government on an annual basis?

Mr. WISE. Yes; I do believe that is favorable.

Chairman RODINO. You think that this makes for a more effective type of operation in the battle against crime?

Mr. WISE. Again, I think on a local problem—and it is a locally-centered problem—the more local control, the better. But I do not see that this forestalls a continued cooperation, or even an improved cooperation on the Federal and State levels.

Chairman RODINO. Thank you.

[The prepared statement of Mayor Wes Wise follows:]

STATEMENT OF THE HONORABLE WES WISE

Today citizens at the local level are becoming increasingly aware of the problems confronted by the criminal justice system and the system's capability to deal effectively with the alarming crime rate. Urgent citizen demands are currently being felt at all levels of government. These demands are most severely felt at the local level for it is at the local level the impact of crime is most vividly felt in terms of fiscal, economical and social loss and suffering.

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City of Dallas increased by 270 percent during the five years between 1966 and 1971. Dallas is fortunate during the past two years to have shown a reversal of this trend and, in fact, a decrease in the crime rate. However, again there is an increasing awareness on the part of the public of the problems and solutions to crime and also an increasing awareness of the seriousness of crime. Crime, in fact, while currently showing evidence of a reversal of the growth during the decade of the 60's, is emerging as more violent in nature. This is supported by recent gallop polls showing an increased fear by the average citizen.

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I am in sympathy with the administration's announced efforts toward a new kind of partnership between governments at all levels and especially within the areas of criminal justice. It seems to me that this partnership is a natural and logical one and should be supported through commitments by the federal government in the form of revenue sharing. The emphasis which has been placed upon the sharing and redistribution of revenue will enable local governments to continue many programs and projects which have been given life through LEAA. This partnership is necessary because it is at the local level where most of these efforts must be implemented.

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Improve governmental ability to respond to stranger-to-stranger crimes and burglary.—This program goal is directed at providing the capability to seek, develop, test, and implement new and improved responses to crime in Dallas. The conditions relating to crime dramatize the need for improvement in virtually every phase and discipline of the criminal justice system. The application of today's science and technology so vividly evident in all other aspects of the environment is probably the most critical criminal justice need. Historical and traditional methods have become increasingly obsolete as conditions in our society constantly change, and our total response to change must be continually evaluated and improved.

Prepare and assist offenders to reenter society.—This goal will focus upon the need to alter the criminal behavior patterns of offenders by improving the effectiveness of the correctional system in dealing with the specific needs and problems of the offender. Programs have been established to take direct action with offenders by rehabilitating them for successful integration into society. This goal will be attained through impact projects geared toward improving the coordination and provision of services through probation, the jail system, alternatives to incarceration, and community-based correctional programs.

Develop innovative programs directed at reintroducing the offender into society.—It is anticipated that the apprehension of offenders will increase during the Impact Program with a resultant increase in the number of incarcerated offenders awaiting court disposition. In order to reduce the attendant reliance on institutional control of rehabilitation programs and gain support of the community through greater confidence of the public in community-based programs, more effective tools and techniques must be developed and implemented. There should, therefore, be a corresponding increase in pre-trial diversion programs which will address not only the symptoms of crime, but also the causal factors.

Alleviate conditions which promote stranger-to-stranger crimes and burglary.—The goal of this program area is to address socio-environmental deficiencies, such as high unemployment, deplorable living conditions, and poor educational and vocational training opportunities which contribute to the rising crime rate. In addition, poor mental hygiene, coupled with drug addiction and other similar character disorders, push these rising crime rates even higher. In addition, this program area is designed to provide offenders and potential offenders with marketable skills. Various alternatives to incarceration are proposed for offenders.

You can see from these goals that Dallas has implemented a partnership on the local level between the City and County of Dallas. Typical of the criminal justice systems in some states, local government in Texas has the responsibility for the criminal justice system. It is, therefore, necessary that the concept of revenue sharing be applied to the total system involving both cities and counties at the local level. This partnership might be encouraged by an additional financial incentive to develop and implement a cooperative planning and research program at the local level.

In Dallas we have organized an area criminal justice council composed of all criminal justice system components in the City and County of Dallas. The Dallas Area Criminal Justice Council has the responsibility to guide and coordinate the planning and implementation of projects designed to assist all units of government in effectively dealing with the problems of crime. The Criminal Justice system in the Dallas area is identified as lying within the limits of the County of Dallas because of the statutorial and constitutional makeup of the system which consists of law enforcement, prosecution, courts, and corrections.

Chairman RODINO. The hearing will now adjourn until 10 a.m. Wednesday morning.

[Whereupon, at 12:40 p.m. the hearing was recessed until 10 a.m., Wednesday, March 28, 1973.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

WEDNESDAY, MARCH 28, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

Met, pursuant to notice, at 10 a.m. in room 2141, Rayburn House Office Building, Hon. John F. Seiberling presiding.

Present: Representatives Rodino, Seiberling, Jordan, Mezvinsky, Hutchinson, McClory, and Dennis.

Also present: Daniel L. Cohen, counsel; Franklin G. Polk, associate counsel.

Mr. SEIBERLING. Subcommittee No. 5 of the House Judiciary Committee is now in session.

I am sorry that the chairman of the subcommittee is not yet here. He is testifying before another committee but will be here soon. I think, however, we ought to proceed.

The first witness on our list is also not here yet, but I understand Mr. Sidney J. Weinberg, Jr., of the Committee for Economic Development, is here.

If you would like to begin your testimony, Mr. Weinberg, we would be very happy to commence with you.

Let me say that I am personally familiar with the very fine record that you have, have read some of your publications, and we welcome you to testify before this subcommittee.

TESTIMONY OF SIDNEY J. WEINBERG, JR., MEMBER, RESEARCH AND POLICY COMMITTEE, COMMITTEE FOR ECONOMIC DEVELOPMENT, ACCOMPANIED BY ROBERT STEADMAN, FORMER STAFF DIRECTOR, CED STUDY

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

Mr. Chairman and members of the Committee on the Judiciary, my name is Sidney J. Weinberg, Jr. I am a partner in the investment banking firm of Goldman, Sachs & Co., of New York, but I appear here today on behalf of the Research and Policy Committee of the Committee for Economic Development, of which I am a trustee, to discuss the policy statement, "Reducing Crime and Assuring Justice," issued in June of 1972.

The Committee for Economic Development is composed of 200 businessmen and educators. Its purpose is to conduct objective economic research, to support and promote economic education, and to formulate and publish recommendations, on major economic prob-

lems, that will contribute to growth and stability in the American economy, higher living standards and increasing opportunities for all Americans, and to strengthening the institutions and concepts essential to progress in a free society.

Here with me on my left is Bob Steadman, who was the staff director of the CED study, and who is now retired but is present here for the testimony.

Your invitation to testify on this vital subject is much appreciated, both by me and by all those in the Committee for Economic Development who took part in the preparation and approval of that document.

I regret that the Honorable Wayne E. Thompson, senior vice president of Dayton Hudson Corp., formerly city manager of Oakland, Calif. (widely known for his contributions to the field of law enforcement), who was chairman of the Subcommittee of CED on Improvement of Management in Government that had primary responsibility for preparation of the document, could not be here today because of prior business commitments.

For the same reason, the Honorable Philip M. Klutznick, chairman of the Executive Committee of the Urban Investment & Development Co., and chairman of the Committee for Economic Development's Research and Policy Committee, which carefully reviewed the document and approved its issuance, finds it impossible to be present. But I am confident that I speak for them and for both the Research and Policy Committee and the Committee for Improvement of Management in Government, since I took part as a member of both those committees.

At the outset, I wish, respectfully, to correct the impression left by the Honorable Richard G. Kleindienst, Attorney General of the United States, in his testimony before this committee on March 15 last. He referred to our policy statement as "the CED staff's views." CED policy statements represent the views of the trustees who are members of the Research and Policy Committee, and those trustees take full responsibility for every recommendation contained in them.

Moreover, this responsibility is not taken lightly; the trustees consider carefully and in detail every statement so issued. In this sense, "the staff's views" are immaterial.

Our policy statement speaks for itself. It was drafted with great care, with the assistance of many of the most knowledgeable and authoritative people in the field of criminal justice in this country, and after many months of intensive deliberation.

The names of all trustees who take responsibility for that statement and assisted actively in its preparation, of the able advisory board, and of other major contributors, are found on pages 5, 6, and 8 of the document in your hands. The main thrust of the statement is toward strengthening and improving the functions of the States and cities in the field of criminal justice.

And I might add: Specifically in improving the fairness and the uniformity of the administration of justice in States and cities.

Hence, we take issue with the Attorney General's assessment of our approach as "centralist." Perhaps I should explain the reasoning which led us to our conclusions, and perhaps add parenthetically that Mr. Kleindienst's remarks, in effect, helped focus on the problem and

on the solutions which our CED Committee respectfully recommends, to reduce crime and to assure justice.

First, the extent of crime in this country in 1967 had reached a level recognized to be of crisis proportions. But a situation that was very bad then has grown much, much worse. In 3 years from 1968, when Congress took action through the Safe Streets Act, until 1971, offenses known to the police according to the FBI Uniform Crime Reports rose sharply.

I won't go into the specific details here, but it is hard to understand the cheerfulness current in some circles about the present conditions, in the face of preliminary reports for the first 9 months of 1972, from the same source, of nationwide increases of 5 percent for homicides, 13 percent for forcible rapes, and 7 percent for aggravated assaults. The rapid increases in suburban and rural crime are also most alarming.

The second major point which we considered in coming to our conclusions: the measures taken so far to deal with this situation have proved to be wholly inadequate. The so-called index crimes are only part of the grim story. Other crimes of every kind and description are on the increase. Cargo thefts, inventory pilferage, and the "disappearance" of securities are merely examples.

The business community has to be deeply concerned when the U.S. Department of Commerce placed the 1971 cost of crimes against business at $16 billion, as shown on page 62 of our statement. I do not know one businessman who feels euphoric about all this. Even a standstill situation would be wholly unacceptable; these levels of criminal activity have to be rolled back to 1968 and on back to 1960 before the threat to our economy and to national stability can be mastered.

Third, our policy statement is limited to the administration of criminal justice, as such. However controversial the underlying causes of crime, and whatever social ills may require correction, an insistence upon evenhanded justice in dealing with criminal cases is more than an ideal; it is an elementary necessity.

In fact, in the very first sentence of the Constitution of the United States, it lists as its first specific purpose the establishment of justice and the insurance of domestic tranquility. I would say that that was one of the most decisive elements considered by the committee in thinking about the subject.

Fourth, since the sweep and scope of crime is nationwide, it calls for national attention and national solutions. The judicious expenditure of Federal funds for wisely planned purposes is, therefore, fully justified.

Fifth, the constitutional responsibility for most elements in the administration of criminal justice in this country rests upon the 50 States. To say that they have not fully or satisfactorily discharged that responsibility would be something of an understatement.

There have been some improvements in the criminal codes, in the court systems, and in some other aspects of this field, but all of this is far short of what will have to be done to solve our national dilemma. The States have placed the main burden of law enforcement and prosecution on their local units of government, their cities, counties, and townships, which have been unable to perform their functions with suitable effect.

Sixth, all the evidence submitted to us in 1971 and 1972 was to the effect that prevailing conditions in the field of criminal justice are generally intolerable. State criminal codes are still obsolete; the criminal courts are congested, making the constitutional guarantee of a speedy trial in many instances merely a mockery; prosecuting staffs are overburdened even when qualified for their work; probation and parole staffs, responsible for supervision of three to four times as many persons as are found in all the prisons, are scandalously inadequate; State correctional institutions and the 4,000 local jails and prisons are seldom worthy of commendation; and only a few of the Nation's 30,000 police forces are under highly qualified management or able to cope with the challenge of these times.

Seventh, just pouring more money into this situation will not produce many beneficial results. Our CED statement recognizes the probable need for additional funds to bring our so-called system of criminal justice up to decent standards, but the present condition of the Treasury is such that Federal funds should be spent only with due caution.

Eighth, nearly everyone familiar with present conditions is agreed upon the proposition that major changes are needed. Moreover, there are reasonable standards and there are reasonable goals which most observers would accept as reasonable and proper.

Ninth, since the 50 States are the key to our situation and since added funds will be needed to accomplish certain necessary reforms, Federal assistance should be made available to them but only upon condition that reasonable standards will be met.

Tenth, the Safe Streets Act and the Law Enforcement Assistance Administration have been a grave disappointment, both in respect to the setting of rational standards and goals, and in the weakness of evaluative efforts. A new and superior mechanism is needed, established above the level of partisan politics, with authority to refine and effectuate basic standards set by Congress as conditions for heavy Federal aid.

Parenthetically, Chief Justice Warren E. Burger has recognized the imperative necessity for a comprehensive and unbiased review of the whole structure of American justice in his support for establishment of "a National Institute of Justice."

His view has obtained the support of the American Bar Association, among others. CED has not given consideration to this specific proposal, but we note that it is not viewed by the bar association as at all out of harmony with our basic CED proposals. The underlying concept provides basic support for the CED position, although, of course, our statement goes beyond it.

Our 11th and final point: Federal funds should be made available on a scale sufficient to secure the intended results. We recognize that this scale might be comparable with, or perhaps in substitution for, the funds supplied through the general revenue-sharing arrangements; moreover, the funds should be routed directly to those governments that maintain police forces meeting reasonable levels of professional competence, whether city, county, or State.

Further, funds in support of unified State court systems, and in support of State managed or supervised prosecuting staffs, and in sup-

port of qualified probation, parole, and better correctional institutions, should be made available to the States up to as much as half of the total cost.

No State and no local government would be compelled in any way to cooperate in achievement of these national objectives, but continuation of present substandard arrangements and conditions should be left exclusively to State and local sources of financial support.

If I may, I would like to quote at some length from an address by Philip Klutznick, cochairman of CED's Research and Policy Committee, before the Annual Sponsors Luncheon of the Philadelphia Crime Commission last January, on CED's position in this field.

We offer no facile solutions, no miraculous nostrums to alleviate a perplexing and pervasive problem. Over the past forty years, many public and private commissions have studied these questions. We profited by their research and cogent views. Yet, the problems they uncovered remain largely unsolved.

The CED statement makes some bold recommendations dealing with the courts, prosecution, police and corrections. It is not material that you accept or disagree with some of them. The major contribution does not lie in our individual proposals. We believe that these recommendations are important. But the real thrust of our report is that piecemeal efforts to reform the highly fragmented structure of criminal justice will fail. Almost every aspect of criminal justice is in great need of modernization; piecemeal tinkering may help some, but the underlying weaknesses will remain.

An example of the interdependent nature of the criminal justice system is the U.S. Chamber of Commerce report that some judges have refused to incarcerate convicted defendants because the conditions of available correctional facilities are so bad. In fact, judges commonly refuse to sentence many first-time offenders to correctional institutions because the judges believe that the institutions serving as the proverbial school for crime will produce hardened criminals. Such defendants are frequently added to the caseload of already over-burdened probation officers, which in turn creates a potential problem for the police.

Discouraged by light sentences given to those against whom serious offenses are proved; discouraged by the wearisome hours that they must spend in court just waiting to testify; discouraged by the frequent reduction of felony charges as the result of plea bargaining, police officers in many instances are forced to practice highly selective law enforcement. They arrest only those whose offenses seem to be worth the trouble of the aggravating ensuing process. On occasions patrolmen vent their frustration by personally acting as judge, jury, and correctional official. The resulting community tensions and disrespect for law enforcement officials serve only to exacerbate an explosive condition.

This suggests the need for a total, all-embracing overhaul of the present criminal justice system. The CED report sets forth such a plan. Generally, the present structure is in a state of organizational and administrative chaos, and riddled with management weaknesses at many levels. The committee, therefore, proposed a complete administrative reorganization of the criminal justice system and a redistribution of responsibilities, functions and financial support as between the various levels of government. We believe that local governments should be relieved of all obligations other than the maintenance of urban police forces, and each state should draw together all criminal justice activities into a strong State Department of Justice, and an independent judiciary under the aegis of the state. The federal role should be concentrated in a new, independent Federal Authority to Ensure Justice, which would be authorized to coordinate the fight against crime on the national level and provide strong financial incentives and support for the reorganization of state and local systems.

CED recommends other reforms. It asks that high priority be given to the enactment of legislation making private possession of handguns a major criminal offense under both federal and state laws. Handguns account for over half of all murders and almost all killings of policemen. Yet, access to handguns is free and easy. This should end.

In contrast to the weak treatment of actions that endanger life stands the severity of laws dealing with the large category of victimless crimes such as vagrancy and public intoxication. We divert valuable capacity and energy from protection of life and property against more serious dangers.

But even more important in instilling wide disrespect for the laws of this nation is the severity of state laws dealing with such nonaddictive drugs as marijuana. The evidence that the use of marijuana is damaging is debatable as of now. Yet, possession of marijuana is a felony in most states, and first offenders have been sentenced to prison terms for 20 years or more. It is claimed that a high proportion of the nation's youth makes experimental or habitual use of marijuana. This makes them criminals under the laws and places them in flagrant opposition to public authority. When William Buckley, a Presidential Commission, the American Bar Association and CED all agree to remove criminal penalties against the use of marijuana, burdening a harassed police force with this problem merely makes policemen more harassed.

Although our focus is on the administration of justice, the committee is well aware that crime is also deeply rooted because of the social ills of our society. A community's most enduring protection against crime is to right the wrongs and cure the illnesses that tempt men to harm their neighbors. The affirmative inducements to a better life are imperatives of a decent people. But, that people cannot complacently wait and rely on social improvement to resolve the problem of crime. It must deal forthrightly and directly with the inadequate organization, management and financing of the criminal justice system.

Many of us here are classified as businessmen. We preach and hopefully practice the doctrines of rational management in our inner sanctum. Public functions are not identical to business enterprises, so we do not expect the criminal justice system to be run like a business corporation. But to tolerate a system that totally lacks a semblance of reasonably modern administrative adequacy is not excusable on the ground that it is public business.

The Nation's business community in 1973 must exert all the power it possesses to promote an end to the travesty called criminal justice.

I was quoting from the words of Mr. Philip Klutznick.

In conclusion, I would like to comment briefly upon the achievements in Washington, D.C., particularly the rollback in reported offenses of a serious nature. I would like to point out that there is a single, relatively unified government in the District, in contrast to the fragmented and overlapping arrangements common in most parts of the country.

The court system has been remodeled, strenuous efforts have been made to improve the correctional system, while the District Police Force has been enormously expanded under able leadership. These changes have been very costly, of course.

Police protection alone (not including the Park Police, the Federal Protective Service, or the congressional forces) has tripled in cost in the past 5 years. Estimated expenditure for police protection for the present fiscal year is $109.4 million. This is about $143 per capita per annum, a figure which if extended to the entire population of the United States would come to $30 billion per year over and above the costs of courts, prosecution, and corrections.

The trustees of CED, as you may surmise, would much prefer an improved system of justice at lower cost than that, but we believe the problem has to be faced and forceful measures have to be taken to restore a safe and secure community.

It would be an unpardonable error to depend upon the 3,000 counties and the 18,000 smaller municipalities to bring the vast power of organized crime or the worldwide traffic in hard drugs under control. The world has changed greatly since our forefathers placed the main burden of law enforcement on these small and relatively helpless local jurisdictions. The net tax-evaded annual income of organized crime has generally been estimated at $20 billion or more, an amount that

exceeds the full value of real estate taxable by any but a handful of this country's local government.

It is unfair and it will be futile, indeed, to expect the suburban or small town police force, the sheriff, the township constable, the typical district attorney, the magistrate's court, or the justice of the peace to come to grips with a challenge of this order of magnitude.

Only 400 counties even have any kind of chief executive, elective or appointive, and adoptions of this reform number only 30 or 40 per year. At that rate it will be 70 years before all 3,000 counties have taken this elementary step toward competent government. The international crime problem confronting this Nation requires a strong national program, carried out in the main through strong and greatly improved State and local agencies of law enforcement.

Thank you again for this opportunity to present CED's point of view. This committee and the Congress will have solid and sustained support from CED trustees and, I believe, from the entire business community of the United States in the development of a sound and effective program for solution of the overwhelming problem that confronts the Nation.

Seventy of the 200 CED trustees had a direct and active role in the issuance of our statement. They gave their unanimous support, without a single negative vote, to the document. We are most grateful for this hearing of our views.

Thank you, sir.

Chairman RODINO [presiding]. Thank you very much, Mr. Weinberg. I personally wish to express my thanks and appreciation to your Committee for Economic Development for the interest you have taken and for your appearance here this morning. You have made a very fine statement.

Mr. Weinberg, one of the great concerns that has always been put to the Congress when we start talking about taking a leadership role in the fight against crime is that if we make any real effort to rely heavily on Federal standards we will be in danger of chartering a national police force. And that apparently is one of the concerns that eventually led to the bloc-grant system of funding, after the Johnson administration bill was first proposed.

I might say that I was initially opposed to the idea of the bloc-grant system because I foresaw some of the problems that might arise. I have never been persuaded, personally, that with the Federal Government taking the leadership role it means a national police force.

On the contrary, I feel that the national standards, national goals and the national expertise we have developed in this area can be put to great use in fighting this problem of crime, that plagues all of us.

LEAA nonetheless took the national police force line in responding to your report last December.

I quote:

> There is simply no place in the American Republic for a Federal Authority to Ensure Justice. Such an agency, "endowed with a sweeping range of statutory powers" to set and enforce standards which would surely end in subverting this country's democratic liberties.

What comment can be made in response to that, from the standpoint of your committee's work?

Mr. WEINBERG. That is a very broad-ranging question, sir. I would say this, that there is certainly no intent to subvert democratic liberties in any aspect of our statement. I think our approach really was aimed at the most fundamental level of reducing crime and assuring justice.

I think we are not talking about a national police force, but rather attempting to establish standards and goals which State governments, regional authorities in their own right, would pursue according to their own rights.

When the Constitution calls for establishing justice and securing domestic tranquility, it does not specify that it has to be done by a national authority, but it establishes a national goal. And I guess we were addressing ourselves to the question: How, in the light of present history, could that best be done and at the same time protect the liberties of the people of the country?

Chairman RODINO. Mr. Weinberg, to the extent that the Congress may not fully choose to provide for a Federal authority with broad discretionary powers, I am wondering if we might have the comments of your committee regarding the merits of some of the proposed allocation formulas now before the subcommittee.

Mr. WEINBERG. Bob?

Chairman RODINO. I take it you would not favor a no-strings attached revenue-sharing mechanism; is that correct?

Mr. WEINBERG. Yes.

Chairman RODINO. The President's proposal states clearly that it is funding without any strings attached.

Mr. WEINBERG. May I ask Mr. Steadman to comment on that? Bob?

Mr. STEADMAN. Mr. Chairman, the CED is prohibited by its charter from commenting on pending legislation. CED is a nonprofit organization, a research organization, with tax-exempt status. And in my years with CED I know that the trustees were careful not to comment on specific legislative proposals before congressional committees.

As a matter of principle, the CED Committee position was taken very clearly that they did not favor, "no strings attached" grants of funds, as Mr. Weinberg has said here today.

Chairman RODINO. I guess then that I have to assume my next question might be one where the committee might not be in a position to make any official comment. But I am wondering whether or not you might have some observation—whether or not you might want to make any comments in some direction. That is regarding the current administration proposal which provides for no prior approval by LEAA of State plans as a precedent for funding.

Would you favor some sort of prior approval requirements, whereby Federal standards would have to be met?

Mr. WEINBERG. I would say so, as a bare minimum. I guess I would have to answer that as an individual and as a citizen, rather than as a trustee of CED. That certainly confirms the judgments, I think, of my fellow trustees as individuals that there should be some Federal standards to meet the requirements of this very unusual and what has to be considered a very depressing situation.

Mr. STEADMAN. I think it is very clear in the text that the document was issued long before this matter came before the committee, and that that was the position of the CED trustee.

Chairman RODINO. Would you be in a position to make a comment about the "variable" passthrough formula which the administration bill retains? Would you consider that as an adequate protection for the high-crime urban areas, or should Congress earmark directly funds for those areas, based on crime rate and population?

Mr. STEADMAN. The whole thrust of the discussions that I heard, as staff director, on this project, was toward aiming Federal funds at the problem, aiming Federal funds at the strengthening of State and local institutions to deal with the problem.

So, rather obviously, they did not take the view that the dollars should go in relation to population or in relation to how many specific units of government there were. They should be aimed at the solution of this problem in the most effective possible way.

Chairman RODINO. Would it appear to you, then, that a formula based on crime rate as well as population would more nearly meet the problem?

Mr. STEADMAN. I think that was their view but their approach was to give money, Federal money, in support of local expenditures that were being made by States and cities and county police forces, and so on; to give money where the expenditures were being made, and where standards are being met, where reasonable broad standards of effectiveness are being met.

In other words, Federal money should be used in support of the ongoing work of the State and local governments meeting high standards.

Chairman RODINO. Mr. Weinberg, reading your committee's report I note that you spend a considerable number of pages in detailing the major needs regarding correctional reform legislation.

I am wondering, in light of the fact that the administration bill proposes elimination of part E, the discretionary funds in that area, can we expect the States to do the necessary job here?

Mr. WEINBERG. The necessary job has not been done and it seemed to us that by providing the incentive of Federal support, again, against well-defined standards, we would encourage the kind of progress that is necessary to deal with the problem.

Chairman RODINO. Do you feel that this area is an area that needs a lot of attention?

Mr. WEINBERG. Yes, sir.

Mr. STEADMAN. If I may add, this was particularly felt about probation and parole: That the people under supervision, as a result of conviction or detention as juveniles for criminal actions and the number of people under control, as Mr. Weinberg just said, was three to four times as great under probation and parole as are in the prisons, jails, and institutions of detention. Something in the neighborhood of 1½ million American citizens are under the supervision of these people.

And the elementary standards that were recommended by the Wickersham Commission 40 years ago, of not to exceed 35 persons per supervisor, are outrageously exceeded in almost every community in the United States.

So, in a way, the main correctional effort in this country is in the hands of probation and parole officers.

Mr. WEINBERG. Right today?

Mr. STEADMAN. Right today—and they are poorly supervised, generally untrained, underpaid. And the committee felt very strongly about this in its discussion, that this particular field especially needed sweeping reform and improvement.

Chairman RODINO. Thank you very much.

Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

I want to try to clarify in my own mind just exactly what the position of CED is.

On the one hand, I have the understanding that you propose that Federal standards be legislated and that the parceling out of Federal funds to law enforcement, either State or local, should be conditioned quite strictly on the basis of maintaining those Federal standards.

Then, on the other hand Mr. Steadman said—perhaps I took him out of context—that the aim of your organization in this field would be to strengthen State and local governments.

It seems to me that if Federal standards are to be imposed on recipients as a condition for funding, you are not strengthening them. You are making them comply to a Federal standard. The decision is no longer theirs. They are simply carrying out orders. They don't have any discretion at their level. They are simply, in effect, administrative subdivisions of one central government.

This seems to me to fly very strongly in the face of the traditional concept of federalism.

I would like to ask you this from the standpoint of political realities. I wonder whether the Governors of the States would be willing to accept the proposition of having to adhere very strictly to Federal standards which in the end, of course, are to be established by some bureaucracy, for that is the way Federal standards on anything are set up. Will the Governors go along with that? Will the mayors of cities go along with that? The mayors are asking for direct Federal grants for themselves so that they may avoid State dictation. But I wish that perhaps you would clarify what I consider to be an inconsistent position.

On the one hand you insist on these strong Federal standards being adhered to, and on the other hand you want to strengthen State and local governments.

Mr. STEADMAN. In the legal sense, it seems to me that what you have just been saying has great merit but in the practical sense I think it may not.

The authority of the States is always subject to the provisions of the Constitution, and Federal action. It provides authority to act. So there is nothing new in that concept, certainly; but as to whether or not independence of action at the State level is to be removed, much of it would depend on the degree of detail included in the Federal standards.

There is a standard of due process in the Federal Constitution. The States are expected to observe that or are required to observe it. And this is a part, in a sense, of the whole concept of due process.

The States have not provided an adequate or proper system of criminal justice. The range and extent of crime is very serious. It has become a national problem. And so the issue is: How can the States be

encouraged to take the measures, take the steps, that are essential.

Now, it would be an ideal, or a far different situation entirely, if the States were fulfilling their responsibilities in this respect, and it seems perfectly clear that they have not been doing this on their own initiative. It may in part be due to lack of resources, which CED has proposed that the Federal Government should assist with, very liberally and generously, to carry out these responsibilities.

In the pragmatic sense it seems to me there is still a great range of opportunity at the urban police level and also in the judicial systems of the State and prosecuting systems, and so on, and in the correctional institutions there is certainly a very wide range of opportunities for the exercise of initiative, in line with the proposal which was made.

I hope I have not said the wrong thing.

Mr. WEINBERG. If I may make one additional comment, Mr. Hutchinson, on your question: I think the scope and intensity of this problem of crime and criminal justice were viewed by the committee as so broad and so extensive that, in effect, the nature of the problem prevailed upon a group of men who normally, I would say, are federalists by inclination, to dispense with that in the interests of this problem of securing Federal justice.

The seriousness of the problem described by all the people who came before us was of such magnitude, and the present setting of the problem was of such urgency that we felt that this had to be done in order to approach the problem with any assurance at all that we would begin to get at a solution of it.

Mr. HUTCHINSON. Well, is it your position that the States and their political subdivisions can, of course, go their own independent way in the field of criminal justice, so long as they did not seek to obtain Federal funds in the effort? For once they start to obtain Federal funds, the price would be rather strict Federal control.

Mr. WEINBERG. You can say strict Federal control and I think we would hope that it would be used more as compliance with some wisely defined provisions and standards.

Mr. HUTCHINSON. Who is going to define those wise standards? Who is going to set those up?

Mr. STEADMAN. That is the reason the Congress should set "broadly defined standards," basically, but we would hope not in intricate detail

And whole point in the "Federal authority to insure justice" is an organization which, after careful deliberation, sets up the more detailed provisions and insures appropriate performance in the operation of the system, nationally.

There should be a delegation to this body of seven members, perhaps, or nine, of the detailed formulation of the standards in line with a broad definition that the Congress might set.

Mr. HUTCHINSON. This would be a nationally appointed body of seven or nine people?

Mr. STEADMAN. Right; appointed by the President.

Mr. HUTCHINSON. And confirmed by the Senate?

Mr. STEADMAN. And confirmed by the Senate.

Mr. HUTCHINSON. In that kind of a setup the House has no role.

Mr. STEADMAN. I am sorry about that.

Mr. HUTCHINSON. We in the House may be concerned about that a bit.

Mr. WEINBERG. But there is a group that I think we have proposed to sit with, and I guess to advise with the Federal authority on a periodic basis—I think monthly or quarterly—which would consist of Members of this branch of Congress, as well as possibly retired senior justices from the Federal system and other systems of competence who would advise with the Federal authority and would provide, in effect, a kind of sounding board to cope, I think, with the kind of questions that you are very properly raising, as to who sets the standards.

Mr. HUTCHINSON. What kind of impact would the States and cities have in any such body?

Mr. STEADMAN. Perhaps governors or retired governors of great standing, men widely known, with high reputations. There is a bit of history on CED's effort in this, Mr. Hutchinson, that would interest you. Maybe I should not report this, but CED gave consideration to the formation of this group, this authority to insure justice, as composed possibly of equal numbers of people appointed by the Senate and the House and the U.S. Supreme Court and the President.

But Chief Justice Warren, now retired, when we talked with him about it, said that he was certain that the members of the Supreme Court would be unwilling to participate in that arrangement on constitutional grounds, which seemed to me to be very reasonable.

So, on more reflection we decided that we probably should fall into the pattern, which is well established, for commissions, among the great commissions already established, and say that the President of the United States should appoint the members, with the advice and consent of the Senate, and that an advisory commission participating with many of these elements of breadth and great national reputation and so on, would sit with the authority from time to time, quite frequently at the outset, monitoring and advising them in the solution of these problems as to what reasonable standards are.

Mr. HUTCHINSON. I don't want to pursue this unduly, but your own report says, and I think truthfully, that "the national government has no constitutional responsibility or direct authority for general law enforcement."

Mr. STEADMAN. Right.

Mr. HUTCHINSON. And this interesting statement is in a chapter headed: "Clearing the Hurdle of Federalism." So federalism is a "hurdle" in your view.

But, nonetheless, even though the national Government has no constitutional responsibility or direct authority for general law enforcement, you would set up a Federal authority to insure justice. Moreover, I do not see that you require any representation on the board by members of State governments or local governments, who do have the constitutional responsibility and direct authority for general law enforcement. They do not have any voice in your proposed authority. That is surprising.

Mr. STEADMAN. It is very hard to deal with 50 States.

Mr. HUTCHINSON. Oh, I see. Too many States, that's the problem. You would like to have the country divided up into regions, I take it. I see.

Mr. SEIBERLING [presiding]. Thank you, Mr. Hutchinson.

I wonder if I might direct a few questions to you, Mr. Weinberg and Mr. Steadman. I thought your report was excellent in terms of its analysis of the problem.

Certainly the system that we set up under the Omnibus Crime Control Act is not working; and as the Attorney General himself said to this committee only a few days ago, it has gotten bogged down in a morass of redtape.

So, obviously, we have to make some changes, and I think that your report quite correctly points out that because of the many different Federal agencies that have jurisdiction over various elements of the national effort against crime and for law enforcement, there is no single agency that has coordinating authority.

The Justice Department does not, and because of the politicization of the Justice Department, it is not in a very good position to assume that authority. So I think that your proposal for a "Federal Authority To Insure Justice" has some merit from that standpoint.

Now, when we get down to how to get the money out to the States, it just seems to me that, on the basis or experience with LEAA, even recognizing that it has had some administrative deficiencies, any time you set up a Federal agency that says you can only get the funds if you comply with certain standards, you get this situation where it gets bogged down in a morass of redtape.

So, I think that the Attorney General's proposal to have the funds go to the States in the form of revenue sharing, has merit to that extent. However, one of the troubles that I have with this proposal is that there is no guarantee that the State's administration of funds won't get bogged down in a morass of redtape.

So, what has been proposed in this and some other legislation here, is that we establish only three basic standards. One, that the funds be targeted at high crime rate urban areas, which takes care of most of the urban areas of the cities.

Second, that the money be distributed on the basis of the factor of recognizing population as having the weight of one, and the crime rate in the area the weight of two, so that we see that it gets to areas where there is high crime.

Third, that there be a condition that there be a regional crime prevention or law enforcement council. And finally, that the council have a plan, a regional plan, for the use of the funds.

Now, the theory behind this proposal is that in their close contact with local officials, the people at the local area can best judge whether the funds are being effectively spent because they are the ones that are going to be the victims of crime, particularly street crime, which is the thing we are most concerned about.

If they are not, this is the best way of seeing that they are, over a period of time. I wonder if you could comment on that approach as distinct from your approach and the administration's approach.

Mr. WEINBERG. Again, with the stricture that I guess we have, that we can't comment on existing legislation——

Mr. SEIBERLING. Well, I am not talking about the particular terms of a bill; I am talking about the general ideas. That is what we are really after.

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Mr. WEINBERG. Our study starts from the premise that what we have done has not worked, and that there are these enormous continuing problems that interfere with the administration of justice in the Federal courts.

So we took the position, having heard of the comment, and having seen the problem defined, in spades, you might say, by many, many people representing different kinds of constituencies, the police, mayors, people from correctional institutions, et cetera, that there had to be, on this particular matter, what we recognize, I think, was a very radical approach to the problem, more radical than that which is presently being contemplated and talked about.

Basically, what we are saying is that each State should, in effect, consolidate its judicial system separately from the prosecution system; that the prosecution system itself should be consolidated and professionalized, and that the police system, in effect, itself should be professionalized, with Federal incentives to do that, in order to deal with this problem.

If you had to look at it from the point of view of, let's say, the lowest man on the pole, who is the policeman, who has to deal with street crime, he finds the same people out doing the same things again and again, having been through the system any number of different times.

It seems to us that taking an admittedly strong approach by revising the whole State system, instead of having numbers of various court systems all up and down the line, we should really establish a strong statewide professionalized prosecution system, backed up by a consolidated system of State courts.

You then provide the best possible support at the level where the general public is most subject to the effects of the breakdown of the criminal justice system.

Mr. SEIBERLING. When you say "State courts": in my State of Ohio, the courts are set up by State law and they are part of the State court system. The only thing is that the judges happen to be elected, and maybe we have a different system. Maybe we have the Missouri plan, but there are elected judges.

So, I am a little at a loss as to how you would change the State system.

Mr. WEINBERG. Bob, do you want to comment on the proposal?

Mr. STEADMAN. Yes.

The recommendation is that a single State court system should exist, a single consolidated State court system, with a chief justice of the highest State court as the chief executive officer and with court administrator and staff, under his direction, to organize and manage the court system, assigning justices so there would be no local court system left except perhaps for traffic and for minor local offenses.

Mr. SEIBERLING. And the judges would be what? Appointed by the Governor or by the States sometimes?

Mr. STEADMAN. Yes; perhaps the Missouri plan or perhaps some modification of it. We took the position that this process should be nonpartisan so far as it is possible to do it; that partisan political elements should not be involved. And the document that is before you took the position that the election of judges, along with the raising of

campaign funds in judicial elections, is not conducive to the spirit of justice that the CED Committee thought should prevail.

The whole business of the election of judges can lend itself very strongly to abuses. I think this is agreed to, as with practically every other detail in our recommendations, by the American Judicature Society, and by pretty nearly every other group of objective observers and students of the court process.

Chief Justice Burger's recent efforts have been moving along similar lines. The reform of State court systems is something he pleads, urges, to be done. Yet the States are very slow, and the problem is often tied in with constitutional provisions, making it difficult to change.

The other day Governor Rockefeller of New York made the statement that there is a desperately urgent need to reform the court system of the city of New York—with which I believe every objective observer in the country would heartily agree.

But it seems so difficult to get this done and I guess this is our response to Mr. Hutchinson, too: it is so hard to get this done that some kind of very strong incentive is going to have to be provided to induce the States to make the change.

Mr. SEIBERLING. Your report also recommends that each State establish a State police system, which would be really general law enforcement police and not limited to highway patrol and that sort of thing.

I agree, by the way, that the thrust of this report would not set up a national police force. And I certainly would be opposed to a national police force. But does not the same objection apply basically to a general State police force?

If we are going to have the State take over this function, are we not jeopardizing local control and individual liberty?

Mr. STEADMAN. I think the thought in the CED Committee's discussions was not an exclusive State police force, necessarily taking over the whole thing, but rather the provision of strong professional police investigative activity in those areas of the State not served by strong local police forces.

Now, the State police organization, if it were expanded could be set up on a regional basis with separate units. But CED's proposal leaves in operation those local forces strong enough, well enough organized to function effectively at the local level.

And indeed, it would leave the sheriffs, the constables, all the other people, smalltown police units in operation. but would not give them financial support from the Federal Government.

Mr. SEIBERLING. How would you prevent the State police from gradually usurping the role of local police?

Mr. STEADMAN. On most felony situations there are large areas in every State in the Union that are not served by very competent police forces.

Mr. SEIBERLING. But is not the way to correct that to get the money to the local police and law enforcement people, so that they can train and hire competent police? Is that not really the answer? And to set some standards?

My thought would be that if the Federal Government sets the standards but does not say that is a condition precedent to getting

the money, "but we are going to evaluate you after the fact," if we have a better standard than we can do something about it.

Mr. STEADMAN. The 18,000 municipalities, a great majority of them, have less than a couple of thousand people. Then, there are the townships with their constables and hundreds of counties in this country have less than 5,000 inhabitants.

Mr. SEIBERLING. But that is not where the problem is; the problem is in the big urban areas and they have thousands of police.

Mr. STEADMAN. On this, if they do meet the standards, the CED position is that the money should be paid directly to the jurisdictions maintaining those forces. If it is a city, if it is the county, the assistance should go directly to the place where the problem is and where the burden lies, on the taxpayers of those communities, to try to deal with the problem whether it is in New York City or Washington, D.C., or wherever.

Mr. SEIBERLING. So you do not oppose that kind of direct grant as long as there are some reasonable standards to make sure it goes where it is needed? Is that the idea?

Mr. WEINBERG. And as long as there is professional competence built into the system to handle it. We have referred to the drug problem here, as one that is really beyond the capacity of even most of the very largest cities, to deal with.

Mr. SEIBERLING. Is it fair to characterize your proposal as being concerned about two things: that we do everything that we can to strengthen local law enforcement, which is where street crime has to be met, but that we also need to do something at the State level and the Federal level to be more effective in dealing with organized crime? Is that basically the thrust of your approach?

Mr. WEINBERG. I think that is the thrust of it, sir, with respect to the handling of street crimes but I think the report tries to get across the point that just trying to deal with street crime itself, without looking at the judiciary and the prosecution system alone, does not do as much as it appears has to be done.

Mr. SEIBERLING. I think a great deal needs to be done in that direction and I would only say that I do not think the Federal Government has any monopoly of wisdom on that score, but we can encourage the local governments to move in the direction that modern knowledge and study indicate they should go.

Well, I have taken up too much time.

Mr. McClory?

Mr. MCCLORY. Thank you, Mr. Chairman.

I want to commend you on your statement and your report. It certainly is very stimulating.

In perusing the pages of this report, "Reducing Crime and Assuring Justice," I note some of your distinguished trustees with whom I am acquainted. A great many of them are well known. So I know that you have very sound and wide-ranging direction, particularly from the business community.

I would say in general that your statement and the report, however, are not really practical or too useful for our present consideration. They tend to indicate ideals and goals and objectives that a well-meaning, thoughtful citizen might accept. I could not disagree with

many of them, but to suggest to our committee at this time that all police functions should be taken over by the States or that we should remove handguns from all private hands—they just don't have any connection with reality as far as our immediate problem is concerned.

I appreciate your unwillingness to comment on pending legislation. However, you are being critical of existing legislation.

As far as I can see, except in perhaps a few cases, witnesses are suggesting real solutions that might, here and now, this year, in this Congress, provide the American people with a safer society.

My principal work on the 1968 act was in behalf of an amendment establishing a National Institute on Law Enforcement and Criminal Justice, which after House passage was diluted and gutted and never adequately funded. So the goals of providing high-level guidance and direction, evaluations of State and local projects that were funded by the LEAA and projects funded by the National Institute, opportunities for the kind of training which we need in every aspect of law enforcement such as prevention, community relations, and rehabilitation—none of these goals were attained.

Now, you have not made any reference to that, as far as I can see, in your statement. And yet it seems to me that the Institute would be a vehicle which would help attain many of the goals that you would like to have attained.

Would you like to comment on my observations?

Mr. STEADMAN. Well, the committee did not give that whole subject the attention which probably it deserves. The objective is clearly in harmony, however, with the things that the CED document came forward with. And the American Bar Association, I know, is making extensive use of the document before you in its meetings in States and regionally and looks upon it as kind of a parallel set of proposals.

As to your comment on here and now versus long-range ideals and objectives, there is a possible bridge if enough time is allowed. For instance: Instead of saying, "should this set of things be put into effect today?" if they were put into effect over a period of time, step by step, or if the structure is set up which will bring pressures to bear to see that these objectives are step by step reached, then maybe that is a more practical way to go about it.

And on the subject of prosecution, for an example, instead of going instantly to a single State system, if there is stronger supervision by the Attorney General, if the provision of additional personnel from his office is made to clear up congested dockets, if a series of steps could be taken, one by one, to move in that general direction of central leadership and authority, that might be a solution.

Mr. MCCLORY. Let me just offer one other bit of practical advice. I have been supporting for a long time Federal registration of all handguns. As you point out, the handgun is the principal weapon used in crimes of violence; it is the almost exclusive weapon used in killing policemen. But when I try to advance this measure for Federal registration of handguns, the principal objection is that I am trying to remove handguns from private hands.

Now, what you do is come in here and fuel that fear. We do not need to remove handguns from private hands. We could take a long step toward reducing the amount of crime and death, if we merely legislated Federal registration of handguns.

So I would hope that perhaps we could take a practical step, in addition to stimulating ourselves by viewing some ideals that we all want to attain.

Mr. WEINBERG. I think that is a valid point, Mr. McClory. I also would like to say this on the part of the trustees: We were not trying to write legislation; we were trying to represent to the Government the really severe concern we have with what is going on in the criminal justice system.

I suspect many of the things we are talking about you can properly class as ideals, ideals that may not be practical at the moment, but I would have to say affect our views as to the way we ought to be moving in these areas to come up against the solutions of the problems that we are all having to live with.

Mr. STEADMAN. I was astonished, if I could add the point, to learn that Florida has been added to the States, that short list of States, that have State prosecuting systems already. Alaska, Delaware, Rhode Island and two others, Connecticut and New Jersey have State-appointed local prosecutors. Florida has joined that list, making six now. And they have also adopted a statewide unified court system.

So there is movement. It is not an impossibility to move in this direction if sufficient support is generated at the local and State level.

We are very sympathetic, sir, to the problems of local government and I may say, you may know one of my sons who happens to be mayor of your city.

Mr. MCCLORY. I was not sure about that. Yes; and we have a very excellent record there for law enforcement and even-handed justice.

Mr. STEADMAN. He tries hard.

Mr. SEIBERLING. Thank you, Mr. McClory.

Mr. Mezvinsky.

Mr. MEZVINSKY. I will not keep you much longer.

Initially, though, I am somewhat concerned that you do not comment on existing legislation. Did I understand that right?

Mr. STEADMAN. Pending legislation. Existing legislation exists. We do not want to be lobbyists, if you like, on matters currently at issue. You know, specific legislation.

Mr. MEZVINSKY. So you are saying, then, that you really do not want to comment about the administration bill?

Mr. STEADMAN. Not about that specific bill; no, sir.

Mr. MEZVINSKY. Can you give me the reasoning why you cannot take a position on the bill, or discuss the provisions within that bill? Because, you know, we are discussing this legislation. It is significant. It has as its whole focus what is going to happen regarding crime in this country, and somehow you say we cannot discuss the bills that are before the committee? It is very hard for me to understand.

Mr. WEINBERG. I think the reason has to do with the Tax Reform Act, among others. It states that a tax-exempt organization, which we are, is of such a nature that we exist by contributions of individuals and foundations and businesses to study matters of import to the public. And I think the legislation makes it illegal for us, therefore, to try to influence current legislation.

I believe that is in the language of the 1969 Tax Reform Act. It is for that reason that we feel free to comment on problems and to com-

ment on situations and to make recommendations for the improvement of the lot of the citizenry, but at the same time we are not permitted, by law, to come in on legislation which is being considered.

Mr. MEZVINSKY. Public interest groups in the same category have formed two arms. One is the research arm, the other is the arm that tries to focus on particular bills that are before the committee. So I would, I guess, wonder why the CED would not take a similar position. But I do not really want to get involved now.

However, I would suggest that that may be helpful in the future.

In the foreword to your report you point out your serious concern about crime. In view of the makeup of your committee, what has been done about white collar crime?

Mr. WEINBERG. Bob, do you want to comment on that?

Mr. STEADMAN. Yes; we take a very strong position in one of the sections right toward the end—a rather preachy position—about the role and responsibility of individual businessmen, their responsibility for cooperation and in dealing with organized crime; their responsibility as citizens. And there is full recognition that this is one of the really serious problems confronting business enterprise in this country.

You will find it on page 62 of our report.

Mr. WEINBERG. The section starts on page 61. I might parenthetically say we felt it to be appropriate since we do largely represent the business community, to in no way, shape, or form put out a report without commenting on that very fact, because it is important.

And I hope we have covered it and I hope we have covered it adequately here.

Mr. STEADMAN. There is one figure that came out the other day, probably right: That all the bank robberies in the United States every year involve something like one-fifth as much or one-fourth as much money as embezzled internally.

Mr. WEINBERG. I might add that I happen to be in the investment banking business and on page 62 there is a chart that shows that investment banks in terms of the cost of crime against our industry, are listed here in 1971 as being sufferers to the extent of $1 billion.

So there isn't any reason why business can't be expected to take a much more prominent position with respect to administration of criminal justice than has been the case.

Mr. MEZVINSKY. In view of that feeling, would you feel that the Federal Government, along with the States, should attempt to utilize and better utilize some of these LEAA funds for strong antitrust enforcement provisions?

Mr. WEINBERG. We are talking about the criminal justice system. I guess the antitrust enforcement is another important issue.

Mr. MEZVINSKY. You are aware that LEAA funds can be directed for such purposes?

Mr. WEINBERG. No, sir, I was not aware of it. I see no reason why antitrust laws should not be enforced just like other laws; that is the role of the Federal Government and it is proper legislation.

Mr. MEZVINSKY. So, this is a proper area of concern that should be watched by CED and focused upon?

Mr. WEINBERG. I think we concentrated on antitrust before. I do not think anybody in economic development is against the antitrust

laws. This had to do with concentrating on crime in the streets, concentrating on the law enforcement system, and not specifically related to the antitrust laws.

Mr. MEZVINSKY. When we talk about white collar crime, however, we may very well have to bring in that factor.

I might close by raising one additional question, particularly since your report has as one of its concerns the upgrading of police forces. Great concern has been expressed to me regarding the process of civil service testing as it currently affects police officers. Many courts are overturning results of these tests, saying they are invalid. This bears greatly on the minds of policemen on the beat who have spent years and spent great sums of money preparing for these exams, so as to move up the ladder.

Has your committee looked into the needs in this area? I know that it is a grave problem in the city of New York, for example.

Mr. STEADMAN. Yes; Commissioner Murphy had his chief deputy attend several of our meetings. He didn't personally, but I talked with him at some length.

The problem is not dealt with specifically but the aim here, as far as the police departments are concerned, is to encourage lateral movement from one department to another—promotions outside as well as inside the force, and the recognition of quality and ability and managerial skill and managerial training, as well as just years of service.

The civil service obsession in the city of New York—now I am speaking personally—is a very sad feature of that city's life, as are the rigidities resulting from it: I am sure this is injurious to the city. And most people concerned with government organizational structures in that area, I think, would agree with what I have said. It is a personal opinion; not the CED position.

Mr. WEINBERG. I would say that the report speaks to the importance of professionalizing the police force. And to the extent that that means training and competence, you know the very able people who make up the bulk of these—enabling them to go up and improve their positions.

It seems to me the report speaks to that and favors it.

Mr. MEZVINSKY. Yes; I would look into the testing procedures.

Well, I appreciate your report and I think it focuses on fine ideals. I would hope that in the future maybe you would be able to put yourself in such a legal position, which I think is feasible under the tax laws, that you, in fact, could comment on pending bills before the committee.

Mr. SEIBERLING. Thank you, Mr. Weinberg and Mr. Steadman, yours was a very effective presentation.

Mr. WEINBERG. Thank you.

Mr. STEADMAN. Thank you very much.

[The prepared statement of Mr. Weinberg follows:]

STATEMENT OF SIDNEY J. WEINBERG, JR.

Mr. Chairman and members of the Committee on the Judiciary: my name is Sidney J. Weinberg, Jr. I am a partner in the firm of Goldman, Sachs & Co., but I appear here today on behalf of the Research and Policy Committee of the Committee for Economic Development, of which I am a Trustee, to discuss the policy statement, "Reducing Crime and Assuring Justice," issued in June of 1972.

Your invitation to testify on this vital subject is much appreciated, both by me and by all those in the Committee for Economic Development who took part in the preparation and approval of that document. I regret that Hon. Wayne E. Thompson, Senior Vice President of Dayton Hudson Corporation, formerly City Manager of Oakland, California (widely known for his contributions to the field of law enforcement), who was Chairman of the Subcommittee of CED on Improvement of Management in Government that had primary responsibility for preparation of the document, could not be here today because of prior business commitments. For the same reason Hon. Philip M. Klutznick, Chairman of the Executive Committee of the Urban Investment and Development Co. and Chairman of the Committee for Economic Development's Research and Policy Committee, which carefully reviewed the document and approved its issuance, finds it impossible to be present. But I am confident that I speak for them and for both the Research and Policy Committee and the Committee for Improvement of Management in Government, since I took part as a member of those Committees.

At the outset I wish to correct the impression left by the Honorable Richard G. Kleindienst, Attorney General of the United States, in his Testimony before this Committee on March 15 last. He referred to our policy statement as "the CED staff's views." CED policy statements represent the views of the Trustees who are members of the Research and Policy Committee, and those Trustees take full responsibility for every recommendation contained in them. Moreover, this responsibility is not taken lightly; the Trustees consider carefully and in detail every statement so issued. In this sense, "the staff's views" are immaterial.

Our policy statement speaks for itself. It was drafted with great care, with the assistance of many of the most knowledgeable authorities in the field of criminal justice in this country and after many months of intensive deliberation. The names of all Trustees who take responsibility for that statement and assisted actively in its preparation, of the able Advisory Board, and of other major contributors, are found on pages 5, 6, and 8 of the document in your hands. The main thrust of the statement is toward strengthening and improving the functions of the states and cities in the field of criminal justice. Hence, we take issue with Attorney General Kleindienst's assessment of our approach as "centralist." Perhaps I should explain the reasoning which led us to our conclusions.

First, the extent of crime in this country in 1967 had reached a level recognized to be of crisis proportions. But a situation that was very bad then has grown much, much worse. In three years from 1968, when Congress took action through the Safe Streets Act, until 1971, offenses known to the police according to the FBI Uniform Crime Reports rose sharply—criminal homicides up 29 percent, forcible rapes up 35 percent, robberies up 47 percent, aggravated assaults up 29 percent, and the three Index Crimes against property up 34 percent. It is hard to understand the cheerfulness current in some circles about the present condition, in the face of preliminary reports for the first nine months of 1972, from the same source, of nationwide increases of 5 percent for homicides, 13 percent for forcible rapes, and 7 percent for aggravated assaults. The rapid increases in suburban and rural crime are most alarming.

Second, the measures taken so far to deal with this situation have proved to be wholly inadequate. The so-called Index Crimes are only part of the grim story. Other crimes of every kind and description are on the increase. Cargo thefts, inventory pilferage, and the "disappearance" of securities are merely examples. The business community has to be deeply concerned, when the U.S. Department of Commerce placed the 1971 cost of crimes against business at $16 billion, as shown on page 62 of our statement. I do not know one businessman who feels euphoric about all this. Even a standstill situation would be wholly unacceptable; these levels of criminal activity have to be rolled back to 1968 and on back to 1960 before the threat to our economy and to national stability can be mastered.

Third, our policy statement is limited to the administration of criminal justice, as such. However controversial the underlying causes of crime, and whatever social ills may require correction, an insistence upon even-handed justice in dealing with criminal cases is more than an ideal; it is an elementary necessity. In its first sentence, the Constitution of the United States lists as its first specific purpose the establishment of justice and the insurance of domestic tranquility.

Fourth, since the sweep and scope of crime is nationwide, it calls for national attention and national solutions. The judicious expenditure of federal funds for wisely-planned purposes is, therefore, fully justified.

Fifth, the constitutional responsibility for most elements in the administration of criminal justice in this country rests upon the fifty states. To say that they have not fully or satisfactorily discharged that responsibility would be something of an understatement. There have been some improvements in the criminal codes, in the court systems, and in some other aspects of this field, but all of this is far short of what will have to be done to solve our national dilemma. The states have placed the main burden of law enforcement and prosecution on their local units of government, their cities, counties, and townships, which have been unable to perform their functions with suitable effect.

Sixth, all the evidence submitted to us in 1971 and 1972 was to the effect that prevailing conditions in the field of criminal justice are generally intolerable. State criminal codes are still obsolete; the criminal courts are congested, making the constitutional guarantee of a speedy trial merely a mockery; prosecuting staffs are overburdened even when qualified for their work; probation and parole staffs responsible for supervision of three to four times as many persons as are found in all the prisons, are scandalously inadequate; state correctional assistance and the 4,000 local jails and prisons are seldom worthy of commendation; and only a few of the nation's 30,000 police forces are under highly qualified management or able to cope with the challenge of these times.

Seventh, just pouring more money into this situation will not produce many beneficial results. Our CED statement recognizes the probable need for additional funds to bring our so-called system of criminal justice up to decent standards, but the present condition of the Treasury is such that federal funds should be spent with due caution.

Eighth, nearly everyone familiar with present conditions is agreed upon the proposition that major changes are needed. Moreover, there are reasonable standards and goals which most observers would accept as reasonable and proper.

Ninth, since the fifty states are the key to our situation, and since added funds will be needed to accomplish certain necessary reforms, federal assistance should be made available to them but only upon condition that reasonable standards will be met.

Tenth, the Safe Streets Act and the Law Enforcement Assistance Administration have been a grave disappointment, both in respect to the setting of rational standards and goals, and in the weakness of evaluative efforts. A new and superior mechanism is needed, established above the level of partisan politics, with authority to refine and effectuate basic standards set by Congress as conditions for heavy federal aid.

(Parenthetically, Chief Justice Warren E. Burger has recognized the imperative necessity for a comprehensive and unbiased review of the whole structure of American justice in his support for establishment of "a National Institute of Justice." His view has obtained the support of the American Bar Association, among others. CED has not given consideration to this specific proposal, but we note that it is not viewed by the Bar Association as at all out of harmony with our basic CED proposals. The underlying concept provides basic support for the CED position, although of course our statement goes beyond it.)

Eleventh, federal funds should be made available on a scale sufficient to secure the intended results. We recognize that this scale might be comparable with, or perhaps in substitution for, the funds supplied through the general revenue-sharing arrangements; moreover, the funds should be routed directly to those governments that maintain police forces meeting reasonable levels of professional competence, whether city, county, or state. Further, funds in support of unified state court systems, and in support of state managed or supervised prosecuting staffs, and in support of qualified probation, parole, and better correctional institutions, should be made available to the states up to as much as half of the total cost. No state, and no local government, would be compelled in any way to cooperate in achievement of these national objectives, but continuation of present arrangements and conditions should be left exclusively to state and local sources of financial support.

If I may, I would like to quote at some length from an address by Philip Klutznick, Co-Chairman of CED's Research and Policy Committee, before the Annual Sponsors Luncheon of the Philadelphia Crime Commission last January, on CED's position in this field.

"We offer no facile solutions, no miraculous nostrums to alleviate a perplexing and pervasive problem. Over the past forty years, many public and private com-

missions have studied these questions. We profited by their research and cogent views. Yet, the problems they uncovered remain largely unsolved.

"The CED statement makes some bold recommendations dealing with the courts, prosecution, police and corrections. It is not material that you accept or disagree with some of them. The major contribution does not lie in our individual proposals. We believe that these recommendations are important. But the real thrust of our report is that piecemeal efforts to reform the highly fragmented structure of criminal justice will fail. Almost every aspect of criminal justice is in great need of modernization; piecemeal tinkering may help some, but the underlying weaknesses will remain.

"An example of the interdependent nature of the criminal justice system is the U.S. Chamber of Commerce report that some judges have refused to incarcerate convicted defendants because the conditions of available correctional facilities are so bad. In fact, judges commonly refuse to sentence many first-time offenders to correctional institutions because the judges believe that the institutions serving as the proverbial school for crime will produce hardened criminals. Such defendants are frequently added to the caseload of already overburdened probation officers, which in turn creates a potential problem for the police.

"Discouraged by light sentences given to those against whom serious offenses are proved; discouraged by the wearisome hours they must spend in court just waiting to testify; discouraged by the frequent reduction of felony charges as the result of plea bargaining, police officers in many instances are forced to practice highly selective law enforcement. They arrest only those whose offenses seem to be worth the trouble of the aggravating ensuing process. On occasions patrolmen vent their frustration by personally acting as judge, jury and correctional official. The resulting community tensions and disrespect for law enforcement officials serve only to exacerbate an explosive condition.

"This suggests the need for a total, all-embracing overhaul of the present criminal justice system. The CED report sets forth such a plan. Generally, the present structure is in a state of organizational and administrative chaos, and riddled with management weaknesses at many levels. The Committee, therefore, proposed a complete administrative reorganization of the criminal justice system and a redistribution of responsibilities, functions, and financial support as between the various levels of government. We believe that local governments should be relieved of all obligations other than the maintenance of urban police forces, and each state should draw together all criminal justice activities into a strong State Department of Justice, and an independent judiciary under the aegis of the State. The federal role should be concentrated in a new, independent Federal Authority to Ensure Justice, which would be authorized to coordinate the fight against crime on the national level and provide strong financial incentives and support for the reorganization of state and local systems.

"CED recommends other reforms. It asks that high priority be given to the enactment of legislation making private possession of handguns a major criminal offense under both federal and state laws. Handguns account for over half of all murders and almost all killings of policemen. Yet, access to handguns is free and easy. This should end.

"In contrast to the weak treatment of actions that endanger life stands the severity of laws dealing with the large category of victimless crimes such as vagrancy and public intoxication. We divert valuable capacity and energy from protection of life and property against more serious dangers.

"But even more important in instilling wide disrespect for the laws of this nation is the severity of state laws dealing with such nonaddictive drugs as marijuana. The evidence that the use of marijuana is damaging is debatable as of now. Yet, possession of marijuana is a felony in most states, and first offenders have been sentenced to prison terms for 20 years or more. It is claimed that a high proportion of the nation's youth makes experimental or habitual use of marijuana. This makes them criminals under the laws and places them in flagrant opposition to public authority. When William Buckley, a Presidential Commission, the American Bar Association and CED all agree to remove criminal penalties against the use of marijuana, burdening a harassed police force with this problem merely makes policemen more harassed.

"Although our focus is on the administration of justice, the Committee is well aware that crime is also deeply rooted because of the social ills of our society. A community's most enduring protection against crime is to right the wrongs and cure the illnesses that tempt men to harm their neighbors. The

affirmative inducements to a better life are imperatives of a decent people. But, that people cannot complacently wait and rely on social improvement to resolve the problem of crime. It must deal forthrightly and directly with the inadequate organization, management and financing of the criminal justice system.

"Many of us here are classified as businessmen. We preach and hopefully practice the doctrines of rational management in our inner sanctum. Public functions are not identical to business enterprises, so we do not expect the criminal justice system to be run like a business corporation. But to tolerate a system that totally lacks a semblance of reasonably modern administrative adequacy is not excusable on the ground that it is public business.

"The nation's business community in 1973 must exert all the power it possesses to promote an end to the travesty called criminal justice."

In conclusion, I would like to comment briefly upon the achievements in Washington, D.C., particularly the rollback in reported offenses of a serious nature. I would like to point out that there is a single, relatively unified government in the District, in contrast to the fragmented and overlapping arrangements common in most parts of the country. The court system has been remodeled, strenuous efforts have been made to improve the correctional system, while the police force has been enormously expanded under able leadership. These changes have been very costly, of course. Police protection alone (not including the Park Police, the Federal Protective Service, or the Congressional Forces) has tripled in cost in the past five years. Estimated expenditure for police protection for the present fiscal year is $109.4 million. This is about $143 per capita per annum, a figure which if extended to the entire population of the United States would come to $30 billion per year over and above the costs of courts, prosecution, and corrections. The Trustees of CED, as you may surmise, would prefer an improved system of justice at lower cost than that, but the problem has to be faced and forceful measures have to be taken to restore a safe and secure community.

It would be an unpardonable error to depend upon the 3,000 counties and the 18,000 smaller municipalities to bring the vast power of organized crime or the world-wide traffic in hard drugs under control. The world has changed greatly since our forefathers placed the main burden of law enforcement on these small and relatively helpless local jurisdictions. The net tax-evaded annual income of organized crime has generally been estimated at $20 billion or more, an amount that exceeds the full value of real estate taxable by any but a handful of this country's local governments. As Attorney-General, the Hon. John N. Mitchell used the figure of $50 billion. The tentacles of the crime syndicates, hard drugs and all, have reached into many of the stronger law enforcement agencies, including those of the federal government.

It is unfair and it will be futile, indeed, to expect the suburban or small-town police force, the sheriff, the township constable, the typical district attorney, the magistrate's court, or the justice of the peace to come to grips with a challenge of this order of magnitude. Only 400 counties even have any kind of chief executive, elective or appointive, and adoptions of this reform number only 30 or 40 per year. At that rate, it will be 70 years before all 3,000 counties have taken this elementary step toward competent government. The international problem confronting this nation requires a strong national program, carried out in the main through strong and greatly improved state and local agencies of law enforcement.

Thank you, again, for this opportunity to present CED's point of view. This Committee and the Congress will have solid and sustained support from CED Trustees and, I believe, from the entire business community of the United States in the development of a sound and effective program for solution of the overwhelming problem that confronts the nation. Seventy of the 200 CED Trustees had a direct and active role in the issuance of our statement. They gave their unanimous support, without a single negative vote, to the document. We are most grateful for this hearing of our views.

Mr. SEIBERLING. The next witness will be Mrs. Sarah C. Carey, Assistant Director, Lawyers' Committee for Civil Rights Under Law.

Is Mrs. Carey here?

You may proceed, Mrs. Carey.

TESTIMONY OF SARAH C. CAREY, ASSISTANT DIRECTOR, LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

Mrs. CAREY. Unlike the CED representatives. I have addressed most of my comments to the proposed legislation that the Attorney General has recommended for administration of this program.

I would like at the outset to comment that most of the observations that our staff has put together on the administration of the LEAA program to date are contained in a publication we put out several months ago, "Law and Disorder—3," and its predecessors, Law and Disorder—1 and 2."

Those reports review the manner in which the Federal agency carries out the responsibilities over which it has direct control: The Research Institute, the discretionary grants, the manpower programs, and civil rights responsibilities.

And they further examined in case study form five States, to look at the way in which they have carried out their responsibilities as related to both the Federal Government and local government.

So I offer "Law and Disorder—3" now for the benefit of those of you who have not had the opportunity of seeing it.

Now, I would like to point out, after looking at the Attorney General's bill, that our reaction was that the administration is, in effect, proposing to put into law the manner in which they have already administered the program. So as a practical effect, little will change. As far as the legal effect is concerned, there will be substantial change.

The new bill, in effect, greatly reduces the opportunities for the exercise of Federal leadership in regard to the development of State plans, in regard to evaluation of programs that are funded under the act, and in regard to a host of other substantive and administrative aspects of the program.

This, as I suggest, is really the way the program has been administered. It has been administered as a no-strings-attached revenue-sharing program, and this is a somewhat belated request from Congress for approval to carry out the program in that manner.

As our report shows, in the 4 years since its creation, LEAA has imposed few standards, guidelines, or restraints on the States to govern the expenditure of the bloc grant funds and has not even been willing to assist them in developing viable planning mechanisms at the State and local level.

As the case studies of the States show, many States have wasted a substantial amount of funds trying to figure out what on earth their intrastate planning structure will look like, whether the local regional body will have real responsibility, or whether it will be advisory, whether it will be controlled by the Governor, whether it will be controlled by the local people, and so on.

And LEAA has not stepped into that area of uncertainty. Similarly, in regard to the research program of the National Institute, the discretionary programs and manpower training, LEAA has not chosen to play a vigorous role in trying to find out what really works in combating crime in a manner that helps the States to make more informed decisions.

LEAA has, as you know, been hit by the GAO and by the Government Operations Committee, for failure to make evaluations and for failure to give technical assistance. I think the mayors were up before you last week almost pleading for technical assistance.

So that overall you have had 4 years of virtually no leadership.

You asked the question of Mr. Kleindienst and of others as to whether or not the States and localities have been given the tools that they need to combat crime. And I think the answer to that is that if you, the Congress, consider money to be the only tool necessary, then in effect, the Federal Government has provided the tools.

If you consider it to be more than that, then they have not. So you, it seems to me, are faced with two basic questions. One is whether the program should be continued at all, whether you want to have a major Federal handout for anticrime programs; and, second, what form that handout should take, whether it should be a simple check-writing process, as one of the associate administrators of LEAA has described the program in the past, or whether it should be a distribution of funds that somehow tries to inculcate and stimulate and encourage reform or basic changes in the operations of the criminal justice system.

I think those are the two questions that you are faced with.

The agency itself, LEAA, has answered it partially by indicating that it does not want a Federal leadership role, and, strangely enough, the States have in a way provided partial answers against reform.

One of the striking things that we found in looking at the State programs was that despite the initial concept of LEAA as Federal assistance to design new plans and programs, that once proven successful would be taken over by State governments, the States have by and large not absorbed even those programs that have been dramatically successful, but have relied on continuation grants from LEAA.

This means, for example, that in Boston, where there has been a highly successful public defender in the Roxbury lower income section of the city, the State public defender's program has been unwilling to put it into their budget and to ask the State to fund it.

So, LEAA has funded it each year through continuation grants. In effect, the program, although it was not conceived that way, already is very much a revenue-sharing program. And this is despite provisions in the act that say, well, for example: Section 3733(a) requires a demonstration in the State plan, of a willingness on behalf of the States to assume the cost of improvements after a reasonable period of Federal assistance.

And as you know, these are also nonsupplant provisions in the present bill. Both of these sections are to be eliminated in the Attorney General's bill, but they have already been eliminated as a practical matter.

Looking at the two questions of whether the Federal Government really ought to provide substantial funding in the crime area and how they ought to do it, I would like to examine some of the specific provisions in the legislation that was introduced by Congressman Hutchinson on behalf of the administration.

Mr. SEIBERLING. May I ask: are you planning to summarize your statement, because if you could that would help us? We are beginning

to get a little close to the time when the House convenes. So if you can summarize it, we will put the whole written statement in the record.

Mrs. CAREY. That will be fine.

Mr. SEIBERLING. Thank you.

Mrs. CAREY. Starting with the State planning process, the administration bill, as you know, eliminates the requirement of having a State planning agency and places responsibility for planning squarely in the office of the Governor.

The State is required to submit an initial plan that gets updated every 3 years or must be resubmitted every 3 years, but the plan is not a condition of funding.

There are certain new provisions to insure openness in meetings and so on, but essentially the planning responsibility remains the responsibility of the Governor.

Now, one of the main points that we found in all of our States was that State legislatures have been cut out of this process altogether. And I think it is very curious that revenue sharing, which is supposedly giving moneys back to the States, mean giving moneys to the executive only.

I think you run into the danger of building up the executive at the expense of the legislative branch, which we have already had some unfortunate precedents for at the national level. And I think it is terribly important to consider the role of the elected legislative representatives in State governments for deciding what the policies and program priorities will be.

The way the program is pitched at present, that is unlikely because there is no State match required. The States do not have to come up with any money; therefore, their appropriations committees will not be reviewing any of the activities of the planning bodies.

But there are other ways to involve the legislatives, such as requiring them to approve the State plan by giving them a 60-day review period or some other such procedure that could and should be built into any kind of revenue-sharing activity to make certain that it is not just the Governor's baby.

And I think we already have enough precedents from programs that are 100-percent federally funded and that we are locked into the Governor's office, such as the United States Employment Service system, of how low the performance level can be when the program is cut off from any kind of real public accountability.

I don't think the new provisions for publication of plans and open meetings compensate for this lack, even though they are a welcome addition to a program that has been pretty much behind closed doors in many of its operations.

If the legislatures are not to be built up in their role, then perhaps there would be some way of giving citizens greater control through required hearings or some other such process.

I think—and I will just skim over some of these points—another point in regard to the planning process that is important is the fact that the bill presently cuts out the cities. The States are supposed to take into account the needs of local governments and to encourage local initiative. But there is nothing in the bill that gives the cities any actual authority to determine their own destinies.

I think the bill that Congressman Stanton has introduced raises some interesting suggestions as to how that might be handled. The experience in the State of Ohio, which we detail in our report, where they have given regional planning units full control of funding decisions once they meet certain minimum State standards, is probably a model that the committee ought to look at if you want to cut the cities in and give them a role.

And I agree with what the mayors told you on that issue.

Mr. SEIBERLING. Let me say that unfortunately not all States are blessed with as good an administration as the State of Ohio has right now. That is one of our problems, to see that the same level of quality and service in this area goes to all of the areas that are administered and are administering LEAA funds.

Mrs. CAREY. I think that is a real concern and when you have that concern it is hard to get away from some kind of national standards within which the State operation fits.

I also think the Ohio model raises another interesting direction, which is that they have deliberately tried to broaden their planning boards beyond strictly law enforcement people. They have a requirement that the supervisory boards should include representatives from such groups as legal service agencies, civil rights groups, welfare rights organizations, the religious organizations and poverty groups.

And this, again, is one of the few States that has really tried to open up the process and to take it out of the hands of the professionals; which, I think, other fields, such as schools, have shown us have only a limited viewpoint as to what needs to be done.

I think, finally, on the planning process, there is something slightly absurd about the States having to prepare planning documents that they have to file in Washington, where there is no relationship between funding decisions and the plan.

I guess if a plan is just to be a paper exercise, which they have been in the past—LEAA has not been overenergetic in reviewing those plans—perhaps they ought to be dropped at the Federal level. They take a tremendous amount of time and staff and energy and money and are a waste of money if they are not tied to action, to real decisions.

Those are our main comments on the planning structure.

To summarize: the chief deficiency we found in the States we looked at was that by and large the Federal Government has created these new planning agencies, in effect, that are not really accountable to the local citizens. And for all the concern about State and local control, these bodies are federally created entities at present, and they are not tied into regular local political processes.

The mere fact of adding local officials by itself, will not do that, because the elected officials are responsible to the public for their mainline duties only and not for the activities on special advisory committees.

To move on to another section of the bill, the authorization of the various funding categories: as you know, the bill essentially preserves the kinds of programs that were authorized selectively under the various sections of the present act; but it merges the correction programs, education and training, and a couple of other minor programs, into general action grants to be revenue-shared with the States.

There is no match requirement in the new bill and no preference is retained for any type of program, such as organized crime or riot control.

It is interesting that there is no weighting provided for projects categories, such as police or courts, and so on. But section 303 does require each State plan to address court programs and to have long-range programs for approving correction facilities and practices.

The section also adds that such programs must adequately reflect national and State standards for all functions of the correctional and court systems.

I think two points should be made there. One is that it is terribly important to specify areas that Congress thinks are priority areas. If they are not included in the legislation they tend to get ignored.

The first few years of the program show a tendency to overemphasize police programs at the expense of, say, probation or public defenders or other categories, or white collar crime, as the Congressman brought out.

And I think Congress has to think quite carefully about whether or not they want to be sure that this program has breadth or whether they want to allow States to choose whichever limited areas of focus they want.

The second problem is one I think has really been covered by the gentleman from CED, and that is the problem of standards. The legislation suggests that corrections and court programs should conform to State and Federal standards. It does not include police or community relations programs or anything else.

It is only these two categories that somehow will be subjected to standards. Nor does it spell out how these standards will be arrived at. And that is the key question, I believe, that the gentlemen from CED were addressing themselves to.

I think our position would be to require adherence at the State level to standards established by the State legislatures. At the national level it is a bit more difficult.

Given some of the names that have been suggested for the leadership of LEAA it would be highly undesirable to have LEAA impose standards on all the programs. But that, again, is another thorny question that the Congress will have to address.

Two or three other sections in the part of the bill that deals with the kinds of programs that could be funded need to be examined. One is section 301 authorizing the states to make expenditures for technical assistance and law reform. It does not require such activity.

I think that is another retreat from the previous act and one that would be very unfortunate.

As you know, the mayors have said that they very much need technical assistance. Our report shows that in rural States and in States where you have small cities—a large part of the country, we are not made up just of big cities—a lot of the administrators welcome and look for technical assistance, but have not received it.

I think the pattern in the previous act of requiring it, even though the law was not carried out, is a much more favorable approach.

The same thing goes for law reform. Many of the kinds of experiments and reforms that special projects demonstrate could be much

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more effectively carried out by changes in the State criminal code or in the laws pertaining to the criminal justice agencies.

And one of the problems with the program has been that the isolation described earlier from the State legislatures has resulted in very little law reform of this nature.

The second problem is, I believe, the treatment of the education and training programs. LEAA's record in connection with these programs has been deficient. As a practical matter the proposed arrangement would make very little change. But Congress indicated in the 1970 amendments particularly, that they were very concerned with developing institutional capabilities to train people in criminal justice fields across the board.

Those institutions have never been developed because LEAA has preferred to focus on the handout of tuition assistance. Again, the balance between scattered tuition assistance and focused institutional development is a basic decision Congress should face.

If there really is a need for improved training, which I believe most people feel there still is, then, the Federal role should probably be to provide guidance and assistance in the development of regional capabilities, where you really have institutions of excellence that can help to train local people and to develop local programs.

Finally, on the authorization for grants section of the bill: 15 percent is reserved for discretionary funds and nothing at all is said about how those funds should be used.

We have found, in the review of the discretionary grants made to date, that they were just an extension of the fiscal relief approach that LEAA has taken to the whole program. And with the exception of the $20 million handouts which the high impact program recently instituted, there was very little effort to develop national priorities or to fill in the gaps where the States were unable to develop their own program.

I think if there is going to be a discretionary grant program, the legislation should specify that the funds must be used to emphasize national priorities, to develop programs that are not covered by the States, and to provide a special emphasis for reform experimentation, particularly along the lines that are indicated by Institute research.

The section on funding also includes a rather broad authorization for any kinds of equipment that would improve law enforcement techniques.

I think I will just refer to the third chapter of our report, for raising some of the problems that the police chiefs themselves have articulated, concerning the appropriateness or lack of appropriateness of the new marketing in police technology that has been generated by LEAA funds.

I would like to turn now to the section of the act that deals with civil rights enforcement. That is section 308. The act, in effect, restates the provisions of title 6 of the Civil Rights Act of 1964 and would cover, the way it is worded, discrimination in employment, discrimination in the distribution of services from agencies that are funded by LEAA, or discrimination in processing individuals through institutions that are funded by LEAA.

It is very broad, the actual protection provided in section 308(a).

It is less explicit on the steps required to achieve enforcement of those particular rights; and again, in order to allow for the time problem, I won't go into any of the findings in our report. Anyone who is interested can read them, but we did find, as is well known, that LEAA took at least 2½ years to get started with its civil rights reenforcement responsibilities, and it has been dragged, screaming and kicking, into the general area of title VI enforcement by a series of administrative appeals that have been filed against it primarily by the Leadership Conference on Civil Rights.

And only recently has it issued regulations to protect employees of grantees. It has pending a regulation to eliminate discrimination on behalf of SPA and other planning bodies, but that regulation has been held up for 3 or 4 months and has not been issued yet.

Beyond that, the agency has done very little except through surveys of the impact cities, to even look at the problem of discriminatory distribution of services, for example, where police agencies patrol more effectively in white areas than in black areas, et cetera, or to determine whether minority individuals are handled discriminatorily by different agencies as they move through the system.

The record also suggests that despite their heavy reliance on the negotiation of complaints, complaints such as that filed by the Afro-American League against the Chicago Police Department, have dragged out for 10 to 15 months, with no action by the agency, and the agency has also refused to apply administrative sanctions such as fund cutoffs or interruptions.

There has similarly been little action in the area of court enforcement, despite their professed preference for court resolution of issues of discrimination. This bill would allow the Attorney General to bring a civil action in court where discrimination is not handled by the Governors (an authority he already has).

But the bill does give the Governors the first opportunity to deal with discriminatory challenges; it follows the general pattern of revenue sharing in that regard.

I think there are only a couple of problems with that. There should be a limit on the time within which the Governor must act, within 60 days or 90 days or something like that, similar to the EEOC complaint reviews.

And there probably should be a requirement that the Governor establish his own mechanism for dispute resolution again, to prevent him from sitting on a complaint unduly.

Generally, this bill imposes few requirements on the Attorney General for the issuance of regulations. Civil rights enforcement is one area where he should definitely be required to issue regulations, and we would hope that the very hard-won regulations that have been forged over the past few months would, of course, be preserved.

The bill eliminates the onerous section 518, thereby removing the chief obstacle to fund cutoffs and the major justification given by LEAA for not establishing affirmative action programs or goals and timetables for compliance.

Something should be included in either the record or the legislation to suggest that that removal should trigger those kinds of traditional title VI enforcement procedures.

The next section of the bill that deserves brief mention is the Institute for Law Enforcement and Criminal Justice. This, as you know, was the part of the program that the Crime Commission and the Congress and others originally perceived as the chief mechanism for providing Federal leadership. Even within the bloc grant concept of a program, the Institute was viewed as the entity that would develop demonstration programs, would research important questions about the causes of crime and effective methods of preventing crime and that sort of thing.

The Institute until recently has had a dismal record. Very little of its research has been distributed. All of the local officials that we talked to, almost without exception, said they were unaware of its bibliography and of the kind of work it has done, and they were therefore unable to benefit from it.

At the Federal level, the Institute has not been involved until recently with decisions about how to spend discretionary grant funds. And often you have the anomalous situation where the Institute was researching something to determine whether or not it worked, and the other parts of the agency were handing out enormous grants to go ahead and fund it anyway, without waiting for the research results.

One example of this was the New England organized crime program, which was supposed to determine the kind of intelligence requirements that States and regions needed to combat organized crime. The discretionary grants were going out—$250,000, $500,000, and so on—for organized crime intelligence programs, without even waiting for the results of what was a very good Institute project.

The Institute just has not been used at all in the way it was contemplated. If the Federal Government role in regard to the State expenditures is to be reduced, as the Attorney General has proposed, it is very important to build up the capabilities of the Institute and to have somewhere at the national level an entity that is really answering the basic questions that local agencies don't have time to ask because they are faced with day-to-day problems.

Here again, you do have the basic problem of deciding whether the Institute can operate effectively within the agency that hands out the money, an agency that is necessarily subject to political pressures, or whether it would not be better to separate it out in some sort of National Institute of Justice or something modeled along the lines of the National Institutes of Health, where it is an independent entity, that influences local governments through the excellence of its staff and through the quality of the research work that it does.

But I would just like to emphasize the importance of the Institute to any kind of new answer to the crime program.

There are a few other problems I would like to touch upon.

The act has some minor deficiencies such as: It does not require evaluation by LEAA. It has a very peculiar definition of what a community service officer is, which is the most specific provision in the entire act, and with the general vagueness on other provisions, somehow does not fit. It gets rid of a provision that was in the previous bill, that said that the SPA's (the State planning agencies) could not get involved in law enforcement themselves.

That omission may be based on the assumption that the Governors can get rid of the SPA's and therefore you do not need the prohibition. But I think it is likely that many Governors will probably keep the SPA structure.

We already had one example about 3 years ago in a riot situation in Ita Bena, Miss., where the State planning agency played close to an operational role in marshaling State police and State highway patrol people to fight a riot.

If there is any likelihood that the SPA's will be kept, there should still be a ban against their involvement in actual law enforcement operations.

Then the only other section I would like to comment on specifically is section 508 which I think was intended as a general housekeeping provision, but raises some questions that should at least be considered, given the previous experience under the act.

The first part of the section authorizes the Attorney General to draw upon the services and facilities of other civilian and military agencies and instrumentalities within the Federal Government. No specification is made concerning the purposes for which he can turn to such agencies.

LEAA has already had a number of cooperative ventures with the U.S. Army, including special training for riot control in the SEADOC School, contracts to develop bomb detection and other forms of new equipment, and reliance on the military for issuing bids for certain Institute research where the Institute wanted to reach military contractors.

Indirectly, the program has stimulated a transfer of some of the military-developed technology into domestic police operations.

None of these past developments is at all troublesome, obviously, by itself. But I do think that if there is an increased trend of involvement between the Army and Federal, State or local anticrime agencies, that could be troublesome, and it could, given the very loose language of section 508, lead to a repeat of military surveillance of civilians and other undesirable types of activities.

It might be appropriate to consider some kind of restrictive wording to prevent those kinds of developments.

The other part of section 508, which is equally vague, authorizes the Attorney General to confer with and avail himself of the records of State, municipal, and other local agencies. Again, this is a general housekeeping, somewhat innocuous provision. But I think that it should be looked at in juxtaposition to the evolution with LEAA funding of new and fairly substantial computerized criminal offender files that are being developed by major cities and by States and by the National Government through the FBI.

Computerization of files was recommended by the President's Crime Commission, and obviously it is a great boon to law enforcement officials who need quick access to data on suspects. However, the problem that we have had with the files is that they are developing, by and large, without adequate regulation.

Essentially, what the FBI has done is issue a policy paper, which is recommendatory in nature, telling the States what they should do, and it then relies upon the States to pass legislation.

There are virtually no State laws on the books. The States have not passed the legislation, with the exception of Massachusetts and one or two others. And at present, some States have evidenced a number of basic deficiencies in their programs.

One is that they have not followed the FBI policy recommendations in regard to the kinds of information that they put into the State files. Many put in arrest records that did not lead to convictions, juvenile records, and that sort of thing, which is highly inappropriate.

The other and bigger problem is the access problem, the number of public agencies and even private agencies such as hospitals, banks, and others, that have access to the data in the files. This means, particularly with minorities who tend to get arrested without justification, more often than others, that this type of information gets used against them without adequate checkouts by people from whom they are seeking employment, with the consequent result that they do not get the jobs.

Now, the States, of course, keep their own files, but they feed into the Federal system. And any inquirer of the Federal system gets a summary file out of the NCIC and then is referred to the States. The Federal system can be clean, and I think the assurances of the FBI are such that it is.

But it does not correct for inadequate protections in the State system for an inquirer who gets referred to the State for a more complete file.

The integrity of criminal offender files is a basic problem Congress thought should be addressed, and in fact, in the 1970 amendments they added a specific provision asking for legislation that would insure the integrity and accuracy of criminal justice data collections and would protect the constitutional rights of all persons covered or affected by such systems.

No such bill has been passed. There was one introduced that got bogged down in committee last year, but since 1970, the Congress has had a request out to get authorizing and regulatory legislation for this new system and has not received it.

I would hope that section 508 would not be considered or slipped through as a rather general authorization for these new files.

In closing, I would like to raise a general problem that has plagued this program and under the new bill, threatens to plague it in the future.

Congress has stated that crime is a national problem, deserving national aid, and it has said that since 1968. It seems to me that when the Federal Government takes the position of elevating a local problem to a national problem, there is an obligation encumbent upon it to define somewhat its view of the dimensions of the problem and to suggest ways that that problem can be appropriately addressed.

I think this can be done without dictating. It does not mean imposing rigid straitjackets on State and local administrators, but neither does it mean simply making money available for some kind of vague problem defined as the reduction of crime and delinquency.

I think that title I as it now stands is not very helpful to the States in telling them the kinds of programs that the Congress would consider appropriate in fulfilling its legislative mandate.

And I think the new bill is even less adequate in that regard. We already know that the executive branch of the Government does not want either to define the crime problem with much exactness or to be very specific in terms of appropriate solutions.

So I would think on the present go-round it would be extraordinarily helpful if the Congress could say a little bit more clearly what it means when it says that it wants to make a lot of money available for a big national problem.

I think that roughly sums up the comments I have. Thank you very much.

Mr. SEIBERLING. Thank you, Mrs. Carey, for a most illuminating and well-expressed statement.

Mr. Rodino?

Chairman RODINO. Mrs. Carey, I want to express my appreciation to you for the very informed statement you have presented to the committee. I think it certainly shows that you have done a great deal of work and a great deal of research in this area. It is very impressive.

Your comments, in my judgement, are to be considered very seriously. However, in the Attorney General's statement before this committee he made it rather clear that in his view the data that you cited in your report is rather old, outdated, and that LEAA has since your research made great advances.

I would like your comments as to whether or not you feel, in view of the Attorney General's statement, that this is a valid observation of the work you have done.

Mrs. CAREY. I think the Attorney General's reactions typify any bureaucratic reaction to criticism. There is always a new day dawning that, you know, corrects all the problems that have been cited.

I would concede without question that our data is stale. However, it reflects 3 years of programing out of a 4-year program and it is, in effect, the best that a citizens' group can do in terms of getting hold of information. It is extraordinarily difficult to get specific information on this program.

As you probably know, the Federal agency does not maintain a lot of the grant data. A lot of it has to be obtained through the regions and the States. And I think if our data is stale it illustrates the problems of the ordinary taxpayer or citizens group trying to find out what in hell is going on in a Federal agency.

Chairman RODINO. Mrs. Carey, do you feel that LEAA's advances have corrected the problems that you cited, and that you dealt with in your report?

Mrs. CAREY. Well, there is no question that the situation at LEAA has improved in the past year and a half, but you must remember, there was a period before that of extraordinary neglect, where they had allowed the agency to exist for almost a year without an administrator.

They had allowed the Institute, their key research arm, to be without a director for even longer than that. There was no leadership. There is no question that the situation has improved since a year and a half ago; that certain steps, such as the effort to narrow the application of discretionary funds, the effort to get the Institute to establish priorities, have definitely been improvements.

But I do not think, particularly in relationship to the States, that the Federal role has changed very much and I also think that some of the highly touted innovations such as the high impact program—handing out $20 million to get te crime rate down 20 percent—are of dubious significance.

We have a long wait to see whether tese programs are, in fact, any kind of improvement.

Chairman RODINO. Thank you.

Your report dealt in some detail with LEAA's Office of Civil Rights Compliance, and very critically. I think it would be helpful in that regard to have your comments on a number of items relating to some of these issues.

First, do the recently issued LEAA guidelines regarding employment discrimination by grantees adequately meet the problem, and do you feel that the proposed section 308(b) of the administration's bill is the best way for the Congress to insure that they are adhered to?

Mrs. CAREY. No. 1, I think that the employment regulations are a definite step forward and everybody is delighted that they have been issued.

I think that it would be very helpful if the agency would now go on and issue regulations pertaining to discrimination in delivery of services by local agencies and to discrimination in the treatment of people who are processed through the criminal justice system.

Those are also parts of title VI, and right now there are no regulations in those areas.

I think it would be useful if they would hurry up and make a decision on whether the SPA's, the State planning agencies, are going to be allowed to discriminate or whether they are going to be given the same treatment as grantees in regard to employment and membership.

So, I think yes; that their regulations are a definite step forward. I think it is unfortunate that they had to be compelled through an outside administrative proceeding filed against the agency but I think they are a definite step forward.

As far as the 308(b) is concerned, I would stick with the comments I made earlier, that if the Governors are to handle civil rights complaints on the first basis, some time limit must be placed on what now is described as a "reasonable" period of time. They should be given either 30 days or 60 days or something very specific in the act so that they cannot just sit on complaints and kill them that way.

Otherwise, I think that if that limitation is built in, and if the Attorney General is required to issue regulations, written regulations, pertaining to the enforcement of 308(a), the bill could be adequate.

Mr. SEIBERLING. Mrs. Carey, we have a quorum call to answer, so it will be necessary for the committee to adjourn. But we will reconvene at 2 o'clock. Will you be able to come back at 2 o'clock?

Mrs. CAREY. That will be possible.

Mr. SEIBERLING. Very well. Thank you.

And as to the other witnesses, we will be ready for their testimony after 2 o'clock.

So, without further ado we will adjourn until 2.

[Whereupon, at 12:20 p.m. the hearing was recessed until 2 p.m. this day.]

AFTERNOON SESSION

[The subcommittee reconvened at 2 p.m., Hon. John F. Seiberling, presiding.]

Chairman RODINO. The subcommittee will come to order.

In view of the fact that Mrs. Carey is not here at this time, we will proceed with our next witness, Mr. Carl Holman, National Urban Coalition. We will be anxious to resume with Mrs. Carey later in the day.

Mr. Holman, I wonder if you would proceed with your prepared testimony now. Then if Mrs. Carey comes, in view of the fact that we were interrogating her when we recessed, we will resume with her.

Will you please identify the gentlemen with you.

TESTIMONY OF M. CARL HOLMAN, PRESIDENT, NATIONAL URBAN COALITION, ACCOMPANIED BY BLAKE ARATA, CITY ATTORNEY, NEW ORLEANS AND ACTING CHAIRMAN, CRIMINAL JUSTICE COORDINATING COUNCIL OF NEW ORLEANS; FRANK J. VACCARELLA, DIRECTOR, NEW ORLEANS CRIMINAL JUSTICE COORDINATING COUNCIL; AND GEORGE BUSHNELL, MEMBER OF THE BOARD, NEW DETROIT, INC.

Mr. HOLMAN. Mr. Chairman and distinguished members of the subcommittee: my name is Carl Holman. I am president of the National Urban Coalition and because several of our local coalitions have been deeply interested in this problem, including the New Detroit Coalition.

We have with us, sharing our time, Mr. Blake Arata, who is the Chief Attorney of New Orleans and acting chairman of that city's Criminal Justice Coordinating Council and to his left, Mr. Frank J. Vaccarella, director of the New Orleans Criminal Justice Coordinating Council, partially through the cooperation of the mayor, who is also a member of our board.

On my right we have Mr. George Bushnell, Jr., of Detroit, who is a member of the board of New Detroit, Inc., an Urban Coalition.

In order that we may allow the others to get their innings in, since I think it is important to see how some people who deal with these programs at the local level, see them, I would like to have permission to have our statements entered in full in the record, and then we will try to summarize and highlight it.

Chairman RODINO. Without objection, it is so ordered.

[The statements referred to are at p. 323.]

Mr. HOLMAN. First, then, since some of the points we will make have been made by others, I would like to touch on one or two of the major concerns we have had since we started looking at this program, about 4 years ago.

First, working with the Lawyer's Committee, whose testimony you heard earlier, we are concerned about a couple of problems which we do not think are adequately addressed.

First of all, the cities supposedly had such criminal justice problems and crime problems that this law got passed. It is our feeling that the cities have been pretty much shortchanged in terms of the impact of the program, and we would like to see that changed.

The LEAA program was intended to bring about innovation and change, and we do not see much of that occurring in terms of what impact it has had on criminal justice generally.

But we have three other special concerns. One is the effectiveness with which this program deals. And by the way, it does not deal with the problems of youth. It seems strange as you look at the way the funds are spent.

Over and over again we see that, not only in center city jurisdictions but also in suburban jurisdictions, the youth problems of delinquency, the youth problems of drugs, play a very heavy role in terms of what goes on in the area of criminal justice.

And yet relatively little of what LEAA has been doing has impacted very heavily on that problem. We see currently an interest in what is going to be done with the treatment of the users and the sellers, but we are concerned about whether or not the program is going to address itself more effectively to the problem of users.

I think the Congress ought to especially be aware of the fact that we are now dealing with an urban and suburban population, many of whose young people became addicted while serving the Nation in the Vietnam war. I think, therefore, there is an obligation on the Congress to pay particular attention to how effective the program is in terms of dealing with that.

We are also concerned that while we have spent millions of dollars for hardware and the tools of reinforcement, we have not done very much through LEAA to look in a very constructive way at what we do about the victims of crime. And we are concerned about that because if you really begin looking at who the victims actually are, the urban poor and the working class would benefit a great deal from such a change, because these are the persons who, despite what you read, are those who tend to be most seriously affected by this, and for whom the monetary loss is greatest.

Finally, we are aware, as we are certain you are, that a great number of the problems with which LEAA has to deal are problems which have their roots elsewhere, in jobs, for example. You have read perhaps where the mayor of Buffalo was protesting that he was trying to get LEAA funds used for a diversionary program that would get some young people into jobs, and the State LEAA was saying that they did not feel that the money should be used in this way.

We have eight recommendations, which I won't try to go through in any detail, but I would like to touch upon them.

First of all, we think that fully a third of the members of the State planning agencies and regional boards, as well as local boards, should be made up of representatives of the community—that includes business, labor, minorities, et cetera—and that this should be true, not only of the State boards, but also of the city and municipal criminal justice conferences.

We think there should be an early and full share of planning and action funds given to cities which have a high crime rate, and we would like to see a good deal of that money used for involving citizens in community crime prevention and crime reduction.

We would like more care in the selection and training of patrolmen who are assigned to neighborhood patrols and community services,

and we are in favor of greater use of community patrols and neighborhood patrols, such as has been found to be effective in St. Louis and elsewhere.

Fourth, we would ask that each LEAA grant given to State and local authorities deal with such key problems as youth, narcotics treatment and prevention, correction reform, and the compensation we have already related to, along with human relations training.

Fifth, we would like to see each State region and local planning agency establish procedures for equal employment opportunity, and for attenton to the needs of low-income minority, and working class citizens.

Sixth, we feel that each city should be required to issue impact plans for serving the residents of neighborhoods with high crime rates.

Seventh, we favor increasing the discretionary grant program, but only with the proviso that this should be devoted solely to programs that represent new directions in law enforcement and correctional reform.

Finally, we feel that the Institute for Law Enforcement and Criminal Justice should be the vehicle for such reform, and that this institute should be strengthened and its research findings widely disseminated for implementation by State and local justice officials.

If this takes place, though there has been some disagreement in our ranks time to time, we would feel that the LEAA should be continued, but should be continued with these reforms. Thank you.

Chairman RODINO. Thank you very much, Mr. Holman.

Do any of the other gentlemen wish to make any statement in summary of what they have prepared?

Mr. ARATA. Mr. Chairman, first of all I would like to express the appreciation of the National Urban Coalition for your inviting New Orleans to participate, and I would like to thank the chairman and the members of the subcommittee.

New Orleans does have strong feelings on the type of legislation that should be enacted. Our history, which is documented in the prepared text, reflects that we have had several difficulties in the past.

I think that our recent history has shown that the program in New Orleans has worked quite satisfactorily.

Initially, New Orleans was part of a nine-parish region that was dominated by urban representation, and we had quite a bit of trouble on the State level. With the enactment of the New Orleans Criminal Justice Coordinating Council, which, incidentally, is composed of 30 percent representation by local citizens and 27 percent by minority groups, we have begun having a program of more success.

New Orleans has been designated as a region in the State system.

We have some proposals which I would like to go over just briefly with the committee.

First of all, we recommend that under existing legislation and proposals presented thus far it is questionable whether there is true direction of the Nation's crime control programs. It is our feeling that the basic unit should be the large urban centers, with rising or high crime rates, and that the intent of any new legislation should be directed to these large urban areas with the high crime rates.

We also feel that the match provision should be eliminated from any grant-in-aid program. While this may be translated into support

of special revenue sharing, we still would like to point out that the delivery of revenue sharing payments throughout the State to urban centers and high crime areas should be paramount in any of your deliberations.

We also feel that cities of high crime rates should develop comprehensive multiyear plans, that those plans should be funded with bloc grants from the States; and that the cities themselves should be given authority to execute and manage those plans.

We suggest that the city of New Orleans does have the capability to manage our own plans.

We would propose that once a comprehensive plan has been approved by the State planning agency, a large city, which receives a bloc grant, should not have to file individual applications for grants in a NSPA in order to have portions of that plan funded.

We feel that once the plan has been approved we should not have to go through the process of individual grant applications.

We further recommend that funds appropriated by the Congress for criminal justice financial aid be distributed in the form of action grants to the States and that only a minimal amount be retained by the national administration, to be used in support of such programs as the national institute.

It is our feeling that the discretionary programs administered thus far have not focused on significant criminal justice problems. The only exception to this is the administration impact cities program, which, while providing additional funds to selected large cities, establishes a local planning process supplemented by a significant action fund.

We feel that this approach should be the rule rather than the exception. However, we also feel that the proper vehicle for this type of process is a system of bloc grants to large cities through the State planning process.

Finally, we would recommend that complete separation be identified as to any enacted legislation between the planning funds available to units of local government and the action funds. This we feel will assure that a planning process will be established legitimately without detracting from moneys available for the action process.

Thank you, Mr. Chairman.

Chairman RODINO. Thank you.

Mr. BUSHNELL. Mr. Chairman, my name is George E. Bushnell, Jr. I am from Detroit. And a cardinal reason that I have for attending, I believe, is the fact that Detroit, according to the last uniform crime rate statistics reporting, ranks fourth in crime in the United States.

It is a strange thing, indeed, when this qualifies one to appear with Dr. Holman and the National Urban Coalition in support of their testimony.

I would like to touch briefly, by way of reinforcing Dr. Holman's testimony, on two points that he has made. And, on behalf of new Detroit, and we believe, the people of Detroit, I would like to emphasize to the chairman and the members of this committee our deep concern for the necessity of including components dealing with police-community relations and citizen involvement in the future life of LEAA.

I can report to this committee, without fear of contradiction that the citizen perception of the Detroit Police Department has reached a new low in the history of our city. According to the most sensitive of observers, it has reached a low that exceeds that which immediately preceded the riots of 1967.

This condition has been exacerbated in recent months by events that have happened in our city, but that fact of the matter is that it is reality; the result being that there has come about a passive resistance to law enforcement in the Detroit metropolitan area. A substantial portion of our citizenry simply refuses to cooperate with the police. They are not criminal; they are not actively aggressive; they are simply filled with such ennui that there is no possibility for effective police work, let alone effective management of a community.

We submit that one reason for this is that there has been little encouragement to the point of their being almost no encouragement for the improvement of police-community relations under the present administration of the federally funded programs and of the State and local programs.

On the contrary, investment has been made in hardware, in technological equipment, all designed to achieve apprehension of the criminal; little pointing toward prevention of crime.

We recognize the very real necessity for the investments that have been made. We recognize the benefits that have flowed to our community from the acquisition of this hardware and of technological improvements in the delivery of police services.

Nevertheless, we submit and urge that when millions of dollars have come in to Michigan and into the Detroit-Wayne County Coordinating Committee and only 4 percent of those funds have been expended in programs that, to be most generous can be characterized as police-community relations programs, we fall far short of the mark.

We view this as critical and crucial.

Second, we would submit and urge that in future administration of the LEAA program there must be built into the act itself, so that there can be no chance for misunderstanding, the absolute necessity for citizen involvement.

By "citizen involvement"—a rubric, I admit—we refer to nonprofessional involvement. We include, of course, that great group of people known as "grass roots." We include in addition to that, people from business, people from professions, local citizens of every stripe and kind.

We believe that the professional law enforcement type, including the judiciary, the prosecution, the defense counsel, the professionals of my discipline who have spent their lives in law enforcement, have had every opportunity to demonstrate that they, without outside help, can effect improvement in these approaches to crime prevention.

We believe that they have not proven their effectiveness. We urge and submit that it is time to try and work with full and complete community involvement.

We emphasize again, sir, that New Detroit, Inc., supports the National Urban Coalition and its recommendations and we underscore particularly the necessity for active aggressive police-community relations programs, adequately funded, adequately supervised, most importantly, adequately led.

We also believe, and I repeat for emphasis, that there is an absolute necessity for broad citizen involvement in the administration of these programs at the local level.

Thank you, sir.

Chairman RODINO. Thank you very much.

Mr. Holman, I will address my questions to you.

You mentioned in one of your recommendations the urgent need to insure that there be no employment discrimination by LEAA grantees. I asked this same question of Miss Carey when she was here: Do the recently issued LEAA guidelines regarding employment discrimination meet the problem, and do you feel that the proposed section 308(b) of the administration bill is the best way for Congress to insure that those guidelines are adhered to?

Mr. HOLMAN. The others may have a fuller or a different response. Unlike the other gentlemen who appeared before you, according to my general counsel, my problem is not whether I can answer questions about pending legislation. It is the difficulty about answering questions about legislation I have not seen.

But we are planning to have some research done on that, and we will submit further statements on it.

First of all, I think that the regulations as issued were tardy but helpful. There is a lag always between the time you issue such regulations and the time you really begin to see results out in the field.

I would hope that the Congress would take the initiative—and perhaps in its legislation it will—so that it will not be necessary for outside groups to bring administrative proceedings in order to bring that about.

As I heard Miss Carey discuss some of the aspects of that section, we would want to look at it because we would wholeheartedly endorse it.

I do think it very important, however, that you cannot convince people in communities that you are serious. If I may just add one other thing: we do not believe, in the coalition, as we showed in our budget yesterday, in the blind devotion to categorical programs.

We are interested in consolidation. We are interested in bloc grants where possible. We do think there are national interests, however, and I do not think the people who elected the Congressmen, if I may, intended them to serve as a kind of passthrough mechanism for funds.

I was, therefore, disturbed when of the gentlemen indicated four principles that were going to be laid down in one of the pieces of legislation, targeting to high-crime rate areas, which we agree on; tying to population, weighting for population and crime rates but that no reference at all was made to this all-important question of civil rights, as it relates to the whole law enforcement area.

I think if the Congress enacts anything which does not explicitly deal with that particular problem, the impact will be extremely negative in terms of the faith and confidence that the people in the community will have.

Chairman RODINO. Mr. Holman, the National League of Cities and the U.S. Conference of Mayors testified before us on Monday, and told us that it was their belief that the administration's proposed revenue-

sharing bill did not guarantee either enough money or enough decision making authority directly to the cities, and particularly the high-crime urban areas, where the needs in terms of the crime rate, are greatest.

Would you favor some sort of direct funding by LEAA to localities or can the States be trusted to meet these priorities?

Mr. HOLMAN. I would favor direct grants to the cities, especially to those cities which have high crime rates and which must be prepared in relatively short order to deal both with the planning process and for seeing that impact takes place.

I happen to have grown up in a city and was back there recently, where the State appoints the police board and where it also sets the salaries for the policemen, although it does not provide the funds for so doing.

I think that this is a cumbersome way of dealing with it and that we have arrived at the point in the history of the country where we ought not to continue to hark back to the fact that because cities were not anticipated when the Constitution was drawn, we should hamstring cities as they are hamstrung sometimes.

In addition to that, the States naturally have to be responsive to a great number of jurisdictions, with the result that unless you do see that certain funds do go directly targeted to cities, the cities are unlikely to get them.

Chairman RODINO. Mr. Holman, could you tell me whether or not the urban coalition has had enough experience with the question of revenue sharing, general revenue sharing, to be able to evaluate how States distribute and use the moneys?

Mr. HOLMAN. We are now engaged in a study of general revenue sharing, handicapped by the fact that it is relatively new, and about seven of our locals are now moving to look at the impact of general revenue sharing in their own communities.

Our feeling, at first blush, is that it is pretty clear that the groups we are most concerned with are not getting an adequate share of the funds.

I realize that one of the problems also is that mistakenly or not, the mayors assumed that they were getting both a continuation of categorical grants and the general revenue sharing, and so therefore made their plans accordingly.

So that it means that not only do you have too little in the way of current funds, and not only do you have the problem of the State passthroughs, but also the fact that they thought they were going to have certain categorical funds which it now seems they will not have unless special revenue sharing provides them.

Chairman RODINO. This subcommittee has received testimony from a number of witnesses regarding the usefulness of the LEEP program, the law enforcement education program. I know it is of great concern to us, however, that the administration bill eliminates LEEP money as such, and does not require States to fund these programs.

I am wondering if the urban coalition has made any evaluation of the usefulness of LEEP, and whether it feels that Congress should exempt these moneys from revenue sharing to insure that that program continue.

Mr. HOLMAN. I am wondering if Frank Vaccarella would like to comment on that. We spoke about that with the New Orleans people who have looked at that.

Mr. VACCARELLA. We looked at the new bill, Mr. Chairman, and we were concerned about the LEEP program in it, and we do see a problem with that in Louisiana. It is a beneficial program. And we would not like to see the State take funds away from its action category and have to be forced into a posture of funding the LEEP program under that type of arrangement.

We would rather see an earmarking of funds at the national level distributed either to the States under the current mechanism or directly to certain universities within the State, and continue the LEEP program.

I think it is a valuable resource to upgrading police and criminal justice personnel and that it should be continued.

Mr. HOLMAN. The only other comment I would add: we are in a time of great inconsistencies but it does seem to me that one of the strengths of some of the suggestions the administration has been making is that in certain areas we should know more about how effectively we are doing what we do.

I think if that is a basic principle under which we are operating, then it becomes extremely dangerous to say that if State A thinks that is so, and State B does not think it is so, one will have to program and one won't.

Mr. BUSHNELL. Might I just add, Mr. Chairman, that from Detroit's viewpoint, without LEEP there will be nothing. And it has been a magnificent help in developing professionalism in our department and in effecting efficient law enforcement. It has a long way to go but we need it desperately.

Chairman RODINO. In other words, you see the need to insure and guarantee that funds are earmarked for this kind of a program?

Mr. BUSHNELL. Yes.

Chairman RODINO. Mr. Holman, you made much in your prepared statement about needed emphasis on youth programs. I've always felt this was particularly important since such a high incidence of crime involves the youth. If we want to reduce and prevent crime, we ought to start where it really begins.

Mr. HOLMAN. Precisely.

Chairman RODINO. Let me ask one final question, Mr. Holman. To the extent that the 1968 act was an attempt to infuse the criminal justice system with comprehensive planning and reform, do you think that special revenue sharing with no strings attached and with no apparent mechanism to establish Federal standards, is consistent with a comprehensive coordinated approach to the problem? And in that regard, in areas of criminal justice would you think Federal standards would be most helpful?

Mr. HOLMAN. Well, I think that clearly, as I have tried to indicate earlier, the coalition believes very much that you cannot abdicate Federal responsibility for problems of national sweep and scope.

At the same time, I don't think, for example, that to establish guidelines and to set out what our basic national interests are would be to suggest that you are going to stand looking over the shoulder of every policeman, judge and whatever.

The proof of the pudding is the fact that certainly LEAA can't be charged with having done that over the past 4 years.

So we would think, then, that you do have to establish standards in some of the areas we have indicated and that you cannot, for example, without a national research mechanism, put together—there is no way of putting together—all these very fragmentary different kinds of experiences which might be useful in one place but do not get to the other place except through a national mechanism.

The same thing is true with standards as to civil rights. There is no way you can let the State of Mississippi, the State of Louisiana, the State of New York, the State of New Jersey, each decide how it is going to deal with that issue.

I do not think that is consonant with what we believe.

Chairman RODINO. In other words it is fair to say, from what you have just stated, that you do not believe just because we lay down some Federal standards and guidelines we run the risk of chartering a national police force.

Mr. HOLMAN. I really don't think so.

Chairman RODINO. Thank you very much, Mr. Holman.

Mr. Hutchinson.

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

Mr. Holman, in your principal statement, I believe you made three points. I understood them to be critical of LEAA as it exists in that you said that they did not seem to be developing any programs for meeting the problems of drug users or the victims of crime.

And you illustrated, mentioning in one case that some local unit wanted to use LEAA money for public employment opportunities and LEAA said that they did not think that was a proper use of LEAA funds.

Mr. HOLMAN. No; LEAA did not say that. The State.

Mr. HUTCHINSON. The State; all right.

Mr. HOLMAN. It was not public employment in general, since it was employment of youth.

Mr. HUTCHINSON. Employment of youth; yes.

Well, my question to you, sir, is: While we recognize all three of these matters that you mentioned as problems that the Government must address itself to, do you really think that those problems are the kinds of problems that LEAA should be involved in? We have other Federal programs, you know.

Mr. HOLMAN. I think, sir, that you will find that in a number of States where there are urban people and where there are nonprofessionals on the Criminal Justice Coordinating Councils, they have used a combination of LEAA and other funds to provide just that kind of help, and some of the public officials, the criminal justice officials, have found and felt those to be useful.

Mr. HUTCHINSON. I appreciate your response because it is informative to me. I had not realized that LEAA funds were being used for something more than for police, courts, and corrections. I had supposed that those were the three areas in which LEAA was involved. And if it is being administered on a broader base, I appreciate your response.

Now, further, Mr. Holman, you have made a point about the importance of civil rights issues with regard to LEAA programs. I do

not quarrel with you in that regard at all. I simply invite your attention to the fact that the administration bill incorporates title VI of the Civil Rights Act of 1964. And if that were incorporated in the law there would be all of the tools necessary, so far as the law is concerned, to cover the problem. Do you disagree with that?

Mr. HOLMAN. I have not seen, as I say, the bill. Title VI has been around for a while and it has been well enforced in some places and not so well enforced in others. I do think that it certainly ought to be specifically mandated by the Congress that in terms of the employment within the State planning agencies and the other agencies receiving funds, it is very clear that the Congress specifically wishes to see to it that this mandate is carried out.

Mr. HUTCHINSON. Thank you, Mr. Holman.

Mr. Bushnell, I understood you to say that at the present time there was a very low police-community relationship in Detroit, as low as or lower than existed back in the days of the race riots. Why, sir, is that true? I had not realized it, but why is it that there is such a lack of community respect, apparently for the law enforcement system in Detroit? It must be worse now than it was when LEAA started. Is that right?

Mr. BUSHNELL. This is the collective judgment of those observers whose judgment I respect and those whose judgment "new" Detroit respects. I emphasized that, Mr. Hutchinson, to indicate that it is more than a personal judgment.

As for the immediate cause of this, as I am sure you are familiarly aware, coming from Michigan, I would direct your attention to the existence of a unit in the Detroit Police Department known as STRESS, which is an acronym for "Stop Robberies and Enjoy Safe Streets"—the plainclothes officers who have been working with zeal, and indeed effectiveness in the poverty areas, a lot of decoy work, and unfortunately a number of homicides that have resulted from the work of that particular unit.

In addition to that, there was a recent event, the killing of two STRESS officers and the serious wounding of a third, and the not-so-serious wounding of at least one other STRESS officer by three young black men in the community, Bethune, Brown, and the third name I forget. The last of this trio was recently shot in Atlanta by the Atlanta Police Department.

As a result of those police homicides, the Detroit Police Department, under the guise of utilization of arrest warrants, conducted what we know in Detroit as "kick-ins." They went into home after home after home and forced their way into the home, ostensibly to conduct a search for these three fellows.

This practice of the department, as I indicated earlier, exacerbated a low level of police-community relations, particularly in the poverty areas and indeed, among many other elements of the community. In spite of the publicity that was directed toward this activity, the department persisted in continuing it until, would you believe, sir, they were enjoined by a Wayne County circuit judge?

And that type of injunction had to be issued in order to stop this patently unconstitutional search and seizure. This is the kind of thing that has been going on.

Mr. HUTCHINSON. You don't attribute any responsibility to LEAA in those episodes, do you?

Mr. BUSHNELL. No, sir; but I do say to you that there is a great opportunity in Detroit and in other urban centers for LEAA in the next appropriation and in the years following in the administration of that act, to establish programs dealing with police-community relations that will prevent this kind of thing from happening by the department.

I have with me here a report that was given to the Detroit Police Department, a report that was sent to me. I haven't the faintest idea whether it was confidential or not, but it was sent to me so I assume it isn't, indicating a study conducted at Wayne State University for the department.

I assume LEAA funds funded this because they don't have any money for this kind of study without Federal funds. The report indicated that the work the department was doing in its education of police trainees, on this relationship with the public, was effected at the police academy level.

And the effectiveness of this training diminished at an almost arithmetic rate of progression, so that 18 months after the officer had left the academy, he had, through, to use the language of the professorial types, peer-group pressure, reverted to an attitudinal response to the public generally; not just blacks, not just poverty, but to the public generally, where there was real hostility existing between the officer on the one hand, and the public on the other.

Mr. HUTCHINSON. Is that study suggesting that the training of the officers as professionals came to naught and that in fact, they reverted back to the position of the uneducated, untrained policeman?

Mr. BUSHNELL. The study suggests these things to me apropos of this particular hearing: First, that LEAA funds can be used effectively in training programs. Second, that training programs demonstrably have some positive effects, given the assumption that it is a positive thing to have good community relations between the department and the public—that these programs can have some effect.

And third, more sophisticated, more expert, better training programs, ongoing training programs have to be worked out, have to be funded, in order to avoid this slump that apparently has occurred in the Detroit department after 18 months.

Get out in the precincts and have some ongoing programs, which we simply can't do now.

Mr. HOLMAN. I wonder if I might tack something onto that. I think this whole area is one in which we have polarized so much from one end to the other that it is difficult. The coalition put together about 2½ years ago, with LEAA help—and I want it to appear that we are not saying, and the New Orleans group was not saying, that nothing has ever been achieved by LEAA funds—we brought 15 medium-sized midwestern cities, their mayors, police chiefs, some of the people in community relations, some of the people from judiciary and corrections and citizens. And we brought those people in here to Washington later on to meet with Mr. Leonard and to meet with the Attorney General.

At that time, unanimously they asked that they have a continuing mechanism which allowed them to meet and to work together, citizens,

police, the people in the courts, over a 2- or 3-year period, to see if they could deal with just this kind of problem, of having a policeman trained over there on the stresses of the community and the way his peers expect him to act, eroding much of that.

It didn't come to pass, but I think what we are dealing with is a problem which is going to require that we get away from some of the stereotypes we have, either about policemen or about the citizens in low-income communities and that the LEAA can perform a very effective role in helping to see that there is a continuing rather than a fragmented kind of way of bringing this about.

Mr. HUTCHINSON. With regard to the LEEP program, every witness that has appeared before us in these programs, without exception, so far as I know, has expressed great support for LEEP. I have not heard anybody that is opposed to the concept of the law enforcement education program. And if there is universal support for LEEP, whence the fear that under State plans drawn pursuant to a revenue-sharing concept, LEEP would be phased out?

I would suppose that LEEP would be one of those programs that most likely would continue. Now, why the belief that you must categorize LEEP in order to save it?

Mr. BUSHNELL. A personal fear, if you please: hardware is just a whale of a lot more glamorous at the local level than an educational program is. And with the tensions and the dynamics that exist in our community today, in our State today, with which you are most intimately familiar I know, I am afraid—concerned, if you please—that an educational program will fall between the cracks in favor of police helicopters, for instance, which can be seen and dramatized. And this is my concern.

Chairman RODINO. Would you be saying, then, that if it were left up to the local officials, being beset with pressures because of the high incidence of crime, they would yield more to the purchasing of hardware, which is more easily understood by the constituents, than to fund programs such as LEEP, which is a little bit less tangible and more difficult to understand?

Mr. BUSHNELL. Mr. Chairman, in my comments I do not mean to attribute anything to our Detroit officials but the highest motivations. I hope you understand that. I also am trying to put myself in their place.

Chairman RODINO. We are talking about reality.

Mr. BUSHNELL. And talking about reality. The helicopter gets a whale of a lot more attention than training some command officers in how to relate to their patrolmen.

Mr. HUTCHINSON. Well, the testimony of the Attorney General indicated that the percentage of LEAA funds expended on hardware is reducing, while the percentage of funds expended on training is increasing.

Now, this is under the present law. If there was such a great demand for an increase in hardware at the expense of training, I would think that that trend would not be so much in evidence.

Mr. BUSHNELL. Mr. Hutchinson, I would be shocked and amazed if the Attorney General's statistics were not correct because there is a limit to how many riot guns any department can warehouse. But

by the same token, sir, I suggest to you that, given the local pressures that exist from time to time, and the STRESS officer shootings in Detroit most recently, are a prime example of this, it takes an heroic figure, indeed, to resist those pressures in favor of an educational program, if there is a gimmick that he can use discretionary funds to put out in front of everybody and say, "Look what we are doing to meet this situation."

I am calling upon the Congress, if you please, sir, for some leadership in this area, because I do not think it is practically possible to have it exercised at the local level.

Mr. HUTCHINSON. Well, I thank you very much.

Mr. VACCARELLA. May I respond to something about the LEEP program that may clarify the issue?

From the feeling that we have in New Orleans, as well as meetings with large cities and State representatives from the State planning agencies, the issue is not one of LEEP versus other programs. The issue is whether or not the scarce resources that are currently available will be used to fund LEEP.

Now, each State, as I am sure you will hear in the course of the testimony, will come and tell you that there are not presently enough funds going to the States. And I think you can document that, that the needs among the States, among the cities, far exceeds the amount of money that has been appropriated by Congress.

The current appropriation is in no way full to the authorization that has been allocated in prior years. But the point is that they are afraid, and so are we, that the moneys that are distributed to the State on a population basis—those moneys would be diverted into the LEEP program and therefore affect multiyear projects that are already on the drawing boards.

If you consider building prisons or if you consider directional programs or information system programs or police-community relations programs or public defender programs, community based correctional programs, you have to fund these things over a period of years.

The concern is whether or not they would have to cut back on some of those programs and fund the LEEP program. And I don't think you would get any severe criticism if you funded LEEP over and above your normal allocation and allotted that money to the States. That is not the issue. The issue is creating new moneys to fund LEEP and not having the money to come from the part C action funds.

Thank you, Mr. Chairman.

Mr. SEIBERLING. Mr. Holman, I commend you and the gentlemen with you for making some very cogent points about the current program and the proposed changes.

I read with interest and general assent your eight points that you recommend but I have a couple of questions with respect to them.

Your fourth point, for example, includes money for compensation for victims of crime. While there is a great deal to be said for providing funds for compensating victims of crime, I wonder if that is not a kind of an open-end commitment that might detract substantially from the availability of these funds from other objectives of the LEAA, and if it wouldn't be better to treat it as a separate thing.

Mr. HOLMAN. I am glad you asked that, because that is not what

was intended. That is the trouble with shorthanding. To be used for high-priority items—for example, we are not saying when we say "youth programs, narcotic treatment and prevention," that all of the money which LEAA has will be used for those purposes.

What we are concerned about is this, and that is why we come down so hard at the end in talking about the role we think the Institute for Law Enforcement and Criminal Justice can play. We are interested in looking at what are some of the very currently important problems in the whole area of law enforcement, that LEAA funds, rather than the basic crime funds can be used for.

We think that it would be very useful to have the Institute look at this very muddled and emotional question of how you go about dealing with the question of compensating victims.

We know very well that you would bankrupt the program if the moneys were used directly for compensating the victims of crime. We are saying that that is an important issue, that LEAA ought to be willing to put some of its institute funds into looking at.

Some cities are trying to do it themselves. They keep saying the Federal Government ought to do it. We think it is an issue that LEAA ought to be able to put some of its research funds into.

Mr. SEIBERLING. Then your fourth point does not really mean you recommend that each LEAA grant given to the State and local authorities contain a specific amount for compensation for victims of crime.

Mr. HOLMAN. No. I certainly don't mean that. I am sorry if it came out that way. I certainly wouldn't want each grant—because you would, I think, very soon bankrupt the program.

Mr. SEIBERLING. I think the same thing might apply to some of the other things in this point four, because it seems to me if we give a grant for one particular type of thing, say, training for police officers, we are not going to have it specified that it include all these other things.

In other words, I think what you really mean is that in considering the overall amount of grants to State and local authorities, consideration should be given to a reasonable allocation.

Mr. HOLMAN. Yes; in terms of human relations training, this is where we disagree with some other people. I would not limit those funds to police officers and officers of the criminal justice system. I think that there is, on the other side of that fence, a lot of training that needs to get done in terms of understanding what the problems are on the other side.

Because, what we have now is not a situation in which you have got just the police arrayed against the people in the minority communities. You have a great deal of tension which is coming from the other side and we have seen one or two programs which have tried to bridge that gap, trying to let each side understand a little more about what the problems of the other are.

Mr. SEIBERLING. And then your sixth point says: "The coalition feels that each city should be required to provide impact plans for serving residents of high crime areas." Would you spell out a little of what you mean by "impact"?

Mr. HOLMAN. What we are trying to get at here is that we think it is important, just as we wanted more action and we wanted to separate

out the action and the research or the planning grants—we think that neighborhoods differ in communities from one neighborhood to the other, and that a city, even, ought not to try to simply blanket plans for the total city but that there should be plans which relate to: What is the peculiar nature of the crime incidence in this area and how do we plan to deal with it?

And then: How are we going to evaluate whether we are going to be successful in dealing with it or not?

Mr. SEIBERLING. In other words, they should look at each neighborhood problem as a distinct thing.

Mr. HOLMAN. In many cases that is what we find to be the case there. We speak of gray areas, vital and viable areas, and then very, very depressed and demoralized areas with high incidences of violent crime. And we think you have to be able to plan, to spot your planning to those areas.

So we are not talking about what the State plans; we are talking about within the cities, trying to measure impact.

Mr. SEIBERLING. Thank you very much.

I would like to address this question to Mr. Arata. It isn't quite clear to me from your statement whether you feel that cities, central cities, should be separate agencies or entities for purposes of LEAA grants, or whether you would go along with the idea of having a law enforcement council or planning council for the whole urban area, which would distribute funds in accordance with a plan for the whole area.

Mr. ARATA. First of all, we feel that the cities—and New Orleans is a city where we are best aware of the problems—are adequate to receive the funds directly and yet we would not consider that an essential ingredient of new legislation. It is our thinking that if the legislation has adequate safeguards so as to insure that cities with this high incidence of crime would receive the bloc-type grants, we could live with that.

Mr. SEIBERLING. Mr. James Stanton and I introduced a bill which was somewhat similar to the administration's approach, except that unlike the administration we would send funds directly to high-crime-rate urban areas, on two conditions. One, that there be a law enforcement or law enforcement planning council for the whole metropolitan area, and second, that they have a plan covering the whole area.

And I take it you would not object to that approach?

Mr. ARATA. We certainly would not. As a matter of fact, we agree 100 percent with the necessity for adequate planning, and we talked about that in our prepared statement.

Today, in the city of New Orleans, however, we do not have a criminal justice council for the entire metropolitan area; just for the city of New Orleans and yet the recommendation is obviously consistent with what should happen with regard to crime prevention in the entire area.

Mr. SEIBERLING. Does the city of New Orleans, itself, encompass the entire metropolitan area?

Mr. ARATA. No; it does not. Our parish county situation is coextensive. The Parish of New Orleans is coextensive. And yet our metropolitan area extends out into several parishes.

Our coordinating council is just the city of New Orleans.

Mr. SEIBERLING. Our bill would provide that the funds be allocated to urban areas on the basis of population having a factor of one and crime rate a factor of two, so that it would not just be on a per capita basis, but it would tend to go where there was greater need.

Does that strike you as being the way to go about this?

Mr. ARATA. Our staff people tell us that that is the type of approach we would consider acceptable.

Mr. SEIBERLING. Thank you.

Mr. Bushnell, that was a very shocking and dramatic point you made about some of the factors that are giving rise to poorer relations between the police and the community in the Detroit area. And I gathered that you are suggesting that we make provision for continuing education, in effect, for police officers so that we have some system so that their training does not, in effect, dissipate, but that they are brought up to date on the latest thinking in police training, police methods, community relations, and that sort of thing.

Mr. BUSHNELL. I would respond, Mr. Seiberling, by making three points, if I may. First, my answer to your direct question is: Yes, sir; that is exactly what I would recommend to this committee.

Second, I would like to adopt Mr. Holman's statement about the necessity of education in and among the recipients of police service, to use a noninflammatory phrase.

The community needs education in our city as desperately as do the members of the department and others connected with the administration of law enforcement.

It is a big, complex problem and we need educational help desperately for all components.

Mr. SEIBERLING. How would LEAA help with that education?

Mr. BUSHNELL. We suggest, sir; through the broadening of the coordinating council to include citizen representation— and, as is indicated in our prepared statement, the allowance of LEAA funds to be used by nongovernmental units under appropriate guidelines, whatever they may be, would have a great impact in developing this kind of a favorable community response and, correlatively, a favorable community educational program.

One other point, if I may, that I would like to slip in. In Detroit— and I suspect this is happening around the country—the cliché of "professional standards" is picking up all sorts of different means, depending upon the group with which you are in contact.

It means one thing to the Detroit Police Officers Association; it means another thing to our group of civil rights organizations. It means another thing to a group of businessmen. It means an entirely different thing to doctors and lawyers.

I am a little bit concerned, therefore, about the fact that we are all using this phrase "professional standards" without further definition.

New Detroit submits, insofar as the term "professional standards" applies to police officers, that are talking about standards that develop and define the role of law enforcement officers in the total community; not just wages and hours or arrests, and things like that.

Mr. SEIBERLING. One of the things that impressed me in the old days was the feeling of identity between the policeman on the beat and the

people in the neighborhoods that he served. How do we get back to that situation?

Mr. BUSHNELL. Sir, without being facetious, if I knew the answer to that I would have copyrighted it and I would be out counseling right now instead of being at this hearing with Dr. Holman. I haven't the faintest idea; which is not to say we shouldn't keep trying.

Mr. SEIBERLING. One of the suggestions that was made to us was that LEAA make funds available to private citizens—supplemental groups. I forget the exact terminology. Auxiliary citizens groups, neighborhood enforcement groups, or whatever you want to call it. I think I can find the exact terminology.

Citizen patrol is one of the terms used. Would you include that in the private groups that you think funds should be made available for?

Mr. BUSHNELL. I have a distinct visceral reaction, a pretty violent reaction, to that kind of suggestion. The "rent-a-cop" business is thriving in the Detroit metropolitan area under the conventional competitive laws. I do not think it needs any help with Federal funding. And I think that would be just God-awful.

Mr. SEIBERLING. Well, I must say I have a similar visceral reaction.

Thank you very much. I have no further questions.

Chairman RODINO. Thank you very much, Mr. Holman and gentlemen. We appreciate your coming here and giving us the benefit of your views.

[The prepared statements of Mr. Holman and Mr. Arata follow:]

STATEMENT OF M. CARL HOLMAN

Mr. Chairman and Distinguished Members of the Subcommittee, my name is M. Carl Holman and I am president o fthe National Urban Coalition. We are a non-profit organization comprising all the constituencies of urban areas including the poor, the working class, the ethnic and racial minorities as well as the business and industrial communities. Because the Coalition is a national-local network of people concerned about the future of our cities, I am sharing my time with Mr. Blake Arata, City Attorney of New Orleans and Acting Chairman of that city's Criminal Justice Coordinating Council. Also providing testimony is George Bushnell, Jr., of Miller, Canfield, Paddock and Stone and additionally a member of the board of directors of New Detroit, the local Coalition.

We are grateful for the opportunity to testify on the measure before the Subcommittee and to share with you our views on the thorny problem of crime and the criminal justice system in America.

Over the past four years, first on our own, then through support provided the Lawyers Committee for Civil Rights Under Law, the Urban Coalition has monitored and reported on the operations and policies of the Law Enforcement Assistance Administration.

Let me say at the outset, the Coalition favors extension of the Law Enforcement Assistance Administration (LEAA) program but firmly believes that its continuation must be accompanied by basic reform in direction and emphasis.

In the four years of federal efforts to fund anti-crime programs, the LEAA has concentrated its efforts on funding those police functions already established, and spent precious little time or money to encourage vitally needed innovative reforms both in law enforcement and its concomitant, correctional and rehabilitation procedures.

Yet the original legislation intended that LEAA be an innovator, that it encourage municipalities and states to come forth with proposals and programs that would seek out the roots of crime and not operate on crime's outward manifestations alone.

Yet today little reform is at hand. And little more seems to be on the way.

We see the nation's youth in trouble; in trouble with drugs, in trouble with their families and in trouble with all the traditional agencies of authority. And,

while we know that police and courts as constituted are unable to successfully treat this problem, few LEAA programs are aimed at basic reform of the system of juvenile treatment.

While the abuse of hard drugs continues to increase, recent emphasis has been on severe punishment for the seller and little on increasing the federal commitment to treatment of the user, including those whose addiction began while serving this nation in the Vietnam War.

While we spend millions of dollars for enforcement tools and stockpiled police gear, those who are the victims of crime remain uncompensated for their losses. Reform of that situation, we are sure, would be of great benefit to the urban poor and the working class, for they are crime's most numerous victims and those upon whom monetary loss falls hardest.

And surely, while law enforcement has always been an after-the-fact operation, the time has come to divert both our attention and our funds to solving the causes of crime—bad housing, unemployment, a deteriorated environment and the utter hopelessness that comes from being one of society's outcasts.

For all these reasons and more we respectfully suggest the following reforms in the legislation to the committee, knowing full well that these are not all the answers and that these reforms will not provide instant solutions to the grave problems we face, both in the city and in the nation's suburban and rural areas.

First, the legislation should stipulate that fully one-third of the members of State Planning Agencies and regional boards be representative of community and minority constituencies, with emphasis on urban representation. City and municipal criminal justice councils should reflect a like representation so that proper attention can be given to larger social problems at the root of crime.

Second, full and adequate funds should be earmarked for the planning and implementation of programs in urban areas with high crime rates, especially those testing resident participation approaches to community preventive planning and crime reduction.

Next, high priority should be given to the selection, training and deployment of skilled policemen for neighborhood patrol and community service.

Fourth, each grant under the LEAA program should contain the requirement that a large portion of the funds be given over to intensive work on national priority issues like youth programs, narcotics prevention and treatment, court reform, prison diversion, correction reform, compensation for victims of crime and human relations training for law enforcement officers.

Fifth, each state, regional and local planning group should be required to establish specific procedures for:

(a) Equal employment opportunity as required by law.

(b) Attention to the needs of low-income, minority and working-class citizens.

(c) Assuring non-discriminatory justice.

Sixth, each city should be required to develop impact plans for serving residents of the neighborhoods with high crime rates.

Next, we favor increasing the proportion of discretionary grants with the proviso that funds be used solely for law enforcement and criminal justice reform. We feel strongly that these additional discretionary funds should be used for better deployment of existing law enforcement personnel, for the enhancement of the police officer's training and skills, for diverting youthful or petty offenders from the main stream of the criminal justice system and for special dealings with youthful offenders. Other programs in which these funds could be used would include encouragement of public participation in planning and community education, for effective narcotics programs and for improved rehabilitation programs.

And, eighth, we feel that the Institute for Law Enforcement and Criminal Justice should be strengthened to better fulfill its research and information functions. Its attention should be focused on reform, and its findings should be widely distributed for state and local implementation.

Mr. Chairman, we bring these suggestions forth because we see what crime is doing to our cities in every city, every day, and we see what LEAA money has bought. Our viewpoint reinforces our opinion that real reform of LEAA is necessary to achieve the twin goals of reduced crime and better criminal justice.

The LEAA program to date has not brought sufficient concern to the problems of the individual. Instead of concentrating on upgrading the skills of the police officer, the major thrust of its grants has been to buy him more tools.

As the former chief of police of New Haven, Conn., noted, "We expect policemen to be professionals . . . and treat them like menials."

Only rarely have LEAA grant recipients applied their funds to experiments with patrol techniques, to promotion of more successful community relations or to establish close working ties with existing social agencies.

That kind of weak linkage with the community deters crime prevention efforts and makes police work all the more difficult. As Larry Doss, president of New Detroit, Inc. noted, "the thrust should be prevention, not apprehension."

But the Congressional mandate of the 1968 legislation has been seriously weakened. As Lanny Sinkin, executive director of the San Antonio Urban Coalition observed, "Criminal Justice Coordinating Councils tailor their programs to fit the category established by LEAA rather than LEAA structuring money disbursement to fit locally identified needs."

Moreover, we see little progress by either LEAA or their local grantees to discharge their civil rights obligations. No less an authority than the U.S. Commission on Civil Rights has found that LEAA has one of the poorest records in the federal government in enforcing civil rights legislation.

Severe underrepresentation of minorities and discriminatory practices still characterize many police departments, correctional institutions and court systems. Yet, in the face of all that, LEAA has given a low priority to efforts that could help eliminate discrimination. Their performance in that field has been so poor that Ernest Browne, a Detroit councilman, remarked that LEAA officials seem reluctant to provide adequate funds for minority training and hiring.

And that kind of underrepresentation is seen again in the composition of the state, regional and local planning agencies that administer the LEAA grants. It is difficult to see how problems of communications, understanding or fear can be solved without increased participation of citizens whose stake in reformed law enforcement is greatest.

In their excellent report entitled "Law and Disorder III", the Lawyers' Committee for Civil Rights Under Law, the authors cited a Justice Department memo that called on LEAA to pay attention to several areas of their operation covered under Title VI of the 1964 Civil Rights Act. The areas cited, and I quote, were:

"Lack of minority groups in administration positions, in planning agencies and on citizen advisory boards; . . . racially discriminatory policies of providing protection for citizens; racially discriminatory law enforcement practices; and racially discriminatory practices regarding pardons, paroles and correctional institutions."

The lack of public participation can be traced, perhaps to the original legislation which requires only that, "law enforcement agencies, units of general local government and public agencies, units of general local government and public agencies maintaining programs to reduce or control crime" need be represented on state, local and regional boards.

Had the phraseology been different, we might not have needed to be here today. For law enforcement cannot exist in a social vacuum. We cannot permit such an all-pervasive social force to become a closed and secretive society.

Instead, the Congress and LEAA should act to place law enforcement in its proper context in society and make a serious attempt to relate law enforcement efforts to the greater tasks before us. For those of us interested in revitalizing the American cities, law enforcement has a clear partnership role to play.

Last month the Coalition sponsored a "Conference on Overcoming Barriers to Public and Private Investment in our Nation's Cities." The participants in that conference said that crime was the major obstacle to increased investment in the urban centers.

Thus, logic tells us, better law enforcement and less crime would induce more investment in the cities and act as a catalyst for urban revitalization.

Public participation in that improvement—participation back as far as the LEAA planning process—would, we believe hasten the rebirth of the cities and decrease the burgeoning crime rate.

To guide LEAA's efforts in this direction, then, we suggest that major reform of the agency is necessary. Past experience has shown that discretionary grants—15% of all action funds under the agency's command—were not spent on model programs as was intended, but instead went for routine projects that states could have funded from their own block grants.

Thus, LEAA generally has not been responsible for new directions in law enforcement; it has merely enforced the status quo. It has not even attempted a demonstration program in gun control to find out whether or not the availability of guns is a direct link to crime, even when so many appalling acts of violence with guns are aimed at police officers.

Instead of being a federal incentive to do that which is innovative, LEAA has been doing more of the same old thing.

It was expected to be a clearinghouse for information and data to be disseminated throughout the vast law enforcement network across the land. That function has not been carried out to any appreciable extent, because the LEAA has not developed an adequate evaluation system to assess project results and help guide the performance of state and local government.

And, finally, LEAA has not been the leader that many of us thought it could and should be when it was created. Its vague policies, reluctance to establish firm directions and guidelines and its generally fragmented approach to reform make it a follower and not a leader.

Therefore, Mr. Chairman, the National Urban Coalition urges that any extension of the life of the Law Enforcement Assistance Administration be coupled with firm Congressional action that will turn the agency toward the real need of those charged with criminal justice responsibilities across the land and with the personal safety and well being of the people in the communities they serve.

This legislation gives the nation an opportunity to start undoing some of the bad practices of recent years and to make the system of law enforcement and criminal justice a more effective part of the society of the 1970s.

STATEMENT OF BLAKE ARATA

Mr. Chairman and distinguished members of this Subcommittee: I am Blake Arata, City Attorney for the City of New Orleans and acting chairman of the Mayor's Criminal Justice Coordinating Council.

I would like to thank each of you for the opportunity to address this Committee on the subject of continuation of the LEAA Act. Also our thanks go to the National Urban Coalition for extending an invitation to the City of New Orleans to testify with them today. My remarks will focus on the New Orleans experience with the present LEAA Act and on some feelings we have concerning the proposed new legislation.

I would like to begin by capsulizing the operation of the Criminal Justice Coordinating Council in New Orleans. In 1970 Mayor Moon Landrieu established the Criminal Justice Coordinating Council to plan and coordinate crime control programs in New Orleans, and to administer LEAA funds for the City-Parish of Orleans.

This action was supported by all the city and parish criminal justice agencies in New Orleans and given authority in the form of a Councilmatic Ordinance establishing the Criminal Justice Coordinating Council. I might add, cooperation among the local criminal justice agencies has been excellent thus far. Our Council has 30 members representing police, courts, corrections and related criminal justice agencies; its composition also reflects 30% representation of local citizens and 27% minority groups.

The CJCC was initially funded with City funds and LEAA Discretionary funds. The State Law Enforcement Commission, in 1970, did not contribute any planning funds directly to the City. All funds flowed from LEAA through the State Planning Agency to eight regions. The City of New Orleans, in 1969, was placed in a nine-Parish, or County region under the State Planning structure. This arrangement caused considerable problems to the City and the local criminal justice agencies, in that the city's criminal justice priorities were not being recognized by the region or the State Law Enforcement Planning body at that time. In 1969, the criminal justice system of the Parish of Orleans received only $60,897 in LEAA Action funds, and these funds went to uncoordinated and poorly planned projects in the police and sheriff's departments.

In Fiscal Year 1970, with the establishment of the CJCC and the initiation of comprehensive criminal justice planning in New Orleans, the City received $741,187 of LEAA funds. However, problems with the intrastate region in which the City was arbitrarily placed, seriously retarded planning and action program efforts in terms of: 1) rural domination of the region; 2) lack of understanding of large City problems; 3) lack of recognition of City criminal justice priorities;

4) lack of adequate representation on the regional planning board from the largest City in the region with, at that time, 40% of the entire State's crime; and 5) a complete disregard for the concept of comprehensive planning. What in theory was supposed to bring parishes together to implement systemic changes, and to reduce fragmentation and duplication in the criminal justice system, degenerated into "pie-cutting" and was a supplementation of police and sheriff's department budgets. In the summer of 1970, the Mayor finally obtained designation of the City as a region within the State structure in order to give full recognition to its planning and coordination efforts in crime control programs.

In Fiscal Year 1972, our CJCC allocated $1.5 million of State block funds into program areas reflecting the following percentage breakdown.

11.1% for Courts
30.8% for Police
17.7% for Juvenile Delinquency
38.8% for Corrections
1.9% for Alcohol and Drug Abuse

These expenditures went for such programs as: 1) Police Training; 2) Upgrading of the Police Department's Communication System; 3) a Release on Recognizance Program; 4) a Public Defender Program; 5) Court and Police Management Studies; 6) an Alcohol Detoxification Center; 7) a Diagnostic Evaluation and Referral Unit of Juvenile Court for Juvenile Offenders; 8) the implementation of a Central Jury Pool; and, 9) a new Magistrate Court. Our overall experience with the program has convinced us that large cities with high crime rates should be designated as separate planning and programming regions, and should not have to bargain with the State for funds appropriated by Congress intended for "high crime areas of the country."

Another point I would like to emphasize is the lack of adequate planning funds to large cities. It is our feeling that in order to spend LEAA funds effectively, proper planning is paramount. While realizing that planning is expensive and that it diverts some funds away from operating agencies, we feel that without comprehensive planning, funds will not be translated into overall attainment of system-wide goals. Similarly, it is our experience that where proper planning is lacking, the criminal justice agencies only reinforce already archaic operations with little regard to maximizing efforts toward true criminal justice reform.

Under the current Legislative Act, LEAA distributes planning funds to the states, and the states set up regional planning councils to utilize these funds for project planning. However, many states like Louisiana have 9 regions within their state, and the 40% planning funds available for pass-through do not adequately finance large city high crime area planning activities.

In the past, LEAA has supplemented planning funds to large cities by awarding discretionary grants to the CJCC's for planning. This has been phased out with the recent discretionary guidelines and could adversely affect cities like New Orleans which have not received enough state funds to do the type of planning job which is required under the Act. Therefore, States should be mandated to allocate adequate planning funds to large urban centers with high crime rates on a priority basis, with set minimums of not less than a base of $200,000 per City with populations of 500,000 or more.

Another issue I would like to highlight to the Committee is the stated purpose and intent of the Safe Streets Act, as amended, with specific reference to the amount of action funds available for crime control programs. If we can reemphasize the fact that criminal justice operates on the local level, be it with cities, parishes, or counties, then we should direct all available resources to the area where that system operates.

Crime is in the streets of our large cities. It diminishes in concentration the further you get from the core cities to the rural areas. I recommend, therefore, a strategy that LEAA explicitly identify the high crime areas of the nation and then embark upon a program to eliminate or substantially reduce such crime. I further recommend that Congress mandate LEAA to direct all available resources primarily to those urban areas which have high crime problems, much like the commitment to the Impact City's Program. Our experience thus far with the use of action funds, clearly establishes the necessity for giving local units of government greater flexibility in managing crime control funds.

Presently there exists immense duplication of efforts and waste in funds on the local and state level. In our agency, LEAA monitors projects and performs

audits; GAO audits projects; the FBI does spot checks of programs; each state monitors and audits projects; and, the City Government of New Orleans monitors and audits projects. I think this is a massive waste of the taxpayers' funds. It dilutes the amount of money available for crime fighting and substitutes for that struggle an army of accountants. I would suggest that since large cities have the necessary checks and balances to monitor the expenditure of millions of local dollars, that this mechanism be utilized and certified as the prime agency responsible for the monitoring of all LEAA expenditures allocated to local areas. I believe other federal programs have demonstrated by now that large cities have the capability to administer block grants of funds. Under the existing system each budget change has to be approved by the State Planning Agency and then, in turn, LEAA for amounts past 15% of the approved budgets. This, we feel, is unnecessary and causes undue delay in executing projects.

I recommend, therefore, that block grants be mandated to large cities that have developed a local planning capacity, and that these funds be based on population, crime rates, and levels of law enforcement activities. Additionally, LEAA should delegate to these units complete grants management authority.

While we have been reasonably successful in implementing planned projects (90% of our fiscal 1972 funds are encumbered), we feel that the existing LEAA Act is not presently structured to handle continuation grants. For example, in New Orleans we are constructing a new parish/county prison, and because of the coordination needed in securing the necessary land and local bond funds to match (a total of $15.2 million), the City's CJCC had to file a series of grant applications to LEAA and the State Planning Agency over a two year period.

This was due primarily to the lack of LEAA funds to participate fully in the project at its inception. Hampered by our local Home Rule Charter which prohibits awarding contracts without "cash-in-hand", the City was forced to build up a cash reserve of funds in order to let a first phase construction contract. In the meantime, because LEAA grants expire on a yearly basis, numerous extensions were requested and will continually need to be requested throughout the project.

I make this illustration only to emphasize the fact that LEAA, as presently structured, does not have the capability to participate with ease in multi-year construction grants. However, such capital projects are necessary to criminal justice planning and programming. Therefore, I recommend that Part E of the existing Act be amended to take into consideration such projects, and that funding be at a realistic level.

From the points which I have mentioned and our experience in New Orleans thus far, we believe there are basic crime control planning and implementation elements which should be taken into account while this committee is considering new financial aid systems for reducing crime in our country.

First, under existing legislation and proposals presented thus far, it is questionable where the true direction of the nation's crime control program is being aimed. It is our feeling that the basic unit should be the large urban centers with rising or high crime rates, and that the intent of any new legislation and any subsequent appropriations should be directed to these areas.

Second, we feel that the match provision should be eliminated in any grant-in-aid program. While this may be translated into a support of special revenue sharing, we still would like to point out that the delivery of revenue sharing payments through the States to urban centers and high crime areas should be paramount in any deliberation.

Third, that cities with high crime rates should develop comprehensive multi-year plans; that those plans should be funded with block grants from the states; and, that the cities be given authority to execute and manage those plans. We would propose that once a comprehensive plan has been approved by the State Planning process, a large city which receives a block grant should not have to file individual applications for grants to the SPA in order to have portions of that plan funded.

Fourth, that funds appropriated by Congress for criminal justice financial aid be distributed in the form of action grants to the states, and that a minimal amount be retained by the National Administration to be used to support such programs as the National Institute of Law Enforcement and Criminal Justice. It is our feeling that the Discretionary Programs administered thus far have not focused on significant criminal justice problems. The only exception to this is the

Administration's Impact Cities Program which, while providing additional funds to selected large cities, established a local planning process supplemented by significant action funds. We feel this approach should be the rule rather than the exception. However, we feel that the proper vehicle for this type of program is a system of block grants to large cities through the State Planning process.

Fifth, that a complete separation be identified in any legislation between planning funds available to units of local government and action funds. This, we feel, would insure that a planning process would be established legitimately, without detracting from monies available for action programs.

This completes my presentation, Mr. Chairman. I would again like to thank the Committee for the opportunity to be heard on this most important matter. I have Frank Vacarella, director of our Criminal Justice Coordinating Committee, here with us today, and we would be happy to answer any questions you might have.

TESTIMONY OF SARAH C. CAREY, ASSISTANT DIRECTOR, LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW—Resumed

Chairman RODINO. Mrs. Carey, would you return now to the stand for questioning, please. We were talking about employment discrimination and I think you answered that.

Aside from employment discrimination, do you know if LEAA has taken any steps to prevent discrimination of minorities as they are processed through the criminal justice system itself?

And can we expect that section 308, if enacted, would be broadly interpreted and enforced?

Mrs. CAREY. As far as I know there has been almost no attention by LEAA to discriminatory handling of minorities in various phases of the system.

When we reviewed the grants that the Institute had made, for example, there had been no grants in this area, even though there is a great need for research. As a matter of fact, almost the only research data that has been collected was collected by various private groups working in the South and by a California court, looking at the problem of arrest records.

But there is practically no accurate measurement of the way that minorities get treated. And LEAA has not contributed to that knowledge, and they have taken no steps to correct situations where there is such abuse.

They have, as I understand—and this is awfully hard to get hold of; maybe you can get hold of it—done some special studies in the eight cities that were selected for the high impact program, where they have attempted to assess discriminatory allocation of resources within the criminal justice system.

Those are not available to the public now. I do not know what they plan to do with them.

Chairman RODINO. The administration bill would repeal section 518(b) of the current law, which prevents conditioning a grant upon the adoption by an applicant or grantee of a percentage ratio, quota system, or other program to achieve racial balance, or to eliminate racial imbalance in any law enforcement agency.

If we did repeal 518(b), would it be a step in the right direction to condition or deny grants on this basis?

Mrs. CAREY. To discontinue grants on the grounds that agencies have not achieved a sufficient representation of minorities?

Chairman RODINO. That's correct.

Mrs. CAREY. I think that the agency is almost obligated to do that, under the new requirements of title VII, as well as title VI. As you know, title VII was amended last year to include State and local governmental agencies, which include law enforcement agencies.

So I think there is already existing Federal law on the books to make it pretty clear that the State and local agencies are proscribed from discriminating against minorities in their hiring practices.

The question, which is really what you are getting at, is what can be done to make LEAA more active in both assessing the problem and enforcing it.

They have had the law on the books. It is a very clear law but they have not been vigorous in applying it. It is certainly not an area of exceptional leadership. It might be helpful to include something more in the statute, or else in the record, to express Congress feeling that it is terribly important within these agencies that deal so heavily with minority persons in the population to have a strong antidiscrimination policy.

Chairman RODINO. Do you know of any instances where State planning agencies have actually resorted to discrimination or discrimination has happened?

Mrs. CAREY. Well, the people we worked with in South Carolina pointed out that in both their State agency and the subunits within a State there was a gross underrepresentation of minorities. I believe minorities, blacks, comprise about 34 percent of the population of the State and the representation on the planning agency was down to between 10 and 20 percent, something substantially below the State population rate.

In the early stages I know that Massachusetts had very poor representation of minorities. Some of the States in the Southwest are really underrepresented in terms of Chicanos, although they do have a proper number of blacks.

LEAA itself, as you know, has a draft regulation that would require the SPA's to include minorities on the planning bodies commensurate with their percentage of the population. A deviation between the percent of minorities in the population and the number on the planning bodies, that would be a prima facie case of discrimination.

Now there is a big fight going on as to whether that will actually be issued as a formal regulation by the agency. But I think it should. I think it is a very positive step.

Chairman RODINO. Has LEAA at the Federal level, and have the States at their level, done an adequate job, in your opinion, in seeing that the Federal moneys are being appropriately distributed among police, courts, and corrections, and which of these areas is most likely to suffer if we adopt the administration's proposal approach?

Mrs. CAREY. The initial history of the act indicated very heavy emphasis on the police. It is still pretty heavy, particularly considering that the police get a tremendous chunk of State and local funds. They are not one of the agencies of the criminal justice system that could be considered the most deprived, by any means.

If you listen to someone like Henry Ruth, who is head of New York City's Criminal Justice Coordinating Council, he always makes the point that the police get so much money out of his State and his city

budget that he makes a deliberate effort to use LEAA funds for court, corrections, narcotics, and other programs.

New York is, of course, always way out of whack. But our experience with other States shows that the courts and court-related agencies are generally underfunded—so that where probation and parole are tied into the courts instead of corrections, they tend to get underplayed.

Public defenders are grossly underfunded. We found that LEAA had given something like $30,000 worth of grants to public defenders as compared to public prosecutors where they have invested many millions. And that is, again, repeated on the State level, with some exceptions.

The courts are a difficult problem, partly because nobody has figured out what to do with them except to hire managers and computers for them. And there has been very little effort to really look at, say, taking away traffic problems from the courts, or resolving petty disputes that now clog up the courts and transferring them to some other kind of administrative tribunal.

There has been none of that basic kind of experimentation. It has just been computers and managers. And I think part of the problem is that judges don't want to mess with outside funds; they prefer to remain independent.

So, it is not entirely the fault of the LEAA agencies. But that is one area where they really haven't figured out how to get in and it is a key area, of course, to the whole criminal justice system.

The youth area is another problem. Although the money allocation is not as low as in regard to the courts, it is another area where nobody quite has been able to figure out what to do, despite the rapidly rising youth crime rates.

Chairman RODINO. Mrs. Carey, do you think that the National Institute might do an effective job in this area?

Mrs. CAREY. I think they certainly should. If the Institute is to play the role that was contemplated for it originally and that I suggested this morning it ought to play with reduced Federal involvement in the program, I think the Institute certainly should be directed to do that kind of research.

As a matter of fact, the Institute probably should file some kind of an annual plan with the Congress telling them what areas they want to focus on so that if the Congress feels there is a priority area that is being neglected, they can add it to the plan.

Chairman RODINO. Your report, like the report of the House Government Operations Committee, is highly critical of excessive expenditures of LEAA funds on police hardware at the expense of other areas of criminal justice. A number of the witnesses we have heard tell us these purchases are really not abusive at all.

They say the 1968 act was passed in part to meet the needs of police departments operating with outdated equipment.

I'm wondering if you might respond to those kinds of comments and, more importantly, tell us whether you feel special revenue sharing is likely to encourage, or to better control, excessive expenditure in these areas.

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Mrs. CAREY. I certainly, would not buy the Attorney General's interpretation of the statute, that the statute as presently written is essentially a fiscal relief program for hard pressed criminal justice agencies.

As a matter of fact, I think if there were enough legal resources around, that interpretation would call for a good lawsuit to try and get a more accurate statutory interpretation through the courts.

But it's clear that Congress was not as strong as the Crime Commission, in insisting that the funds be directed exclusively toward reform programs.

What they really did was to give the Attorney General the authority to spend the money in a manner that would encourage institutional reforms, without putting in an express proscription against equipment type expenditures.

But I think if you go back through the legislative history and the various reports and so on that preceded it, the genesis for a Federal role was the thought that the Feds should provide something different from straight local expenditures. Things like street lighting and billy clubs and uniforms and squad cars and that kind of thing are appropriate—they are necessary—but they are not what the Federal Government should come in and buy. The Federal Government should buy the things over and above that, that help the department to engage in long-range planning on what they ought to do.

The act certainly authorizes expenditures for reform programs and exchange programs. And I think a lot of the police chiefs that we have talked to in the course of our study have described how difficult it is to develop a new program.

If you were Chief Igleburger in Dayton, Ohio, and you were trying to develop a new way to deploy your men on patrol, or to try and handle conflicts in a new manner, that is a far more difficult process, and probably less expensive, than going out and buying the helicopters that the gentleman here before was referring to.

In some ways it is an easy way out to get hardware. There is no question that the equipment people are really pushing. They are good, aggressive American businessmen. And there are no standards imposed by LEAA or the States. So it is kind of a natural tendency when money is flowing freely without direction, and there is a growing market, for the market to absorb it.

Chairman RODINO. One final question, Mrs. Carey.

You noted in your testimony that the so-called assumption-of-costs provision is eliminated by the administration proposal. And under that proposal there is no intention expressed by the Congress that the localities show a willingness to adopt and fund a demonstration project, even if it has proved successful for a number of years.

Would you think that an elimination of this provision is consistent with the express purposes of the 1968 act to stimulate and perpetuate local initiatives?

Mrs. CAREY. No; I don't. I think it is a contradiction. I think that guaranteeing a Federal layering of funds that will come for an undefined period of time for anything that the localities want to purchase in the area of law enforcement will tend to create an artificial series

of programs that are not integrated into the normal legislative and appropriation processes that occurs within the States.

I think you have a danger of creating the same kind of unaccountable appendage that we have created in the U.S. Employment Service System, which no State cares about, really. They take it because the money is there but they do not have any active involvement or commitment to it. And I think unless you find some way of building a program into the State governing process, and that means the legislatures and the city councils and so on, it is just going to be an appendage.

Chairman RODINO. Thank you very much.

Mr. Hutchinson?

Mr. HUTCHINSON. Mrs. Carey, in your testimony this morning, as I recall, you made the point that the matching requirements in the present law at least afford State legislatures and local governing bodies some leverage over the administration of programs at the State and local levels. Does that suggest that you favor a continuation of the matching requirement?

Mrs. CAREY. No. I don't think there is any magic in the match. I think what is important is finding some way to get State legislatures involved in deciding the funding priorities. And, as I suggested in my testimony, that could be achieved equally well, perhaps better, by having the State plan filed with the State legislature, to sit there for 60 days or some period of time, during which the legislature could comment or, suggest changes. It could also be achieved by passing the Federal funds through the regular State appropriations process.

It is difficult in these programs where the Federal Government is providing all the money to get any kind of legislative involvement.

Mr. HUTCHINSON. I want to indicate my concern with you about the importance of involvement of State legislative bodies in this process. As a member of the State legislature years ago, my first reaction to Federal programs in any area was that it looked as though it was a clever arrangement to completely bypass the lawmaking branch of the State government.

Do you know whether, in any State there are now local laws and practices that include a presentation of plans to the legislature for review over a limited period of time?

Mrs. CAREY. No, I don't. Of the States that we looked at, California had passed a law that went through both houses of the legislature, that would require such a filing. But it was vetoed by the Governor, apparently for other reasons.

Mr. HUTCHINSON. The veto was not overridden?

Mrs. CAREY. It was not overridden, that is right. And California is really the only legislature that has held oversight hearings, for example. They had an assembly committee on criminal justice that has held extensive hearings and gotten the State planning agency people to come in and explain what they are doing and explain why they are allocating money the way they are. A very thorough review of the program was conducted by that body.

In Massachusetts the State planning agency has begun to develop a good relationship with the legislature, so they have gotten some substantive bills through. They have not had any involvement in terms of an overall review of the program. They persuaded the legislature, for

example, to assume the cost of one of the corrections programs, which is a very big thing. And they also got them to pass a privacy bill, a State bill, to protect against the abuses of some of the computer information systems that I discussed this morning.

Mr. HUTCHINSON. But apparently they did not succeed in the Roxbury program.

Mrs. CAREY. That is right. And there are other programs like that. It isn't regularized. And there is no requirement and there is nothing inherent in the structure of the planning body, that insures communication with the legislature. It just depends on the head of the planning body who is sensible enough to see that legislative involvement is important.

Mr. HUTCHINSON. Generally, am I to understand the approach of your committee to be that the revenue-sharing approach won't work and that you want more Federal direction than that bill provides?

Mrs. CAREY. Well, I don't think we are wedded to any particular orthodoxy. One of our roles is generally to look at whether the Federal statutes are being carried out the way they get written up here. And it is distressing to us that LEAA has been administered pursuant to the new bill, which has not been passed yet, rather than pursuant to the requirements of the old bill, which is still the law.

So, I think we start from that basis.

I do not think that revenue sharing is necessarily harmful. I think I would prefer, general revenue sharing, so that the States and localities could decide whether they wanted to spend the money for police or for education.

But you are earmarking millions of dollars and saying you have to spend this for law enforcement, and you have to spend it in Minnesota, North Carolina, and so on. There is a certain illogic in the special revenue-sharing approach, which says that the States can exercise free choice but only within a federally defined category.

If they had a free choice across the board, I think maybe that would be better—if you are going to have revenue sharing.

Now, again, you have a problem that I discussed earlier. And I don't know if there is any answer to it. If Congress decides that something is a national problem, that isn't a problem in the constitution—it is not defense or it is not welfare or it is not one of the things outlined in the constitution—I think there is a duty upon them to define what it is about that problem that they are concerned with, and to suggest ways the problem ought to be addressed. Otherwise, leave it to the States and the localities altogether.

Chairman RODINO. I would like to make this comment if I might: If the concern of our Government is such about the problem of crime that it engages our attention in such an absorbing way, certainly we should have no difficulty in spelling out some of the national standards, goals, guidelines, to deal with the problem.

And the Attorney General admits that we do have well-documented instruments that spell out with expertise how we deal with this problem of crime. And yet he says, "Leave it to the localities anyhow. Leave it to the States." And to me this seems to be rather inconsistent.

Certainly if it is that important, if it is a national problem, if it engages our attention in such a way that we are going to spend billions

to assist the States in this area, then we ought to be able to say, "Well, look, these are some of the ways we should proceed, and these are some of the guidelines."

Mr. HUTCHINSON. I have one further question.

Our previous testimony indicated that approximately only $1 out of $18 or $1 out of $19 that is expended in law enforcement today comes through the Federal program; the rest of it is State and local money. In your analysis and investigations have you found that any State or regional planning agencies address themselves as to how the $18 or $19 are spent, or are all of them concerned only with the $1 Federal share?

Mrs. CAREY. I am not sure I understand the question.

Mr. HUTCHINSON. Well, if it is true that State and local governments supply about $18 for every $1 that the Federal Government expends in this program, then, under the LEAA program, the States need to file comprehensive plans and the localities have to file plans with the State.

Therefore, do you know whether those plans, as they are developed, concern themselves with the overall law enforcement programs of the State or region, or whether those plans concern themselves only with how the Federal funds to be received are to be expended.

Mrs. CAREY. Well, the plans are required to set forth the vision of the agency concerning the overall problems in the State, regardless of whether those problems are going to be covered by just Federal money. So the planners sit down in Michigan or Indiana or wherever and describe what they view as the biggest problems facing the State and how those problems will be addressed over a number of years.

They don't have any control, over the expenditure of State funds by State departments of corrections or other State and local agencies and many of them have no political clout whatsoever.

Some try and set forth in the plan the total State budget and how their money will relate to it and certainly the good ones do.

Let me refer back again to New York City, where Ruth, who used to be the head of the Institute, has deliberately tried to use the planning vehicle as a means of, for the first time, coordinating all the money—State and Federal—that pours into New York City that has to do with crime.

That is certainly the best way to do it. But it takes tremendous political support, because there is no power to do that in the legislation. The legislation does not grant, as it cannot, the local planning body the right to control the use of other funds.

Mr. HUTCHINSON. Then I understand your response might be that some plans are trying to be truly comprehensive, but that for the most part they are concerned only with the funds over which they have direct control and, for the most part, that means LEAA funds.

Mrs. CAREY. That is right.

Mr. SEIBERLING. Mrs. Carey, your statement is so good that I really do not have any particular questions with respect to the points you made in there. But I would like to try to expand on them and clarify them a little bit.

You mentioned the Stanton bill, which is also a revenue-sharing bill, though it has more guidelines in it with respect to how the funds

that were passed through to State and local governments would be eligible. But of course, unlike the administration bill, it would bypass the State governments to the extent of the passage of funds that would go to local areas.

Subject to the point you made with respect to standards and that sort of thing, do you think that the Stanton bill, as far as it goes, is a workable approach and a desirable approach?

Mrs. CAREY. I think if revenue-sharing is the preferred pattern for distributing funds—and there are a lot of good arguments for it—the longer you watch the Federal Cabinet agencies trying to administer programs, the more you believe that they should not. Then your bill's provision for guaranteeing a role for the cities is terribly important.

For example: Pennsylvania doesn't have a bad program. They have a reasonably good one, at least in recent years. But the whole network is controlled by the Governor. The Governor selects the membership of the regional planning boards. His people hire the staff of those planning bodies. It is essentially very much a State-controlled operation. And that is true of a number of other States where you have that type of political tradition.

If you are really going to talk about the new federalism, or whatever we are approaching, I think we have to face the fact that local governments have to be built up. At present they are in many ways like the Emperor's new clothes, in terms of leadership.

Mr. SEIBERLING. The thing that impresses me is that if the system is not working, the local people are going to be the ones who know about it first, and they are in a position to take corrective action, at least to the extent of replacing the people who are not doing that.

Mrs. CAREY. They are only if you build in some kind of legislative review and insist on public hearings or some kind of accountability. Merely relying on the fact that every 3 years the members of the planning body, coroner and sheriff get reelected, not as planners but as coroners or sheriffs, I don't think, provides enough control.

Mr. SEIBERLING. I think I would agree with that.

Suppose, in addition to that, the act did specify some guidelines for cities to follow when they received these funds. It did not say that their plan had to conform to any particular qualifications or that they had to show that they could meet the guidelines in advance, but that there would be an evaluation process after the fact to determine whether they met the guidelines, and if they didn't, I don't know what would be the sanction, but there would be some sort of sanction, if nothing else, publicity.

Would you think that would tend to counteract the lact of controls that revenue sharing would otherwise have?

Mrs. CAREY. You are saying that the evaluations that are conducted of the approved programs would be against a set of either State or national guidelines?

Mr. SEIBERLING. Yes.

Mrs. CAREY. Yes, I think you have to have some kind of sanction. It is sort of a contradiction of terms to have guidelines that are purely advisory, just as it is to have a plan that doesn't have to be followed, which is what we have in the program right now. Guidelines should

be applied as performance standards, with violations resulting in an interruption of funding.

The plan could be viewed as a vehicle that would allow the public to know what is going on. Keep the publishing requirements and openness requirements that the Attorney General has added in his bill. And allow community groups that are very concerned about the location of new corrections institutions, about the organization of new court systems, and that kind of thing, to lobby against the plan.

They should be able, by advance access to the planning documents, to have some kind of input, even if it is only a veto. The plan could play a sort of democratic process opening role, with the guidelines being used to set a standard for evaluation.

Chairman RODINO. On that point, Mrs. Carey, the basic point I guess regarding the administration's planning provision is that there is no approval requirement. How can the Government assure the validity of a State plan if it has no leverage regarding funding? Community input, of course, is badly needed in planning, but what good is it if plans do not have to be adhered to?

Mrs. CAREY. Mr. Seiberling was talking about the local area plans, which I think are easier to handle. With the State plans, I don't think that there should be any plans if they are not going to be adhered to. I think it is a total waste of everybody's time and energy to put out the boilerplate and rhetoric which makes up one-half of the 500 pages that comprise a State plan, if there is not some compulsion to follow whatever is stated in the plans.

We look at a lot of Federal programs, the Hill-Burton health programs, the employment service program, the Headstart programs, a range of programs that all require plans.

The State agencies and localities have to have flow charts and diagrams, and sometimes they have to qualify very specifically what they are going to do, how many people they will find jobs for, and how many people they are going to counsel and that kind of thing.

And then the Federal funding agencies totally ignore whether performance conforms with the plan, which is somewhat what the Attorney General's proposal suggests. If you are simply going to file a plan that will sit somewhere in Washington and the only thing that will be published will be the Attorney General's comments on it, that is definitely a waste of time.

There should be a way, if any citizens group is concerned about what is going on, that they should be able to measure what is going on and say, "Hey, you said you were going to put 40 percent of the money this year in the juvenile program, because of the serious gang problem we have had, and you have put the money into computers instead. We want to call you on it."

Chairman RODINO. The Attorney General emphasized in his statement that if the question had been asked 5 years ago as to whether or not there was a need for approval of plans, he would have given us another answer.

But now, on the basis of a maturing process, the States are following the best path and we can now fund them to the tune of billions of dollars having faith that they can carry on without standards, or that they will follow guidelines without Federal leverage to ensure them. How do you feel about that statement by the Attorney General?

Mrs. CAREY. I think it is ridiculous. If there is going to be any Federal check, if you do not want to go into the details of a plan, you could have a three-page filing which sets forth the things that they are going to do during the year.

Even if you look at it from the accounting point of view, the Federal Government has the responsibility to find out if the money is going to be spent the way the State said it was going to be spent.

I think probably the Attorney General is right to the extent that the planning agencies have matured somewhat in the 4 years they have been in existence. But they still don't consider their own plans as any kind of a firm guideline to what they do.

And this is the interesting thing with LEAA figures. If you ask them how much money was spent on police, they will tell you the figures projected in the plan. It was estimated that only 30 percent of the funds would be spent on police.

But 2 years later when you look to see how the money was handed out, there are entirely different percentages. I think the Congress has a right to know where the money is going.

Chairman RODINO. What about the appealing and attractive argument for the local municipalities that there will not be this redtape?

Mrs. CAREY. I have heard the redtape arguments, and I still haven't seen the case made to me as to where all the redtape occurs. One of the things we found in looking at Massachusetts, for example, was that it takes 6 months at a minimum to get any funds released under Federal grant programs through the city of Boston. Three-quarters of the redtape problems of the city of Boston are for signoff and that kind of thing.

It is true in almost every State that the process of getting the money out of the Federal Treasury and into the hands of the person who is going to use it is a cumbersome one. But it is unclear how much difficulty is caused by the Federal agency and how much is caused by State and local agency requirements.

Chairman RODINO. You admit, though, you concede, that there have been some obstacles to the free flow of funds. Don't you think that this has slowed the process of trying to do something about this problem of crime?

Mrs. CAREY. The House Government Operations Committee showed that the money didn't flow very rapidly. But again, nobody has demonstrated to me, anyway, the extent to which that is the Federal agency's fault.

One of the things we found in California was that the State agency—this was true in Arkansas, I believe also and a couple of other States—couldn't get rid of the money fast enough, because the local agencies didn't know how to spend it.

In California the local planning bodies were constantly reorganizing themselves so they were not prepared to receive the funds. And in other States, the localities just have not had the projects lined up.

So it is unclear precisely the reason for those delays. And I am not sure it is all the responsibility of the Federal agency.

Chairman RODINO. So then it may not eliminate fund flow problems to go the revenues sharing route. Those are all my questions, I think, for now.

Mr. SEIBERLING. I think that the feeling on the part of the Attorney General was that a good part of the delay has been in Washington. And in some States and perhaps in most, there has also been a large amount of delay at the State level. So our theory was: Let's bypass at least two of those levels and get it down to the local government as fast as possible. That is the premise of our bill.

Now, I think that what the chairman was getting at in his questions was that this means that you are completely eliminating any initial screening of the local government or local law enforcement planning council's plans. And his question was: Well, should there be some additional screening before the money goes out?

And I was sort of asking, from the other side: Well, if there isn't any, should there be, at least some guidelines for the council to follow so that you could then have an evaluation process later on, and have something to measure it against?

And your answer was: "Well, yes, I guess there should be guidelines, but there should also be a built-in hearing process so local citizen groups could also give their input and perhaps benefit from planning as to the guidelines."

Do you think that the preliminary approval of the plan in Washington or at the State level is important or is it enough to have guidelines with some of the other conditions you have suggested, to go with it?

Mrs. CAREY. I have not really thought about this that much. If you follow Mr. Hutchinson's line of questioning earlier, pointing out the small percentage that the Federal funds represent of the total either State or city budget, that would suggest that per se, at least there ought to be a showing of how their plan relates to other funds that are coming into their area.

So if it is a city—well, take Baltimore. There is so much that is controlled by the State. Even the police chief is selected by the Governor. And many of the agencies are State-funded. To just have a plan for that city by itself, with the few elements that it actually controls, would not show you much.

Nor would it reflect much effort on their part to try and pull the various agencies together as a system.

So probably at least you want a showing of how what the city is doing relates to its total budget and to the responsibilities that the State may have within its jurisdiction.

Mr. SEIBERLING. Perhaps that is the kind of minimum guideline that we ought to put into this statute, or into the legislative history, and relate it to the use of the other funds, et cetera. Those would be two conditions.

Mrs. CAREY. I think that would be very useful.

Mr. SEIBERLING. I would like to just ask another question. Were you here when the CED representatives spoke, Mr. Weinberg and Mr. Steadman? They, of course, had proposed that the State take over all local law enforcement except the local police, and that a State department of justice be created in each State, with State police that were responsible for statewide law enforcement above the local level.

What is your reaction to that?

Mrs. CAREY. Well, I would have to see it spelled out in more detail, I think, before I could react.

I do have the instant reaction of not liking a beefed-up State police role. I think in certain areas like the courts, an increased State role is very much needed. Many States, as you know, don't have any kind of coordinating system right now for the courts, and judges of comparable powers in different jurisdictions operate like independent fiefdoms. This way of operating undermines confidence in justice.

So I would not have the problem with the courts that I would have with the police. And I think probably the same thing is true of corrections, that local lockup facilities tend to be places where people are put awaiting trial, with the county running the penitentiary or the place where people go after they have been sentenced.

And certainly State standards and State direction and State powers could be very useful in the corrections field.

I guess the only problems I would have would be if you really centralized the powers of the prosecutor or the powers of the police at the State level.

Mr. SEIBERLING. One other suggestion you made was that the State legislature be brought into the picture as far as the State planning and use of funds to be used at the State level was concerned, which struck me as being a very, very excellent point.

In talking about guidelines for local government, would you feel that the State should have a role in establishing those guidelines, or should we just have the Federal guidelines, and pass funds through to the local law enforcement councils and bypass the State?

Mrs. CAREY. So much of this debate about revenue sharing is really an abstract political science debate. Local government leadership is so far removed from the concepts being discussed.

But, as far as the concept is concerned, I think it would be appropriate for the States to establish standards. I don't think the States should be in the position of operational control, but it would not be inappropriate for State legislatures to set standards or goals in other fields, such as education. The States are passing "accountability" legislation, which says for example, that the schools have to enlist parents in certain policy decisions and the schools must achieve certain performance levels by certain grades. In effect, the new laws say how teachers and administrators will be judged.

I do not see any reason why you couldn't do the same thing in law enforcement and set similar standards. That doesn't mean that the State agency comes in and actually decides how local police will get deployed, any more than they decide the curriculum for the local school.

But there is an immense difference between standards and actual control that is perfectly safe. But everybody seems to be talking in terms of the extremes only.

Mr. SEIBERLING. It certainly seems to me that the Congress has a problem dealing with the Executive, and we ought to realize that perhaps State legislatures have a similar problem, and be conscious of bringing in the State legislature, which, after all, is the primary policymaking group in the State government.

Thank you. I have no further questions.

Thank you very much, Mrs. Carey.

Chairman RODINO. Any further questions?

Thank you very much. You have been a very excellent witness. Your knowledge on this subject is indeed extraordinary and we all very much appreciate your coming here to give us the benefit of your views. Of course they do not always coincide with all the other views that have been expressed here.

Nonetheless, I am sure that the committee is going to accord your views very great consideration.

Thank you very much, Mrs. Carey.

Mr. SEIBERLING. You would not mind if we called you up for some free advice from time to time?

Mrs. CAREY. I would be delighted.

Chairman RODINO. Thank you very much.

[The prepared statement of Mrs. Carey follows:]

STATEMENT OF SARAH C. CAREY

My name is Sarah C. Carey. I am Assistant Director of the Lawyers' Committee for Civil Rights Under Law in Washington, D.C. During the past three years, I have worked extensively in problems relating to the operations of the Law Enforcement Assistance Administration (LEAA) and have been the principal author of three reports analyzing the performance of the agency. I have brought along copies of two of these reports "Law & Disorder II" and "Law & Disorder III," for your information and for possible inclusion in the record.

I am pleased to respond to the Chairman's request to appear before you today and give my views on H.R. 5613 and related matters. I should add that the views I am about to give are my own, and are based on the work of the Lawyers' Committee staff that put together "Law & Disorder III."

The Congress is faced today with the basic question of whether or not to continue providing substantial federal funds to assist state and local governments in the performance of their law enforcement and criminal justice responsibilities. If that question is resolved affirmatively, the Congress must then define the nature of the federal role: will it be a simple effort to provide fiscal relief as the Attorney General has proposed, or will it include an effort to stimulate reforms of the criminal justice system as the President's Crime Commission and Title I of the Safe Streets Act originally contemplated.

The three reports that I have assisted in preparing on the performance of LEAA and the states under Title I, suggest that administratively the Justice Department has already made the decision for the Congress. They have in effect administered the program as a no-strings-attached revenue sharing program, and are now, somewhat belatedly, asking the Congress to comform the enabling legislation to their administrative preference.

Specifically, in the four years since its creation, LEAA has imposed few standards, guidelines or restraints on the states to govern the expenditure of their block grant funds and has been loath to assist them in evolving viable planning mechanisms at the state and local levels. The agency has similarly failed to administer the funds that it controls for research (The National Institute), for discretionary programs, and for manpower training in a manner that shows the way to the states in designing new approaches to old problems. The federal agency, as the GAO has pointed out, has even refused to conduct evaluations and has not required the states to assume that obligation,[1] making it almost impossible to determine what has worked. And as you have recently heard from the nation's mayors, LEAA has been unable or unwilling to provide technical assistance—including clearinghouse services[2] on innovative programs developed by its own grantees—to state and local governments, despite their repeated requests for assistance.[3]

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[1] The GAO report stated: "LEAA has done little toward making its own evaluation of the effectiveness of programs or projects funded with block grants. Also, LEAA has not provided the state planning agencies with the assistance necessary to perform such evaluations in the respective states."

[2] A clearinghouse function was just announced by LEAA in its Feb.–March 1972 Newsletter, four years after the inception of the program.

[3] For further documentation of the lack of LEAA guidelines and technical assistance see "The Cities and Law Enforcement Assistance: A Review of the Need for Federal Assistance to the Cities," issued by the National League of Cities—U.S. Conference of Mayors, March 23, 1973.

Finally, the agency has ignored the key tool provided by the Congress for guiding state programming by failing to exercise rigorous review of the annual state plans or to determine, once the plans are approved and the funds distributed, whether the states are performing in accordance with the approved plan. In short, apart from the funds appropriated by the Congress, LEAA has given the states and cities few of the tools really needed to fight crime. Despite the Congressional blueprint of a strong federal leadership role supplementing state and local initiatives the administrators of the program have chosen not to exercise that leadership and have instead simply "thrown money at the problem." Consequently there has been little overall increase in knowledge or expertise concerning what causes crime and how to prevent it.[4]

Besides the lack of federal leadership, the original design of the Title I program has been violated in another equally important way: the Act intended the federal funds to be used as demonstration or stimulation grants to pay for reform efforts not otherwise covered in state or local budgets. Once such projects were proven successful it was intended that the state governments would assume their costs.[5] As "Law and Disorder III" demonstrates, the states have generally been unwilling to take over successful projects even after several years of LEAA funding. The federal program has for the most part not served to stimulate increased state investments in this area of vital concern. In this respect also, the special revenue sharing bill simply acknowledges an already firmly established pattern.

"Law & Disorder III" provides a complete statement of our findings on the LEAA program. Instead of repeating those findings, the remainder of my comments are addressed to the legislation proposed by the Atorney General (H.R. 5613).

A. *The State Planning Process.* The Attorney General's bill places the planning process in the office of the governor, eliminating the requirement of a special state planning agency. The state must submit an initial plan showing how it intends to accomplish the goals of the act; thereafter it must submit a plan every three years with annual updates. Funding is not contingent upon approval of the plan, although the Attorney General is required to file comments on the Plan. Certain provisions are made to insure that the meetings of planning organizations will be open and that state and local plans will be published. If sub-state planning bodies are created, local government officials must constitute a majority of the members; and in developing its plan, the state must consult with "elected representatives of units of general local government, representatives of law enforcement agencies, and of public agencies maintaining programs to reduce and control crime and delinquency."

These proposals fail to correct—and in some instances exacerbate—the lack of public accountability inherent in the present planning process. Planning and policy decisions under the LEAA program are exclusively the province of the executive branch of government. There is virtually no legislative review of state planning agency budget decisions, funding allocations or policies.

The new proposals, providing 100% federal funding and eliminating the requirement that state governments absorb the costs of proven programs, will increase the independence, of the anti-crime program. This means that fund allocations that basically alter the structure and administration of local criminal justice agencies will be made without legislative review of any kind. There is ample experience under other 100% federally funded programs, such as the US state employment service system, that where the program is isolated in the Governor's office and the legislature takes no part in it, performance levels are poor. Approval and review by the Governors is not enough to insure sound programs responsive to the needs and priorities of the state.[6]

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[4] LEAA and Justice Department officials have attempted to correlate reductions in the crime rate and the distribution of LEAA funds. In fact, they are unable to isolate the factors that have contributed to or caused crime reductions and there is no evidence to support the contention that the minor increases in local criminal justice budgets resulting from LEAA grants have been a significant factor.

[5] 42 USCA § 3733(8) requires a demonstration in the state plan of a willingness "to assume the costs of improvements . . . after a reasonable period of federal assistance." The statute, as presently worded also includes a non-supplant provision. Both of those sections are eliminated in the Attorney General's bill.

[6] Chapter IV of "Law and Disorder III" shows that with the exception of California, in the five States surveyed there has been virtually no legislative involvement in determining how to spend LEAA funds. Besides precluding review of unilateral executive decisions, this has resulted in minimal effort to reform state criminal codes and other laws governing the criminal justice system—essential elements of any serious anti-crime program.

The lack of legislative review is hardly compensated for by the new provisions concerning publication of plans and open meetings. The latter are a welcome change in a program that has often been characterized by closed door decision-making, but unless they are spelled out more specifically to give the public the right, through defined procedures, to challenge programs that do not conform with state or federal regulations and standards, the right to be informed will be an empty one.

Consideration should be given to: (a) requiring formal approval by the state legislature of the basic state plan and its yearly update, as well as of state standards developed to guide the administration of the program. The legislative approval could be accomplished by filing the plan or standards with the legislature for a period of 60 days, with full implementation if no comments are forthcoming; and (b) mandating public hearings on all major changes in the state plan or policies, with advance notice published in newspapers of general circulation.

In addition to the lack of any compulsion on the governor to report or answer to the legislature, the Attorney General's proposal fails to insure an adequate decision-making role the part of local governments. As presently drafted, the bill requires the state to "take into account" the needs of local governments and to "encourage local initiative" but it does not insure the local governments policy-making powers of their own. The history of the program to date suggests that unless the relationship of the two levels of government is spelled out in detail, much time, energy, and duplication of effort will be wasted in fighting city-state battles and, in many cases, the cities (or counties) will lose the right to control their own destinies. The experience in the state of Ohio under the metropolitan "regional planning units" suggests that the most effective way of addressing this problem is to require minimum state standards for both planning and programming and to give those metropolitan areas that conform with the standards full control of specified shares of the funds.

Thirdly, the Attorney-General's proposals fail to require sufficient breadth of representation in the planning process. Although local elected officials must sit on local planning bodies and must be consulted—along with representatives of agencies dealing with crime related problems—in the development of the state plan, there is nothing to insure that the planning process will not be dominated by the criminal justice professionals. Long term planning and control of funds for anti-crime agencies should no more be the exclusive province of the officials of these agencies than should comparable decisions in regard to the public schools be relegated to teachers. Yet, to date the range of interests and population groups represented on LEAA planning bodies has been extremely narrow. Again, the regulations developed for Ohio's regional planning units provide a model that insures participation in the planning and programming process by those most affected by the institutions that comprise the criminal justice system.[7] This model should be considered a prerequisite to state funding.

Finally, I question the utility or purpose of submitting state plans to the federal government without any requirement of approval or any relationship to funding decisions. As the "Law & Disorder" series have demonstrated, the state plans have not been very enlightening documents and conformance with their provisions has not been enforced. It is our position that once the federal government undertakes a major grant program, it has a responsibility to insure proper expenditure of funds in conformance with program goals. We would, therefor, recommend that initial funding be contingent on the approval of state plans and continued funding be dependent on conformance with the approved plan. Unless the plans have this effect, active clearance at the state legislature level, with state monitoring of performance, would be more effective than passive filing in Washington. The optimum solution would be to involve both levels of government, with the state review being the more detailed one.[8]

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[7] The regulations issued by Ohio provide specifically that supervisory boards "should include representatives from such groups of interests as legal services agencies, civil rights groups, welfare rights organizations, religious agencies and poverty groups."

[8] Consideration might be given to the manner in which local community action agencies are designated under the Economic Opportunity Act. The selection process is essentially a local one, with the Director of OEO responsible for "recognizing" the local designation and intervening only in those cases where there has been no action or where the action taken is in violation of general federal standards.

B. *Expenditures Under Revenue Sharing.*—Sec. 301 of the proposed legislation lists the kinds of programs for which special revenue sharing funds can be expended. The programs are essentially those authorized under the present Act, but the separate categories for corrections, education and training have been merged into general action grants. The present matching grant provisions would be eliminated and no preference is retained for organized crime or riot control programs.

Project categories are not weighted, but Sec. 303 provides that the state plan must "thoroughly address improved court programs and practices" and must include "a long-range all-inclusive program" for the improvement of corrections practices. The section adds that "Such programs must adequately reflect national and state standards for all functions of the correctional and court systems."

Insistence on court and corrections programs will prevent any state from totally ignoring these important areas of reform but it would not avoid the overemphasis on police hardware and management programs that has characterized some state expenditures. To prevent such overemphasis minimal quotas should probably be established in the legislation to ensure attention to courts, juvenile delinquency, white collar crime and other priority areas. Those priorities could be shifted by the Congress as program needs change.

Section 303 fails to state how national and state standards for court and corrections programs will be established and for some reason no standards are indicated for police programs. It is difficult to understand why the Attorney General is proposing federal standards a time when he is requesting a reduced federal role in regard to the program. If it is decided that such standards are appropriate (and some of the recently completed work of the National Commission on Standards and Goals has provided an excellent example in certain areas), the Congress should insist on their development and application to all LEAA funded programs including the police, and should make certain that the Justice Department's decisions about appropriate standards are subject to broad public review. As I have indicated above, state standards, subject to state legislative review are highly desirable.

Several other provisions of Sections 301–306 deserve special comment:

Sec. 301 authorizes but does not require state expenditures for technical assistance and law reform. This is a serious mistake. No state should be allowed to participate in the program without a commitment to these two areas. Most states have failed to assume the technical assistance role mandated by the present act; this has resulted in wasted funds in rural areas and smaller cities that lack the expertise to develop effective programming. Similarly, as the thoughtful report issued by CED points out, without changes in state criminal codes and the state laws defining the roles of the agencies that comprise the criminal justice system, much of the LEAA programming is ineffectual.

Sec. 301 contains a blanket authorization for equipment purchases, with little emphasis on improving basic law enforcement techniques. As Chapter 3 of "Law and Disorder III" points out, much of the new technology purchased by LEAA funds to date is ill-suited to law enforcement needs. Further, some of it, particularly the Vietnam developed surveillance equipment threatens an invasion of basic individual liberties. Federal funds should not be expended for such technology absent a clear showing that it is both effective and necessary.

Sec. 301 absorbs the education and training programs for criminal justice officials previously administered by LEAA, thereby removing federal responsibility in this area. Since LEAA's record in regard to this program is so deficient, as a practical matter the proposed arrangement would effect little change. However, the Congress should seriously question the appropriateness of assigning control of manpower programs in the growing law enforcement field to state agencies, when the Department of Labor continues to retain a major national leadership role in other job areas. Further, the present legislative emphasis on developing institutional training and research capabilities in the criminal justice field—as opposed to the broad dispersal of tuition funds—should not be abandoned lightly.

Sec. 306 reserves 15% of the funds for discretionary grants to be allocated to governmental and non-profit agencies 'according to the criteria and on the terms and conditions that the Attorney General determines consistent with the title. To prevent the dissipation of the funds on programs that duplicate state program-

ming or that conflict with findings of the National Institute, the legislation should specify that the funds must be used to emphasize national priorities, to develop programs not covered by the states and to provide a special impetus for reform and experimentation, particularly along those lines that Institute research has indicated to be promising. Further, the Attorney General should be required to publish annual advance guidelines in the Federal Register for the distribution of the discretionary grants.

C. *Civil Rights Enforcement.*—"Law and Disorder III" states:

"Few of the responsibilities assigned to LEAA are more important than its obligation to make certain that the funds it distributes reduce the racial and class discrimination that pervades the nation's criminal justice system. Yet LEAA has defined both the problem and its authority to deal with the problem in narrow terms. It has chosen . . . to ignore the important systematic problems that are being reinforced by the LEAA grant programs."

During the first few years of the program, LEAA totally ignored its civil rights responsibilities. Recently it has been pursuaded to adopt regulations to prevent employment discrimination on the part of its grantees. It also has under consideration a regulation to insure equal representation on state and local planning bodies.

The agency has generally refused to address itself to discrimination in the distribution of law enforcement services or in the processing of minorities through the criminal justice system. As far as enforcement practices are concerned, LEAA has been unwilling to invoke the administrative sanctions and fund cut-off powers which it possesses and, despite its preference for court resolution of discrimination challenges, has a poor record in terms of the initiation of (or intervention in) court proceedings.

As a result of LEAA's under emphasis of civil rights problems, the agency has: distributed large grants for criminal offender computer files without insisting on the deletion of arrest records that do not lead to conviction or even formal charges, despite the demonstrated overrepresentation of minorities in this category; ignored the Black colleges in distributing grants and loans under the Law Enforcement Education Program; failed to direct Institute research to problems of racial discrimination in the administration of criminal justice; and, most importantly, ignored the views or priorities of minorities residing in areas where special tactical police forces or sophisticated new technology are being installed. Little or no effort has been made to provide for community sponsorship of demonstration projects or for community review of basic policy determination in regard to local neighborhoods.

Section 308 of the Attorney General's bill insures non-discrimination on account of race or sex in LEAA funded programs. It eliminates Section 518,[9] of the present Act, the section relied upon by the agency for its inability to insist on grantee affirmative action plans or to invoke fund cut-offs. Further, it gives each Governor the right "within a reasonable period of time" to handle situations where non-compliance has been indicated. If the Governor fails to act the Attorney General is authorized to institute a civil action and to take other appropriate steps.

To overcome existing and potential problems in civil rights enforcement, we recommend: (1) that the Governors be required to act on non-compliance challenges within a specific period of time, such as 30 days and that their right to handle complaints be contingent upon the creation of a state enforcement mechanism;[10] (2) that the Attorney General be required to issue appropriate regulations governing all of his responsibilities under section 308,[11] including the institution of goals and timetables for grantee compliance with 308 standards; and (3) that the Attorney General be required to institute administrative pro-

[9] That section provides: "Notwithstanding any other provision of law nothing contained in this chapter shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this chapter of a percentage ratio quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this chapter to adopt such a ratio, system, or other program."

[10] This is the standard established by section 122 of the State and Local Fiscal Assistance Act of 1972.

[11] The Record should indicate the intent of Congress to preserve the hard won regulations that have been issued to date. It should also emphasize the importance of going beyond employment discrimination to discrimination in services and treatment.

ceedings leading to the termination of funding whenever a showing of noncompliance has been made.

D. *The Institute.*—Until recently, the National Institute of Law Enforcement and Criminal Justice played an unimportant role in LEAA programming. Despite the fact that Title I of the Safe Streets Act contemplated the Institute as the chief instrument for the exercise of federal leadership in the design of new approaches to crime control and the reform of the criminal justice system, little of the Institute's research product reached the hands of state and local officials. Many Local officials told our researchers that they had no idea what the Institute did and had never turned to it for assistance. Besides its failure to reach local criminal justice administrators, the Institute has had little impact on LEAA decisions concerning the expenditure of discretionary or other funds.

The situation has improved somewhat but the Institute still remains weak. If the federal supervisory role in the distribution of anti-crime funds is to be reduced in accordance with the Attorney General's recommendations, the need for research and demonstration projects to show the states what works will be even greater. The Congress should give serious consideration to the development of a new, stronger, independent Institute, perhaps along the lines of the CED proposal, or the National Institute of Justice, recommended by the American Bar Association. Another model that deserves consideration is the role played by the National Institutes of Health in medical research. Such an independent entity would be removed from political pressures, yet, through the excellence of its staff and their work would be in a position to stimulate the states to adopt more effective programming.[12]

E. *Other Problems.*—Although a number of additional problems exist in the proposed legislation (such as its failure to require the Attorney General to conduct evaluations; the overly rigid definition of community service officer; and the failure to continue the present bar against state planning agency involvement in law enforcement operations) only section 508 merits special attention.

The first part of this section authorizes the Attorney General to draw upon the services and facilities "of other civilian or military agencies and instrumentalities of the Federal Government. . . ." However, no specification is made concerning the purposes for which he can turn to such agencies. In recent years, LEAA has relied upon the U.S. Army for special training in riot control, for the development of bomb detection and other equipment, and for issuing the bids for Institute research (the latter for the purpose of attracting military contractors). Less directly, the agency has stimulated an extensive law enforcement market for military-developed technology.

None of these developments by itself is troublesome. But, increased cooperative arrangements between federal, state and local anti-crime agencies and the military could lead to military surveillance of civilians or to other undesirable military involvement in local law enforcement. Congress should explore the problem fully and consider the adaptation of restrictive wording in this section of the bill.

The second part of section 508 authorizes the Attorney General to "confer with and avail himself of the . . . records of state, municipal or other local agencies." Although this is worded as a general housekeeping provision, it appears to authorize Justice Department administration of the extensive criminal offender computer file now included as a part of the NCIC system and to provide for the inclusion therein of state and local offender records.

As Chapter 2 of "Law & Disorder II" reports, a major concentration of LEAA discretionary funds and state block grants has occurred in the development of state and local computerized criminal offender files. Although the FBI, the agency responsible for the administration of the national file into which the state information feeds, has adopted informal policy regulations, the state systems by and large are unregulated. Many of these systems include inappropriate, state data; worse, they permit access to the data by a broad range of public and private agencies, without restricting inquiry to criminal justice officials. In some localities, there is a strong danger that criminal record information will be combined with unsubstantiated intelligence data or will be merged with the non-

[12] The Attorney General's bill, like the present Act, authorizes the Institute to carry out programs of behavior research. A number of the behavior modification and brain surgery projects funded by the Institute to date have been of questionable validity. A predominantly law enforcement operation should not engage in this type of research, despite its utility, but should leave it to medical or human resource agencies.

criminal records maintained by other social service agencies. All of this calls for careful legislative oversight and direction.

In the 1970 amendments to the Safe Streets Act, Congress specifically requested legislation to cover the operation of these growing files as well as the terms of LEAA grants to the states to develop local feeder systems.[13] Last session, the administration introduced a bill which was not acted upon. It should be made clear that the present provision is not an authorization for the national data files and Congress should insist on the development of legislative standards to protect the individual rights "of all persons covered or affected by such systems," as it originally requested.

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The above suggestions point to ways to improve the Attorney-General's bill. To a certain extent they beg the basic questions that I set forth in the beginning: whether the federal government should be involved in state and local anti-crime programs at all and if so whether it should simply hand out checks or should try to stimulate reforms.

I think that when the Congress determines that a problem is a national problem deserving of national aid, the federal government has an obligation to define its vision of the problem and to suggest ways that it might appropriately be addressed. This does not mean dictation to the states and localities; but neither does it mean simply making money available for a vague problem defined as "the prevention and reduction of crime and juvenile delinquency." The federal government's obligation also extends to suggesting to the states appropriate administrative structures for carrying out the program, sometimes securing reform of existing structures in exchange for the federal funds.

Neither the present version of Title I of the Safe Streets Act nor the Attorney General's bill provides definitions or guidance of the kind required. And, the record of LEAA to date suggests that there is no point in leaving this responsibility to the executive; they are either reluctant to provide leadership or provide leadership of the wrong kind.

Congress must define the problem it is seeking to address more precisely and must decide the balance between the federal and the state roles. If the decision is reached to give more initiative to the states, the entire planning process must be changed to insure increased public accountability and openness of process; and a National Institute that actually produces research and guidance must be developed. If, on the other hand, the Congress should decide that it wants to use the federal funds to purchase reforms, greater state commitment to the goals of the program and their continuation must be generated and the entire LEAA operation must achieve a more integrated focus.

Thank you.

Chairman Rodino. That concludes this afternoon's session. The subcommittee will adjourn, and will reconvene tomorrow morning at 10 o'clock.

[Whereupon, at 4:02 p.m. the subcommittee was recessed until Thursday, March 29, 1973, at 10 a.m.]

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[13] Specifically, the Congress asked for legislation to ensure "the integrity and accuracy of criminal justice data collection, processing and dissemination systems funded in whole or in part by the Federal Government, and protecting the constitutional rights of all persons covered or affected by such systems."

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LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

THURSDAY, MARCH 29, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2141, Rayburn House Office Building, Hon. Peter W. Rodino, Jr. (chairman of the committee) presiding.

Present: Representatives Rodino, Seiberling, Jordan, Mezvinsky, Hutchinson, McClory, Sandman, and Dennis; also Representative Conyers.

Also present: Daniel I. Cohen, counsel, and Franklin G. Polk, associate counsel.

Chairman RODINO. The subcommittee will come to order.

Our first witness this morning is Dean John F. X. Irving, Seton Hall Law School, Newark, N.J. As a resident of the city of Newark and as one who knows of the history and tradition of Seton Hall, I know his testimony will be of value.

Dean Irving, I am delighted to welcome you, and Dean of Admissions, Jeffrey Ketterson. I know of your interest in this subject of law enforcement assistance and of your commitment to the fight against crime, and I am sure the scholarly approach and innovation you have developed will be of valuable use to our committee.

I know you have a prepared statement. You may either read it or summarize it as you will, but it will be included in the record in its entirety. Thank you for taking the time to come here, both you, Dean Irving, and Dean Ketterson.

[The statement referred to is at p. 369.]

TESTIMONY OF DEAN JOHN F. X. IRVING, SETON HALL UNIVERSITY SCHOOL OF LAW, ACCOMPANIED BY ASSISTANT DEAN JEFFREY KETTERSON, SETON HALL UNIVERSITY SCHOOL OF LAW, NEWARK, N.J.

Dean IRVING. Thank you very much, Mr. Congressman and members of the committee, gentlemen.

We in turn, Mr. Chairman, are delighted to see the committee in such good hands. We feel New Jersey's contribution to the war on crime is a major one and we are encouraged by your chairmanship.

I would like to take some time to present my views on what is called the Law Enforcement Revenue Sharing Act of 1973 and to identify some of the lessons—the expensive lessons—of our 5-year experience in the war on juvenile delinquency and crime.

These comments are based in part on my participation in many of the programs generated by the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Delinquency Prevention and Control Act of 1968. This includes 2 years as executive director of the Illinois State Planning Agency; chairmanship of the National Association of State Criminal Justice Planning Agency Directors; and now as a member of the mayor's advisory board for the high impact anticrime program of the city of Newark.

I have also been a consultant to the Youth Development and Delinquency Prevention Administration of HEW; a member of the National Drafting Committee for Juvenile Justice Standards; and a member of one of the task forces that produced the 1973 standards and goals for criminal justice.

As a law school dean in an inner city, I am of course concerned about delinquency and crime, about the inequities in our criminal justice system and about the extensive needs of our cities and States in mounting an effective crime control program.

I should like therefore to make several recommendations and then offer some observations.

First, I believe, as the President's Crime Commission in 1967 pointed out, that crime cannot be reduced effectively without major overhaul of our criminal justice system. I recommend that the administration bill be called the Criminal Justice Revenue Sharing Act of 1973 and that there be specified as a specific goal the improvement of the criminal justice system of each State as well as the existing goals of crime reduction and control: law and order with justice.

I strongly support retention of the State planning agency as invaluable in itself and as a conduit of all criminal justice funds coming into the States whether to State agencies, units of local government or private agencies. This retains for the taxpayer a healthy check-and-balance system.

I believe, and this is my view, that bloc grants directly to the cities would encourage waste and imbalance, would retard the strong trend to regional programing and would discourage the States from making a maximum commitment to the cities.

I believe that the State planning agency should continue to have a policy board broadly representative of the units of local government, the criminal justice system, private agencies, and individual citizens. I cannot stress too strongly the value and role of the private citizen on both State planning boards and on their subdivisions.

I strongly recommend that special revenue sharing under part C be expanded to include the private sector so that State plans can incorporate every resource available in counseling and rehabilitating offenders.

Mr. Chairman, I have been advised that the bill before us does allow for that.

Private agencies for years have made a strong contribution in aiding troubled individuals and Government trends to be least effective on this interpersonal level.

The administration bill permits the Law Enforcement Assistance Administration to award discretionary funds to private agencies but the States are encouraged to fund only public agencies. This dichotomy is unfortunate and illogical and should be eliminated.

It seems to me that this discretionary funding, except to national organizations, should be coordinated within the States affected.

Hundred-percent funding, as proposed, is highly desirable but it is necessary that the Attorney General be empowered to give pregrant approval. Section 303 should be amended accordingly. Hundred-percent funding with minimal controls in a high-risk program such as this is invites, in my view, top heavy administrative expenditures, mediocrity of effort, and scandal. Without the right to pass judgment on State plans, this program is revenue sharing without responsibility sharing.

This legislation should be amended to provide incentives to applicants who will use the Federal funds to maximum advantage. By that I mean that these limited funds should be encouraged primarily to go for programs and criminal justice personnel rather than for construction of new buildings.

Any law enforcement bill may be deemed to be repressive by minority groups unless it upgrades our justice system while improving the capability of the police. I find it distressing that the words "public defender" and "defense" appear nowhere in the administration bill. And yet the first step in rehabilitation is the knowledge that one has had a fair hearing with competent counsel.

The Chief Justice of the United States has supported the concept of advancing the public defender movement, as has the Attorney General. Public defenders function in only one out of every seven counties in this country and expansion of the public defender system, or a suitable alternative, should be a specific goal of this legislation.

The collective experience in delinquency prevention and control is housed in HEW and I would urge continuation of the 1968 Delinquency Prevention and Control Act, which I understand is now called the 1972 Delinquency Prevention and Control Act, and I would urge that it have sufficient appropriation and safeguards to give it credibility vis-a-vis the more heavily funded LEAA program.

The $10 million proposed for youth development is very weak compared with the $680 million proposed for law enforcement.

Finally, I would urge the Congress to set reasonable goals for the war on crime. The expectations of the 1968 legislation were unrealistic. Crime, its causes and cures, are too elusive, too little understood to succumb to Federal money alone in short order. The State planning agencies are taking hold; substantial progress is being made, and I would urge that the primary burden for planning, funding and coordinating criminal justice remain at the State level in the already existing planning agencies.

May I now make some general observations on the lessons of the last 5 years?

This committee, I think, is at a critical junction in terms of what will happen in the war on crime. I think the potential tragedy we face right now in the war on crime is not so much that considerable money—some $2.5 billion to date—may not have been fully and adequately utilized; nor is it fatal that some opportunities may have been lost and that the anxiety level of our citizens has been raised. Nor will the major fallout be increased conviction about the ineffectiveness of Government at all levels in responding to society's needs. Neither will the major setback be further disenchantment by lawyers and laymen alike

with the administration of justice in this country. These results may be difficult to avoid.

But the inexcusable failure that is also likely as the Congress considers new legislation is that we will not perceive the lessons that the war on crime has taught and look instead for convenient scapegoats. Or that we will delude ourselves into believing that some simplistic techniques can be introduced that will squelch antisocial behavior with dispatch. Or that the war on crime will be more effective simply by changing categorical bloc grants into special revenue-sharing disbursements. There are no easy answers, no ready techniques for waging the war on crime. After 5 years of effort, however, we can at least identify some of the major obstacles.

The obstacles arise not so much from governmental personalities as from governmental structure; not so much from faulty implementation of the legislation as from the legislation and guidelines themselves and not so much from the misuse of Federal money for State and local projects as from the inadequacy, limitations and problems that the Federal money itself has created. And overriding this dilemma has been the implied promise that this experimental effort will make the streets of America safe.

Our expectations must be more realistic. When this ambitious program began in mid-1968 there was not adequate appreciation of how creaky was the machinery of justice in most States, how inadequate its resources in training and equipment, how uncoordinated and inefficient. Much of our energy had to be diverted because the harsh fact is that by and large we weren't ready for the war. We took a long time in recognizing—and many people still do not recognize—that crime rates will go up, not down, when police are better trained, better equipped and when more sophisticated statistics are kept. The primary goal—crime reduction—was not readily attainable. As you know, the best we can boast is that crime today is increasing at a slower rate than it was 5 years ago.

The causes and cures for antisocial behavior are so complex and so elusive that they do not surrender on the mere arrival of Federal crime control funds. Furthermore, as I will explain, there simply was not enough money appropriated—and couldn't be—to make all the streets of urban America safe. Also the experimental concepts utilized in this legislation such as the State planning agency and the block grant delayed an intensive action program while being assimilated into State governmental processes. And finally, I would say that the emphasis on comprehensive funding, on new techniques, research and statistic gathering spread our efforts so thin as to be nearly invisible to the taxpayer and to the Congress.

At the very least, I submit, we have learned from the war on crime how self-deceiving and anxiety producing it is to articulate unrealistic goals and then to sound the alarm when these goals aren't achieved.

Mr. Chairman, Federal crime control money for the States and units of local government is largely risk capital. It doesn't matter whether it comes as a categorical block grant or special revenue sharing. Our knowledge of crime prevention and control is so sketchy that we have at best a fighting chance in the war on crime. In New Jersey for example, the clearup rate for index crimes has been running at a dismal 13 percent in 1970 and again in 1971.

And yet we continue to perpetuate a numbers game. The eight high crime impact cities in the United States, for example, are expected to reduce stranger-to-stranger crime in dangerous neighborhoods by 5 percent in 2 years and by a total of 20 percent in 5 years. Such LEAA goals, in my view, are highly speculative and I have urged the advisory board for Newark's impact program to reject them. It has taken us a year in Newark just to staff up and get a comprehensive plan prepared.

If my theory is correct, that Federal crime control money is risk capital, then the Law Enforcement Assistance Administration should be charged with responsibility for pregrant approval of State comprehensive plans. This has given the program a system of desirable checks and balances: the State planning agency reviewing municipal applications and the LEAA reviewing the State plans.

As I read the administration bill this balance is partially destroyed. LEAA has no authority to prejudge State plans for fighting crime and is put in the position of playing catchup football, trying to ascertain errors or misuse after the fact by auditing and other devices.

The Safe Streets Act, Mr. Chairman, must be evaluated in large measure on the progress made in reaching a secondary goal: the improvement of the administration of justice. Here, I believe, we can point to substantial achievements.

We need to continue our efforts in this direction and that is why I urge that the administration bill be amended to include as a specific goal the improvement of the criminal justice system in each State. The legislation then will not appear to minority groups to be repressive. We will not be gearing up—as one NAACP representative said—for civil war but we will be committed specifically to helping the State justice systems become more just and more humane while becoming more efficient. We will then encourage the States to move toward adopting the recommendations of the 1967 Crime Commission. We will encourage the States to consider the new standards and goals promulgated by LEAA especially in dealing with the nerve centers of our system of justice such as the judge selection process. In this regard pregrant approval would be only partially given unless a State indicated why; for example, it was not able to adopt a merit system for judicial selection as recommended in the new standards and urged on the States by the American Bar Association and just about every national organization of the bench and bar.

As citizens participate in the judicial selection process, the mystery will disappear and a better informed public will be far more supportive of our State systems of justice. It is foolhardy to downplay this secondary goal. You cannot long prevent crime in a society in which many groups believe that crime pays, that justice is slow moving, unequal and heavily political.

Another essential objective is the strengthening of organized systems for the defense of indigent persons accused of crime. It is unfortunate, as I said, this goal does not appear anywhere in the administration bill. Not because we want to coddle criminals. Far from it. But because we want to—and must rehabilitate them. Corrections reform is indeed part of the administration's domestic package. And the first step in rehabilitation is to give the accused his day in court, a fair hearing with counsel that fulfills the standards of the ABA, a

competent and zealous counsel. Absent that and you have a hostile and intransigent offender who is far more likely to be a recidivist, who will try to get even with society because he was "railroaded."

I should like now to comment on structure. I have already urged the retention of the State planning agency which is a casualty in the administration's bill. It took 3 years or longer for the States to assimilate this new agency and there are major problems still confronting it. However, for the first time in our history, each State at last has an agency charged with responsibility for assessing its crime problems, deciding on a plan to deal with them, identifying priorities and funding possibilities, and pulling the nonsystem of justice together. This is so basic a need that it would be an error to withdraw support from such agencies now that they are taking hold. Among other assets, the State planning agency is a repository of technical assistants who can help the cities design strong programs and avoid obvious errors.

The governmental structure in general has been perhaps the greatest impediment to the war on crime. The Congress I believe can not immediately do anything with it except to require that the State planning agencies not only exist but continue to have the responsibility for bringing the nonsystem together into a system. That system as you know spreads over three branches of Government and diffuses itself among the cities which control the police function and the State house which generally runs the correction facilities.

These latter functions are controlled by the executive branch of Government but the courts are in the control of the autonomous judiciary. As a result, there is considerable buckpassing, misunderstanding and lack of coordination. No one person and no single agency is accountable for the entire system of justice. This disjointed quality retains and the Federal Government must recognize the lack of accountability as a basic problem in our efforts to modernize our system of justice.

I find nothing in the administration bill which takes cognizance of the lack of accountability. At the very least, efforts to bring about coordination and system development should remain a duty of the State planning agencies.

I propose also that special revenue sharing be extended to the private sector as a new strategy in the war on crime and I support the administration's recognition of the unique role of the private sector. The reality is that the talent and experience in delivering social service is to be found largely in the private sector and here is where the demand for community crime prevention and community treatment programs can best be met. Private organizations often do more good with less money than Government can accomplish. Now, I'm not talking about arming vigilante groups for a shootout with street criminals. And I'm not in favor of propping up those agencies that have neither qualified staff nor high standards.

I am urging that Federal money to improve criminal justice be available to the skilled child caring agencies, the groups like Daytop Village which work effectively with drug addicts, the YMCA which runs residential treatment centers in some of our large cities, and the wide range of fraternal- and church- and temple-affiliated entities that have been in the corrections field for many years. They were there even

before we recognized that State-run reformatories do not reform and that city jails do not correct.

The legal restrictions in the bill of 1968 have been self-defeating for the cities. A city finds it difficult,to obtain competent staff when it wants to open a youth service bureau or a halfway house for drug addicts. Talented people are reluctant to come on staff if the city has only a 1- or 2-year grant of Federal funds for programs that may be more political than professional. The reservoir of talented people is found instead in the private agency which usually struggles along on limited funds and often has extraordinary success in helping people.

Comprehensive planning over the past 5 years has meant comprehensive funding and that has been unfortunate. LEAA guidelines have required that each year's part C money be subfunded to city and State agencies and through the State's juvenile and criminal justice system. And I believe that is unfortunate. Every State has been required to spread its money over the entire system if not the entire geography of the State.

As a result, the impact has been minimal. Especially when each State's allocation has been only about 10 percent of the budget of its largest police department. Consider Illinois which in fiscal 1972–73 received $26 million under the crime control legislation. The budget of the Chicago Police Department alone was hovering around $200 million. What impact can the Federal funds have, what streets can be made safe, what crime can be reduced when this comparatively modest sum must be spread throughout the State and into all segments of the justice system. Comprehensive funding should not be imposed. Indeed, it is not imposed by law but the guidelines over the past several years have required it.

The Federal money alone therefore is not adequate in itself to turn the tide on crime. There must be vigorous national and State leadership, a strong sense of direction, and a pooling of all possible resources, public and private, for our crime control programs.

Federal money can actually retard progress in criminal justice reform with its resources, regional planning, signing compacts among several communities to minimize the burden to the taxpayer, and there is a move, as you know, to consolidate law enforcement in many counties of the United States. This move is a result of the squeeze on the tax dollar. However, if a city can get Federal support, the move to regional planning and to sharing resources may well be thwarted. This direct funding then has to be carefully planned or it may make the cities permanently dependent on Federal aid.

And we must profit from the lessons of the past 5 years or we may repeat our mistakes.

Thank you.

I will be happy to answer your questions.

Chairman Rodino. Thank you very much, Dean Irving, for a very fine statement which again indicates the high level of your expertise in this area. We are all pleased you have come to share it with us.

Dean Irving, I was especially interested in your observation that without a Federal right to pass judgment on State plans, the administration proposal is really revenue sharing without responsibility sharing. Frankly, this is what has bothered me most about the pro-

posed legislation: the failure to assert a leadership role, the failure to exercise a prior approval before funding, because, as you indicate Federal money alone is not adequate to turn the tide against crime. There must be vigorous national and State leadership.

I am wondering therefore whether or not when we consider specific, important areas that require special attention, such as corrections and juvenile delinquency, whether or not we shouldn't set up some standards that ought to be complied with, some standards that ought to be adhered to. The administration proposal, as you recognize, doesn't really require this. I'm wondering if you might have a comment. You have generally addressed yourself to that, but I would like to get your specific feeling.

Dean IRVING. My feeling is that the programs of the State and cities might be quite mediocre unless there is a strong national leadership which says, look, the Federal Government has put some $2 million into developing new standards and goals for criminal justice in 1973. Are the States going to ignore those standards entirely? It seems to me if those standards have any validity at all that that money was well spent, the States should be required to move toward the development of standards.

As I read the administration bill these standards and goals which I think are a major step forward could perhaps be ignored, so the Federal Government then is placed in the posture of being only an auditing agency trying to determine whether money has been misspent after the fact, and I don't think that is healthy. I think it destroys the checks-and-balances system, which I think is one of the strong facets of this program.

Chairman RODINO. Under the administration proposal, one of the programs which I am sure you are acquainted with, LEEP, the Law Enforcement Education Program, is abandoned in a sense. LEEP moneys are eliminated as such and these moneys are lumped with the special revenue sharing payment to the States. The individual State would not have to fund this program and there would be no Federal leverage in that area.

Now, a program of this sort has been of valuable assistance, many witnesses have appeared to testify in support of it—I know that I as chairman of this committee have received dozens and dozens of letters in recent weeks regarding the importance of this program. How do you feel about the failure of the administration proposal to really maintain LEEP?

Dean IRVING. Well, I would mention to the chairman that the new standards and goals that I have identified before indicate that within the next 5 or 7 years that every policeman in the United States should have a college education. Now if those standards are valid, it seems to me that we ought to address ourselves to those standards in the action phase of the war on crime.

I am a bit hesitant to say that a State must allocate a certain percentage to training because what I am afraid happens is that again each special interest group then tries to get an active amendment which says 10 percent should go to us, and the comprehensive planning of having a real impact perhaps by putting most of the States money in one kind of program over 1 year will be minimized, and I think

you are right back to what I think will really destroy the bloc grant as well as destroy the possible impact of the program.

Now, it seems to me that the reason we have impact cities today is an attempt to recognize that the comprehensive funding has spread the money so thin it hasn't had an impact, but I generally support the LEEP program. You may be familiar with one editorial that appeared early in the game evaluating it, which is called "LEEP Without Looking," I think we have looked now at the LEEP program. We have looked very carefully at training for people in criminal justice across the board, and it seems to me we ought to move to the day in this country where no judge gets on the bench, no policeman is given a badge, no probation officer is assigned a case without some minimal training and education, whatever the standard-setting organization would require.

One of the real crimes in the war on crime is the crime of ineptitude.

Chairman RODINO. Dean Irving, since your law school is situated in the city of Newark, and recognizing the high crime rate in Newark—I think that for a period of time its crime rate was ranked first among cities with a population of over 250,000—I would like to ask this question: Do you think that crime rate as well as population should be a factor in allocating Federal moneys?

We have been urged that this is the best way to quickly get funds to where they are most needed, and I would like your comment on that.

Dean IRVING. Well, I think crime rates to some extent can prove what you happen to want. Several police chiefs have made the comment over the last few years that the development of crime rates can be a kind of game, kind of a hoax that is played, so that if my city wants money it is to my advantage to have high crime. My town, you see. If it is a political year it might be to my advantage to show that the crime rate is down. I don't think that Congress should get caught in that kind of bind in which we play games with one another around crime rates.

What I would opt for instead would be to impose on the State planning agency, as is imposed, a requirement that the maximum amount of money for law enforcement go to where the crime is.

Now, the State planning agencies in their state of the States report, which is going to be available to this committee, indicates that since the inception of this program 61 percent of the money available went to the cities the first year reported; 71 percent of the money to the States went to the cities last year. I think that is a move in the right direction.

What concerns me more about the direct funding to the cities is that I don't think that you have, especially in my city of Newark, you don't have a tax base which is going to keep new programs alive when the Federal money stops and, therefore, I feel very strongly that we need to encourage the suburban communities to have a commitment to the city of Newark by regional planning and regional programs, so that when the money runs out we have a countrywide base to support a program which may be used largely by the cities.

I don't think we ought to do anything in this legislation that would encourage people who live in the suburbs like myself now, to feel that

the problems of the city are not mine. I think as a suburban resident I ought to have responsibility for the detention house in the city of Newark through my taxes.

Chairman RODINO. I would also assume that, following what you have said, it would be logical to conclude that there ought to be—built into any legislation we write—and you have emphasized this before—mechanisms for accountability because we want to make sure not only that the funds will get where the need is greatest but that they will be wisely spent.

Dean IRVING. Indeed so. I recognize the needs of the cities. I fear that we might cause an imbalance and a dislocation if we look too heavily at the law enforcement phase of criminal justice and not at the entire system. I think, for example, we have to remember that the laws affecting the cities of Newark or Cleveland are made at the state-house, not the city.

I believe we shouldn't do anything to discourage the States. As one Federal official said to me a couple of years ago, the States have been asleep for 200 years in this country in regard to the cities. I think by having a State planning agency; that is, requiring a regional planning, that the cities long term will come out better.

Chairman RODINO. I know this is a very general inquiry but it keeps bothering me. The Attorney General tells us on one hand that we at the Federal level have recognized the national nature of the crime problem, and that in response we have developed goals and standards and tools that can be utilized in the war on crime. This kind of a Federal leadership role, I know, was a prime factor in my own consideration when I originally sponsored the Safe Streets Act. It was intended to give the States direction and incentive and tools to upgrade and revitalize their efforts regarding the whole criminal justice system.

But the Attorney General also talks about the new federalism which is very appealing language. But it seems to mean that the States can have all this money without any standards, without even so much as having to consult these goals and guidelines. We write the check but assume no responsibility, as you indicate.

Dean IRVING. I believe the President the other day warned us to be careful of what we intend to do under the label of alluring semantics. I respectfully disagree with the Attorney General in this regard. I think that the logical conclusion of his position is that the Federal Government shouldn't be taxing this money in the first place. If the only reason is to have the money come from the taxpayer in our States to the Federal Government and then be returned without any directional control, I can not myself as a taxpayer justify the taxing, so it seems to me that the Federal Government has got to be more than a conduit of funds.

I believe our noble experience in a democratic society has demonstrated the need for checks and balances and I think especially as I say, in a high risk program, 100-percent funding, the chance of misuse is there and we ought to have those safeguards.

Chairman RODINO. Thank you very much, Dean Irving.

Mr. Dennis.

Mr. DENNIS. Mr. Chairman, I unfortunately came in when the witness was almost finished. I will defer for a moment. Consequently I would prefer having my time later on.

Chairman RODINO. The gentleman may reserve his time.

Mr. Seiberling.

Mr. SEIBERLING. Thank you, Mr. Chairman.

Dean Irving, I thought you had a most well thought out statement, and obviously you have given this a great deal of attention.

I would like to try to clarify a couple of things. You say bloc grants directly to the cities would encourage waste and imbalance and start a strong trend to regional programing, and I think if you funded cities separately from surrounding areas, I would quite agree. Are you familiar with the bill that Congressman James Stanton has introduced in the last Congress and reintroduced in this Congress? It is a type of revenue sharing bill, too.

Dean IRVING. I am not familiar with it. Is this the one that gives revenue sharing directly to the cities?

Mr. SEIBERLING. Yes. It would bypass the States as well with the portion of the funds that are earmarked for cities, but it wouldn't give them to the cities as such. It would bypass the States with funds that would go to what are designated in the bill as high urban crime areas, and it would allocate funds to those areas on the basis of population being a factor of one, and crime rate a factor of two, so that the high crime rate urban areas would get more than low crime rate urban areas. The bill would impose only two conditions on the grant: One is that there be a regional or metropolitan areawide law enforcement or criminal justice council, and the other would be that the council have a plan for law enforcement which includes the use of funds and integrates these funds with all other sources of funds.

Now I wonder if you would have the same type of objection to that type of program.

Dean IRVING. Yes. I fear that although emotionally we would all want to see that program bring immediate help to the cities I believe long term that that is futile.

Mr. SEIBERLING. But you see it isn't just to the cities, it requires a regional law enforcement council to administer the distribution and use of the funds, so it isn't to the city but it is an entire metropolitan region.

Dean IRVING. Well, again I would fall back on what I strongly feel and have experienced, and that is that crime in a city is not necessarily amenable to cure within the city or even within the region. The fact that there is a kind of murder exists because the State house has said so, the whole movement now to victimless crimes may be eliminated now from the statute books, has to be a State effort.

Mr. SEIBERLING. But that doesn't require money. That just requires legislative action. But in the city the law enforcement agencies are to my knowledge in most cases understaffed, underfunded, undertrained, under everything.

Dean IRVING. There is no doubt about that. My 4 or 5 years in this program, sir, have persuaded me that there is basic validity to the concept of a State planning agency, that there is not enough Federal money to beef up the entire criminal justice system to make the streets

safe, that we have got to put a lot of responsibility on the State, and that to look only at crime in the city—and I am sure you are not suggesting that—to look only at crime in the city for a large chunk of this money I think is unfortunate because it seems to me we have to look at crime prevention, what is crime in the first place, we have to look at what happens in the State courts in terms of whether that city resident has a public defender or not, or has adequate counsel, what happens to him in the State corrections programs.

I think at long last we have gotten in the United States the concept of planning, and it is a dirty word, you know. You can't go around the country and get an audience to listen to the need for planning, sharing of resources. I feel very strongly about the needs of the cities but I fear Federal funding directly to the cities, even couched under the umbrella of regional planning, tends to put the States back to sleep again. So I am concerned about that.

Mr. SEIBERLING. That is a very good point. Of course it is possible to have funds to go both to the States and to the cities, but your point is that if the money goes directly to the cities that the State will relax.

Dean IRVING. I think very clearly, and I can see that happening through the discretionary program of the last several years.

Mr. SEIBERLING. Suppose the law required the States to coordinate the planning actions of the cities even though they could not in the first instance delay the passage of the funds?

Dean IRVING. Well, let me react to this differently. It seems to me that it is very difficult for a Congressman from Washington to ascertain what the capability or integrity of the municipal government might be in terms of funding. It seems to me that the planning agency can say, you have reached grant saturation. Your city cannot effectively handle more Federal money without scandal. We did that in Illinois. We said to the other Federal agencies, we will not give more law enforcement money until you get to the city's housing money and other funds because we are not going to lick crime in Cairo, Ill., or anywhere else, with money alone.

There has to be the whole complexity of socioeconomic factors that effect crime. So it seems to me I would sleep more comfortably at night knowing that money going into the cities or into the States is under control, under direction, under some leadership that somebody is saying we have confidence in that unit of government to handle Federal money intelligently. They have professional staff. They are not overextended now. They have a good track record or whatever. I think that is what planning is all about in my view.

Mr. SEIBERLING. I am a former president of the Regional Planning Commission, so planning is not a dirty word so far as I am concerned. But as I pointed out to the Attorney General, it is the responsibility, really, of the Justice Department for bringing the situation about that the whole system has gotten bogged down in the morass of redtape, and that was the reason for the introduction of the Stanton bill. I am sure that is the reason why the Attorney General has moved to this new approach, to avoid pregrant approval.

With that in mind, I would like to ask you about this pregrant approval. By that, I assume you mean that they would be required to obtain approval of the LEAA or some central agency before they receive their grant.

Dean IRVING. That is right, sir.

Mr. SEIBERLING. Well, isn't that one of the reasons for the morass of redtape, the slowdown in making the funds available?

Dean IRVING. I am not prepared to admit that there is a morass of redtape. I think that in any experimental program especially a program in which there are new concepts of intergovernmental relationships, there will be some growing pains and it will take time for a State planning agency to get it assimilated.

The experience in my view of 5 years indicates that the State planning agency is taking hold, that it is a valuable addition, it is indeed the only addition, the only entity in the State that can possibly knock heads together and bring a system out of a nonsystem of justice, so I would myself oppose any legislation or any funding that would tend to discourage coordination, tend to discourage comprehensive planning, to discourage a checks-and-balance system.

Mr. SEIBERLING. The State of Ohio where I come from has been outstanding as far as State planning is concerned. In fact, I don't know whether you were here yesterday but Mrs. Sarah Carey, one of our witnesses, said that Ohio could be used as a model of what other States might do. But, at the same time, she and other witnesses have pointed out by the abysmal results in some States because of the absolute flop of State planning agencies. I do feel that we have an obligation to see that the funds go to the places where they are needed. At the same time, I agree with you that we must see that the priorities and standards that are followed are sound, and I certainly agree with you about the importance of upgrading the whole system of criminal justice, and using LEAA as a tool to do so, particularly providing for public defenders and that sort of thing.

I was also impressed by your statement that the legislation should provide for incentives that would encourage use of Federal funds to maximum advantage. It seems to me, and I would like to get your comment, that postgrant audit could be a far more effective tool to get a sound performance than pregrant approval, because if we said, OK, you are going to get the funds but then we are going to evaluate what you have done with them, and if you have met certain standards then you will get a larger grant in the future and if you haven't it is going to be smaller. That might be a worthwhile way of expediting this without the redtape.

What do you think of that?

Dean IRVING. I would opt for both the checks-and-balance system and the incentive. I know that in the city of Newark, for example, the police director had suggested to me that he needs $20 million now to take his turn-of-the-century buildings and either renovate them or replace them. The entire State of New Jersey is only getting $18 million under the bloc-grant program for the next year. That is speculation. Clearly to put a large amount of that $18 million into brick and mortar would dissipate the potential impact of that money. Yet I sympathize with the need for decent buildings, so I would myself support a program in which the States and cities are encouraged to put this limited Federal money—and it is going to be limited in terms of size—limited money more into programs that deal with prevention and cure, more into training and upgrading personnel, than in the expensive brick and mortar construction.

Mr. SEIBERLING. Thank you very much for a very effective and forceful statement.

Chairman RODINO. Mr. Dennis.

Mr. DENNIS. Thank you, Mr. Chairman. Dean Irving, as I gather, one of the main thrusts of your testimony along with several other interesting points, is that you think it is exceedingly important to retain pregrant approval on the Federal level.

Dean IRVING. Absolutely, sir.

Mr. DENNIS. You feel that simply spending a great deal of Federal money on a revenue-sharing basis without any Federal control or direction would be wasteful and inefficient, true?

Dean IRVING. Absolutely.

Mr. DENNIS. Of course, that argument, to a degree, counters the whole thrust of the revenue-sharing concept, doesn't it?

Dean IRVING. That is right. I think we might be engaged in semantics here. What is the difference between the bloc grant and revenue sharing if revenue sharing has some controls?

I would rather not get hung up on that semantic argument. It has been the kind of problem that has disturbed criminal and juvenile justice since its inception, and again I think the words can be misleading, Law Enforcement Sharing Act is deemed to be repressive. So that I am simply supporting your feeling, Mr. Congressman, that revenue sharing with controls may be not revenue sharing at all.

Mr. DENNIS. Well, at any rate, the point you are making I think is that having a lot of money to spend without any direction and having the money raised on one level and spent on an entirely different level is not a sound approach.

Dean IRVING. Especially when you are talking about 100-percent grants. I think there has been experience in the last few years to indicate that there have been some major problems in the expenditures of Federal moneys, even with the control of pregrant approval that exists in the present legislation.

I think it is rather foolhardy to eliminate one of these levels of check-and-balance in a program which in my view is clearly a high-risk program filled with uncertainty. In any event——

Mr. SEIBERLING. Will the gentleman yield at that point?

Mr. DENNIS. I will yield, yes.

Mr. SEIBERLING. Well, isn't that because there have not been adequate review and evaluation of procedures followed? Is that partly because of that fact?

Dean IRVING. I would not say that the review was inadequate, Mr. Congressman. It seems to me that come the middle of calendar year 1968 when the legislation was passed, LEAA began gearing up, hiring staff people, and not all of them were deep in experience in terms of criminal justice. The States began gearing up. It has been a program which we have learned by trial and error and it seems to me now that most of the trial and error is gone, but now we have in LEAA, you have State funding agencies, resources that the cities need, consultants, technical assistants, so that the cities don't reinvent the wheel. I think it is to the advantage of the cities and States to keep those entities and to charge them with those entities, especially in coordinating the system.

Mr. DENNIS. On this point, do you feel that the matching requirement which now exists would have a tendency to remedy the problem in that it would foster a certain amount of local responsibility as to how money is spent and how much of it is spent?

Dean IRVING. Well, I am supportive of John Lindsay's general views in this area of matching. It seems to me, first of all, that a 1-year grant tends to be self-defeating unless it is a very simple research kind of grant. I think a grant to initiate a new program ought to be funded for 4 or 5 years. Now the difficulty, especially since we are all interested in the problems of the cities is, does the city have the funds to match?

In the city of East St. Louis, for example, when I was in Illinois, 3 months of every year the police and firemen were paid in scrip. There was not enough cash to pay the municipal police and firemen. You can hardly say to a city in that financial condition, you can get involved in this program only if you come up with cash. So it seems to me that part of the planning would say to a city, you may be close to insolvency, as my own city of Newark is—perhaps is definitely in a very difficult financial situation. If the city will put in its human beings, talented leadership, a coordinating council, if the cities are required to do some planning, that the Federal Government together with the State government will put in the money that is required.

Chairman RODINO. Will the gentleman yield?

Dean IRVING. I yield.

Chairman RODINO. I might say that the city of Newark, with its present fiscal posture, if required to put up great sums of cash in the fight against crime, would be in serious trouble, so I endorse your comment wholeheartedly.

Mr. DENNIS. What you are saying, if I understand you, is that, in some instances, hard-cash matching would really not be practical or possible, however much it might encourage responsibility. But you are also suggesting that we might require a soft match. Is that approximately what you are saying?

Dean IRVING. Oh, absolutely. It seems to me one of the first requirements we ought to insist on that there will, No. 1, be a State planning agency, that we be able to identify one agency with responsibility for making this program successful statewide and that within that agency on the policy board would be the private citizens. This is the person who, when he is coming into the State agency, doesn't immediately say what percentage can my segment of the discipline get? What is in it for me?

I have seen that since the program began. I have seen that the citizen has the overall view, and I have worked closely with the Chicago Coordinating Council over the last couple of years. The private citizen exercises a very valuable role.

Now, it seems to me that the cities can be required to make use of all their resources, whether it is a regional planning group or a State planning agency, that the city should be expected to put professional leadership into the program, and if they can require the time commitment of the leading officials of the city themselves who are required to attend meetings and not send proxies, that there be that kind of commitment, Mr. Dennis.

Mr. DENNIS. That takes us into some other things that you said which were significant and interesting to me. First you suggested the

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need for some pregrant approval at the Federal level. Your next point was that it would be a mistake in your view, if I understood you, to simply give money to the cities to use as they see fit, but rather decisions as to how the cities should use the money ought to be made by State planning agencies.

Dean IRVING. Absolutely; sir, yes.

Mr. DENNIS. Do you espouse planning at the State level as well as the regional level, providing that the regions be regions and not simply municipalities?

Dean IRVING. Well, I think that the experience indicating the potential of this program suggests to me, as we have done with the public defender movement in Illinois—we have 100 counties-plus in Illinois but there is not enough Federal money to put a public defender in each of those counties. There are only 35 that have even a part-time public defender. So the State planning agency created an appellate defender network, five regional offices spread throughout Illinois, which could be adequately funded with some $2 or $3 million of LEAA money over a 3-year period. This is now a new regional resource to try appellate cases, but also to give help on the trial level in various counties as needed.

The interesting thing about that program, sir, is that now the State of Illinois has picked it up. It was an experimental LEAA effort. There is now a State public defender in Illinois. That is, I think, part of the success of the program.

Similarly, across criminal justice I doubt that the overburdened Congress can find the money to put a half-way house in every city, a drug abuse treatment center, a youth service bureau in every city. We have got to do it on a regional basis. I think that is advantageous for the other reason as I mentioned that when the Federal money runs out for staffing this, you have a regional tax base involving the suburban taxpayer who is not as insolvent as the city taxpayer.

Mr. DENNIS. Your approach would probably require some legislation on the State level because the creation of any new tax units or anything of that kind will be a State matter. So in order to carry the scheme out that you are talking about it seems to me some State legislation to coordinate this legislation would be almost essential; wouldn't it?

Dean IRVING. Possibly so, but it seems to me, Mr. Dennis, if the city of St. Paul, for example, wants a detention home for juveniles that the State planning agency in Minnesota might very well say, before we give you money for a city detention home we want to know why it is not a county detention home. If the city can justify that it be a municipal entity serving only urban children and that the city can keep it alive when the Federal money runs out, maybe that will be persuasive, but it seems to me that they have got to look to the suburban tax base to keep these programs alive and even to get adequate citizen involvement.

Mr. DENNIS. Of course, the Federal money is still about only $1 out of every $19 spent on law enforcement. So you need some State legislation, possibly, to get the quality of coordination you are talking about.

Dean IRVING. Indeed, Mr. Dennis, and of course the experience has

been so often in various Federal programs when the Federal money runs out the program stops regardless of how good it is. There has not always been that incentive to follow through. There has not always been the public support for it, and I think that is tragic.

Mr. DENNIS. Well I find your testimony very interesting and worthy of our consideration, particularly since you come from an urban area. Most of those who appeared here from such areas naturally favored a quick infusion of money into cities without any strings attached. I appreciate the thoughtfulness of your statement.

Dean IRVING. Thank you. But, as you know, Mayor Luger of Minneapolis was generally supportive of the State planning agency.

Mr. DENNIS. And also I might say in closing that I was pleased to see you mention the matter of public defenders. I think that is part of law enforcement and does deserve some attention.

Thank you, Mr. Chairman.

Chairman RODINO. Thank you.

Mr. Sandman.

Mr. SANDMAN. Doctor, I am interested in your comments about the city of Newark. Having had some experience in that city, I am wondering what has happened there in the last several years.

The city of Newark has about 70 percent of all narcotic cases in the State of New Jersey. Years ago the State legislature recommended a program of specialized training for probation officers. The study revealed at that time that the average probation officer in Newark had a caseload of about 70, and with some narcotic cases interspersed he couldn't very well follow those cases up.

Has anything been done to provide specialized probation training for those officers; do you know?

Dean IRVING. Well, it seems to me, Mr. Sandman, that we are moving in several directions to try to address the problems.

As a result of the State planning agency in New Jersey at last we know how many probation officers we have, what their caseload is. We didn't know across the board, for example, when I began working in Illinois, we didn't know how many patrol cars there were in the State, even though we had funded a program to put emergency radios in patrol cars. So we now know what the probation officer workload is.

Mr. SANDMAN. What is the caseload in the city of Newark?

Dean IRVING. Well, it is reported in LEAA on a countywide basis the probation officers in the city of Newark, as I recall, and I don't have the statistics in front of me, have an average of 66 active cases.

Mr. SANDMAN. Sixty-six?

Dean IRVING. Yes.

Mr. SANDMAN. Well, that is not much of an improvement in 12 years.

Dean IRVING. It is still substandard in terms of the regulations and goals of the National Council on Crime and Delinquency.

Mr. SANDMAN. To meet this narcotics problem, do you have any kind of specialized probation training for those probation officers handling just those cases?

Dean IRVING. I am not very close to that situation. I have talked with the staff people for the community development agency who have indicated to me that the special services available to the drug offender are minimal, minimal. I am not able really to expand on that, sir.

Mr. SANDMAN. Well let's assume that a given probation officer has 10 drug cases of people who are and have been addicted to heroin for some period of time. Does he handle only those cases or does he handle all other kinds of cases at the same time.

Dean IRVING. I am not really that close to the situation, Mr. Sandman. Either could be set up. I would say about probation though, that the basic problem with it in New Jersey is that it is housed within the judicial branch of Government. It is a separate discipline. Probation will never be effective in the United States until it stands tall as a separate discipline. We have had too often in the country probation officers serving as aides to judges.

Mr. SANDMAN. Let's assume an addict has only been addicted 6 months, so that there is a fighting chance, to save him. Now the problem in such a case, as I understand it, is the aftercare program. An addict released from the institution will tend to revert to the habit unless there is some element of supervision.

Everybody seems to agree with that. Now, about 10 years ago our commission recommended to Newark that it provide specialized probation training and adopt for the first time an effective aftercare program. Do you know whether or not that program has improved any at all, especially in the last 4 years?

Dean IRVING. Mr. Sandman, I have only been in New Jersey for 2 years so that I am not that close to the situation.

Mr. SANDMAN. That is fair enough.

Dean IRVING. May I just make the point, sir, that I am very supportive of probation services. I think what we need to do is to strengthen the concept of probation and professionalize the individual so he can be more effective. It seems to me New Jersey has a substandard probation system.

Mr. SANDMAN. Well as far as you know, doctor, since you have been on the mayor's advisory council in the city of Newark, do you know of any program that that State has for the aftercare of drug addicts?

Dean IRVING. The only point I can make is in the $20 million impact money proposed for the city of Newark, that suggested, although the plan hasn't been approved yet, it is suggested that some of that $20 million be set aside to deal with the drug abuse problem.

Mr. SANDMAN. In 1964 they did set up a program which gave the addict a choice between treatment and incarceration. Do you know whether or not that is still being continued?

Dean IRVING. I am not familiar with the program, sir.

Mr. SANDMAN. OK. Don't you feel that a good use of this kind of money would be for the specialized training of probation officers?

Dean IRVING. Absolutely. I may have said it before you came in the room. I think one of the crimes in the United States that we have is what I call the crime of ineptness. We take a young man or woman, without training, and suddenly make them a probation officer. I think that is a crime we can eliminate in our lifetime, whether it is a judge

with no specialized training, a policeman with no training or a probation officer with no training.

The new standards and goals suggest that each discipline set up its own standards for training people before they actually get out to work with individuals. I think that is a major step in the direction of criminal justice reform.

Mr. SANDMAN. I have one other question. You stated that the State was entitled to $18 million and that you felt that was insufficient because a large part of it was apparently going to be used for capital construction.

Dean IRVING. No, sir; I did not say that.

Mr. SANDMAN. You said it was going to bricks and mortar.

Dean IRVING. No. Excuse me, sir. What I said was that I think there ought to be in the program some incentive so that we encourage the States and cities to put more money into programs and people rather into brick and mortar. Under the administration's bill 100-percent funding can go to create a new price house, new detention home, and new jail. It seems to me if our money is going to be limited, which it will be, that we ought to encourage through incentives that could be built in that the money go for programs and people rather than for brick and mortar.

Mr. SANDMAN. Well, I gather from what you are saying that you don't believe that this kind of money should be used for brick and mortar?

Dean IRVING. No. I do believe that if we have a planning program which suggests that the No. 1 need of a city or State is for a detention home or series of detention homes, if that is, indeed, the priority, I see no problem at all with Federal support for that, but it seems to me that if all of the money coming into the State, as Federal money under this program is limited to begin with, that we should not encourage all of this money or big chunks of it to be put into what is the most expensive facet of the program and that one construction.

Mr. SANDMAN. You feel that training should be given priority over capital construction. I agree in this kind of a program.

Have you made any kind of analysis of trial delays in Newark?

Do you have any recommendations on how that problem can be solved?

Dean IRVING. I would recommend that the Congress urge the States and the cities to adopt the standards and goals for criminal justice published in 1973, a single review hearing that at the time it adjudicated definitely makes his appeal that all the issues that can be raised be raised at one time.

Now that is the new standard and I think that we can urge and prod the States to move in that direction.

Mr. SANDMAN. Are there any States that are using that standard today?

Dean IRVING. The only thing I am familiar with is that in the State of New York and I think in one or two others the Governor has indicated that unless a trial is held within 60 or 90 days that the arrested individual should be released. In terms of appeal I know that Prof. Dan Meeded of the University of Virginia has been working with several of the States to try to develop a single review process.

I cannot identify for you any community at the moment in which that exists.

Mr. SANDMAN. Do you favor the system of releasing a prisoner after 90 days if he is not tried?

Dean IRVING. It would depend on the individual, of course. I generally support the national standards which say that a man who is not a danger to himself nor to society ought to be released before trial and ought to be encouraged to be in a community based treatment program. It depends on how dangerous he is to himself or to others.

Mr. SANDMAN. Do you favor releasing almost everybody on their own recognizance?

Dean IRVING. I favor releasing those people who are neither a danger to themselves or others.

Mr. SANDMAN. Well, with regard to the District of Columbia, I have heard testimony that only 1 out of 10 criminals is even apprehended. Then only one out of every six of that group gets any kind of penalty at all. So the chances for the offender are quite good under these circumstances.

Moreover, under the Federal system a man can be released on his own recognizance without putting up any bail at all, except in capital cases, which presently do not exist. Thus he can walk the streets pending trial with no hardship on him at all. I am informed that in such cases there are a great many second offenses. Doesn't that tend to prove that there is something wrong with what you just said?

Dean IRVING. No; it seems to me that we need to be able to ascertain by diagnostic testing whether a person is a danger to himself or to others. I would not limit retention of offenders only to those charged with homicide. It seems to me there may be other kinds of offenders who would be a danger to others and would be likely to commit a second offense.

Mr. SANDMAN. I have no other questions.

Chairman RODINO. Thank you very much.

Mr. SEIBERLING. Could I ask the Dean one more question on that last point?

Dean, I suppose you would have to take into consideration the degree of danger. If the danger was he would go out and commit some minor offense again, why that is one thing. But something that would be a danger of bodily harm, I assume that would be what you are talking about. Do I take it you favor the concept of preventive detention?

Dean IRVING. Again, sir, that is a label which I think is inflammatory. I am philosophically and as a lawyer opposed in a free society to locking up a man because we may have some fear that he will commit a crime. I feel myself that so many of us are likely to transgress on occasion we may all be incarcerated if we move in that direction.

Mr. SEIBERLING. Thank you.

Chairman RODINO. Well thank you very much, Dean Irving, for the valuable assistance you have given us with this very well-documented testimony, we appreciate your expertise. Thank you and Dean Ketterson for having come here.

Dean IRVING. Thank you, Mr. Chairman.

[The prepared statement of Dean Irving follows:]

PREPARED STATEMENT BY DEAN JOHN F. X. IRVING

Mr. Chairman, members of the committee, gentlemen, I am pleased to have this opportunity to present my views on the Law Enforcement Revenue Sharing Act of 1973 and to identify some of the lessons—the expensive lessons—of our 5-year experience in the war on juvenile delinquency and crime.

These comments are based in part on my participation in many of the programs generated by the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Delinquency Prevention and Control Act of 1968. This includes 2 years as executive director of the Illinois State Planning Agency; chairmanship of the National Associaton of State Criminal Justice Planning Agency Directors; and now as a member of the mayor's advisory board for the high impact anticrime program of the city of Newark.

I have also been a consultant to the Youth Development and Delinquency Prevention Administration of HEW; a member of the national drafting committee for juvenile justice standards; and a member of one of the task forces that produced the 1973 standards and goals for criminal justice.

As a law school dean in an inner city, I am of course concerned about crime, about the inequities in our criminal justice system and about the extensive needs of our cities and States in mounting an effective crime control program.

I should like therefore to make several recommendations and then offer some observations.

First, I believe, as the President's Crime Commission in 1967 pointed out, that crime cannot be reduced effectively without major overhaul of our criminal justice system. I recommended that the administration bill be called the Criminal Justice Revenue Sharing Act of 1973 and that there be specified as a primary goal the improvement of the criminal justice system of each State as well as the existing goals of crime reduction and control: Law and order with justice.

I strongly support retention of the State planning agency as invaluable in itself and as a conduit of all criminal justice funds coming into the States whether to State agencies, units of local government or private agencies. This retains for the taxpayer a healthy check and balance system.

I believe block grants directly to the cities would encourage waste and imbalance, would retard the strong trend to regional programing and would discourage the States from making a maximum commitment to the cities.

The State planning agency should continue to have a policy board broadly representative of the units of local government, the criminal justice system, private agencies and individual citizens. I cannot stress too strongly the value and role of the private citizen on both State planning boards and on their subdivisions.

I strongly recommend that special revenue sharing under part C be expanded to include the private sector so that State plans can incorporate every resource available in counseling and rehabilitating offenders. Private agencies for years have made a strong contribution in aiding troubled individuals and Government tends to be least effective on this interpersonal level.

The administration bill permits the Law Enforcement Assistance Administration to award discretionary funds to private agencies but the States can fund only public agencies. This dichotomy is unfortunate and illogical and should be eliminated.

All discretionary funding, except to national organizations, should be coordinated within the States affected.

Hundred percent funding, as proposed, is highly desirable but it is necessary that the Attorney General be empowered to give pregrant approval. Section 303 should be amended accordingly. Hundred percent funding with minimal controls in a high-risk program such as this is, invites top heavy administrative expenditures, mediocrity of effort, and scandal. Without the right to pass judgment on State plans, this program is revenue sharing without responsibility sharing.

The legislation should be amended to provide incentives to applicants who will use the Federal funds to maximum advantage. By that I mean that these limited funds should be encouraged for programs and criminal justice personnel rather than for construction of new buildings.

Any law enforcement bill may be deemed to be repressive by minority groups unless it upgrades our justice system while improving the capability of the police.

I find it distressing that the words "public defender" and "defender" appear nowhere in the administration bill. And yet the first step in rehabilitation is the knowledge that one has had a fair hearing with competent counsel. Public defenders function in only one out of every seven counties in this country and expansion of the public defender system, or a suitable alternative, should be a specific goal of this legislation.

The collective experience in delinquency prevention and control is housed in HEW and I would urge continuation of the 1968 Delinquency Prevention and Control Act with a sufficient appropriation and safeguard to give it credability vis-a-vis the more heavily funded LEAA program.

Finally, I would urge the Congress to set reasonable goals for the war on crime. The expectations of the 1968 legislation were unrealistic. Crime, its causes and cures, are too elusive, too little understood to succumb to Federal money alone in short order. The State planning agencies are taking hold; substantial progress is being made and I would urge that the primary burden for planning funding, and correlating criminal justice remain at the State level in the already existing planning agencies.

May I now make some general observations on the lessons of last 5 years?

The potential tragedy we face at this juncture in the war on crime is not so much that considerable money—some $2.5 billion to date—may not have been fully and adequately utilized; nor is it fatal that some opportunities may have been lost; and that the anxiety level of our citizens has been raised. Nor will the major fallout be increased conviction about the ineffectiveness of Government at all levels in responding to society's needs. Neither will the major setback be further disenchantment by lawyers and laymen alike with the administration of justice in this country. These results may be difficult to avoid.

The inexcusable failure that is also likely as the Congress considers new legislation is that we will not perceive the lessons that the war on crime has taught and look instead for convenient scapegoats. Or that we will delude ourselves into believing that some simplistic techniques can be introduced that will squelch antisocial behavior with dispatch. Or that the war on crime will be more effective simply by changing categorical block grants into special revenue-sharing disbursements. There are no easy answers, no ready techniques for waging the war on crime. After 5 years of effort, however, we can at least identify some of the major obstacles.

The obstacles arise not so much from governmental personalities as from governmental structure; not so much from faulty implementation of the legislation as from the legislation and guidelines themselves and not so much from the misuse of Federal money for State and local projects as from the inadequacy, limitations, and problems that the Federal money itself has created. And overriding this dilemma has been the implied promise that this experimental effort will make the streets of America safe.

Our expectations must be more realistic. When this ambitious program began in mid 1968 there was not adequate appreciation of how creaky was the machinery of justice in most States, how inadequate its resources in training and equipment, how uncoordinated and inefficient. Much of our energy had to be diverted because the harsh fact is that by and large we weren't ready for the war. We took a long time in recognizing—and many people still do not recognize—that crime rates will go up, not down, when police are better trained, better equipped, and when better statistics are kept. The primary goal—crime reduction—was not readily attainable. As you know, the best we can boast is that crime today is increasing at a slower rate than it was 5 years ago.

The causes and cures for antisocial behavior are so complex and so elusive that they do not surrender on the mere arrival of Federal crime control funds. Furthermore, as I will explain, there simply was not enough money appropriated—and couldn't be—to make all the streets of urban America safe. Also the experimental concepts utilized in this legislation such as the State planning agency and the block grant delayed an intensive action program while being assimilated into State government processes. And finally, I would say, that the emphasis on comprehensive funding, on new techniques, research, and statistic gathering spread our efforts so thin as to be nearly invisible to the taxpayer and to the Congress.

At the very least, I submit, we have learned from the war on crime how self-deceiving and anxiety producing it is to articulate unrealistic goals and then to sound the alarm when these goals aren't achieved.

Mr. Chairman, Federal crime control money for the States and units of local government is largely risk capital. It doesn't matter whether it comes as a categorical block grant or special-revenue sharing. Our knowledge of crime prevention and control is so sketchy that we have at best a fighting chance in the war on crime. In New Jersey for example, the clearup rate for index crimes has been running at a dismal 13 percent in 1970 and again in 1971.

And, yet, we continue to perpetuate a numbers game. The eight high-crime impact cities in the United States, for example, are expected to reduce stranger-to-stranger crime in dangerous neighborhoods by 5 percent in 2 years; and by a total of 20 percent in 5 years. Such LEAA goals in my view are highly speculative and I have urged the advisory board for Newark's impact program to reject them. It has taken us a year in Newark just to staff up and get a comprehensive plan prepared.

If my theory is correct that Federal crime control money is risk capital, then the Law Enforcement Assistance Administration should be charged with responsibility for pregrant approval of State comprehensive plans. This has given the program a system of desirable checks and balances: the State planning agency reviewing municipal applications and the LEAA reviewing the State plans.

As I read the administration bill this balance is partially destroyed. LEAA has no authority to prejudge State plans for fighting crime and is put in the position of trying to ascertain errors or misuse after the fact by auditing and other devices.

The Safe Streets Act, Mr. Chairman, must be evaluated in large measure on the progress made in reaching a secondary goal: the improvement of the administration of justice. Here, I believe, we can point to substantial achievements.

We need to continue our efforts in this direction and that is why I urge that the administration bill be amended to include as a specific goal the improvement of the criminal justice system in each State. The legislation then will not appear to minority groups to be repressive. We will not be gearing up—as one NAACP representative said—for civil war but we will be committed specifically to helping the State justice systems become more just and more humane while becoming more efficient. We will then encourage the States to move toward adopting the recommendations of the 1967 Crime Commission. We will encourage the States to consider the new standards and goals promulgated by LEAA especially in dealing with the nerve centers of our system of justice such as the judge selection process. In this regard pregrant approval would be only partially given unless a State indicated why it was not able to adopt a merit system for judicial selection as recommended in the new standards and urged on the States by the American Bar Association and just about every national organization of the bench and bar.

As citizens participate in the judicial selection process, the mystery will disappear and a better informed public will be far more supportive of our State systems of justice. It is foolhardy to downplay this secondary goal. You cannot long prevent crime in a society in which many groups believe that crime pays, that justice is slow moving, unequal, and heavily political.

Another essential objective is the strengthening of organized systems for the defense of indigent persons accused of crime. It is unfortunate as I said, this goal does not appear anywhere in the administration bill. Not because we want to coddle criminals. Far from it. But because we want to—and must—rehabilitate them. Corrections reform is indeed part of the administration's domestic package. And the first step in rehabilitation is to give the accused his day in court, a fair hearing with competent and zealous counsel. Absent that and you have a hostile and intransigent offender who is far more likely to be a recidivist who will try to get even on society because he was "railroaded."

I should like now to comment on structure. I have already urged the retention of the State planning agency which is a casualty in the administration's bill. It took 3 years or longer for the States to assimilate this new agency and there are major problems still confronting it. However, for the first time in our history, each State at last has an agency charged with responsibility for assessing its crime problems, deciding on a plan to deal with them, identifying priorities and funding possibilities, and pulling the nonsystem of justice together. This is so basic a need that it would be an error to withdraw support from such agencies now that they are taking hold. Among other assets, the State planning agency is a repository of technical assistants who can help the cities design strong programs and avoid obvious errors.

The governmental structure in general has been perhaps the greatest impediment to the war on crime. The criminal justice system spreads over the three branches of Government and diffuses itself among the cities which control the police function and the statehouse which generally runs the correction facilities. These latter functions are controlled by the executive branch of Government but the courts are in the control of the autonomous judiciary. As a result, there is considerable buckpassing, misunderstanding, and lack of coordination. No one person and no single agency is accountable for the entire system of justice. This disjointed quality retains and the Federal Government must recognize the lack of accountability as a basic problem in our efforts to modernize our system of justice.

I find nothing in the administration bill which takes cognizance of the lack of accountability. At the very least, efforts to bring about coordination and system development should remain a duty of the State planning agencies.

I propose also that special revenue sharing be extended to the private sector as a new strategy in the war on crime and I support the administration's recognition of the unique role of the private sector. The reality is that the talent and experience in delivering social service is to be found largely in the private sector and here is where the demand for community crime prevention and community treatment programs can best be met. Private organizations often do more good with less money than Government can accomplish. Now, I'm not talking about arming vigilante groups for a shootout with street criminals. And I'm not in favor of propping up those agencies that have neither qualified staff nor high standards.

I am urging that Federal money to improve criminal justice be available to the skilled child caring agencies, the groups like Daytop Village which work effectively with drug addicts, the YMCA which runs residential treatment centers in some of our large cities, and the wide range of fraternal and church and temple affiliated entities that have been in the corrections field for many years. They were there even before we recognized that State-run reformatories do not reform and that city jails do not correct.

The legal restrictions have been self-defeating for the cities. A city finds it difficult to obtain competent staff when it wants to open a youth service bureau or a halfway house for drug addicts. Talented people are reluctant to come on staff if the city has only a 1- or 2-year grant of Federal funds for programs that may be more political than professional. The reservoir of talented people is found instead in the private agency which usually struggles along on limited funds and often has extraordinary success in helping people.

Comprehensive planning over the past 5 years has meant comprehensive funding and that has been unfortunate. LEAA guidelines have required that each year's part C money be subfunded to city and State agencies and through the State's juvenile and criminal justice system. As a result, the impact has been minimal. Especially when each State's allocation has been only about 10 percent of the budget of its largest police department. Consider Illinois which in fiscal 1972–73 received $26 million under the crime control legislation.

The budget of the Chicago Police Department alone was hovering around $200 million. What impact can the Federal funds have, what streets can be made safe, what crime can be reduced when this comparatively modest sum must be spread throughout the State and into all segments of the justice system. Comprehensive funding should not be imposed.

The Federal money alone therefore is not adequate in itself to turn the tide on crime. There must be vigorous national and State leadership, a strong sense of direction, and a pooling of all possible resources, public and private, for our crime control programs.

Federal money can actually retard progress in criminal justice reform. There is, for example, a strong move toward a sharing of resources, and even consolidation of law enforcement agencies. This move is a result of the squeeze on the tax dollar. However, if a city can get Federal support, the move to regional planning and to sharing resources may well be thwarted. This direct funding then has to be carefully planned or it may make the cities permanently dependent on Federal aid.

And we must profit from the lessons of the past 5 years or we may repeat our mistakes.

I will be happy to answer your questions.

Chairman RODINO. Our next witness is the sheriff of Los Angeles County, Calif., Hon. Peter J. Pitchess. I am pleased to recognize the distinguished and very valued member of our judiciary committee, Mr. Wiggins, who will present the sheriff.

REMARKS OF HON. CHARLES E. WIGGINS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. WIGGINS. Thank you, Chairman Rodino, and members of this distinguished subcommittee. I had asked for the opportunity and honor of introducing Sheriff Pitchess. Sheriff Pitchess is one of my most distinguished constituents and, I might say, one of the most distinguished officials in law enforcement in America.

Sheriff Pitchess is the chief of one of the largest police agencies in the world. It is the largest sheriff's office, with more than 7,200 personnel under his command. He is responsible for providing law enforcement services to the county of Los Angeles, an area of more than 7 million people. He services 77 cities within the county of Los Angeles.

Sheriff Pitchess is an attorney; he served for 12 years in the FBI, and his entire adult life has been involved in law enforcement. In addition to his most illustrious career in the county of Los Angeles, he has provided assistance at the national level, particularly involving LEAA, in the past.

He has been a member of the Law Enforcement Assistance Administration's Commission on Standards and Goals; he serves the FBI as an adviser on the NCIC advisory group and has been a frequent visitor to Washington, D.C., to provide his considerable expertise for committees of Congress and the executive agencies.

Gentlemen, it is a pleasure for me to introduce to you Sheriff Pitchess. I am confident that he will provide valuable information to your subcommittee as it deliberates the bill before you.

Mr. RODINO. Thank you, Congressman Wiggins. Sheriff, you may proceed.

TESTIMONY OF HON. PETER J. PITCHESS, SHERIFF, COUNTY OF LOS ANGELES, CALIF.

Mr. PITCHESS. Thank you, Congressman, for that generous introduction, and thank you, gentlemen, for allowing me to appear here in whatever fashion that I may be helpful to you.

I have prepared a very brief statement for the purpose of both conserving your time and asking you to ask me whatever questions you may deem necessary if I can provide you with any assistance.

In my judgment, the LEAA has provided much of the direction for the progress made to date in identifying the issues and assisting with solutions. It is a tedious process and one which requires time and patience. The implementation and support of the National Advisory Commission on Criminal Justice Standards and Goals and many other programs are evidence of LEAA's strong, constructive leadership.

This is not to deny that there have been problems in the operational phases of the LEAA programs. We must bear in mind that a national, massive undertaking of this sort must be expected to have a few problems. But these are minor in proportion to the good that LEAA has created.

Based on our involvement in LEAA-funded programs, four areas of change that are being proposed stand out:

One that I support strongly is the elimination of the "Troika" administrative arrangement, which has plagued the administration of the program since its inception. Because this new legislation that you are considering now places the responsibility for the program on the administrator, both direction and control will be strengthened.

Continuation of comprehensive, systemwide, and regional planning, which has been sadly neglected in the criminal justice system.

Elimination of matching fund requirements. We have found that this requirement severely limits local governments' ability to participate in grant-in-aid programs. This change will allow continued innovation and change to occur in law enforcement, which now, more than ever, is suffering from cutbacks in available funds.

Reduce the time lag of funding decisions to a more reasonable period of time—for example, 60 days.

Recently, the entire criminal justice system was scrutinized by the National Advisory Commission on Criminal Justice Standards and Goals. I was privileged to serve with 21 distinguished citizens and criminal justice practitioners as vice chairman of the commission. During the past 20 months, we looked at virtually every facet of the criminal justice system and proposed a number of recommendations. These recommendations have a single purpose, and that is crime reduction.

A problem of this nature cannot be solved wholly at the local or Federal levels but rather only by the cooperative efforts of local agencies and the Federal Government. Courts, corrections, and law enforcement at local, State, and Federal levels are now sitting down together to discuss and find solutions to their mutual problems.

The National Advisory Commission has particular significance because it signaled the first time that all components—police, courts, and corrections—have come together on a national basis to identify their mutual problems and map a strategy to jointly resolve them.

The criminal justice system is in dire need of a clearly stated common goal. It is my view that this common goal should be the protection of society as a whole.

Unless corrections people and law enforcement people can start to agree about what our goals are, we will continue to work at cross purposes—law enforcement arresting criminals and corrections people releasing them.

That is certainly not to say that I advocate incarceration as the only solution.

What I do advocate, however, is a hard look at what we call "rehabilitation" and a more realistic evaluation of the potential criminal we are releasing to live among a free society.

It was not, nor is it presently, a simple process. We found that corrections, during the course of our study, was the most neglected but

also the most promising subsystem. If this component is to be brought up to the performance levels recommended by the Commission's task force on corrections, the costs will be incredible. But it is a critical area that has long been neglected.

And, incidentally—I haven't this in my notes, but I would like to remind you or inform you that I do not agree with the total concept of the task force on corrections. I think it went a step too far. I am sure you will be interested in studying it when we do release it. We are presently in the process of editing the final report. That is another one of the tasks I have when I get back.

In looking at our courts, the Commission found that they are perhaps the most change resistant of all criminal justice institutions. The full force of the Federal Government will be required in terms of leadership, technical, and economic assistance.

Our system of justice is predicated upon—indeed demands—swift and fair trial. In purely organizational and administrative aspects, the performance of our courts has been less than acceptable.

FBI statistics released last evening show that serious crime dropped by 3 percent in 1972 compared to 1971. This indicates that we are indeed winning the battle against crime. Ninety-four of the Nation's major cities reported actual decreases in serious crime compared with 53 cities in 1971, 22 cities in 1970, and 17 cities in 1969.

This report yesterday was a very encouraging report. I have studied it and am rather pleased to see this trend.

Although these figures continue to represent a problem that America can ill afford, who knows what the extent of crime might be today if it had not been for the assistance and monetary support that LEAA has given to the criminal justice system.

Since 1966, when our department, with Federal support, demonstrated the utility of the helicopter as a direct means to combat crime, we have had a continuing beneficial relationship with the LEAA. We have had experience with 13 grant programs, totaling over $2.8 million. These include: Model-burglary prevention; the career-development program; the disaster- and riot-training program; prepositioning of riot- and crowd-control equipment; the development of a long-range planning methodology; and the STOL helicopter fixed-wing cost effectiveness study, which is being carried on right now in Congressman Wiggins' area for the purpose of determining both the economic and practical feasibility of STOL aircraft and perhaps a comparison between that and the helicopter as to which would be the more economical.

WOMEN IN LAW ENFORCEMENT

We are presently evaluating the use of women in law enforcement in all phases of law enforcement activity and specifically patrol operations. This study builds upon my department's long history of utilizing women in our jail operation, the detective function, and juvenile operations, which includes assignment of women to 32 sepcific functions within the department. We employ in excess of 400 women deputies, 60 percent of whom are assigned to nonjail assignments. We have more women law enforcement officers in my department than in any other department in the country.

The progress made possible in Los Angeles County by the LEAA grant-in-aid program has been mirrored in many other criminal justice agencies around the Nation. Cities like Detroit, Kansas City, and Charlotte report that LEAA-sponsored projects in their cities have been instrumental in increasing police responsiveness, reducing crime, and establishing new methods of attacking crime that would not have been possible otherwise.

Police technology, which is historically behind business and the military, has begun to emerge from the dark ages. Space-age techniques to locate bombs, detect drugs, and identify criminal suspects are fast becoming an integral part of the law-enforcement inventory.

Before closing, I would like to address one other area, that of the value that the American taxpayer is receiving for his money spent in crime control. While this cannot be definitely answered at this point in time, in my opinion he is. I can't say we did definitively answer this at this time, but it is my opinion, based on experience, that the money beng utilized now is being well spent.

I am also serving on another commission at the present time here in Washington; it is the National Commission on Productivity, which is attempting to answer the question of cost effectiveness in law enforcement. Hopefully we can do this.

In summation, the posture of the Law Enforcement Assistance Administration has been one of assistance, helping, and coordinating, but not dictating; and it is an excellent posture, as evidenced by the results. Through the encouragement and support of the Law Enforcement Assistance Administration, crime has finally been recognized as a national problem exceeding all jurisdictional boundaries and one which requires the cooperative efforts of all those agencies dealing in the sphere of crime.

It is my very sincere hope that the Congress will see fit to continue this type of assistance to local law enforcement.

Mr. SEIBERLING [presiding]. Thank you very much, Sheriff, for a very compelling and carefully thoughtout and forceful statement. I should like to ask you one or two questions.

Is the sheriff of Los Angeles County an elective or an appointive office?

Mr. PITCHESS. It is an elective office, nonpartisan.

Mr. SEIBERLING. How do you feel about the merits of elective versus appointive law-enforcement officials?

Mr. PITCHESS. When I left the FBI and went into the sheriff's office, I was determined that one of the first changes I would make would be to make the office appointive. After 2 years of experience in my position as sheriff, I became more determined and have successively each year become more determined that the office should be appointive.

I compare myself, in my operation, with the average local chief of police—no discredit to anyone. I find myself far more independent in both decisions and policymaking and in the area of operations. I have a greater tenure of office, responsible only to the people, just as you are, and I feel that, if the President of the United States, if the Congress of the United States, and if the judiciary of this Nation can operate successfully by being elected, I think also law-enforcement officers can.

Mr. SEIBERLING. Do you feel that an elective law-enforcement officer is likely to be more concerned and sensitive about the handling of individual citizens than an appointive chief?

Mr. PITCHESS. That would be fair.

Mr. SEIBERLING. Would he more likely be sensitive about handling individuals, particularly minority groups, than an appointive chief?

Mr. PITCHESS. Well, I think very definitely, because I feel we are more responsive to the people.

Mr. SEIBERLING. That is certainly my experience, and I just wondered about yours.

Mr. PITCHESS. I feel that strongly. However, I don't infer that many good chiefs of police aren't equally effective, but I feel I have a latitude of operation that makes me more responsive and, therefore, the personnel under my command more responsive.

Mr. SEIBERLING. How does the institutional role of Los Angeles County relate to the institutional role of the city of Los Angeles in terms of the State planning process?

Mr. PITCHESS. Well, we have 77 cities in the county of Los Angeles, as Congressman Wiggins has already indicated. We now have a regional planning system which includes the entire county, which is, of course, subordinate to the State planning agency.

Prior to that, we had a regional planning area which consisted of about four counties and which encompassed about 65 percent of the State of California, and that wasn't too effective, because it covered too large an area. We think that the regional planning agency is quite effective at this time and does a very good job in providing planning that is necessary for the most effective use of funds such as LEAA funds.

Mr. SEIBERLING. The National League of Cities and some Members of Congress have supported the concept, and there is even legislation, the Stanton bill, which has been introduced in this and the previous Congress to have a portion of funds earmarked for the cities go directly to the high-crime urban areas on a formula based partly on the population but more heavily weighted on the crime rate and requiring only two conditions: one, that there be an urban areawide or regionalwide law enforcement planning council and, two, that there be a plan.

How would you feel about that legislation as distinct from either the present setup or the administration's proposal?

Mr. PITCHESS. I am familiar with the suggestion in Congressman Stanton's bill and have discussed it with my staff and others who are quite active in this decisionmaking on a regional basis, and I would say that I would have to favor the administration's proposal of keeping it on a regional basis and not giving it directly to a city.

Mr. SEIBERLING. Of course their proposal is: Let the State parcel the whole thing out.

Mr. PITCHESS. To give it to the State.

Mr. SEIBERLING. Yes; it doesn't go directly to the urban area.

Mr. PITCHESS. Yes, it goes to the State, but as long as we can get it, for instance, in Los Angeles County and distribute and use it on this regional planning basis, I think that is more effective than giving it to one city. For instance, in the county of Los Angeles, if you gave all——

Mr. SEIBERLING. But that isn't the proposal I am addressing myself to, not to give it all to the city but to give it to your countywide council.

Mr. PITCHESS. It could very well work in our area. I know of other areas that I don't think it would be practical. I can't see that there would be a greater difference in the proposal that you are suggesting or we are discussing here than the present one except that the money goes through the State and then comes directly to the county.

Mr. SEIBERLING. Have you experienced inordinate delays in getting grants approved?

Mr. PITCHESS. Yes.

Mr. SEIBERLING. Has that been at the State level or Federal level or both?

Mr. PITCHESS. Both.

Mr. SEIBERLING. Well, wouldn't it help to bypass both of those levels and have the funds go directly to your planning council?

Mr. PITCHESS. If the old delays continued, I would agree with you, but we think we have resolved these problems. I think the administration's bill, in eliminating delay on the Federal level by not seeking the approval, will solve that problem, and we think we have ironed out the difficulties in our State operation where we will get them more quickly now.

Mr. SEIBERLING. Well, the State of Ohio has done likewise, but I wonder if all States would be up to the same level as California and Ohio in terms of efficiency and expertise.

Mr. PITCHESS. Well, I would say the less populous States would have less problems than we have had and therefore shouldn't have that problem.

Mr. SEIBERLING. We have one situation where the mayor of one of the largest cities in one of the largest States in the Union refuses to accept any LEAA funds. I don't know whether there is any way of solving that by any of the legislation we are considering.

Mr. PITCHESS. It is going to have to take people to solve that problem. Let me say one more thing, Congressman. The position I take perhaps isn't entirely popular even within my own department, because, as a large county department, we would probably benefit more, individually, by the funds coming directly to us as would perhaps the city of Los Angeles or some of the other larger cities.

But I think in the overall good we would accomplish more by the regional planning concept if we can overcome that delay in the State.

Mr. SEIBERLING. I would certainly agree with the regional planning. We are not proposing to drop that; we are proposing to bypass the State. I say "we"; Mr. Stanton and I are cosponsors of that bill.

Let me ask you one other question. You spoke very persuasively of the importance of our needs in the area of corrections, both in terms of improving and updating prison facilities and emphasizing new approaches to rehabilitation.

So much that has been done and is being done in this area comes from the LEAA moneys under part E of the current act. Yet the administration bill would eliminate part E and eliminate part E moneys. It just lumps them all in and says they will all go to the State.

What would be your comment on this? Maybe I am wrong about all the money coming from plan E, but that is my understanding.

Mr. PITCHESS. I would be opposed to the elimination of that money, and I, too, may not understand the bill fully.

Mr. SEIBERLING. Well, they would no longer earmark that money. The State could spend it for corrections or they could not, depending on how they decided to dispose of it.

Mr. PITCHESS. I saw in the bill, that would eliminate corrections from receiving funds.

Mr. SEIBERLING. Well, it couldn't eliminate corrections from receiving funds, but the State would no longer be required to spend a certain portion of the LEAA money for corrections.

Mr. PITCHESS. Yes. It would mandate, as I understand—I don't see how the State could possibly fail to use those funds for that purpose.

Mr. SEIBERLING. Well, that was Mr. Kleindienst's view—that this was a State function and he was sure they would use the money; but, as I understand the administration bill, they would not be required to do so.

Mr. PITCHESS. I understand that, too, yes; which would allow the State a little more leeway in the disposition of those funds or the use of those funds, and certainly the State would be derelict if they didn't use them where they were needed most. So I think you, too, would trust the wisdom of the State authorities, who are likewise under a mandate from the people to provide that.

Mr. SEIBERLING. But if this is as important as you indicate—and I quite agree that it is—don't we have a responsibility at the Federal level to highlight that by earmarking a certain percentage of funds for that purpose?

Mr. PITCHESS. I don't know that you are going to do it by a fixed formula, Congressman. I think that you can do it just as effectively by giving it to the State and let the State tab its own priorities; I think it is far better to do it that way. It gives the State and us more leeway in doing that.

I don't think the corrections systems will be harmed, at least from my understanding of the bill. I would be strongly opposed to it if it did restrict them or in any way reduce the funds that would go to corrections.

Mr. SEIBERLING. Dean Irving mentioned this morning the importance of incentives in this program, building in incentives to attain certain goals. Would you favor legislation which would provide for certain standards and goals, and provide an evaluation and review process so that we could determine whether the State and its subdivisions were meeting those goals and living up to those standards after the fact, after they have received the money, and then, if they did, we would provide some sort of incentive in the way of additional funds or some other form of incentive?

Mr. PITCHESS. It is my understanding that there is some kind of evaluation in this bill; isn't there?

Mr. SEIBERLING. There is a review but no provision allowing approval or disapproval, or any Federal sanction or incentive.

Mr. PITCHESS. We spoke earlier about the Goals and Standards Commission that I have spent 20 months' hard work on, together with some other people. I think that those goals and standards, once they are published, will serve as sort of a guideline which will accomplish this same effect with the cities and States.

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I think that we would create a problem if we would try to mandate something like this by making compulsory compliance with a certain set of standards.

Mr. SEIBERLING. What bothers me is that it is all very well to say there will be evaluation and review but, if you don't set up any goals or standards, what are you going to measure the performance against, other than just whether the money has been obviously squandered or wasted?

Mr. PITCHESS. Well, you are providing a set of goals and standards by this commission.

Mr. SEIBERLING. But aren't we in a position at this stage in our development to set some general goals in the legislation?

Mr. PITCHESS. I don't know that it is necessary at this stage. I think that there has been enough of a wholesale acceptance of the program in the right spirit and application of the funds that I don't think that you have to make it on a mandatory basis with set goals and standards. I think this voluntary compliance is sufficient.

You see, these goals and standards are going to be a sort of pressure on these individual States and the regions to comply with them. Each State is now setting up a conference of its own, a criminal justice conference of its own, to evaluate those.

You see, the difficulty is this: My State has different conditions that exist in my State. My immediate urban area of Los Angeles County has different problems from the rest of the State, and I think that you would be both restricting and inhibiting the States if you established goals like that——

Mr. SEIBERLING. All I am suggesting is—you have stated some very general goals in your statement, some very good goals, and I would think that it would be possible to set forth in the legislation some general goals of that nature. That is all I am getting at.

Mr. PITCHESS. Well, I don't think that we are too far apart in what we are both saying here. I think that it can be accomplished without inclusion of specific goals that must be met.

Mr. SEIBERLING. Just one other comment. You have pointed out that the Chief Justice and the Attorney General reported that the crime rate was down for the first time in 17 years, a decrease, but my understanding is that crimes of violence are not down. Is that your understanding?

Mr. PITCHESS. That is correct; yes.

Mr. SEIBERLING. And, of course, that is the part which the average citizen is most concerned about, and certainly that we here are concerned about.

Mr. PITCHESS. Specifically murder, rape, and aggravated assaults are up, and the others are down, and the balance reduces the overall figure. I don't know, Congressman, whether this represents the fact that there is an actual reduction or whether the people have become so fearful that they are staying in their homes, but the important thing is that robbery and burglary are down, and robbery is the one that is the real dangerous crime, and that one is down.

Mr. SEIBERLING. Well, when I think what I have spent to put burglar alarms in my own house here and in Ohio in this last year, I can see maybe if that is going on, on a large scale, why burglary is down.

Mr. PITCHESS. This program that I mentioned that we are using LEAA funds on, this burglary prevention program, is an outstanding prevention.

There is a good question that arises, and I am surprised that you haven't already asked me, where we are concentrating, for instance, in California in five locations—San Francisco, Oakland, the city of Los Angeles, and one portion known as Venice and Bellflower, a city of about 70,000, and San Diego. We have had a tremendous reduction of burglaries in the 8-month period that this has taken place.

And the question is: Are we driving the burglars out of there into adjoining areas? Well, the answer is "Yes," too, but we are driving them into the other larger areas like the city of Long Beach; Long Beach is about 400,000 population.

All that proves: If Long Beach employed the same kind of program that we have been able to experiment with and use as a pilot program and if all of Los Angeles County employed that program, there would be an absolute reduction in burglary, because it is an educational type of program.

We are advocating that our building codes be amended to include and to require certain types of locking devices instead of these cheap locks that the average builder puts on the house that can be opened by a child; and it is through this education, you see, that we have been able to reduce it; and we are now trying to provide that service to other cities in our county, and the only limitation is the limitation of funds.

Mr. SEIBERLING. Thank you. Mr. Dennis.

Mr. DENNIS. Sheriff, I have listened with a great deal of interest to what you had to say, because you obviously know something about your subject.

As I understand the thrust of the testimony of the people from metropolitan areas and who support the bill of my colleague in its approach, they say two things. First, under the present law and under the administration's bill, the State determines how much, or if anything, each of its cities will get so that they are never quite sure how much they are going to get.

Second, the States also determine how the money is to be spent.

They wish to change these two points: they want to know what they are getting, they want to decide how the money is spent. They claim that the Seiberling-Stanton approach will do that and that the administration bill won't.

Now, what would you say to that argument?

Mr. PITCHESS. I, too, have been frustrated and my department has been frustrated by the delays originally encountered in this bill and some delays we are still encountering in the operation of LEAA.

Eliminating the delay—I think the greatest delays were here in Washington with the LEAA's review and approval, which is eliminated by this bill——

Mr. DENNIS. I was going to ask you about that in my next question, but go ahead.

Mr. PITCHESS. All right. I think that the elimination of that review and approval here will speed up the process, and I think by now, our State planning agencies throughout the States—I have talked to oth-

ers—are in a position or know that they must faciliate the flow of that money to the region or to the city or county which has originally applied for the grant.

I don't think that it is necessary to give it directly to the city or county or urban area or metropolitan area in order to speed this process up.

Mr. DENNIS. Do you think that the elimination of the pregrant approval at the Federal level is desirable?

Mr. PITCHESS. I definitely think that is good. In fact, that has been our biggest frustration. And we feel that we can solve the other problem on our local State level; and don't forget we have a big State, 20 million people or better, and we have a bigger stake than some of the other States will have.

Mr. DENNIS. We are talking about almost $900 million of Federal money. Do you think it is realistic to expect that that is going to be spent without any Federal preview or preapproval of the plans?

Mr. PITCHESS. If I understand your question——

Mr. DENNIS. Well, we are talking about almost $900 million. You are saying, as I understand it—and the bill so provides at the moment—that there should be no Federal preapproval of State plans to spend that money.

What I am asking is: Do you think Congress is going to appropriate $900 million worth of Federal money and not have any Federal control over how it is spent?

Mr. PITCHESS. I don't know; I haven't been too good at predicting legislative action, Mr. Congressman.

I think that it can work, because, you see, the State has to assure LEAA that its program is acceptable from an overall basis.

Mr. DENNIS. The State has to submit a plan, and it is supposed to be within the general limits of the purposes of the bill, but it definitely doesn't have to be approved.

Now, I grant you that would probably accelerate the flow of money, but I can see objections to it from other points of view.

Mr. PITCHESS. I don't know that you would want to establish such restrictions that you would be afraid of the criticisms that the Federal Government is controlling local law enforcement by these restrictions.

Mr. DENNIS. You put your finger, of course, on a fundamental problem here, the problem of how much local control you can retain when you are spending Federal funds. The two elements are not completely compatible. So we have to compromise, but there is still the fundamental problem.

Mr. PITCHESS. Again, as I say, we don't see the problem as being in the State. It was with the State. You see, we had a hard time both organizing and training our State planning agencies. We were fortunate in California in that we had already created, by legislative enactment, a criminal council, California Council of Criminal Justice, which qualified as a State planning agency and was already set up and operational at the time that LEAA came into existence after the 1968 omnibus crime bill.

Even with that, we experienced considerable delays. We have constantly worked on reforming that, so that we are overcoming that.

I think that the State's control is somewhat necessary, and I think that it will supply the control that is being surrendered by the Federal

Government here. There is nothing to prevent you from refusing to reappropriate those funds if they are misused or not used properly.

Mr. DENNIS. One facet of the crime problem is the matter of corrections, which you have correctly, I think, characterized as highly important and highly difficult. Under the present law, a sum certain is earmarked for corrections. Under the bill, there is no earmarking. You can hope the funds will go for corrections, but you are really not sure.

Mr. PITCHESS. Well, I can guarantee you they are going to apply those funds in California for the corrections program, and I think we need less help there than other States do.

Mr. DENNIS. Well, it may be that you need less help in California than in other States. You know what you are doing, for one thing, and you have got more money.

Mr. PITCHESS. Look, we have more problems, too, because we have inherited the worst from every other State. It is not the good people who come from Texas and Oklahoma and New Jersey, it is the undesirables. Let me tell you why.

In April and May, we hit the peak. We operate a pretty large correctional institution in my county. We have over 10 to 11,000 people in custody in my county alone. That is larger than about 45 of the States have in their State penal institutions. We hit the peak in April and May, and you know why that is? Because the criminal starts coming out or the antisocial individual starts coming out from about December and on because of the weather conditions that you have in other parts of the country, and they are there, and so, sooner or later, they get into trouble and, by March, April, and May, our jail population has reached its peak. So we are getting the undesirable people.

We have a lot of problems with our custody systems, also; don't misunderstand me. We will always have them. We need more money, and I will guarantee you I have no fear of this money not going into corrections.

Mr. DENNIS. All right. I thank you, sheriff. There are a lot of interesting things we can talk about.

Mr. SEIBERLING. I just wanted to confirm that your position with respect to pregrant approval is diametrically opposite to Dean Irving's; is that correct?

Mr. PITCHESS. As I understand his comments; yes.

Mr. SEIBERLING. And I gather that his position is simply based on a general lack of faith that, in the absence of Federal scrutiny of what the money would be used for, the cities will not be able to, and States will not be able to, make sound decisions. "They will," as he said, "invent the wheel all over again."

Mr. PITCHESS. Well, I don't find any difficulty with this elimination.

Mr. SEIBERLING. Thank you very much. Mr. Sandman.

Mr. SANDMAN. I have just one question to ask.

Are you on the State planning board in California?

Mr. PITCHESS. Am I?

Mr. SANDMAN. For this purpose?

Mr. PITCHESS. No; I am not. I was chairman of the regional planning commission that we have.

Mr. SANDMAN. But, in the planning of these moneys, as a sheriff of such a large constituency, do you have any say at all on how this

money is finding its way to Los Angeles County? Or is that determined entirely by the State planning agency?

Mr. PITCHESS. Oh, it is determined by the State planning agency, but I think I am personally and, through my department, we can exert considerable influence on that State planning agency and thereby help in the direction that this money is expended.

Mr. SANDMAN. The reason I asked that question, sheriff, is that the sheriffs in my State don't have anything at all to say about the allocation of this money.

Mr. PITCHESS. Well, you have a different setup; don't you? You don't have a totally integrated sheriff's department, do you—your State? Aren't your sheriffs a little in civil and custody work?

Mr. SANDMAN. Yes; but, no; they have criminal work.

Mr. PITCHESS. They have total criminal jurisdiction?

Mr. SANDMAN. Yes; they are all elected by the people; none of them are appointed. It has been a continual source of agitation throughout the State. The people, for example, in the city of Newark, where we have a real bad problem in the county jail, not the city jail, which is filled with people awaiting trial. And, as you know, there is nobody more dangerous than a fellow who has committed a capital offense awaiting trial. He doesn't know what is going to happen to him.

They built a jail there 13 stories high. On one floor of the jail, they have 80 men in there awaiting trial for murder. The sheriff in that particular county wanted to find some other place to put those 80. He felt they were too dangerous to put in a big institution.

His request for the funds was turned down because the county sheriffs are not permitted to be involved in the handling of LEAA funds, not as a matter of Federal law but, as I understand, as a matter of SPA policy. I was wondering if you had any such problem as that in California.

Mr. PITCHESS. We have a couple of sheriffs who are on that California National Justice Commission, so, through them, the sheriffs' positions are expressed in the allocation of funds. We have a statewide organization of California peace officers, which include sheriffs and chiefs of police. We have representation from that association on the council on our State planning agency and, through that medium, we get the funds allotted to us. We haven't had any LEAA funds for capital projects——

Mr. SANDMAN. But, as a sheriff of a county, you have a right to handle this money in the same manner as the mayor of a city, is that correct?

Mr. PITCHESS. That is correct.

Mr. SANDMAN. Thank you.

Mr. SEIBERLING. Thank you, sheriff.

The hearing is now adjourned until 2 o'clock, at which time we will hear the Lieutenant Governor of the State of Michigan, Hon. James H. Brickley.

[Whereupon, at 12:15 p.m. the subcommittee adjourned, to reconvene at 2 p.m. the same day.]

AFTER RECESS

[The subcommittee reconvened at 2 p.m., Representative Peter W. Rodino, Jr., chairman of the subcommittee, presiding.]

Chairman RODINO. The subcommittee will come to order.

Our witness this afternoon will be the Lieutenant Governor, James H. Brickley, of the State of Michigan.

We welcome you, Lieutenant Governor Brickley, and at this time I recognize the gentleman from Michigan, the Honorable John Conyers.

Mr. CONYERS. Thank you, Mr. Chairman. I want to briefly welcome our distinguished Lieutenant Governor to these proceedings and say to the subcommittee that our Lieutenant Governor is well known as an outstanding Michigan attorney, as a former assistant U.S. attorney, as a former Detroit county councilman, and now as one who is serving with some distinction in our State capital. Because of his concern and distinguished background, I am very pleased and privileged to welcome him to these proceedings.

Lieutenant Governor BRICKLEY. Thank you, Congressman.

Chairman RODINO. You may proceed, Lieutenant Governor. I understand you have to get away by 3 o'clock.

Lieutenant Governor BRICKLEY. Yes, we really should.

TESTIMONY OF HON. JAMES H. BRICKLEY, LIEUTENANT GOVERNOR OF THE STATE OF MICHIGAN, ACCOMPANIED BY DON P. LE DUC, ADMINISTRATOR, OFFICE OF CRIMINAL JUSTICE PROGRAMS, STATE OF MICHIGAN

Chairman RODINO. We have your prepared statement and, in the interest of time, if you wish you may summarize it and it will be included in the record in its entirety.

Lieutenant Governor BRICKLEY. Fine.

[The statement referred to is at p. 404.]

Chairman RODINO. You may proceed from there.

Lieutenant Governor BRICKLEY. Thank you, Mr. Congressman, and again thank you for your very kind introduction.

Chairman RODINO. Mr. Brickley, we now have Mr. Hutchinson here, whom I am sure would want to say a word before you commence.

Lieutenant Governor BRICKLEY. Fine.

Mr. HUTCHINSON. Thank you, Mr. Chairman. I want to join my colleague from Michigan in welcoming our Lieutenant Governor. The Lieutenant Governor of Michigan is a man very highly regarded in our State. He has the duty, among his other duties, by statute and at the pleasure of the Governor, of chairing our State crime commission. He is well versed in his subject. I am particularly delighted to have him with us today.

Chairman RODINO. Thank you very much. Lientenant Governor, you may proceed.

Lieutenant Governor BRICKLEY. All right. I just want to emphasize several points that I made in the prepared statement which you have before you, Congressmen and Mr. Chairman. The two words which perhaps most accurately describe our entire administration of justice system are "diffusion" and "fragmentation."

Any of us who have worked in the system, particularly those of us who have worked in Wayne County in Michigan, which is the third-largest county in the country, cannot help having been frustrated with

the kinds of limitations that are inherent in a system that is so fragmented, and I don't think we can adequately appraise the law enforcement assistance program without recognizing and understanding that present state of the administration of justice.

When anybody says to me, "What are we going to do about crime? Why don't we do this and why don't we do that?", I find myself indicating to them the number of people that are involved in evolving policy, many of them elected officials and many of them opponents of one another, most of them responsible to different constituencies at different times under different circumstances.

I have a little thing I use in speeches in Michigan when I am talking on this subject. I frequently say that if I had the foolproof answer to the solution of crime—in other words, I could say and prove mathematically that I had a program that would reduce crime, say 50 percent in the next several years—which everybody, I am sure, would respond to very eagerly—and I could get 10 other people to agree with me and to pledge themselves to that program, it certainly would have to involve corrections, courts, police services, prevention; any solution will have to involve all the sectors of the law enforcement; there are not 10 offices in Michigan that we can run for and capture and if, indeed, we did capture them, that we would still be able to implement that program.

So the LEAA program has allowed us to face this diffusion by making it a bloc grant to the State, to the Governor, and mandating the Government not to have a plan that Washington says it must have, but to have a plan—a plan that is reasonable, a plan that is viable, a plan that is made up by the major actors in that State, these hundreds of people who are involved in the daily decisionmaking and allowing us thereby to have the money to distribute to local units of government.

That plan is, in my judgment, very unique and it has been very successful.

Mr. Don Le Duc, whom I failed to introduce, is our able administrator of the office of criminal justice programs, consisting of some 50 people who manage these programs, who design the plan, who put it together, and then who manage the granting program.

He and I were saying this morning, talking about some of the problems that are discussed in connection with LEAA, some of the controversies that have surrounded it, and we commented how actually here is a program that was the first bloc-grant program, so that in and of itself would invite scrutiny and would invite controversy because there is philosophy about these kinds of programs and it involves one of the most emotional and difficult issues in our country, the issue of crime. It is a small program—because, relatively speaking, even though the spending has accelerated, it is a small program by all standards. It has certainly engendered its own controversy, but, considering the fact that it has been rapidly accelerating, considering the fact it has asked and mandated States to do something they never did before, which is to assume some leadership in the administration of justice throughout the State and particularly in urban areas, where you have hundreds and hundreds of agencies falling all over one

another, trying to do a job and in basically what is one community—considering that, considering the inefficiencies in the system that have existed for generations, I think it has been monumentally successful, Mr. Chairman.

One of the things I mention in the statement that we are very happy to announce by way of this testimony this year is that both the crime rate and total crimes in Michigan are down for the first time since records have been kept, and we think that the LEAA program has in no small measure played no small role in the achievement of that crime reduction.

That just didn't happen; it wasn't just an accident, and there have been things happening, relationships developing among all of the components of the administration of justice in Michigan that, in our judgment, can be attributed to the LEAA program; and, to stop them now, in my judgment, would be a tragic mistake.

So I think, with that, I will stop my presentation and invite any questions that you or the members of your committee have.

Chairman RODINO. Thank you very much, Mr. Brickley.

In your statement, Mr. Brickley, as I read it, you emphasize the value of increased State involvement and urge us, I guess, to continue in the direction of concentrating crime-fighting authority at the State level.

Now, I know that the States can do very good work and indeed some have done, but there are a number of problems that still face us. I recognize the valuable work done by the State of Michigan—and I recall that Mayor Gribbs of Detroit came here and testified about the effective coordination of State and local efforts in Michigan. But, as chairman of the U.S. Conference of Mayors, he also told us that he is convinced that Michigan is the exception rather than the rule in finding effective coordination and cooperation.

And it seems to me that he was suggesting that, in order to more surely guarantee success on a national basis, cities and counties and regional areas ought to be given some money and decisionmaking authority directly.

Now, if Congress does not fund these high-crime areas directly, and at the same time requires no meaningful Federal standards or review or approval of State plans, then, I think, we will have abandoned the leadership role which I think is so necessary and will have left no protection for the cities and no accountability by States.

This morning, Dean Irving, the dean of the law school of Seton Hall University, who has been personally interested and who has worked with advisory commissions in the crime area, told us that this kind of revenue sharing is actually revenue sharing without responsibility-sharing. How do you react to that kind of a comment?

Lieutenant Governor BRICKLEY. First of all, I agree to everything you said up until that point, and I heard some of his testimony this morning and, if he means the kind of revenue sharing that would go directly to the cities—is that what he meant, or does he mean the administration's proposal?

Chairman RODINO. He was referring as well to the administration proposal, because he called for approval and review of State plans instead of the mere filing of the plan by the State and the automatic granting of funds.

Lieutenant Governor BRICKLEY. Then I must differ with him. I agree with him in his observations but, first of all, to direct the money as you referred at the outset of your remarks, Mr. Chairman, to have the funds just go directly to the units of government that ask for them is abandoning of the concept we started, going right back to the old ball game where the most aggressive city gets the money, they do what they want to do under the circumstances. So I am very much opposed to that national league of cities proposal.

As far as his idea that the administration proposal is also abandoning, I don't think that is the case at all. We don't see there is that much of a change in what we are now doing, frankly.

What we do see is that the administration's position this year on converting from a bloc grant to revenue sharing—which, I think, is just a difference in degree—is saying the States are now well organized, they have their planning units as we have ours, they now have a system developed, they are now pretty good at it; we no longer need all the rigid requirements we had before, the State vis-a-vis the Federal Government, in getting pregrant approval.

So I think the Federal Government is now saying we can now let the States go on and do the job they are tooled up to do, but the States will have the primary responsibility to see that there is a cohesive plan in that State.

So, no, I do not agree with his comment. I think that he is seeing more in that than there really is.

Chairman RODINO. I hope I didn't mislead you. I think that Dean Irving also did say that direct aid to the cities, I think, was not his point of view. However, he did state that there should be review and approval of State plans beyond just the mere filing of plans. As you know, the administration proposal does not require actual approval.

Lieutenant Governor BRICKLEY. Yes. We don't object to that. We don't object to continuing under the same bloc grant program, but we happen to feel—I guess one of the reasons is because our plan has always been held up as being—very frankly; I am not being too modest—as being held up as an example of a good plan—that we have no concerns one way or the other.

What we do know is that if you remove that requirement that the plan be approved first, you are going to shorten the fund flow, and the mayors talked about shortening the fund flow, too; so I don't think that is of that great moment, frankly—that particular lessening of that requirement. We don't have that strong a feeling about that.

But I certainly think the administration is going in the right direction in saying that "We have now given the States about 4 years to develop that capacity; they now have it; we can now lessen this one requirement that held up funds that much longer.

Chairman RODINO. Of course, as your statement does indicate, and as has already been said, Michigan apparently seems to be an exception, and I think that maybe this also may color your viewpoint on this.

Lieutenant Governor BRICKLEY. Could be.

Chairman RODINO. So I am frankly bothered because I would like to see the money go to those areas where it is most needed, with certain standards attendant so that we know that it does the most good.

And one thing that bothers us—I think some of us—and that has led to an alternative bipartisan bill before us is that so much of the money doesn't reach the localities quickly enough. According to the GAO, at the end of fiscal 1972, for example, 90 percent of Michigan's 1972 LEAA allocation remained undisbursed. In fact, at that time more than 10 percent of Michigan's 1970 funds were still undisbursed.

With such a demonstrated temporary dead end at the State level, should we conclude, then—should Congress conclude—that the States ought to be the ones to do this rather than to have some direction or something to insure that the moneys reach the localities where they are most needed?

Lieutenant Governor BRICKLEY. You made reference a little earlier, Mr. Chairman, to the fact that Mayor Gribbs spoke complimentarily of our State but said in other States it wasn't working well.

I am a little surprised, frankly, that the League of Cities has not put forth somebody who said it is not working well in his State, because all of their witnesses seem to be saying it is working well in our State but somewhere else it isn't working well.

I frankly think it is working well in most States; that is the experience I have.

But, now, on the subject of fund flow, I am very glad you raised the question, because I want Mr. Le Duc to answer that. He knows as much about that as anybody; it took him a long time to get across to me the very sound reasons for the delay in the fund between a certain point and a certain point.

Before I do, I just want to say that, you know, there are ambivalent pressures on this program; one pressure is "Let's get the money out there"; the other pressure is: "Let's have controls." And, whichever one we move too far to one side or the other, we get criticized.

The Monaghan committee is calling for more controls and questioning unjustified expenditures.

We think we have struck the balance and there are very sound reasons for the fact that money is not spent as quickly as some people think it should be. People keep asking that fund-flow question over and over again. And, in my judgment, there is a complete and satisfactory answer to it, and that is why I should like Mr. Le Duc to address himself to it.

Mr. LE DUC. Thank you, Mr. Chairman. I should like to start with just a brief response to your reading of our expenditure report for fiscal year 1972. I have a copy of the figures of our report for the quarter ending December 31, 1972 for all expenditures of the total amount awarded in Michigan in the 5 years; 68 million 700-odd thousand dollars has come in. Of that, just about $56 million has been awarded. That is 81 percent.

When funds are awarded, that means that the State is no longer awaiting a decisionmaking mechanism and that some local agency or State agency with an award has the money available to draw as they spend it.

As of the same date, 37 percent of the total funds again had been disbursed and 32 percent were audited expenditures. It was a final closeout on projects.

Chairman RODINO. Excuse me. You are, of course, referring to a 5-year period?

Mr. LE DUC. Yes.

Chairman RODINO. As you know, the GAO report was for each fiscal year.

Mr. LE DUC. Yes, that is correct.

Chairman RODINO. A 5-year figure, of course, will show more funds disbursed—a higher percentage. Our concern is with the delays.

Mr. LE DUC. I would like to point out a couple of things about that process which add to what Mr. Brickley said about the Federal approval process. That report you read was for the fiscal year, fiscal year figure for 1972 funds. LEAA did not approve our plan that year until June 29, 1972, 1 day before the end of the fiscal year. So anything that was done before that we done on a wing and a prayer. Without that approval process, we could have moved that money sooner.

Again the appropriation was also late that year and, as of that date, June 29, 1972, the 1972 funds amounted to 29 percent of our total funds.

Our 1973 plan was just approved February 15, and that is 34 percent of all the money we have ever had. So, in the last 9 months, we have received 63 percent of the money by the approval of the bloc grant commitment to Michigan. We now have 81 percent of the money ever given to us awarded.

We had a meeting this morning at which additional funds were awarded and Mr. Brickley and I could not be available so we could be here, but I am trying to impress upon you, that just looking at the year-end figures is not the only way to determine what has been done. The important figures are the awards and expenditures, the disbursements I feel to be less significant.

I think there are legitimate questions on awards and in the pace of awards, and I think the States can perform better in making awards. That is where the holdup is—at the State level.

The Federal slowdowns are caused by the lateness of appropriations and lateness of action in approving action plans. And then the local problems, which are substantial in my State, in expenditures and in documenting expenditures are the end of the tube.

In those four places there are delays. I suspect that, if the other conditions remain the same, whether it is a bloc grant, revenue-sharing process, or a direct passthrough to the local government, there will still be considerable delays in the process.

What I think is significant about fund flow is to look for the rate at which the State is acting, and I have cautioned other States not to let this analysis of the award versus disbursement versus expenditure stand as a rationalization for failure to act.

One of the things LEAA could have done and we have done in Michigan is to speed up the rate of awards, but that is only a very small segment that speeds things perhaps one one-quarter faster at the outside.

The Revenue Sharing Act and the proposals, as I understand them, from the National League of Cities, and Mr. Stanton, all require some sort of application process. In the case of Mr. Stanton's bill, that application is a plan with funding related to it. So there still would be the same basic process even though there is a difference in who selects the final alternatives. I don't think that will contribute to a reduction of substantial size in the delays.

I think it is important for us to keep our definitions clear in looking at fund flow, to look for and understand the differences between State awards, State disbursements, and expenditures of funds. The expenditures and the awards are the key.

I think at the end of this fiscal year 1973, we will have awarded every nickel ever given to us in the first 5 years. That means that there will be no money remaining in our State Capital, as has been indicated might be possible at the end of this fiscal year. We have a balance of about $8 million after this meeting this morning.

As long as we have a requirement to carry out the mandate of Congress under the Safe Streets Act in its present structure, there will be some delays, there will be an application process, and there will be some time between the date of a plan as approved and the date all the awards are made. We think that can be cut down to 1 year and is more than reasonable.

Furthermore, I don't think that Mayor Gribbs or any other person who testified or who will testify for Michigan would indicate that the pace of the awards has been a problem, our ability to absorb the money, to put it into good projects. We have been moving just about as rapidly as we can. We awarded $29 million during calendar 1972 from 1971, 1972, and 1973 funds.

This is a very brief summary, Mr. Chairman. It is unfair to you to give it in this rapid form, but I do think the fund flow and the analysis of expenditure rate takes a great deal of examination before the whole process is clear and understandable; and LEAA and we and OMB, as I understand it, and now Congress, is struggling with the notion in trying to understand what these delays are; and I think if you keep your eyes on the awarded amounts and then the controls that the States have in making sure that the subgrantees are performing the contracts they make with the State, you will find the expenditures to be not under control and moving at an acceptable rate.

Chairman RODINO. Thank you very much. I would like to say that I recognize some of the difficulties that ensue, and some of the practical considerations that one has to take into account in appropriations and in disbursements especially if they come at a late date when you can't really do anything very much with them that fiscal year.

Recognizing all of this, however, the big concern that I do have is the fact that we call upon the Government to appropriate moneys to meet what we find is a national emergency and then we take so much time in getting the moneys to where the emergency need exists. Surely we want to insure that the moneys are spent in a worthwhile fashion, in the most effective way, do the job that was intended to be done, but is this really the best way?

I am wondering if, with no strings attached, there is the kind of accountability or there is the kind of expertise that is going to be employed in order to do the job.

For instance, I ask you the question: Do you think that there is enough accountability, within the States, of executive action by the State legislature and shouldn't there be?

Lieutenant Governor BRICKLEY. Yes, I do very definitely, Mr. Chairman, and the reason is the political setup in every State in which the Governor and the actions of the Governor are so closely scrutinized.

The fact is that you are going to have hundreds of applications for these limited funds. The first time any Governor in any State makes a decision to decline, deny an application, which he must do, and it is not done on that plan, there are going to be enough squawks in that State that he is going to have all kinds of pressures on him.

We think in Michigan this is one of the most politically sensitive programs we have—probably over half the elected officials in Michigan are in the administration of justice, and they can cause a heck of a squawk if we don't do our job properly and they are not satisfied that they are getting a fair share.

So all of the pressures are built in, and there are so many pressures, that you don't need an added pressure at the top any longer now that the program is under way, and I am just very confident of that.

For instance, we have approved 800 applications in our State in 5 years for funds, but—and I think these are just as important—we denied 500. Now, that meant 500 sheriffs and prosecutors and other people who didn't get something they wanted; and, to my knowledge, there hasn't been one major, significant complaint of a bitter kind.

We have people come in and say, "Why?", and we explain it to them in light of the plan. Now, you just can't do that with Federal funds on the direct bloc grant concept; you can't do it any other way and get away with it. You would know about it very rapidly here in Washington.

Chairman RODINO. Thank you. Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman. Governor, as the Lieutenant Governor of Michigan, like most lieutenant governors in the country, you are at the same time in the executive branch of the government and the presiding officer of the State senate. It has been suggested that we continue the matching requirements because it affords the State legislature an opportunity to have some input, some direction, some control, some say about the LEAA program within the State and that to do away with the matching requirement would leave the legislature virtually with no voice in it at all.

We have received testimony that in the State of California the legislature had attempted to require that the State plans be filed with the legislature for a limited period of time.

Governor, speaking now in your capacity as the president of one of the legislative bodies, I wonder if you would care to address yourself to the role of the legislature in the LEAA program.

First, I should like to ask you whether the statewide comprehensive plan that is now on file addresses itself to all of the funds—State, local, and Federal—that go into the criminal justice system in Michigan, or whether these State plans are concerned only with Federal monies, which your testimony states to be 4 percent of the total expenditure in Michigan for criminal justice.

Lieutenant Governor BRICKLEY. Yes; as I say in my prepared statement, Congressman, the money that we are getting from you right now at the present rate amounts to less than 4 percent of the money we spend, State and local, on the administration of justice in Michigan.

That is why I say if you just took that 4 percent and gave it out to everybody directly, the local units of government, like we have in other programs in the past, that is all you would get—about 4 percent improvement from that; that money would just be gobbled up.

By forcing the States to coordinate a highly fragmented system, you are getting about a 20-percent return, in my judgment—just to pick a figure out of the air—from that 4 percent of the money that we spent.

Now, I am also glad that you asked: "Is our criminal justice planning system, which is relatively new at the State level in Michigan, also influencing the other 96 percent of the spending?" The answer is: Yes. Effective 2 weeks ago, Mr. Le Duc's office which, up to this point, had been in the Governor's Office in sort of a tangent just to handle this program—because there was no Department of Justice in Michigan, as such, to handle it—has now been placed under the direction of the Office of Budget and Programs, where his office is going to be responsible for advising the Governor on his own Corrections Department, on his own State police, on the courts, on all of the aspects of criminal justice. The Governor and the States generally will be, hopefully, having some influence on these functions. So we have a planning capacity and input, if you will, a thing tangible that we did not have before on the State level.

I think another very important question was the first one that you touched on, and that is the role of the legislature in the State. The suggestion you referred to comes late, because you people have been funneling money in the billions of dollars into local units of government for at least 10 years and longer that State legislatures have had no influence over; so the State legislature is having more influence now even though there is not a match requirement, simply because it is at the State level.

Mr. HUTCHINSON. Well, isn't there a match requirement?

Lieutenant Governor BRICKLEY. Yes, there is, and the State legislature has stepped up to that very nicely. I think you said: Without the match, would there be——

Mr. HUTCHINSON. Yes. The point was that without a match that there would be no legislative leverage. But you say there would be even without the match so long as you leave the matter at the State level?

Lieutenant Governor BRICKLEY. So long as we left it—now, under the administration position, there would be no match at all, so you are correct that the State legislature would not have any direct input into the programs as they now have under your match provision, but I don't see that affecting the program, because the legislature has been very pleased with the program and has come up with the match requirement.

Mr. HUTCHINSON. With regard to the jealousy—I don't like to use the word but it is probably appropriate here—of the legislative branch of Government of its own prerogatives, I might state again on the record, as I did before, that, in the years that I was a member of the Michigan State Senate, I was greatly concerned about the fact that so many of these Federal programs were based upon State plans which the State bureaucracy put together and sent up here to Washington to qualify for money, which process completely bypassed the legislative branch of government.

I am wondering if that feeling might still exist in the Michigan Legislature, and if the legislature wouldn't feel that, without any ing requirement, its role was being further denigrated.

Lieutenant Governor BRICKLEY. Good point. Mr. Le Duc has the answer to it.

Mr. LE DUC. Mr. Hutchinson, that is a problem that we recognized in our State. In about 1971, most of us who came into the program were not then well-established State bureaucrats, so we stumbled around the first couple years.

In 1971, we went to work with the Michigan State's fiscal agencies, the senate fiscal and house fiscal agencies.

In the last two budgets and in the one that is being prepared now for 1974, every statement which is included in our State comprehensive plan we submit to LEAA is included as a line item entry in the State budget request for those departments, including the matching requirement; so the legislature specifically reviews all the activity at the State level, and it takes care of the State agencies' projects that way. We don't fund anything the State legislature hasn't specifically authorized.

Second, in the buy-in requirement this year, the State legislature's only real concern was that they weren't really happy to have to do it—to put this money forward for local government. They felt they were bearing their own burden on the State level by matching at the required hard match level and felt the local government ought to do the same.

However, we were in a fairly depressed status at the time because of the auto strike, and eventually the legislature did see fit to appropriate to my office, in the grants and transfers bill, the required buy-in plus half of the required extra local match; so we have attempted very much to keep the legislators involved in the process and will do so irrespective of any change in the matching requirement. Their contact with local grants would then be remaining through the development of the State plan.

But I think you have a trade-off situation in regard to the matching requirements. If there is anything that is redtape and bureaucratic and difficult for local government in this program, it is the requirement for soft match. Hard match and Federal funds are easily taken care of because they fit well into the normal accounting and control procedures of a local unit of government or the State agencies, but the documentation of in-kind match has probably caused more serious problems in my State than any other serious issues.

I would strongly urge that the money that is required now on a cash match and in combination with soft match is not worth the investment of time that State planning agencies and local governments are put through in order to satisfy the matching provisions.

I think Lieutenant Governor Brickley, when he testified in 1971, recommended the program at that time should be 90–10 or 95–5, with a small amount of match to indicate some local contribution, but the matching requirements were then and still remain probably the most burdensome thing to us, and they cause considerable difficulty in understanding the problems, and they cause us problems when we have auditors examining, merely looking at records and making judgments that don't relate to the program.

So I would disagree with the view that there will be a lessening of legislative interest or control on one hand and strongly say that even

if there were some slight diminution, we would still be making a good investment of the money in the whole program if we did not have the requirement.

Mr. HUTCHINSON. I thank you for your response. As I understand it, then, it is your position that, even if the match were no longer required, the budgetary processes in Michigan are such that all of these projects would still be submitted to the House and Senate Appropriation Committees as part of the budget.

Mr. LE DUC. Yes, and then, on to the full body, as a matter of fact.

Mr. HUTCHINSON. Yes; I understand that.

Mr. LE DUC. I might add, if you don't mind, sir, there is a section 203 of the proposed revenue-sharing package, which has a statement in it regarding that: Money appropriated or awarded through the revenue-sharing program is to be expended in a manner consistent with the law and process of the State, and that requirement in Michigan is met and we do it.

It is my understanding that that requirement will cause some controversy that you will have to be alerted to in the future course of implementing the act should that provision stand and revenue-sharing pass, because, in order to do that, we read that as "has to be appropriated in a manner similar to what we are talking about in Michigan through the legislative process," and, in some of the States, if that requirement remains, it is my understanding that they will be stuck for 2 years with no program because they have biennial legislatures where there will be no ability to get legislative authority to spend the money through the general appropriation process until 2 years from this spring.

Mr. HUTCHINSON. Except I suppose that in each of those States the Governor has the power to convene the legislature in an extraordinary session.

Mr. LE DUC. I suppose he does; I raise it only as a point of information, since obviously it is not a problem for us in the State of Michigan.

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

Chairman RODINO. Mr. Conyers.

Mr. CONYERS. I want to thank you, Mr. Chairman, for being allowed to sit in and join in this discussion.

I should like to inquire how the LEAA, as it is administered through Michigan, has been of any benefit to minority groups in the State.

Lieutenant Governor BRICKLEY. Well, I guess the best answer would be that we have helped to reduce crime and, since minorities are primarily the victims of crime in greater proportion to their numbers, I would hope that that would be the best answer for minorities.

But there are other things that have been done along the way. Don, do you want to mention some of them?

Mr. LE DUC. Mr. Conyers, I was not prepared with an exhaustive list, but I can describe a few of the projects that money has gone to that we think are primarily motivated by the concern that I think you are expressing.

Mr. CONYERS. Thank you. And now, for the record, because we don't want to take up exorbitant periods of time, let us agree that our dis-

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cussion of this shall go on, since we are all from Michigan, beyond the hearing of this subcommittee so that, in other words, everything that we say may be followed up by letter and meeting and phone calls.

Mr. LE DUC. Certainly, sir.

I would say you are about to see a new horizon in that effort because of the Equal Employment Opportunity plan guideline which was just issued by LEAA.

I would say that the most important thing we have done in that area as far as I am concerned is the support for the Detroit Police Department minority recruiting program. We have gone far ahead of their own schedule, pretty much through the recommendations of the new Detroit report. I believe the people from New Detroit were here.

We have started a program in the State police which we are proud of having been able to influence, and they are now attempting the same thing, although certainly not with the success that is being exhibited in Detroit.

We have had numerous training programs for people in the criminal justice system regarding minority problems, and I don't mean to refer to this as sensitive training but making people sensitive to the other side of their job.

We have a successful program in Hillsdale College which police officers all over the State are attending. I have heard good things about that, and it is ongoing.

We have a number of community relations projects which we are trying more and more to influence not to be special units. The early thinking, I believe, was that in minority programs, the important thing was to set aside and make a conscious effort of a particular segment of a police department and through the efforts of the people on our staff—at the urging of Tom Johnson, I think you probably heard of or know him—who was our community relations specialist—we have gone more to the concept that any minority programs should be integrated into the department as a whole rather than as a special unit and the program training should be much more widespread throughout departments.

I don't think anybody has an easy answer, by the way, to that problem.

As you probably noticed in the Free Press the other day, there was a story about the testing and training program conducted by a researcher in the Detroit Police Department concerning four or five recruit classes after which polarization within the police department was worse after their training than before, both blacks and whites.

So we are still in the experimental stage. But I have indicated to the Governor, in my annual report, and to the Commission and to my staff, that improvement particularly in employment and in the protection of minority rights is a priority in my office and we intend to stick by that, and I would be happy to have one of my staff members put together a list of projects, either all of them or the ones that I think are most significant, and submit them through the chairman of this committee.

Mr. CONYERS. I think that is a great idea, and I appreciate your response.

Might I inquire how this law enforcement legislation has upgraded the system of justice in Michigan?

Lieutenant Governor BRICKLEY. The answer to that, briefly as I can make it, Congressman, is that by getting law enforcement people to do things that they wouldn't otherwise do—I used this example in my testimony a year ago and I should like to use it here again today—that with a hard-pressed department, let us say, that has 200 squad cars, if they got some more money they didn't expect, they would like to buy, let us say, another 10 squad cars.

But we say, in essence, with our planning process: "What you need is a management information system to find out if you are using the 200 squad cars you have now. No. 1, are you putting them in the right parts of the city? No. 2, are you using them at the right time of day or night?"

You would be surprised at some of the things police agencies found out when they started doing some of these things. Those are the things we are getting them to do that they didn't do before, and that excites me so much because I have spent most of my adult life in law enforcement at various aspects, and many of us have been very frustrated to see detectives pecking away at a typewriter for two hours a day and things like that.

We are not just doing this because of us, but in Michigan, as you know, we have a generally progressive law enforcement community and, where I used to see police chiefs sit around the table 5, 6, 8 years ago and say, "If we could just get the Supreme Court to reverse some of those decisions and take the gloves off, we would go out and do a job," now the same people are saying, "If we could just get that computer; if we could just get this training program." The judges are saying, "If we could just get our court manager."

The whole tenor of rhetoric, even in law enforcement communities is changing dramatically just in the last few years.

Mr. CONYERS. How has this law enforcement legislation served to stimulate and increase the State investment in the law enforcement system?

Lieutenant Governor BRICKLEY. To get the State itself to do things, you mean?

Mr. CONYERS. Yes.

Lieutenant Governor BRICKLEY. To get the State to do things? Well, first of all, the LEAA has required the State to do something that it didn't do before, and that is to have a plan and ongoing staff planning capacity in the Governor's office. The reason it is in the Governor's office is because most States like us were not equipped to put it anywhere else. It went in the Governor's office, which is where it should have been at least for the beginning; so we have become more relevant to the fight against crime, we have become more conscious of the fight against crime, and we, at the State level, have more influence because we have the area of jurisdiction that our cities and counties and townships don't have.

We don't have metropolitan government, so in the regions where you have basically one community, one crime problem, but like in the Detroit metropolitan area, 400 units of government, the State is the only one that can bring that overview, and that I would say is what is encouraging.

Mr. LE DUC. Mr. Conyers, one of the things that might point out what you have asked is really the contrary of Mr. Hutchinson's question, because I sit in the equivocal position of trying to encourage the legislature to spend more money and, on the other hand, trying to explain to them how we can justify all the costs that are involved, and it is the continuation of LEAA funding and the projects that they have approved that causes them the various concerns. In 1971, the State spent about $100 million; in 1973, it will be about $128.5 million; so the increase is substantial.

I think that in addition to what we are saying—and again the Lieutenant Governor can probably speak more accurately on this than I can—that there is considerable movement now to restructuring and redefining the responsibilities of government as they relate to the criminal justice system, and there is now on in our State a strong movement toward total assumption by State bodies of all court costs. As you know, they are borne considerably—88 percent—by locals now.

There is growing probably more quickly and may reach fruition sooner a movement to absorb in the State all the correctional costs, all the costs of probation, parole, and institutions even, which is another operation of nearly $100 million.

I think that, without elaborating too much, it is the notion that people are getting together at these meetings and it is not just the criminal justice leaders, because we are really doing business with local government and not with their operatives, that the whole structure is being reexamined for a better definition of role. I think that is something the Lieutenant Governor has worked on hard himself.

Lieutenant Governor BRICKLEY. In our statement, we point out how every study is pointing to the State's getting involved more, the State's assumption of court costs, assuming all corrections right down to and including the lockups, county jails, and so forth.

I think that day is coming that the State is going to move more aggressively into the administration of justice. Without this program, the States will not be able to continue that movement.

Mr. CONYERS. Well, now, I should like to just raise some questions that we may hardly be able to answer today thoroughly but I want to get them on the record and we can deal with them from there.

First of all, I am interested in learning whether in Michigan there is, in fact, a causal relationship between the reduction of crime which we have heard about and the law enforcement legislation programs that have come into Michigan.

I am interested in finding out more about the kinds of guidelines and the standards, whether there are evaluations made between LEAA and the State, whether there are any kinds of restraints.

These are the kinds of questions I think that are going to be very important when the full committee begins its consideration of whether we should require more from our LEAA legislation or whether we should, in effect, require less. I think that is probably the key consideration before this committee.

Finally, I have heard some talk about a reorganization study that the Detroit Police Department has conducted, and I am not sure if it was through a grant directly to them or to the State; it was estimated that it ran about $1 million. Do you have any information about that?

Mr. LE DUC. We have it all, sir.

Mr. CONYERS. Very fine.

Mr. LE DUC. That was a block grant, a series of eight projects submitted by Mayor Gribbs in the city for the police department. Most of those projects have been completed. A couple are still going on with continued funding. I have that information.

Mr. CONYERS. They aggregate about a million dollars?

Mr. LE DUC. They aggregate $2.4 million in the first series of grants and a little over $3½ million, I think, in the second.

Mr. CONYERS. Well, that is the first time I have ever understated myself.

Chairman RODINO. May I interrupt?

Mr. CONYERS. Yes; I yield to the chairman.

Chairman RODINO. I might say, in the interest of time, that the questions that are posed by the gentleman from Michigan are very pertinent since he is heading an important subcommittee which is getting into this area very deeply. I would hope that you might address yourselves to those questions rapidly because, I think, they would form a good part of this record. Please supply for the record the extensive material that, in the interest of time, we may not choose to explore today.

Lieutenant Governor BRICKLEY. You mean to follow up?

Chairman RODINO. Yes; I think the gentleman is looking for that kind of information. I think it would be very, very helpful to the committee.

Lieutenant Governor BRICKLEY. We will supply additional information. Just if I may take about 2 minutes, Mr. Chairman.

Chairman RODINO. Go ahead.

Lieutenant Governor BRICKLEY. Taking it in inverse order, your last one first, the philosophy of the question of how much Federal control should there be over the grants vis-a-vis the States, that is a good question, but it is a deep philosophical question that Congress is wrestling with now, and I see some differences between Congress and the President on these issues; so it goes to more than law enforcement, and I won't spend any more time on that. I know, in your wisdom, the Congress will resolve that.

The goals and standards—very good question. I was one of the 1,500 people who came here about 60 days ago to the National Conference on Goals and Standards, and it happened to be the time when President Johnson was buried from the Capitol, so perhaps it didn't come to your attention, but it was a very significant meeting in which national goals and standards were established.

We revised our Crime Commission in Michigan to 77 people. We are now starting a 15-month program to develop goals and standards in Michigan. The Commission includes 10 legislators, Mr. Hutchinson.

The question was: Is there a relationship between the drop in crime and LEAA? If anybody can prove it one way or the other, I would bow to him; I doubt that anybody can have done so analytically. I can only say that LEAA is the most significant change that has occurred in the criminal justice system in Michigan; I know that from the seat of my pants. When you are there and working in it, you can see the change.

If it isn't LEAA funds—I am not going to say that is all of it—there is increased sophistication and increased pressure on the crime problem; certainly LEAA can't account for all of it, but if it doesn't account for a significant part of it, I would be very surprised.

Mr. CONYERS. Mr. Chairman, I want to thank you for your generosity, and I appreciate the responses from Lieutenant Governor Brickley and his assistant.

Chairman RODINO. Thank you. Mr. Dennis.

Mr. DENNIS. Governor, what is your view of the fundamental question as to the desirability of having a pregrant approval requirement in the law?

Lieutenant Governor BRICKLEY. I don't think you are talking about the approval by LEAA in Washington——

Mr. DENNIS. Yes, the Federal level such as we have now.

Lieutenant Governor BRICKLEY. I don't see that as being any longer essential. I think it was essential at the outset. If this program was originating right now, being from the State, I don't know if I would tell you that, but at least I can say now that I think that would be desirable from your standpoint—to have pregrant approval; but now that we have institutionalized the State planning process, I don't see that pregrant authorization as being essential, and I see it being one of the things that slows up your flow of funds that many of you are concerned about and everybody is concerned about.

So I would weigh it by saying that my personal preference, based on my experience and what I have seen, is that it is no longer necessary.

Mr. DENNIS. Do you think your situation at home has changed that much since the law was enacted?

Lieutenant Governor BRICKLEY. Yes.

Mr. DENNIS. What is the change?

Lieutenant Governor BRICKLEY. The change is that we have built into the system a planning process and are building into the criminal justice officials new understanding in a comfortable relationship with that process, so that when we have our crime commission meeting and the prosecutors and the sheriffs and some of the academicians, some of the legislators—all of the people on our crime commission sit down routinely four times a year and go over the funding—they become very comfortable with it, confident with it, and it is just built into the system.

If the philosophy of the Federal Government is going to continue to be that law enforcement is a State and local function, I think somewhere along the line you have got to say you, the States, started out with the responsibility.

We, the Federal Government, never wanted to take the responsibility from you; we wanted to help you to do things you weren't doing before. We have helped you; we have built into your system new ways of doing things, and now we are returning that responsibility to you.

I think if I were on your side of the table, that is what I would say.

Mr. DENNIS. Of course, we are spending nearly $900 million of what one might call "our" money.

Lieutenant Governor BRICKLEY. That is right.

Mr. DENNIS. And I suppose an argument can be made that if you support a return to local responsibility, you ought to support a return to local revenue raising also.

Lieutenant Governor BRICKLEY. I could not sit here and tell you that it would be a tragedy for you to have that pregrant authorization. It has not been a problem for us; and if you, Congress, in its wisdom, feel that that is necessary; fine. I don't feel it is. I don't think you are going to have any problems by relinquishing that requirement.

Mr. DENNIS. Now, do you think that the bill we draw should or should not contain a requirement that there be a State planning agency?

Lieutenant Governor BRICKLEY. Oh, I think there has to be a State planning agency.

Mr. DENNIS. Of course, you have one; I understand that.

Lieutenant Governor BRICKLEY. Oh, yes. Now the National League of Cities' position would be, as I read Mayor Gribbs' statement—that the relationship of the local government to the State should be the same as State to Federal—sort of "Evers to Tinkers to Chance," whatever it was—and I don't think that is right.

Every political science book I have read says, in the first chapter: Local governments are creatures of the State. One of the things the Federal Government wanted to do was reestablish that sense of responsibility on the part of the State.

Mr. DENNIS. Do you think any bill we draw should require the State to have a State planning agency to handle this money, administer the fund, and so on?

Lieutenant Governor BRICKLEY. Mr. Le Duc just indicates to me that one bill says there has to be a process and another that there has to be an agency. There certainly has to be a process.

Mr. DENNIS. Right. As I understand it, the present law requires an agency; the proposal requires only a process, whatever that is.

Now, I am wondering whether if you have a position on the difference.

Lieutenant Governor BRICKLEY. I don't. There must be a State capacity or you are going to go right back to that fragmentation and every one of the 47 police agencies in Wayne County are going to start doing their own thing again.

Mr. DENNIS. I wondered if that would lead to the conclusion that we should require that there be a State planning agency as a matter of law.

Lieutenant Governor BRICKLEY. You should require a State planning process. I think I would say yes; I think you should.

Mr. DENNIS. All right.

Lieutenant Governor BRICKLEY. State planning agency.

Mr. DENNIS. Representatives of the mayors' position make two points. First, that since the State allocates the funds, the cities never know in advance what sum, if any, they will receive. Second, when the cities receive the money, they can spend it only on programs the State has approved. They argue that they would rather be partners in the process, and that the Stanton-Seiberling bill would further that desire.

What would you say on those two points?

Lieutenant Governor BRICKLEY. I would say they are absolutely right that the State—that there is a planning process to which they are partners. When they say they want to be partners, I think they say, "You took your money; we will take ours. You do your thing, and we will do ours."

I say: That is no good. I say: We are partners as we are in our State, devising a plan in which the mayor of Detroit and his police commissioner and one of his councilmen sit on our board and help us devise the plan for not only his city but for the entire State of Michigan, and he has got more votes than I do with his other people on there; and, instead of each of us having our pet projects, a State plan becomes the pet project of everybody in that State; they participate in the making of that plan, and then all they have to do is apply for funds and they will get them.

Mr. DENNIS. What you are saying is: There should be local participation in the State plan but it should be done at the State level?

Lieutenant Governor BRICKLEY. Well, should be done in a coordinated way more than at a State level, so that when one city comes in and says, "We want a management study program," we say—

You can't have it, because on the other side of the State, another city is doing that exact same study right now and, when we get the results of their study, we will let you have results, but not two studies going on at the same time.

When a police department wants new radio equipment, we say—

That radio equipment is fine, but it is not consistent with the overall radio program we are trying to get into the metropolitan area so you can all talk to one another on the radio when you have a riot.

They are constantly putting pressure on us to do their own things. That is what the mayors are asking for. We say, "Let's do our thing in the State of Michigan." And that is why you have got to have a State planning process, in my judgment, and keep doing it the way you are doing it.

But just to have the city-State relationship as the State-Federal relationship, I say: Forget it; just give them the money if that is what you are going to do but, if you mean it that the States have the primary responsibility of administration of justice in this country, then I say keep basically the same concept that we have now.

Mr. DENNIS. All right; that answers my question as to your position, I guess.

You made one statement, in answer to Mr. Hutchinson, that I didn't follow. You said there was some provision in the bill that was going to give some problems to States where the legislature met only biannually. What section is that?

Mr. LE DUC. I believe it is section 203(d) of the revenue-sharing bill, S. 1234; I don't know the House number. The language there says that the moneys made available under the Revenue Sharing Act are to be expended in the same manner as that provided for by law and process for the State's own revenues, which means general fund money; and, in most States, that means it has to be appropriated.

Well, if the act becomes available July 1, there will be a number of States in a precarious position for implementing that in that time frame. I don't really know what the position of other States would be on the propriety of that, their wisdom or reaction to it; it is fine with us that it is in there, but other States may oppose that for other reasons that I am not aware of.

It is 203(5), section 203(5)—what I understand would happen is what happens when the buy-in and hard match and other 1971 amend-

ments went into effect. A number of States had difficulty getting their legislatures in session in time to provide the match provisions, the buy-in money for local government, hard match for their own grant. That same problem would occur.

I think the cause of that is the infrequency of the meeting of those legislatures.

I made that point as one of information, because I certainly don't have any vested interest in that one.

Mr. DENNIS. I see the provision you are referring to now, which does seem to require some State action to spend this money. This goes to a broader question I have—and perhaps answers it—which is: How can we be sure that every State would perhaps do what you are doing? How can we be sure that State legislatures will pass on the programs funded by LEAA? Somewhat ambiguously, this provision looks in that direction.

Mr. LE DUC. As an individual State, I like that provision, and I think it ought to be in the bill.

What I think is a problem with it is the timing to get it implemented, and perhaps if the language said something like "at the next legislative session or next general meeting following the passage of the act or within 2 years of date of enactment," some language which would give these smaller States and States with legislatures that are not full-time an opportunity, I think it would satisfy both requirements—the needs of the State and the requirement of the act that it be in the normal governmental process, but certainly that provision is called for.

Mr. DENNIS. I think the idea that the legislature should take some action is very sound.

Mr. LE DUC. I agree with you.

Chairman RODINO. Mr. Hutchinson.

Mr. HUTCHINSON. Thank you for permitting me to inquire. I have two other questions to which I would like to get the reaction of the Lieutenant Governor.

Governor, under the present law, as I understand it, LEAA funds cannot be used to pay salaries of everyday personnel. The administration's bill strikes out any such limitations, so that there would be an unlimited discretion within any State plan to subsidize such salaries.

Now, at the time that the present law was written, I remember our concern here as to what would happen or might happen if Federal funds could be used for such salaries. The fear was that the unit of government which was able to get more Federal funds would be able to offer better policemen's salaries and thereby rob the surrounding communities of their best police talent.

If, for instance, the central city could offer a better salary than the suburbs, the best men in the suburbs would move into the city.

And the second point, the fear was that, a vis-a-vis other departments of a local government, if the police salaries could be fortified with Federal funds, the salary scale of that department of the government would tend to be more generous than those of other departments which were wholly supported by local funds, which would cause a great deal of local problems.

I wonder if you would care to give me your thoughts on whether those fears are, in your opinion, justified. Do you favor doing away with this salary limitation entirely?

Lieutenant Governor BRICKLEY. Well, we are confident again in our State that it would not be abused. I can see what the fear is, the fear is that this would be used for salary increases and not really to any meaningful innovative kind of change and also would end up being some competition, unfair competition.

First of all, the present act, I understand, says: No more than one-third——

Mr. HUTCHINSON. Yes; that is right; it is not an absolute prohibition.

Lieutenant Governor BRICKLEY [continuing]. For regular, ongoing personnel. Of course, many of the programs go for salaries and new programs are connected with people who are operating new machinery and equipment, whatever the case may be. I do not have a fear of money going for that purpose, I think we are now sophisticated enough, I think there is sufficient input in the system, there are sufficient political pressures that exist in the State and local governments that would prevent an abuse of that latitude that is being suggested in the new act as not in the present one; just as simple as that.

Mr. HUTCHINSON. All right, I appreciate that response.

Now I have one further question. The concept of revenue sharing in its pure form would require the Federal Government to turn back this money with no string attached, so that the money could be used as any other State and local funds could be used—without a maintenance of effort.

But now, I understand, the administration's bill on LEAA continues the present requirement wherein there must be a maintenance of local and State effort. Would you care to comment?

Lieutenant Governor BRICKLEY. Well, that is fine; that does not cause a problem for us. As a State official, I am not going to argue for any restraints actually, but those restraints do not bother us, because we would want a continuation of maintenance of effort.

So we are not bothered with that requirement in there, and I am not going to say that it is absolutely necessary, but it is consistent with our philosophy that there should be a continuance of maintenance of effort and that we should just not be supplanting what the State and local units of government are doing now and should be doing themselves.

Mr. HUTCHINSON. Thank you, Governor.

Chairman RODINO. Thank you very much, Lieutenant Governor Brickley; we have detained you a little past 3 o'clock, but we appreciate your having come here and we hope that you will supply the other information that was requested.

Thank you very much. The committee will now adjourn until 10 o'clock tomorrow morning.

[The prepared statement of Lieutenant Governor Brickley follows:]

STATEMENT OF LT. GOV. JAMES H. BRICKLEY

The two words which perhaps most accurately describe our entire administration of justice system are diffusion and fragmentation. Some of the diffusion, such as that which exists between the three branches of government, was created deliberately. But much of it has grown beyond our original plans and our ability to control.

In our urban areas, we have developed an entanglement of local governments which makes it almost impossible to decipher or place responsibiilty for various services. Numerous layers of local government overlap into each other's jurisdictions; each has bits and pieces of the responsibility for various aspects of insuring the efficient administration of justice.

In our state's largest county, Wayne County, which includes the City of Detroit, there are *42* different and independent police agencies. Each is responsible to different political leaders, who are elected by separate constituencies, and who espouse divergent political philosophies. These agencies are independent, although they share common problems which sometimes overlap into each other's geographical jurisdictions. Duplication of services, debate over authority and jealously guarded autonomy have led to waste, confusion and inefficiency.

It is little wonder then that President Johnson's famous crime commission report—The Challenge of Crime in a Free Society—referred to the administration of justice as a nonsystem. This report accurately pointed out that the criminal is the only one who really understands the entire system. He understands the system better because he is the only one who is subjected to all its various components, including the police, prosecution, defense, courts, probation and parole. Nevertheless, he frequently falls through the cracks and, indeed, through gaping holes in the system. Sometimes he may be imprisoned in an inadequate cell for a long time without adjudication of his guilt or innocence, or he may be released, although guilty, and despite indications of his danger to society. In either case, it is not justice but injustice.

We cannot adequately appraise the Law Enforcement Assistance Administration (LEAA) program without recognizing and understanding the present state of the administration of justice. LEAA has started to coordinate the presently chaotic criminal justice system. For the first time the states have been given tools to create order out of disorder.

Because of the excessive proliferation of local governments in most of our urban regions, the state is the only unit of government which has sufficient jurisdiction—in area and power—to design a coordinated and comprehensive plan.

In Michigan, LEAA created the capacity in the executive branch of government to gather all the diverse elements of the criminal justice spectrum around one table on a regular basis to utilize their expertise in working toward a unified and cohesive approach to fight crime.

I have often said, and I would like to repeat here today, that the most important aspect of the Safe Streets Act is not the actual money which is distributed under this program. While the money is important, the real significance lies in what the state has been able to achieve with the funds. LEAA appropriations amount to about four percent of the total spent in Michigan on the administration of justice. Thus we cannot say that LEAA funds alone are responsible for whatever impact we have had in our efforts to reduce crime.

In fact, if the only benefit of the LEAA program were merely an equal or direct distribution of funds, with no consideration for the programs involved, I suggest the money would have been gobbled up with little or no improvement in our crime fighting potential.

Rather than just appropriate funds, we have done what LEAA so wisely required us to do: we have used the money to bring into concert literally hundreds of governmental agencies which are performing crime fighting services, by having them participate in the creation of a statewide criminal justice plan. Then, with careful appropriations, we have influenced their independent decisionmaking process so that more of them are working to carry out that plan. In other words, we like to believe that with LEAA funds—four percent of the total spent on criminal justice in Michigan—we are having a significant effect on the other 96 percent of State—local money.

I do not want to belabor the point, but I think it is essential to understand that distributing LEAA funds through the bloc grant concept has more significance than the funds themselves. Instead of catering to individual pet projects, we have made the development and implementation of a sound state criminal justice system everybody's pet project.

I personally have witnessed a significant change in the attitude of officials in the courts, prosecutor's office, police and corrections departments as I watched the LEAA program work. I have seen many of the independently elected sheriffs, prosecutors and judges surrender their jealousies and misunderstandings to

consider and recognize each other's responsibilities. This is a difficult phenomena to document, but satisfying to observe.

The bloc grant or special revenue sharing concept never will have greater validity than it does in law enforcement. Every significant study on the criminal justice system has recommended increased state involvement. State involvement is the only alternative to the present quagmire of local government proliferation and fragmentation. A variety of studies are recommending state court systems, state corrections department, state coordination of prosecutorial functions and, at least, consolidation of smaller local police agencies. Without LEAA, in my judgment, we would be unable to move in this direction in the near future.

Much of the criticism of LEAA, I believe, has resulted from mistakes, which were inevitable in implementing a new program with rapidly accelerating appropriations. The mistakes, however, pale into insignificance when compared with the inefficiencies and wastefulness which have existed for years in the nonsystem of criminal justice. I think it is remarkable that the errors have been few, considering that 50 states were given a new and unaccustomed responsibility in their dealings with the federal government.

I was disappointed last year to hear it said that the LEAA program "had no noticeable effect on the phenomena of crime." First of all, I think it was too early at that time to expect the LEAA program to have a significant impact on crime after only three years, especially since LEAA was not exclusively devoted to flooding money into the system but rather to let each state design a comprehensive crime fighting plan. In addition, it must be noted that the rate of increase in crime in this country did begin to decline after the enactment of the Safe Streets Program.

I am pleased to advise this committee today that Michigan has achieved its first known and recorded decrease in crime. The attached figures, reported by the Michigan State Police, indicate that Michigan has realized its first statewide crime reduction since reliable figures became available in 1959.

The figures displayed are divided into three groups: (1) Part I crimes—those which are considered the most serious and likely to be reported; (2) Index crimes—those Part I crimes used by the FBI as baseline figures for purposes of assessing and reporting the national crime situation; and (3) Part II crimes—those crimes which are considered less serious or least likely to be reported to police independent of police action.

Caution should be exercised in utilizing Part II figures, since the reporting system for such offenses has not been in full operation long enough to determine their reliability for compartive purposes.

Michigan's total Part I offenses fell by 5.77% and the Part I crime rate fell by 6.57%. The Index offenses were reduced by 4.16%, and 4.96% by rate. Among the Index offenses, violent crimes were down 3% and property crimes were down 4.36%. Part II offenses reported rose by 6.21% and the rate by 5.32%.

There were 29,595 fewer Part I offenses, 14,967 fewer Index crime offenses, and 4,042 fewer total offenses reported in 1972 than in 1971.

In terms of percentages, total offenses in the State declined by .44% and the total offense rate was lowered by 1.28%.

State police experts presently are analyzing this data and preparing breakdowns of this report. I would be most pleased to make this material available to this committee when it is completed.

For instance, included in this crime reduction is significant progress made by the City of Detroit which has reported crime reductions in 22 of the last 24 months.

Detroit Mayor Roman S. Gribbs, who also serves as president of the National League of Cities, frequently has given credit for his city's successes to the Michigan LEAA effort

I am sure this committee is aware that the national rate increase for Index crimes was only 1 percent for the first nine months of 1972 as reported by the Federal Bureau of Investigation. This sugests to me that several other states will report actual decreases in crime when their reports are completed.

While I would not attribute the entire success to LEAA, I would hope that those who were criticizing the program a year or two ago would now give credit to LEAA for the crime reductions we have achieved.

Essentially, LEAA in Michigan has made state government more relevant in the fight against crime. It has joined the varied and divergent aspects of the criminal justice system. It has charged these interests with establishing and

implementing a statewide plan. In our judgment, we have made progress—we have started to make the streets safer for all of our citizens.

We have developed a momentum and established relationships within the system that simply could not have been accomplished without LEAA. To interrupt the process when it is beginning to pay such handsome dividends, in my judgment, would be a tragedy. I can see a time in the future, after the LEAA concept is firmly imbedded into the system, when its interruption would be less damaging than if it were altered now. I respectfully suggest and request that we permit the LEAA philosophy to become a natural part of the criminal justice system, that we give it an opportunity to mature and not inhibit its growth in its present infant but promising stage.

CRIMES IN MICHIGAN 1971-72

	1971	1972	Change	Percent of change
I. Pt. I crimes:				
A. Index crimes	359,472	344,505	−14,967	−4.16
Rate	4,010	3,811		−4.96
(1) Crimes of violence	51,688	50,137	−1,551	−3.00
Murder	938	964	+26	+2.77
Rape	2,405	2,644	+239	+9.94
Robbery	29,698	26,182	−3,516	−11.84
Aggravated assault	18,647	20,347	+1,700	+9.12
(2) Crimes of property	307,784	294,368	−13,416	−4.36
Burglary	151,357	142,734	−8,623	−5.70
Larceny over $50	111,707	108,793	−2,914	−2.61
Auto theft	44,720	42,841	−1,879	−4.20
B. Other pt. I crimes	153,461	138,853	−14,608	−9.52
Rate	1,712	1,536		−10.28
Negligent manslaughter	188	236	+48	+25.53
Larceny under $50	153,273	138,617	−14,656	−9.56
Pt. I subtotal	512,533	483,358	−29,575	−5.77
Rate	5,722	5,346		−6.57
II. Pt. II crimes:				
Nonaggravated assault	37,263	38,708	+1,445	+3.88
Arson	3,741	3,895	+154	+4.12
Forgery/counterfeit	9,938	9,687	−251	−2.53
Fraud	13,072	13,530	+458	+3.50
Embezzlement	1,873	1,904	+31	+1.66
Stolen property	3,145	3,584	+439	+13.96
Vandalism	80,132	87,330	+7,198	+8.98
Weapons (poss.)	10,459	9,457	−1,002	−9.58
Prostitution	287	361	+74	+25.78
Sex offenses	6,805	7,054	+249	+3.66
Narcotic laws	18,868	21,532	+2,664	+14.12
Gambling	327	340	+13	+3.98
Family/children	13,244	13,880	+636	+4.80
D.U.I	22,239	31,356	+9,117	+41.00
Liquor laws	11,727	5,695	−6,032	−51.44
Drunkenness	24,029	27,349	+3,320	+13.82
Disorderly	30,649	32,995	+2,346	+7.65
Vagrancy	1,187	548	−639	−53.83
Other	122,501	127,814	+5,313	+4.34
Pt. II subtotal	411,486	437,019	+25,533	+6.21
Rate	4,590	4,834		+5.32
III. Grand total	924,419	920,377	−4,042	−.44
Rate	10,312	10,180		−1.28

Note: 1971 population=8,964,090; 1972 population=9,040,751.

[Whereupon, at 3:15 p.m. the subcommittee adjourned, to reconvene at 10 a.m. Friday, March 30, 1973.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

FRIDAY, MARCH 30, 1973

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE NO. 5,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to adjournment, in room 2141, Rayburn House Office Building, the Honorable Peter W. Rodino, Jr. [chairman] presiding.

Present: Representatives Rodino, Seiberling, Mezvinsky, Hutchinson, McClory, and Dennis.

Also present: Jerome M. Zeifman, counsel; Daniel L. Cohen, assistant counsel; and Franklin G. Polk, associate counsel.

Chairman RODINO. The subcommittee will come to order. Our first witness this morning will be Edward B. McConnell, Administrative Director of the Courts of New Jersey.

TESTIMONY OF EDWARD B. McCONNELL, ADMINISTRATIVE DIRECTOR OF THE COURTS, NEW JERSEY

Chairman RODINO. Mr. McConnell, I want to welcome you here as one New Jerseyite to another New Jerseyite.

I know your fine administrative record in the courts of New Jersey, and I appreciate your coming here and giving us your views on this very important subject of law-enforcement assistance.

I notice that you do have a written statement which will be inserted in the record in its entirety if you wish. In the interest of expediting matters you may summarize it, and we will ask some questions.

Mr. MCCONNELL. Mr. Chairman, it is a pleasure to be here and I appreciate your permitting me to testify at this hearing with respect to the Law Enforcement Assistance Administration.

I don't know whether it is particularly desirable to testify before a member of the Bar of New Jersey, since one of the advantages of getting away from home is to be before people who don't know what it is you are really doing; so I will have to be more careful than perhaps I otherwise would. I note that your New Jersey colleague is apparently on the hustlings today.

Chairman RODINO. Perhaps. I can note his absence, though I'm not certain where he is.

Mr. MCCONNELL. In my appearances here today I really have a threefold interest.

First, I represent the judicial system of New Jersey on our State Law Enforcement Planning Agency Board.

Second, as you know, I am the Administrative Director of the Courts of the State and in that capacity on behalf of the Chief Justice and the Supreme Court, I am responsible for the overall administration and the development of programs for the improvement of the courts throughout the State.

And third, this coming summer I will take over from Justice Winslow Christian as director of the National Center for State Courts which represents the judicial branch of Government of the 50 States.

To begin with, I would like to indicate from my observation point what the effect of the LEAA funds have been on law enforcement in New Jersey.

(1) First of all, they have permitted us in the State, perhaps a better word is that they have forced us, to get together representatives of the various branches of Government and the various levels of Government and to develop a comprehensive plan for dealing with the problems of crime and of law enforcement.

This I think in and of itself is a substantial contribution.

(2) Second, in the development and execution of such a plan there has been created in the States a group of professional criminal justice planners, men who are expert in various disciplines, and the technologies that are essential if you are going to have an intelligent and responsive approach to the changing problems in the law enforcement field.

Such a group of professionals was not previously available, or at least had not been identified, organized, and put to work. This corps of experts are not just on the staff of the State planning agency. They have infiltrated all agencies and levels of government which have a concern with law enforcement.

We even have a planning officer on our staff in the Administrative Office of the Courts. Something rather unusual, I think, for courts.

(3) Next, in a variety of areas LEAA funds have permitted all agencies in the State concerned with the problem of crime to experiment, to try out new programs.

It is true that some of these programs, in the light of hindsight, have not proven to be beneficial and it is true also that some of these programs have been expensive. But this is the very nature of experimentation and research, the fact that some programs will fail; the fact that experimentation is expensive. But it seems to me that experimentation is the very life blood of progress. One of the problems in the past in law enforcement, and particularly in the courts, has been that things continued to be done in the same old way even though that way was recognized as being ineffective.

(4) Finally, I think that overall these programs are now reaching the stage where we are beginning to see their effects. We are on the verge of seeing the payoff from many of these programs. And I think it would be unfortunate from the standpoint of our State if the availability of Federal funds for this sort of attack on the crime problem were to stop.

Now, to speak more specifically with respect to the courts in New Jersey. Our courts, like courts throughout the Nation, have generally had inadequate resources to meet the constantly increasing volume of business with which they have been confronted and over which they have no control.

Generally speaking, while funds have been made available for continuing to do this year that which we did last year, funds have not been available to modernize the judicial system.

We have made a start in New Jersey on updating our traditional machinery both through the introduction of managers and the introduction of modern business equipment, and also by a variety of other programs, particularly in the area of probation which in New Jersey is a court function.

The following are some of the specific programs which we have undertaken in the court area—and I am talking now about the judiciary rather than the broad court area which, as defined by the LEAA, includes prosecution and defense.

We have been able to provide additional trained, qualified, professional managers for the administrative judges in our 12 judicial administrative regions and also in some of our larger municipalities.

We have set up, as I previously mentioned, in the administrative office of the court a planning section so as to be able to develop new programs and to see that they get carried into effect.

We have made a substantial start on the introduction of electronic data processing into the courts, both for informational purposes so that we know what's going on and can take intelligent steps to identify with problem areas, but also for the automation of many of the repetitives, time-consuming functions of the courts, such as calendaring jury selection and the accounting for funds, that in the past have threatened to bog down the courts completely because of the large volume of paperwork.

In the area of probation we have established in our office a research section staffed with highly qualified professionals who are evaluating probation services 20 cents out of every dollar spent on the courts in New Jersey is spent in the area of probation—evaluating existing probation programs and techniques and designing new ones. This small but effective research staff is already having substantial effect on the improvement of probation services in our State.

We have two operating pretrial diversion programs, approved by Supreme Court and funded by the LEAA, under which first offenders are screened out before trial. Efforts are then made to rehabilitate them by securing jobs for them and other means. This is done both in the interest of saving the time of the court and in permitting the more effective rehabilitation of the offender by avoiding the stigma of a criminal record.

We have established inservice training programs not only for judges but for other personnel of the courts. Where it has been impractical to operate such programs internally, we have been able for the first time to send court personnel to regional or national institutes and seminars where they can get badly needed inservice training.

We have an appellate research staff, a corps of competent appellate lawyers—who assist our intermediate appellate court in an experimental program to find ways of keeping up with the tremendous increase in the volume of appeals. The increase has been 110 percent in the last 5 years in our State.

These then, are some of the advantages that have accrued to the judiciary in New Jersey from the LEAA funds made available to the courts.

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Now, development and improvement of the judiciary cannot take place just through efforts at the State and local level because many of the problems are not purely State local problems, and State and local efforts are not sufficient to deal with them. This is true, for example, with some of the massive research efforts and with some of the technological developments that need to be undertaken on a nationwide basis.

The funding of national organizations by the Federal Government has made possible substantial research and developmental efforts at the national level which have been of substantial help to State courts and from our standpoint we would like to see such funding by the Federal Government continued.

One of the things that seems to me is important, is that whatever the vehicle for the Federal funding, it should not be one which leaves the courts completely at the mercy—although perhaps that is a poor word—of the executive branch of Government when it comes to the distribution for funds.

For many States this has been one of the problems. We have had excellent cooperation in our State, so we have had no particular problems in that area; but from an overall standpoint, because the judiciary is a separate branch of Government, it should not be put in competition with the executive branch for available funds. History has indicated that to do so results in the shortchanging of the courts and the lack of a fair distribution of resources.

With that summary of my remarks, I will make myself available for whatever questions you may wish to ask.

Chairman RODINO. Thank you very much, Mr. McConnell.

Mr. McConnell, in your prepared statement on page 2 you state that for the first time we know where we want to go and how we plan to get there.

For the first time we are in a position to evaluate our efforts.

Are you suggesting that because of this it is unnecessary that Federal standards or Federal guidelines be set up and that there be prior approval of State plans before funding?

Mr. MCCONNELL. I am not sure that it is unnecessary. I think it is desirable to have national standards, national guidelines toward which States should shoot. Whether those standards should be mandatory is another question.

One of the concerns of our Chief Justice has been that in some areas the Federal requirements that have been embodied in constitutional decisional law have placed State courts and law enforcement agencies in a straitjacket where they could not experiment with other approaches that might ultimately prove to be more beneficial.

I think one of the strengths of our Federal system is the fact that we don't require everybody in every part of the country to pursue desired goals in the same way. We have general objectives and we allow a wide tolerance in finding the best way to accomplish those goals.

So I feel that national standards, whether they are those that have been developed by the National Crime Commission or whether they are those developed by the American Bar Association or some other organization, are highly desirable. But they should not be standards

on the basis of which the allocation of funds is conditioned. State courts should not be required to do things one way or else not at all.

Chairman RODINO. In other words, you would not require any prior Federal approval of State plans as a condition of funding. The mere filing of a plan, regardless of its contents, would be enough?

Mr. MCCONNELL. It's essential, I think, that there be a plan. I think that is one of the things the availability of Federal funds has forced the States to do in the criminal justice area that had not been done before. We had never sat down with the police and prosecutors and people at the local level and tried to come up with a program that melded together the various, often competing, agencies of Government—independent agencies of Government.

Should a plan have to meet certain specified standards before it's funded? I think it should. The crucial question, however, it seems to me is: Who imposes those standards and who determines whether the plan meets them?

One of the principal objections insofar as the States were concerned to the former proposals for the establishment of a national organization to assist State courts—I guess it was called the National Law Assistance Act, or something like that, proposed for a number of years by Senator Tydings—was the concern that the Federal Government would impose restrictions upon the States, and of more particular concern to State courts, that the Federal Government would impose restrictions upon the operation of the State judiciary. As you know, that is an area where there has been enough friction as it is between the decisional law of the Federal courts and the approach that some of the State courts have taken.

One of the suggestions made in my prepared remarks is that a percentage of whatever funds are made available to the States be made available directly to the judiciary of the State, and that the plan of the judiciary be in accordance with standards developed and be reviewed by a national organization that is not a branch of the Federal Government but is representative of the States themselves. Of course, this is perhaps a self-serving statement, because the organization I suggest could best fulfill this role is the National Center for State Courts which is represented through its council of State court representatives, of all of the State, judicial systems throughout the country.

Chairman RODINO. Mr. McConnell, as I understand it, the Attorney General and LEAA administrators have encouraged the States to increase the amount of their part C expenditures for court programs.

I am wondering if you feel LEAA itself has awarded enough of its discretionary moneys for court systems?

Mr. MCCONNELL. Whether it has awarded enough I don't know because in this whole area of funding there are competing calls upon the available dollars and I am not in a position to say whether we got enough. We always have a feeling, I think, that we never get enough for ourselves.

In our State, and this has largely been because of the approach that the administrators of the LEAA have taken, we have done very well. I believe in the present New Jersey plan just over 25 percent will be allocated out of the part C bloc grant funds to the courts (including prosecution and defense). There have been substantial funds made

available by LEAA for the national organizations with which I am familiar, for example, the National Center for State Courts has been substantially funded by discretionary grants and the Institute of Court Management, which was established at first with Ford Foundation funds, has been able to continue primarily because of LEAA funds. These organizations, as well as others benefiting from LEAA funding, have made a tremendous impact upon court administration.

The administrators of the act I think have appreciated the problems of the courts. I think they have tried to work with the problems, as I suggested in my prepared paper, in two ways: One, by encouraging greater participation by the courts in the preparation of State plans by encouraging their LEAA administrators to push the State planners to recognize to a larger extent the needs of the courts; and then by providing courts with the capability of planning for themselves.

As I mentioned before that we have in New Jersey a court planner that is not on the staff of the State agency, but is in our office, responsible to us, to help us develop our own plans. Part of the problem with the courts, particularly in the early days of the LEAA, was their inability to plan for and prepare applications for the use of available funds.

We didn't get our fair share, but it wasn't the fault of LEAA. We didn't know what we wanted. We were neophytes in the grantsmanship game. Once we learned the rules—and, as you know, those connected with the courts always seem to learn a little slower than the rest of the people—we were able to effectively utilize funds; funds that are primarily available for the innovative, the experimental, the novel. Such funds were not available just to add judges, so that we could not approach our problems in the traditional way, just by adding more judges, although more judges are needed. They forced us—forced judges and others responsible for the courts—to rethink the way they do things and come up with new and better ways. I think from that standpoint they have been effective.

Chairman RODINO. Mr. McConnell, we have heard testimony that many of the State planning boards are dominated by law enforcement officials and representatives of police, and as a result these planning agencies often neglect to allocate sufficient funds to the court systems.

Do you think that that is a fair assessment?

Mr. MCCONNELL. I think it is a fair statement. In our State we have a 17-member board. The judiciary has one member on the board, myself. So that in numbers the judiciary is outnumbered, not two to one as you would expect if the three branches had an equal voice. But the programs and the allocation of funds have not in our State been approved and distributed on the basis of voting strength on the board. There has not been that sort of competition among the various agencies, either State versus local or judicial versus executive.

But it is a problem in other States and I think it is a greater problem in those States which, unlike New Jersey, do not have a centralized court system where there is central administrative control. In our State, for example, I can speak on behalf of the chief justice and the supreme court for the whole court system.

In many States, however, there is no one who can do that so even if you added a large number of judicial personnel to the board they wouldn't necessarily speak for the court system of that State.

And in any conceivable board composition, if you are going to go on the basis of a vote and there is to be political competition for the funds, you would have to have a majority of the board from the judicial branch of government in order to win board approval. I don't think this would be right; I don't think it should be necessary. But two factors, the fact that the courts in a State have not themselves organized in an integrated judicial system so as to present a unified approach and the fact that the courts can never compete for funds on equal terms in a political voting contest, are the reasons why I suggest that there ought to be embodied in the act itself some procedure for the allocation of funds directly to the courts, so that where there is a conflict—and there may well be conflicts between the executive and judicial branches of government that arise out of totally unrelated circumstances, perhaps even litigated cases—the courts will not be put at the mercy of the executive branch in such a conflict situation when it comes to the distribution of Federal funds.

Chairman RODINO. Mr. McConnell, what impact are LEAA funds having on court backlogs and delay? Are case loads of prosecutors being reduced? I would like to get some answers from you in that area.

Are the cases being processed more expeditiously? Are the number of people and the time spent in jail awaiting trial being reduced?

Mr. MCCONNELL. I can speak with authority in this regard only from the standpoint of our State. I think we have made substantial progress in speeding up the criminal justice system from the courts standpoint. We still have a long way to go.

If you talk in terms of a national standard of 60 or 90 days from the time of arrest for the trial of a felony case, they are still far from that as a median time, let alone as an outside time. Yet, we are within shooting distance of trying every case within 6 months. A lot of the progress in this area I think is attributable to the fact that we have the machinery, the information system, now to see that cases move along. This is where automation is important. In the past, courts have been bogged down in paperwork in the metropolitan counties.

Until recently, we had virtually no automation at all. By the time clerks got through typing up lists of cases, the lists were outdated. With LEAA help we have been able to install in the major counties, and we are still in the process of installing it in some, automated systems. We are starting on the criminal side because that is where the funds are, although we hope to expand to the civil side. We need to be able to track cases, to set up control points, and to monitor performance so as to insure that cases move along as they should.

We now have goals set up. For example, we have established as a goal in New Jersey that by January 1 all criminal cases must be tried within 6 months and, if they are not, no judges will sit on civil matters until the criminal business is taken care of.

One of the problems is how you bring pressure to bear upon the criminal calendars to see that they move. On the civil side you can throw a case out, but no one has yet found that an acceptable device for moving the criminal calendar.

Statewide we have fewer than 400 people in New Jersey who have been in jail for more than 3 months awaiting either trial or sentence, and 1,800 people total in jail awaiting court disposition.

We monitored the situation continually. We get weekly reports and every administrative judge daily reports to make certain that no one spends 1 more day in jail than is absolutely necessary. This has been made possible both through the administrative help, the equipment help, and the technological help to be able to monitor the jail population to see that the jail cases move. And, of course, jail and bail cases are tied in together, because the longer a person is out on bail awaiting trial, the more problems you have—you must move the two together.

Chairman RODINO. Thank you very much, Mr. McConnell.

Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

Mr. McConnell, I understand from your statement that you urge that the Congress write into the law some assurance that the judicial branch of government, judicial administration, will get the proper share of LEAA funds.

I understand that the courts in your State, from your prepared statement here, are receiving about 18 percent of the funds now and will receive 25 percent of the the funds in the next year.

My question to you, sir, is what kind of a formula are you advocating? Have you got some suggestion as to how the Congress could write a formula into the law to be sure that court administration will get its proper share? And how do you measure that proper share?

Mr. MCCONNELL. Quite frankly I don't know what a proper share would be. I think it would probably have to be some arbitrary figure. The figure of 20 percent has been thrown around as being a fair share for courts including prosecution and defense. However, I don't think that for purposes of allocation it is good to group those three together because there could be three independent agencies fighting for the same 20 percent.

The one thing that bothers me, without a formula of some sort, is that the courts just don't get the funds that they need. They have not in the past gotten adequate funds. In our State, for example, there is appropriated for the judicial branch of government by the State only 0.59 percent of all State appropriations. Now, I don't care how you look at it, that is not a fair share of State appropriations for the judiciary.

Mr. HUTCHINSON. Is the judiciary, for the most part, in your State, locally financed?

Mr. MCCONNELL. Substantially, yes.

Mr. HUTCHINSON. The counties pay the judges?

Mr. MCCONNELL. The counties pay some of the judges and the municipalities pay the expenses of the municipal courts. The difficulty with local financing like that, and part of the courts problem, is that the burden on the local units of government is the heaviest in those areas where they have the least ability to pay. In our most urban, county, Essex County (where Newark is), we have 17 judges regularly trying felony cases and four more judges who do nothing but try homicide cases, that is 21 in all. In another county with a similar population about five or six judges is all that is needed to carry the criminal calendar and keep it current. Yet the financial ability of those counties is the greater in the county with the lightest criminal caseload.

Mr. HUTCHINSON. I suggest, sir, that when we look at the problem nationwide it would be unreasonable and probably unfair, to legislate an arbitrary formula because the States and their respective needs are not of one mold.

And so there would have to be such great flexibility, in any formula that would be written into the law that it would really make the formula meaningless.

It seems to me that the proper policy to follow is to hammer out these things within the State plans. You may in reply point to the membership of the State planning agency on which the judiciary has a minority voice. But we are all minorities. Every activity in and of itself is a minority. Success lies in getting together and trading with other minorities. Your assurance must lie in your State plan.

Mr. MCCONNELL. I think that the State plan is certainly a help. The problem comes in when you can not get together and reach an agreement in a State as to what judiciary's fair share should be.

I think that while it is difficult and arbitrary to select any particular percentage—and I don't think it ought to be done on the basis of each locality within a State—I think that you could arrive at some reasonable figure which should and would be available within a State plan for all of the courts at all levels within the State. Funds for the courts could then be reallocated internally to the various courts within the State. If I recall correctly, I believe your chief justice in Michigan in his address to the Michigan Legislature this year on the state of the courts suggested that a formula for the State of Michigan whereby 3 percent of the tax dollar would go for the support of the courts.

Apparently the Michigan courts have the same problem in getting adequate funds that New Jersey has.

Mr. HUTCHINSON. I do not doubt that the chief justice of Michigan believes that he needs more funds. Nor do I doubt that others "responsible in the area of law enforcement also consider themselves strapped for funds. If we asked each element of law enforcement what percentage of the funds is a fair share and added up the several answers, I think the total would exceed 100 percent.

I yield back my time, Mr. Chairman.

Chairman RODINO. Thank you.

Mr. Seiberling.

Mr. SEIBERLING. Thank you, Mr. Chairman.

Mr. McConnell, we have benefitted a great deal by the sharing of your experience and knowledge with us, and I certainly think the priorities you stress are very important.

I wonder if you could answer a couple of additional questions. Under the current law, there are restrictions, as you know, regarding the use of LEAA funds to compensate personnel of 30 percent.

What are some of the primary needs of the courts other than personnel that LEAA funds can be used for?

Mr. MCCONNELL. Mr. Seiberling, this has been a problem in the present act insofar as the courts are concerned because the bulk of the expenditures of courts are personnel expenditures. Virtually the only nonpersonnel area where you can use funds is in automation of the court machinery.

There are not many other areas where nonpersonnel funds can be used. We have not used such funds for construction purposes or the like.

Mr. SEIBERLING. Has the one-third limitation hampered you then, do you find?

Mr. MCCONNELL. Yes; it makes it difficult to design programs that come within the act. I am pleased, therefore, that insofar as the judiciary is concerned, it has been suggested that the ceiling on personnel not apply.

If I am correct in my understanding of this restriction at present, however, it does not apply to any one grant or unit of Government. It means, however, that in our State plan someone else must go heavier on the equipment requirements than we if we are going to be heavy on personnel. Fortunately, we have been able to work out the necessary accommodations in our State, since most of our programs are essentially personnel programs.

Mr. SEIBERLING. I am wondering what assurance the LEAA has that its projects are having a positive effect on the State court system. Are projects evaluated after funds are expended, and are there any standards that are used for measuring them?

Mr. MCCONNELL. Projects are normally evaluated by the board at least annually and before continuation grants are made. Before the board approves a continuation of a project for another year it receives a report not only from the project director but also from the State planning agency staff which reviews the project.

And most programs of any size have built into them evaluation components. One of the difficulties is that in the area of law enforcement, at least the part I am familiar with, it is very difficult to evaluate programs.

For example, whether a probation program or technique is effective is something that requires a good deal of statistical information over a substantial period of time and an ability to make comparisons with the results of other programs. Yet that type of data, in the probation area, has just not been available. We are beginning to develop it, but it is still going to be sometime before you can tell whether one program is better than another.

One of the advantages it seems to me of automation is that it does make it possible for us to begin to collect a substantial amount of information on the dynamics of the courts, to the point where we can begin to measure the effectiveness of programs.

One of the main difficulties in the judicial administration has been that programs have too frequently been measured by the number of speeches given by the person who gave birth to the program, and programs are adopted in other jurisdictions without any effective evaluation being made on a comparative basis. This type of measurement is very difficult, because there are so many variables, but I think it is an area where we are beginning to make progress. The development of performance standards and measurements, in the judicial field is the sort of thing that can best be undertaken on a national basis. It would not be reasonable to staff a single court to develop such complicated measurement techniques.

Mr. SEIBERLING. Well, that was the next question I was going to ask.

I take it that the evaluation procedures have been proposed by the State and not by LEAA.

Mr. McConnell. Well most of the evaluation of the programs in a State plan, as I understand it, are made by the planning agency within the State. Audits are also made to see that the money is spent as it is supposed to be spent. Someone is always coming in and looking over your shoulder and asking whether you ought not to discontinue a particular program because it is no good.

We are trying in our State, within our State planning agency, to develop some quantifying factors just to evaluate proposals that are submitted; what weight to give to the crime rate in a community, to their resources, to what it is they are presently doing, to the innovativeness of a program. It is extremely difficult to evaluate programs, either initially or after they have been operating. As the criminal justice system gets more effective and more sophisticated, the means of evaluation will become more precise.

Mr. Seiberling. In your opening remarks you mentioned the State law enforcement planning agency which was established to administer LEAA funds allocated to New Jersey.

I take it that the planning has been done at the State level, and not at the metropolitan area or regional level.

Mr. McConnell. Well, we are a small State geographically. When the Board, the planning agency, was originally set up consideration was given to setting up regional planning offices. It was concluded, however, that there would be too great a diversification of what was then almost a nonexistent staff. In view of the fact that our State is geographically small, even though the population is large, it was felt that greater use could be made of available planning expertise by having the central staff.

Now we do have in various areas advisory councils that review and recommend programs, many of the larger municipalities have their own planning personnel, and each county has criminal justice planning officers, so that there are means for developing plans at the municipal and county level as well as at the State level; but the heavy concentration of staff is at the State agency.

We can get to any part of the State from Trenton, where the central staff is located, within a couple of hours, so that they are out on the road a good bit working with the local people in the development of local plans. Of course, the bulk of the money goes not to the State but to local agencies.

Mr. Seiberling. How would you feel about a provision in the law that the local governmental share, the so-called passthrough funds, would bypass the State and go directly to local law enforcement planning councils in urban areas which have a high crime incidence?

Mr. McConnell. I am not in a position to speak for law enforcement from the police standpoint. From the adjudicatory standpoint (prosecution, defense, and the judiciary), it would be an intolerable situation because we have no courts that are purely local courts.

All the courts in our State are State courts, although some of them are locally financed. Take the County of Essex, for example. The courts which handle felony cases, particularly the ones with which the LEAA has been concerned the so-called Impact or stranger-to-stranger

crimes. Are State and county financed courts; cases are prosecuted by county prosecutors who are appointed by the Governor and paid by the county; the probation department which does presentence investigations is paid by the county and supervised at the State level; the public defender, which represents 80 to 90 percent of the defendants, is a State official and his staff is wholly State paid.

The only part of that system that is local is the municipal court which handles preliminary hearings. In all the other aspects, the adjudicatory system is State or county, so that if the funds were to go to a local agency of government they would be unable to use them effectively to help the courts because the adjudicatory function is primarily a county-State function, and sometimes exclusively State. And there are States where the courts are all financed at the State level.

Mr. SEIBERLING. How are judges selected?

Mr. MCCONNELL. All our judges are appointed by the Governor with the advice and consent of the Senate except for the judges or the municipal courts, all of whom are part-time and are appointed by the mayor or by the council, depending on the form of government.

Mr. SEIBERLING. A Missouri plan?

Mr. MCCONNELL. We do not have a Missouri plan.

Mr. SEIBERLING. They are appointed for life then?

Mr. MCCONNELL. No, it varies. Superior Court judges are appointed for 7 years. Upon reappointment they have tenure for life up to mandatory retirement at age 70. County Court judges are appointed for 5-year terms with tenure on third appointment and with mandatory retirement at age 70.

Judges of our district courts and juvenile courts are appointed for 5-year terms with no tenure, again with mandatory retirement at 70. Municipal judges have 3-year terms.

Mr. SEIBERLING. Thank you very much.

Chairman RODINO. Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman.

I just have one question for the witness.

I am primarily interested in making the maximum use of programs that are financed through LEAA grants. I notice that you are assuming the role of director of the National Center for State Courts which, as you stated in your testimony, was organized 2 years ago.

I am wondering if this organization is sufficiently well organized, staffed and equipped to gather together all of the most useful information that there is regarding the administration of justice in the State courts so that this information can be made available to anyone who is interested.

Mr. MCCONNELL. It is not sufficiently staffed and equipped at the present time to do that but one of its objectives is to provide an information service with respect to court matters. Not just a library of research papers and the like in the court administered area. Much of the information on courts is not available now. A person completes a project, he makes his report, and the next State doesn't even know about it. Capability to disseminate that sort of information is being built into the center's information section. In addition, a court profile bank is planned which will collect and store essential information with respect to the organization, operation and other key characteristics of

various courts, so that if the State of Illinois, for example, wanted to find out information about caseloads of an intermediate appellate court they would be able to get that information from the center on a very short order.

That type of information is not available now.

Mr. McCLORY. Is the center being financed by the States?

Mr. McCONNELL. The long-range plan is for the center to be financed somewhat in the same manner as the council of State governments is financed. At the present time it is financed by private foundation grants and by LEAA grants, both discretionary and through bloc grant projects done for individual States.

Mr. McCLORY. Thank you.

Chairman RODINO. Mr. Mezvinsky.

Mr. MEZVINSKY. Thank you, Mr. Chairman.

On page 13 you indicate that you favor promulgation of national standards, but standards recommended by a professional organization controlled by the State judiciary itself, such as the National Center for State Courts, rather than national standards promulgated at the Federal level.

I gather you have apprehension that if there is some kind of guideline established by the Federal Government concerning this matter, that the best interests of your group would not be served?

Mr. McCONNELL. The concern that has been expressed in the past with respect to the form of proposals made by the Tydings committee, so-called, was concern of Federal regulation, through the grant process or any other process, of State court operations. That was one of the objections that almost every State seemed to have to the proposed National Court of Assistance Act.

It's an objection still being made by various organizations and States with respect to the more recently proposed National Institute of Justice that has been getting some attention in the last year.

It's a concern on the part of the States that they will be regulated, that the operation of their courts will be regulated, by federally imposed standards. This is an area that is not now subject to Federal regulation.

Mr. MEZVINSKY. I know some States, my State of Iowa, for example, have done studies within the States to upgrade the court system as such.

What has the State of New Jersey done? Have you made statewide studies? Have the other 50 States gone about any form of in-house organization to upgrade the courts, and make them in tune with what's going on now?

Mr. McCONNELL. We in New Jersey like to think that we started it all in 1947 with the first of the State constitutional reforms which reorganized the judicial branch of government, which for the first time established an administrative office of the courts, centralized the administrative control of the courts in the chief justice and the supreme court, and set up what was then called a modern court system. Preparation for these reforms were done in-house but they were done over a period of many years.

In the years since then a number of States, Iowa among them, have in a variety of different ways brought about substantial improvements

in their court systems to the point where today our New Jersey system, which 25 years ago looked like the best, doesn't look that way any more—although we still claim it works the best.

Mr. MEZVINSKY. My last point concerns the proposal in the administration bill that funds be allocated only along lines of population.

Would that have any adverse effect upon the views you direct at the committee today?

Would it be more appropriate to focus on certain crying needs, as well as mere population, or are you satisfied with the simple guideline of population?

Mr. MCCONNELL. I really haven't given any thought to what other formulas might be utilized to allocate funds among the States. Population is certainly an easy method of allocating funds. We know within our own State that the burden of the criminal justice system and the crime problem does not follow population patterns. I mentioned earlier that where the system is locally financed, those areas that are at least able to pay the criminal justice bill have the biggest bill. Within our State planning agency in the distribution of the funds we give heavy consideration to the problem that needs to be solved, to the crime rate, and are careful that we are not solving the crime problem in places where crime does not exist.

One of the difficulties is that probably even the crime rate is only one of the factors that should be considered, and I am not expert enough on this subject to know how reliable the data with respect to the crime rate is from jurisdiction to jurisdiction.

I do know that whenever you use a standard for purposes of measuring performance, or for allocating funds, you have to be sure that the standard is not one that can be manipulated. It is difficult to manipulate population. That is one of the benefits of using it as a basis for allocation. Other statistics, I know court statistics, can be utilized to demonstrate almost anything because they are not that precise, particularly when you try to make comparisons, jurisdiction to jurisdiction.

It is difficult, I suspect at the present time to even identify a crime from one jurisdiction to another because every jurisdiction uses different names and definitions. There is therefore, a statistical problem in using the crime rate as a standard.

Mr. MEZVINSKY. Thank you.

Chairman RODINO. Thank you, Mr. Mezvinsky.

Mr. Dennis?

Mr. DENNIS. Mr. McConnell, I recall very well, reading the bar journals and so on, that New Jersey was about the first State to overhaul the court system, as it did under the leadership of Justice Vanderbilt. I can understand your feeling expressed here that there should be some method provided to make sure that the State judiciary gets its fair share of this money.

The bill we are considering unlike the present law, does not require pregrant approval.

What is your general feeling about that? Would a pregrant approval feature be one acceptable method of making sure that the judiciary would get its fair share in any plan submitted? If not, what approach would you suggest?

Mr. McConnell. In terms of the development of judicial systems, and I will speak from that standpoint, throughout the country I think the results would be very uneven. At least under the LEAA as it presently exists, you have plans that must be submitted for approval and there is a good deal of persuasion exerted to make sure that the plans are good ones and provide reasonable allocations to the courts.

In our State, and as I said we have had no particular difficulty, any problems in getting our fair share has been due to our own ineptitude and not due to the fact that we were being squeezed out. But I can see that the situation is one that might change. You might have a situation where at a particular point in time you had the inability among the branches of government on what the plan ought to be. I am sure that if the courts wanted to do something and if the executive branch did not want it to happen, that would be the end of the court reform.

In jurisdictions where the courts now have a problem getting their share because of difficulties, either with the plan development or with internal conflicts, this would merely accentuate them. There would be no influence at all on the State to see that the reasonable funds were allocated to the courts as well as to other law enforcement agencies.

Mr. Dennis. Are you saying then that you think pregrant approval at the Federal level is desirable?

I am not trying to put words in your mouth. I just want your position.

Mr. McConnell. I must say I have some hesitancy on pregrant approval if it means the approval as to the nature of the specific programs. I don't recognize, for example, that the Federal Government is any more expertise in court administration than we are at the State level, so that I don't believe we ought to be told what is a good program for us in New Jersey insofar as the courts are concerned.

Perhaps a plan approval as to whether there is a fair share for the judiciary, without the approval going to the ingredients of the plan, be helpful in solving the problem that was suggested by Mr. Hutchinson with respect to the fixing of a uniform percentage for the judiciary as I suggested.

Mr. Dennis. I see your point there. Of course, there are provisions in the present law requiring that a certain minimum percentage be expended for corrections. That would be completely eliminated by the bill as it now stands. Do you feel that guidelines of that sort are advisable?

Mr. McConnell. I think suggested guidelines in legislation such as that would be helpful.

Mr. Dennis. I think in answer to Mr. Seiberling you gave me the answer to my other question. The Stanton bill channels funds directly to local metropolitan areas. You said that as far as courts were concerned, that you thought that would be a very poor idea. Did I understand correctly?

Mr. McConnell. Yes, sir, in our State it would turn our system upside down. We are not organized in our judicial system to operate in that fashion.

Mr. Dennis. In a more philosophical vein, New Jersey made a great departure when it overhauled its judicial system very fundamentally. I understand it was quite an old one before the reforms. You did it

all on the State level and all yourself without any Federal assistance as far as I know. I am wondering if you could maintain the independence you enjoy if you were aided with Federal money. Doesn't history indicate that the man who doles out the money usually controls what is done with it?

Mr. McConnell. Sir, I think this is the concern that States have with Federal grant programs which establish the standards by which the money will be spent. There is a tendency then to compress the State into the standards in order to have the advantage of the money. Not only are States independent, but within the States the judicial branch of government is independent, so that there is a considerable reluctance to have a State judiciary compressed into a particular mold and a feeling that it would not be desirable in the long run. It seems to me there can be no prescription, now or perhaps ever as to what ought to be. As I said earlier, the beauty of our Federal system is that States can try new and different approaches, and this should be true in the judiciary as well.

Other States in reorganizing their courts have not all followed the New Jersey pattern. They have reorganized themselves in a variety of different ways. I think that is how progress is made.

But if you have money and independence both, then you have the best of two worlds; and that is what we would like to have. And I think we could use more money effectively to improve our judicial system. It is still not what it ought to be. One of the difficulties in bringing about court reform in the past, one of the problems we have had recently in New Jersey, is that once substantial reforms are made, every one sits back and says, well, now it's done. But it isn't done for very long because the situation is constantly changing.

We in New Jersey are in a situation where we need to substantially modernize our court system but, it is difficult to modernize when you are operating reasonably well. The first ingredient for reform is to have tremendous dissatisfaction and yet we ought not modernize by convulsions every 25 or 50 years.

For New Jersey before 1947 the last time the court system had changed substantially was in 1844. I would like to be alive to see New Jersey continue to move ahead. It ought to be moving constantly. Yet one of the problems is that in the normal appropriating process at the State level, at least as I have seen it operate, you get money for the routine, you get the money to do this year what you did last year, and you can even get money to expand your system by a certain percentage, but propose a new untried program and you get nothing. One reason, particularly with respect to the judiciary, is that there is no army of people writing their legislators to support the program. The judicial branch of government just is not in a position to lobby effectively or to long-roll at all.

Mr. Dennis. Well, I guess our task is to strike a balance which will give you some financial assistance but at the same time retain your independence. That is not the easiest thing in the world.

Mr. McConnell. It is a difficult job, yes, sir.

Mr. Dennis. Thank you.

Chairman Rodino. Well, thank you very much Mr. McConnell, for taking the time to come here. We certainly appreciate the information

you have given us and again, as a New Jerseyan, I am very proud of the way the court system in New Jersey has been administered. You have made a fine contribution in your capacity as administrator; I thank you for coming.

Mr. McCONNELL. Thank you, Mr. Chairman.

[The prepared statement of Mr. McConnell follows:]

STATEMENT BY EDWARD B. McCONNELL

Mr. Chairman and members of the Committee: my name is Edward B. McConnell, Administrative Director of the Courts of New Jersey. I appreciate this opportunity you have afforded me to testify before your committee with regard to the continuation of the Law Enforcement Assistance Administration.

My interest in the subject of this hearing is three-fold: first, I represent the judicial branch of government on the board of our State Law Enforcement Planning Agency which was established to administer LEAA funds allocated to New Jersey; second, on behalf of the Chief Justice and Supreme Court of our State, I have prime responsibility for the day-to-day administration and the planning for future development of all of the courts in the State, excluding only the Federal courts; and third, this coming summer I will assume the directorship of the National Center for State Courts, which represents and serves all the courts of the 50 states. My remarks today will accordingly reflect these three points of view.

I

Since the enactment in 1968 of the Omnibus Crime Control and Safe Streets Act administered by the Law Enforcement Assistance Administration, New Jersey has received some 34.3 million dollars in block, planning and discretionary grants. What have been the results?

1. The requirements of LEAA and the availability of these substantial funds, for the first time forced citizens and officials throughout the State, at all levels and in all branches of government, to sit down together; to analyze systematically the justice system and the crime problem; and to devise better ways of eliminating the deficiencies in the system and of dealing with the problem. As a result, for the first time our State has a comprehensive criminal justice plan, cooperatively developed, involving all levels and branches of government. For the first time we know where we want to go and how we plan to get there. For the first time we are in a position to evaluate our efforts; to discontinue those which prove ineffective; to modify those which can be made more effective; and to concentrate on those which prove to be most effective. This, I submit, in and of itself is no small accomplishment, and one that would not have happened but for LEAA.

2. There has been developed within our State a corps of competent professional criminal justice planners, experts in all the relevant technical areas and disciplines; a corps necessary to organize and carry out an effective war on crime. These experts are not just on the staff of our State planning agency; they are now integral parts of every major agency and governmental body, city, county and state, that is concerned with the crime problem; yes, even on the staff of the courts. This means that our State will have the continuing law enforcement planning capability, as times and circumstances change, to respond intelligently and effectively.

3. Among the hundreds of individual programs and projects that our State agency has funded under LEAA, there are undoubtedly some which are of debatable merit or which, with benefit of hindsight, may now appear to be unwise. This, however, should not overshadow the fact that the bulk of the programs funded are sound; that the money appropriated has been and is being well spent; and that the prospects for future pay-off in crime reduction are encouraging. LEAA funds have made possible for the first time the design and implementation of innovative, imaginative and experimental programs, many of which appear to be successful. The fact that some of our efforts may have been abortive is not good reason for us ceasing to experiment; experimentation is the life-blood of progress. The beauty of the LEAA has been that for the first time, on any decent scale, it has made such experimentation possible in the area of law enforcement.

4. We must never forget that the crime problem in our State and in this Country is not a simple problem. It is not susceptible of complete solution, even

by a multi-faceted approach. It is a complex situation and a continuing fact of life, varying from time to time only in degree, inextricably interwoven with all aspects of our society. Efforts to deal with it must be innovative, comprehensive and never-ending. Unlike the war in Vietnam, there can be no end to the war on crime. If our homes and streets are to be safe and remain safe, the battle must be ceaseless. This is why it is so important that the support which the LEAA has given to local, state and national law enforcement efforts not be terminated, particularly at a time when the resnults seem to indicate that law enforcement is finally getting the upper hand. Continued Federal support is essential.

II

I am sure that those representing the police, prosecution, defense, corrections, and the community at large, have or will indicate to you the relevance of LEAA to their particular areas. I should like, therefore, to point out from my vantage point as a state court administrator what the LEAA has meant to our State's judicial system.

Courts have long been criticized for their inefficiency, and generally the criticism has been justified. It seems to me, however, that any inefficiency has resulted not so much from mismanagement as from lack of management. The reasons for this are not hard to identify. By its very nature, our scheme of government is not designed to produce efficiency. Insofar as the courts are concerned, a greater value has been placed on independence, impartiality and fairness. The administrative structure of the judicial branch of government is accordingly quite different from that of the executive branch. Improvement, however, within the legitimate constraints of the system, can and should be made. It has not been made in the past for two basic, but related facts: lack of money and lack of management capability.

When it comes to the allocation of financial resources, courts have traditionally been short-changed. This has been true in New Jersey and, so far as I've been able to observe, has been true in most other jurisdictions as well. It has been more popular for critics to mouth platitudes like "justice delayed is justice denied" and to blame the situation on court inefficiency than it has been for them to face up to the problem by providing the judicial branch of government with the needed resources. Notwithstanding the fact that for years judges and others interested in improved judicial administration have recognized the need for improved court management and have repeatedly requested funds to make that improvement possible, not until the advent of the LEAA have these requests been met to any substantial degree.

During fiscal year 1972 in New Jersey the courts (including prosecution and defense) received 18.8% of the State's block grant action funds and under the plan for the current fiscal year it is anticipated that the courts' share will exceed 25%. Let me sketch for you what the availability of these LEAA funds has meant to the judiciary in our State.

1. For the first time in the over 20 years that I've been involved in the administration of our courts, money has been available to modernize the judicial system; to undertake innovative and experimental programs which hold promise for the future. In the past, through the regular appropriation process, funds requested for such purposes were rarely forthcoming. Although, interestingly enough, no difficulty is ordinarily encountered in getting funds just to continue doing business in the same old way, sometimes even on a bigger scale.

In the last five years in New Jersey, while the number of authorized judgeships (many of which were vacant for substantial periods) increased by only 16%, the number of criminal cases disposed of by our courts of general jurisdiction increased by 149% and the number of complaints disposed of by our juvenile courts rose by 91%. This notwithstanding the increased complexity of the average criminal and juvenile case as a result of Federal constitutional decisions. Although these results cannot be directly attributed to LEAA programs, they do illustrate what improved management capability and aggressive administration can produce. As LEAA court programs aimed at increasing court efficiency take hold, here and elsewhere, further gains in productivity without sacrificing justice can be expected.

2. The improvements in the judicial machinery resulting from LEAA grants have come at all levels of our court system. They have permitted us to make a

significant start in providing the courts with the management capability and the supporting services essential for improved operation. They have made it possible for the courts to modernize their procedures and to plan ways and means of coping with the ever increasing volume and complexity of litigation without having to rely solely on the time-dishonored solution of just adding more and more judges (although additional judges certainly from time to time may well be needed). They have made it possible for those responsible for the administration of the courts to monitor the performance of the system and those in it; to locate and relieve bottlenecks and trouble spots; to eliminate time and money-wasting conflicts; to avoid cases becoming lost in a vast morass of paper shuffling; yes, to see that the public gets its money's worth from taxes going to support the courts.

3. Let me enumerate, by way of illustration, some of the specific court programs in New Jersey that have been made possible by LEAA funding:

(a) In each of our 12 judicial administrative regions, and in some of the larger municipalities, new positions have been created to provide qualified professional managerial assistance to the judges responsible for the administration of the trial courts.

(b) At the State level, a court planning unit has been established within the Administrative Office of the Courts with responsibility for designing, developing and implementing innovative programs aimed at improving court services at all levels.

(c) A statewide automated judicial management information system is already operational in some counties, and developing rapidly in others, with a capability of providing the judiciary not only with the information necessary for planning, resource management, research and evaluation and general administration, but also for performing operational tasks, such as jury selection, court calendering, jail and bail monitoring, processing of files, and accounting for funds. At long last we in New Jersey are extricating ourselves from under the avalanche of paperwork that has threatened to bog down and bury the courts.

(d) A skilled team of professionals has been assembled to study and evaluate the operation of county probation departments, which incidentally account for over 20 cents out of every dollar spent on the courts in New Jersey, and to devise and install new and more effective procedures and techniques with regard to presentence investigations and supervision functions.

(e) Several programs are under way, and others planned, at the state, county and local level, to utilize citizen volunteers to aid the courts, especially in the supervision and rehabilitation of adult and youthful offenders, and in disposing of minor juvenile offenses without the need of court appearances.

(f) There have been established a variety of novel, experimental programs to assist probation departments in rehabilitating various special types of offenders, such as the drug addict, the alcoholic, the hard-core juvenile, and the unemployable.

(g) In a number of counties new or improved intake and diagnostic facilities have been provided to assist the juvenile courts, this in keeping with the State plan which places maximum emphasis on the problems of juvenile delinquency.

(h) In two major urban counties, Supreme Court approved pretrial diversion programs are operational, the programs being aimed at working with the first-offender in an effort to rehabilitate him, thereby avoiding both the necessity of a trial and the stigma of a conviction.

(i) A wide variety of inservice training programs for judges, probation officers, administrators and other key court personnel have been funded in an effort to improve the performance of those within the court system. To supplement these local programs, attendance of judicial personnel at regional or national training programs also has been made possible.

(j) A highly qualified central legal research staff has been recruited to assist our intermediate appellate court to more expeditiously process appeals, the volume of which has soared 110% in the last five years.

These, and a variety of other programs and projects, made possible only by the availability of LEAA funds, offer the promise of improved court performance in the future so that the judicial branch of government, in cooperation with the other components of the criminal justice system, can remedy the deficiencies that in the past have brought not only the courts but the law itself into disrepute, and can fulfill the rightful expectations of the public.

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III

While LEAA block grant funds have permitted us in New Jersey to make considerable headway in modernizing our courts, there is much that cannot or should not be done at the state or local level. Many of the problems of the criminal justice system are common to other jurisdictions and can only be effectively approached at the regional or national level. Here too, LEAA funds have made possible productive efforts that otherwise might never come to pass.

The establishment and funding of the National Center for State Courts is the most striking example. This organization, born at the National Conference on the Judiciary held in Williamsburg, Virginia two years ago, is widely recognized as being one of the most important developments in state court administration in our Country's history. In its short life it has already done much to stimulate improvements in the courts of the several states.

There are other significant organizations and efforts at the national level funded, at least in part, by the LEAA that have made major contributions to the improvement of the courts. Among them are the Institute for Court Management, the Institute of Judicial Administration, the American Judicature Society, and the Division of Judicial Administration of the American Bar Association (together with its important judges conferences and other affiliated projects). These organizations could not have carried on many of their important programs without LEAA support, either directly through discretionary grants or by state and local participation using block grant funds. It is essential to the further improvement of our state judicial systems that such funding support be continued.

IV

In conclusion, I would like to make three observations:

1. The courts of the several states are an essential, but independent, part of the criminal justice system. If efforts to improve law enforcement and to reduce crime are to succeed, courts must receive the funding necessary for their modernization. They cannot be the financial step-children of the system.

2. The contribution which Federal funds under LEAA have made to court improvement at the local, state and national level is far in excess of the ratio which such funding bears to the total cost of the courts. This is so because these funds have been available not just for normal operations, but for research, planning, innovation, experimentation and modernization. It is crucial that Federal funds continue to be made available for such purposes.

3. Whatever program of Federal funding is devised, the judicial branch of government should not be left to compete with the executive branch at the state level for its fair share of the available funds. In such competition history has amply demonstrated that the courts always come out second-best. Fortunately for the state judiciary of this nation, those in Washington who have been responsible for the administration of LEAA funds have recognized this fact and have strongly supported the courts, both by helping them directly and by helping them to develop the ability to help themselves. Means must be provided to guarantee to the state courts their fair share of federal funds allocated to the states for support of law enforcement. One suggested procedure is to provide that a specified percentage of a state's block grant go directly to the state judiciary, to be utilized by it in accordance with national standards recommended by some acceptable organization, controlled by the state judiciary itself, such as the National Center for State Courts.

Gentlemen, I again thank you for this opportunity to present to you my views on this subject of such importance to the judiciary of the states, and I will be pleased to answer any questions which you may choose to ask me.

Chairman RODINO. Our next witness is Mr. David H. Shepherd, mayor, Oak Park, Mich., representing the National Association of Regional Councils.

Mr. Mezvinsky, would you take the chair?

Mr. MEZVINSKY [presiding]. Mr. Shepherd, we are glad to have you here, and you may proceed.

TESTIMONY OF DAVID H. SHEPHERD, MAYOR, OAK PARK, MICH., ON BEHALF OF NATIONAL ASSOCIATION OF REGIONAL COUNCILS; ACCOMPANIED BY JOHN J. BOSLEY, COUNSEL

Mr. SHEPHERD. Thank you.

I have with me Mr. John J. Bosley, counsel for the National Association of Regional Councils.

Mr. Chairman, gentlemen, it is a great privilege for me to have the opportunity to testify before the distinguished members of this subcommittee.

I am here today as a member of the board of directors of the National Association of Regional Councils.

Also, for the record, I have the pleasure of serving as mayor of the city of Oak Park, Mich., and as a member of the executive committee of the Southeast Michigan Council of Governments (Detroit metropolitan area), as well as serving on the National League of Cities' Intergovernmental Relations Steering Committee and as trustee of the Michigan Municipal League.

Mr. Hutchinson, I will be in your area May 21 when I will be exchanging cities with the mayor of St. Joseph, and I hope you will be there.

Mr. HUTCHINSON. I am very happy to know that and will be very pleased to have you come to St. Joseph, which is now my hometown.

Mr. SHEPHERD. All right.

Let me begin with some introductory comments about our organization which will serve to make clear our point of view. The National Association of Regional Councils was initiated jointly by the National League of Cities and National Association of Counties in 1967 to assist the rapidly growing number of regional councils in setting up and improving their programs and activities.

Simply summarized, regional councils are areawide organizations which involve more than one local government and encompass a total regional community. Regional councils exist both in densely populated metropolitan areas and in sparsely populated rural areas. Their prime purposes are to increase communication, cooperation, and coordination among local governments; to review certain Federal grant applications, and to develop policies and programs to meet mutual problems and to guide orderly development.

The term regional council encompasses several different types of organizational structures—the three most prominent being councils of governments, economic or local development districts, and regional planning commissions.

Close to 600 such regional councils have been established to deal with areawide problems. Their governing bodies are composed primarily of local government elected officials.

In the last 2 years the continued growth of regional councils has been encouraged by the actions of the States. Forty-four States have initiated the process of establishing districts; 22 have completed the process for their entire State.

I might point out here that of all the structures of government in the United States the councils of government, the regional councils, are the only formalized structure where people from the Federal, State,

county, and local governments can sit down and discuss a single problem that exists in a particular area.

I know of no other type of structure that would permit this. Most regional councils serve as the basic coordinative device for Federal funding of local government activities. This function is performed as a result of the "review and comment" requirements of section 204 of the Demonstration Cities and Metropolitan Development Act of 1966.

This provision was subsequently expanded by the Intergovernmental Cooperation Act of 1968 and implemented through circular A–95 of the Office of Management and Budget. Regional councils, designated as A–95 agencies, review Federal aid applications of local governments prior to submission to the Federal funding agencies. The review is an assessment of the application's consistency with the regionally adopted plans and priorities.

NARC is a membership association of regional councils throughout the country. Its board is composed of local government elected officials and other regional councils policy members, as well as representatives of the boards of the National League of Cities and National Association of Counties.

We know that crime is a part of the real community. It does not respect political boundaries; it functions in that single social and economic unit we call a metropolitan area or region. Consequently, law enforcement and criminal justice planning is an integral part of the program of most regional councils.

But it is a component of a comprehensive approach in dealing with areawide problems; it is premised on the region's articulated goals, objectives, and policies which reflect the community's social, economic and environment operations. And because this decisionmaking process is conducted through agencies primarily composed of elected officials of city and county governments, we believe that it can and does provide the basis for regional governance without regional government.

One specific area that I am quite interested in—and I do tour the country speaking on it, is 911, the universal emergency telephone, and we find that in many, many cases this one law enforcement technique that can best be implemented on an areawide basis, and I would like to see more responsibility given to regional councils to see that this implementation takes place.

NARC wishes to build on and strengthen local government by providing the means, through regional councils, to make decisions on such areawide problems as law enforcement and to make certain they are implemented.

The basic decision before the subcommittee is to determine whether title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, should be extended beyond June 30, 1973. We believe it should, but with some changes.

For the purpose of describing our preferred modifications, we have developed our proposals within the framework of the pending "Law Enforcement Revenue Sharing Act of 1973," H.R. 5613. This is the administration's adaptation of the existing Safe Streets Act into special revenue sharing. It also raises the salient points on the regional dimension of law enforcement and criminal justice planning and programs.

Many aspects of H.R. 5613 represent significant improvements over the existing law. And the treatment of local and areawide law enforcement planning falls within this category.

Section 201(b) of H.R. 5613 provides that any areawide planning shall be the:

> responsibility of a multijurisdictional planning and policy development organization designated by the Governor pursuant to procedures established for implementing Title IV of the Intergovernmental Cooperation Act of 1968, a majority of whose policy board is composed of elected officials representing general local government.

The necessary special interests of others in the law enforcement and criminal justice system would be reflected through an advisory body composed of representatives from these special purpose agencies.

NARC believes that this is an enlightened approach. It is an affirmative policy that recognizes crime is essentially a regional problem and should be approached within that context. But, at the same time, it perceives that local government—cities and counties—have the basic law enforcement responsibilities and, therefore, should plan and program cooperatively for exercising these responsibilities through their regional councils.

Moreover, this policy further responds to another vital need—planning within a comprehensive framework.

NARC has continuously called for the proper perspective to regional decisionmaking.

One of the great dilemmas of our complex society is that everything is related to everything else. We cannot completely cope with this phenomenon. Special purpose agencies, however, are not the answer. The better solution is to look to institutions that have larger concerns. And section 201(b) moves in that direction by, in essence, identifying regional councils as the appropriate agencies for areawide law enforcement and criminal justice planning.

While we agree to the basic thrust of the bill on areawide planning, we urge the subcommittee to consider two modifications.

The bill does not mandate areawide planning; it merely presents a policy if the State decides to do sub-State planning. This is not enough.

In our opinion, the legislation should either require such planning or provide a financial inducement to those States and local governments that adopt such an approach.

This latter point is probably preferable. And we feel that a proper inducement would be to apply or fasten the discretionary funds held by the Attorney General under section 306(a)(2) for this purpose. This would result in the State and local governments having more funds for substantive project and program purposes.

Our other recommended change would be to require the State to pass through more than 40 percent of the allocated planning moneys to local governments and regional councils. NARC believes that the States have an obvious role in establishing policies and statewide priorities.

But we do not believe that this planning responsibility should entail up to 60 percent of the available planning moneys. As a minimum, the allocation should be reverse; the States should have no more than 40 percent and the remaining funds should go to local and regional efforts.

Moving to areawide planning and coordination, we note that H.R. 5613 does not provide for the plans, projects, or programs funded under the bill to be reviewed under the A–95 process.

As you know, such reviews are required for physical facilities under the Safe Streets Act. Plans and programs were later encompassed within this review by the policy of the Office of Management and Budget.

NARC feels that this requirement should be maintained. We know that the administration's special revenue-sharing approach vests the final program and project decision in the States and local governments. This makes sense; we endorse it.

At the same time, there should be some review process to ensure that State and local plans, programs, and projects are consistent to comprehensive regional development plans and policies. This is especially urgent in those area where there is no areawide law enforcement planning.

We are of the opinion that the A–95 process could be maintained without thwarting State and local action. The review would be provided to the State law enforcement planning agency and the Law Enforcement Assistance Administration.

As you know, the A–95 review is not a project veto. It simply is a mechanism to assess the compatibility of a program or project with the policies and plans of other interested governmental units. This type of governmental coordination is salutary and should be continued.

One final point—the 33 interstate metropolitan areas in the United States, for example, St. Louis, Washington, D.C., Rock Island, Ill. We mention Rock Island because we know that Congressman Mezvinsky represents a portion of this metropolitan area and is familiar with its problems, and I might mention the Michiana council because I know that Mr. Hutchinson is interested in that area.

Mr. HUTCHINSON. Yes; but it isn't really a problem area. It is an interstate area, but there are only 160 permanent residents in the village of Michiana.

Mr. SHEPHERD. I am referring not to Michiana itself, but I am referring to the planning council which does exist there. In some cases it is two States, in some cases it is three and in some cases these regions even cross the boundary lines of two Federal regions which even makes the planning administration more complex.

The areas with the aggregate population of 40 million are not adequately considered in the Safe Streets Act or H.R. 5613. Present areawide plans for law enforcement are usually done on a whole State basis. Planning for these interstate areas stop at the State line.

And the task of planning and coordination in interstate metropolitan areas for the control and reduction of crime has hardly begun anywhere. It is severely hampered by the absence of Federal support for the kind of effort which must be made.

Only in a few interstate areas has there been a strong and sustained effort, with the cooperation of local and State governments to plan and develop a coordinated approach to the problems of crime at the metropolitan level.

A survey of regional councils in these areas undertaken by NARC shows that most of them are eager to move forward with planning and cooperative action in this field, if there were funding to do it.

The survey shows that only six of these organizations are currently receiving public safety or criminal justice planning grant funds from any source. Five receive such funds from the Law Enforcement Assistance Administration, largely for research programs.

One receives grant funds through the programs financed under the Highway Safety Act. These figures, however, seem less than startling when one considers the fact that only seven respondents currently possess a department of public safety or criminal justice planning.

With the availability of earmarked planning moneys for interstate councils, however, it is anticipated that functional public safety components will become more widespread.

Such increased capability in this regard is desirable, for while there may be argument over the causes and the extent of interstate crime in these metropolitan areas, there is no argument that the amount of such crime is substantial and that the problems in enforcement are complex and need the kind of continuing staff planning and coordination effort that can only be supplied through an interstate metropolitan agency properly supported through planning funds.

While it is the case that many metropolitan areas which fall entirely within State boundaries have obtained grants from the LEAA-funded State planning agencies (SPA's) for the purposes of undertaking regional planning and action programs for law enforcement and criminal justice, interstate regional councils have never been eligible for direct planning grants although in some ways the need for funding in these interstate metropolitan areas is even greater.

It is currently the case that LEAA-funded State planning agencies can make planning grants available to interstate councils if they feel that they have funds in sufficient quantity for this purpose. Most State planning agencies, however, have not felt comfortable with the level of funding available, funding which largely sustains the operation of the SPA itself.

Consequently and justifiably, the SPA's are not normally willing or able to subgrant portions of these funds to interstate agencies for interstate planning. Even if the States found it appropriate to subgrant portions of their planning funds to these interstate agencies, they could only do so on a piecemeal basis. Each State would only be able to make such grants for planning in that part of the metropolitan area falling within the State's boundaries. Needless to say, this would be a most awkward method of funding.

Our answer is direct funding. This would permit interstate metropolitan councils to develop comprehensive planning processes and plans of action for their regions as a whole. These plans would be consistent with the State plans and would be specifically aimed solely at metropolitan problems and concerns.

Without question, this arrangement would assist substantially the criminal justice planning in the Nation's many interstate metropolitan areas, and would strengthen the present impact of the bill on the nation's crime problems. We have attached proposed language to accomplish this result.

I wish to thank the chairman and members of the subcommittee for the opportunity to appear and provide the subcommittee with our

views. Of course, we will be available to answer any questions you might have on our presentation.

We have also attached three documents which show the evolvement of regional councils as adopted by the membership of the National Association of Regional Councils.

Thank you.

[The three documents referred to are in appendix A, p. 621.]

Mr. MEZVINSKY. Thank you, Mr. Shepherd.

What is the relationship between your council at its level and the State executive at the Governor's level? What are the strengths of regional councils in terms of how they must deal with the larger State planning units?

Mr. SHEPHERD. Let me see, if I speak about Michigan, I will speak very specifically, but generally it does vary from State to State.

Texas, South Carolina, and Kentucky are all very strong. Very strong. Michigan has become very very strong in the area of regional sub-State planning and administration.

We now have 13 sub-State regions, nine of which have operating councils. The others will have them by the end of the year. The Governor is very, very interested in this approach and has been very active in propagating it.

Mr. BOSLEY. I might elaborate just briefly. We have found as surveys we have taken with our membership in 1971 show at that particular time there were approximately 45 percent of all the regional councils surveyed involved in law enforcement criminal justice planning. There is a very disparate situation around the country.

In many cases States have established to the SPA's that were brought about through the Safe Streets Act regional types of thrust to their programs, but in many cases they have done it with special-purpose agencies that have either been appointed by the Governor or in some other way outside of the framework of the existing multipurpose agency the regional council within the area and this has been very, I think, difficult for the type of coordination that we are committed to to take place when there is these types of special-interest agencies functioning alongside of the multipurpose agency and, again, that is why we applaud the concepts here in the law enforcement special revenue-sharing legislation which would move away from that direction.

If the State does move to subregionalize it would be encompassing the planning function within what we feel is the proper institution, multifunction, multipurpose local governments.

Mr. MEZVINSKY. Most of your remarks were directed toward planning funds. What about the possibility of actually earmarking some of the action funds directly to the regional councils according to population and crime rate?

Would you care to comment on actually focusing, not just on the planning funds, but on the action funds which could really spell the difference in trying to control the crime rate?

Mr. SHEPHERD. I do believe we cannot talk about planning funds without talking about action funds, they are so closely related.

Obviously if we are going to talk in the region on a priority basis and decide within a region what our priorities are, then the action

funds would have to follow this, and I believe that, at the least, in our States such priorities would have to be followed by the State.

Mr. MEZVINSKY. And again the organization which you represent today would certainly feel that this subcommittee in drafting legislation should focus upon the crime rate as well as population, and consider other factors besides simple population in writing allocation formulas.

Mr. SHEPHERD. I would totally agree with that. I believe that the need is the important thing in the allocation of funds.

Mr. MEZVINSKY. You might just make a comment concerning your proposed amendment, since I do represent an area near a bistate region of Illinois and Iowa. This amendment would, I gather, provide the impetus for the Attorney General to actually direct funds to such bistate metropolitan areas, is that correct?

Mr. SHEPHERD. That is correct.

Mr. MEZVINSKY. Can you reiterate for the benefit of myself and for the record why this need exists, why money should be directed to bistate and interstate forms of regional councils?

Mr. SHEPHERD. Very basically when you have to deal in a metropolitan area, when you have to deal with two-State—well, let me say if you have to deal with one State government, that is tough enough. When you have to deal with two State governments with two separate sets of requirements it becomes even more difficult.

When you have to deal with three States it becomes even more compounded and, for example, in the case of St. Louis where they have to deal with two Federal regions it becomes even worse.

Mr. MEZVINSKY. Can you give us the population of these 33 bistate areas in the country and, also, do you have any kind of statistical information, if not today certainly for the record later, as to the crime rates in these metropolitan areas. I think that would be beneficial to the subcommittee in evaluating the need for the proposed amendment.

Do you have that information?

Mr. BOSLEY. Mr. Chairman, we don't have all of that information but we will provide substantially what you have asked.

We have taken a survey, as we indicated, in Mayor Shepherd's testimony. It does indicate that the areas here have a population in excess of 40 million and I think this is verified by the 1970 census. If we really looked at the present time I think the population would be in addition to 40 million people in 1973. The crime rates in these areas are pretty well, from what we can understand, similar to that in most other large metropolitan areas but most of them are of good size, at least 250,000 population, and above.

In fact, our larger intercity areas are the largest metropolitan areas in the country: Chicago, New York, and Philadelphia.

We will provide those figures for you and I think they verify the fact that the rate is at least equal to or greater in these areas than it is in others. We do have another specific study which is undertaken by the local council in the Washington Metropolitan Council of Governments that indicates indeed in this area the State lines are not respected by the element that commit the crimes within Washington, and we find that this is a very detailed study which we'll again provide for the record.

Mr. MEZVINSKY. That will be very helpful not only because I am directly involved in it, but because the committee should become fully appraised of that.

Mr. Hutchinson?

Mr. HUTCHINSON. Thank you.

Mayor, in your statement you have made reference to section 201(b) of H.R. 5613. That subsection has to do with multijurisdictional planning. As you stated it provides that areawide planning be the responsibility of a multijurisdictional planning and policy development organization designated by the Governor pursuant to procedures established for implementing title IV of the Intergovernmental Cooperation Act of 1968.

I wonder if you can outline to us what are the procedures implementing title IV of this 1968 act and what title IV does cover?

Mr. SHEPHERD. I will call on counsel to explain that.

Mr. HUTCHINSON. All right.

Mr. BOSLEY. Mr. Congressman, that particular section of the act deals with areawide coordination and planning. It sets as a Federal policy the fact that the Federal Government has committed itself to insuring that local and State programs insofar as practicable are consistent with areawide policies and plans.

In addition to that it sets forth and delegates to the Office of Management and Budget the responsibility foreseeing that this congressional policy is implemented, the so-called A–95 circular that is referred to in Mayor Shepherd's testimony alludes to the policy vehicle that OMB last used to see that this is accomplished so the procedures that would be established in this particular section would be carried out in conformance with the A–95 circular.

Part IV of that circular indicates that the policy of the Federal Government is that where areawide planning or programing is required, will follow those substate districts. It also could be extended to reflect what the policy of this particular section, you might say, in the new legislation that would be simply that these types of institutions, the regional council institutions, would be the preferred institution for accomplishing the kind of planning that is to take place at the areawide level.

It would not mandate, but if it was accomplished that would be the preferred institution.

Another important aspect of title IV is the fact that it sets forth as congressional policy something that we feel is very salutory, and that is that the Federal Government will in all cases prefer general purpose at local governmental units to those of special districts or special purpose authority, thereby trying to give some sort of overall coordination responsibility to general purpose local governments in the way they function. This is as an extension of this type of policy would really be reiterated by section 201(b).

Mr. HUTCHINSON. Well, then, do I understand that the regional councils are not local units which are to be preferred under title IV of that act? The regional council has been a kind of a special purpose organization, hasn't it?

Mr. BOSLEY. No, sir, it is not. In most cases—in all cases, in fact—to fit within the definition of regional council which the National

Association of Regional Councils has used for membership, the council must carry out a multifunctional program.

It must have responsibilities and interests and in some cases powers over a comprehensive policy framework which deals with all of the kinds of problems which have been identified either by Congress or under State law to be most adaptable for solution at the areawide level, so it takes into consideration establishing a policy framework for the kind of functional activities, transportation, water and sewer planning, planning for open space and recreation, those types of things that either the State or Federal Government has indicated that it makes sense to do at an areawide level, because they indeed run across artificial political boundaries of local governments, and this is the kind of original responsibility that all of the regional councils that were present have.

Mr. HUTCHINSON. The regional council is primarily, as I understand it, a planning and coordinating agency. It is not an action agency, is that right?

Mr. BOSLEY. That is correct, sir. In some instances, the regional council will conduct programs in training and some of the other acts that could be best done regionally, but they are not operating agencies per se. They are planning, coordinative bodies.

Mr. HUTCHINSON. I thank you for that explanation because it cleared up a question in my mind. But on the last page of the mayor's statement it says:

> Our answer is direct funding. This would permit interstate metropolitan councils to develop comprehensive planning processes and plans of action for their regions as a whole.

I take it you are talking about direct funding only so far as the interstate areas are concerned.

Mr. BOSLEY. Precisely, yes, sir; and the reason for that has been that we just unfortunately—not just in the LEAA program. I mean just in the safe streets program. But there have been other Federal programs that have concerned themselves with areawide planning and programing which this has held true also, and that simply is that States gravitate to solving problems within their own boundaries. They are different enough to cope with without orienting themselves to deal with sister States.

Therefore, another example would be the so-called 312(d) health plan which has been established under the partnership of the Health Act in 1966. That calls for the establishment of areawide health planning in order to come up with cost effective solutions to delivering of health services.

There have been many of those organizations created, but in almost every case they have not been created in an interstate area where you have one metropolitan community where the health service requirements are similar to those in an intrastate solution, and the reason is the same reason we confront here with the LEAA act, and that is the States really have scarce resources and they apply them to their own individual needs and the interstate anomaly is not met.

Mr. HUTCHINSON. I appreciate the problem that you face. It is only human nature for any governmental unit to concern itself first with its internal problems. But what disturbs me about this is that if a multi-

state regional planning agency should receive direct funding for its planning operation, what the effect of that would be with regard to the two States involved.

In other words, wouldn't both of the States then simply take a total hands-off rather noncooperative attitude toward the whole thing? For if you have your own money, you can plan your own program.

I think that that approach might aggravate the situation rather than remedy it.

Mr. BOSLEY. I don't think that has been our experience, Mr. Congressman. Our experience has shown that the reluctance of the States go to the issue raised, that they have to look out for their own. It is a resource issue more than it is an issue of them appreciating and wanting to do something in the interstate region.

In most instances, if the money was not being taken from those things that they feel have a higher priority, they would not only give the money, they would actively participate and do what they can to help coordinate those issues that must be solved because they go across State lines, but we haven't found that there is any feeling that they don't want to do this as much as they don't feel they are able to because of the resources they have available to do it with.

Mr. HUTCHINSON. But just to pursue it a step further, are you suggesting for an independent planning agency a multistate area? It seems to me that such an agency would be dependent on the member jurisdictions to implement any programs that it pleased. This brings you back to the same problem. Those jurisdictions are limited to resources, and their first priority is going to be their internal matters.

You haven't moved very far in the problem, have you?

Mr. BOSLEY. We have tried to take care of that in the section we would list in 204(b). We have indicated that a condition precedent to this type of grant program would be the requirement that all interstate metropolitan plans developed under the section would have to be consistent with the comprehensive State plans and priorities.

In other words, we would drive this process into the individual State's planning process, and we would, in fact, in essence subordinate it to statewide plans and priorities. There would have to be some reconciliation here, agreed, but nevertheless we are saying we cannot function independently just because you happen to be an interstate area. We are saying we want to give you resources but you must relate in the same type of basis that other areawide planning operations relate, not just one State but to both States which have concern, interest, and obligation to do something to solve this type of problem.

We appreciate the need to do that. We feel it would be folly not to require the States to continue to have a very close and probably paramount interest in how this is accomplished. We are simply asking for the funds.

Mr. HUTCHINSON. All right. Well, I thank you very much. I yield.

Mr. MEZVINSKY. Mr. Seiberling?

Mr. SEIBERLING. Thank you.

Mr. Shepherd, I am a former president of a regional planning commission, so I certainly subscribe to the principle that regional planning should be strengthened throughout the total range of activities that effect local governments and local agencies. I do think that the

Federal Government has a responsibility to encourage regional planning; they have taken that responsibility in the past, and I hope that whatever we do in the way of LEAA legislation will continue to strengthen regional planning and not weaken it.

For that reason I am a bit concerned about the bill that the administration has proposed. Your statement makes reference to section 201(b) as moving in the direction of identifying regional councils, but as I read this bill the State still has the option of going to a totally State oriented planning and distribution process.

Do you agree that that is the import of the bill?

Mr. SHEPHERD. I don't know if that is the import of the bill, but if it is, I would, I think, register my own personal objections to this. I believe that law enforcement is best planned and executed by those people who are closest to the problem and that is on your regional and local levels.

Mr. SEIBERLING. Well now, did you hear the testimony of Mr. McConnell earlier this morning?

Mr. SHEPHERD. Yes, I did.

Mr. SEIBERLING. He made a statement that in New Jersey, because of the fact that they have set up the law enforcement system, particularly the court system, on a State basis, that they do not have a regional or local planning process, and do not encourage one. To do that would turn everything upside down. He felt as far as the court system was concerned it would have a disastrous effect which I must say we don't want to do, but do you have any suggestions in that type of situation?

Mr. SHEPHERD. Very possibly a suggestion in this way. That would be to acknowledge the existence in certain States of actual substate planning districts—I believe there are 44 that are involved in this—and designate those regional planning districts as the planning agencies to use and to encourage those that haven't done it.

Mr. SEIBERLING. That certainly would be one way of doing it.

Are you familiar with the Stanton bill that we have been referring to occasionally?

Mr. BOSLEY. Only in very general terms.

Mr. SEIBERLING. Let me just say it was introduced last year and again this year. Both times that it was introduced, the administration had not yet moved in the revenue sharing direction that is now embodied in their bill. It was our feeling in proposing our bill that the only way we could avoid the morass of redtape which the Attorney General has now referred to as having bogged down the program, was to bypass both the State and the Federal levels as far as local passthrough money is concerned, and have that go to the high crime rate urban areas directly, at least on the basis of a formula of which population would be given a weight of 1 and the crime rate a weight of 2.

The only other conditions that we would require for the receipt of these funds would be, first, that there be a law enforcement council or law enforcement planning council for the entire metropolitan area, in other words, a regional council, and second, that it have a plan, an integrated plan for the use of these funds and for integrating it with all of these other funds.

What would be your reaction if we considered that instead of the approach of the administration bill, which leaves it up to the States,

Mr. SHEPHERD. I would have some concern with that as I have with just about every bill that comes through, but I would have some concern with that.

My concern would be on one hand the imposition of the will of the core city on the metropolitan area, and on the other hand the denial of their need by the rest of the area.

Mr. SEIBERLING. But isn't that a quandary inherent in every regional planning structure?

Mr. SHEPHERD. That is what we fight about all the time. Yes. I think that could work as long as we can maintain the regional plan with regionally determined priorities.

Mr. SEIBERLING. All right. I just have one other question. As I read your statement, on page 5 you emphasize that there should be some review process, and it isn't clear to me whether you are talking about pregrant approval or about postgrant evaluation, and I wonder if you could clarify this.

Mr. SHEPHERD. I am sure in this case we were talking about pregrant.

Mr. SEIBERLING. Well, isn't that one of the reasons that we have had this morass of redtape which the Attorney General conceded that we do have, and one reason why LEAA funds have not moved faster out to the local areas where they are supposed to be used?

Mr. BOSLEY. May I speak to that? We have had an occasion of some concern in this regard and we have attempted to find out from our members whether these A–95 procedures contributed to the delays. The best we can find, Mr. Seiberling, is that is not the case because projects not relevant to the areawide review and interest, they were excluded, or in the instance where they were relevant, the time frame for the review was not a contributing factor as far as we are concerned in delaying the project.

We just mention this A–95 issue here again because we find that the kind of situation you reflect on, that there is a need to have areawide planning as a condition to obtaining money under either of the existing legislation or the proposed legislation of the Stanton bill, that there have to be in our opinion some method in which local governments that are in fact impacted by plans that are made by others and projects that are going to be administered by others can look at those projects and try and find out whether they are indeed compatible with their own interest and the interests of the larger region, and we do not feel that this process should in any way be a denial process, but so that when Congress determines whether the bill as it is now should be extended and the fact that we all know that this legislation will not be static, that it will have some basic making judgments as to whether indeed you ought to have something more, whether there is lack of coordination or whether the bill is counterproductive in some of these ways.

We just want to see that the opportunity is presented to everybody that is administering the bill.

Mr. SEIBERLING. Couldn't we accomplish that almost as well by setting up some standards and providing for project evaluation after the fact as to whether the standards have been met, and finally having some incentive provision so that if they meet the standard they will get some additional assistance.

Mr. BOSLEY. With regard to programs, I think that would be very appropriate. However, when physical facilities are developed sometimes we would have a problem. I don't know if you are familiar with the very infamous case in the Charlotte, Va., area where the State had determined it would place a correction facility in an area which was very historic and an area which people had very deep feelings about.

That project was aborted, not through any review process that is inherent under the present Safe Streets Act, but under the NEPA-required, the environmental protection requirements, and indeed going through that review, that impact review, it was found that the project probably could not stand on its merits and that it was withdrawn.

We definitely feel that with regard to physical facilities there have to be some sort of a pregrant, an exposure to decision of the implications of those projects.

A program might be terminated, but when you build a jail or some other kind of facility, that is going to be there for 20, 40 or 100 years, and we are concerned about that aspect of it.

Mr. SEIBERLING. Yes. Well, I can cite another case in Ohio where they built our new penitentiary way down in a rural area, in the most remote part of the State. Yet the modern thinking is that you shouldn't have these huge fortress-like institutions on this scale, at least any more. You should concentrate on having smaller ones that are located near the areas where the individuals came from and yet, once the juggernaut gets started, why there is no way of stopping it.

I don't know that LEAA has done too much about that anyway, but I would suppose that a certain amount of project review, in cases where LEAA funds are going to be used, might have helped because a little more thought and reflection could have slowed it up until these other considerations could have been brought to bear.

Mr. BOSLEY. Yes; we feel that to be the situation.

Mr. SEIBERLING. I wonder if I could just ask you a general question about the regional councils.

I read the statement of goals that you submitted with your testimony, that is, NARC's statement of goals.

I notice that there is no provision in the administration bill, unlike in the original LEAA legislation, for anyone but Government officials to participate in regional councils. Only elected people will be charged with meeting your goals.

In other words, you are talking about councils of Government exclusively, and I wonder if that is a wise thing. There are two problems: One is the problem of citizen involvement. It is crucial to have citizen participation, but if all they can do is go to hearings and that sort of thing, it doesn't have too much of an effect.

The other thing is that government officials, our mayors, et cetera, are so busy with administering their particular jurisdictions that they find it extremely burdensome to have to spend a lot of time going to regional councils of government meetings, and therefore perhaps we ought to be moving in some way toward seeing that these regional councils have a certain proportion of their membership with no other official responsibility. I just wonder if you could comment on that.

Mr. SHEPHERD. I just completed 7 months' work on the task force to which I was appointed by Governor Milliken, called the option

process task force. I will say that the major portion of the 7 months was spent in heated and emotional discussion of who ought to comprise the board.

There is a lot of feeling on that and there are a lot of problems inherent in that.

If you believe that the present policy—did I furnish the amendments to the policy?

Mr. BOSLEY. Not yet.

Mr. SHEPHERD. All right. We'll see that you do get them.

It requires 51 percent, a minimum of 51 percent be local elected officials, or as we came out of our task force we said 50 percent shall be local elected officials and we have determined the balance recently in our area and we have decided that the policy board or general assembly of our Southeast Michigan Council of Government shall be 100 percent elected officials because we feel it works better that way.

However, on our advisory committees they are composed of one-third elected officials, one-third technicians, and one-third non-attached citizens.

Mr. SEIBERLING. The House Interior Subcommittee on the environment is holding hearings on the administration's proposed national land use legislation.

Is your group going to testify in those hearings?

Mr. BOSLEY. We already have.

Mr. SEIBERLING. Well, I must have missed that.

Mr. SHEPHERD. We'll be glad to provide you with that testimony.

[Testimony referred to appears in committee files.]

Mr. SEIBERLING. Thank you.

No further questions.

Thank you very much.

Mr. MEZVINSKY. Thank you very much, Mr. Seiberling.

Mr. Dennis?

Mr. DENNIS. Along the lines you were just talking about with Mr. Seiberling, the 1970 amendments provide that these regional planning units shall have representatives of law enforcement agencies on them. The administration bill follows similar lines in requiring a majority of elected officials. This would produce a more broadly purposed regional planning unit which would do a lot of things besides law enforcement. What I am wondering about is whether—for the purpose of the LEAA program—it might not be better to have representatives of law enforcement required to be on the regional planning agencies.

Mr. SHEPHERD. Mr. Dennis, let me ask one question. We may be talking about two different bodies here. Are you talking about the policy-making board or regional council when we are talking about the committee with the advisory council?

Mr. DENNIS. What I am talking about are regional planning units for areawide planning. There is a difference, as I read it between the law and the bill. The law says that regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement agencies, units of local government, and certain public agencies.

Now the proposed bill says any areawide planning shall be the responsibility of "a multi-jurisdictional planning and policy develop-

ment organization, a majority of whose policy board is composed of elected officials representing general local government. Such an organization may have an advisory body on matters relating to the purposes of this title to include representatives of law enforcement agencies" and certain public agencies.

The difference is that, whereas the present law says you must have law enforcement agencies represented in the entity itself, in the bill you don't have to. They are relegated to a purely advisory capacity, as I read it.

Mr. BOSLEY. You are right, Mr. Congressman. In those instances where we have—and we have a number of them—regional councils, we have predominantly elected officials on their boards of directors and also are currently doing law enforcement planning. The way that the requirements in the present Safe Streets Act are accommodated is through establishing a policy committee which has as its primary responsibility developing areawide law enforcement criminal justice plans. That policy committee, while not having to meet the requirements of the act, ultimately makes the final decision, but it is done and encompassed within the organizational structure of the regional council.

Regional councils accommodate those kinds of diverse requirements of various Federal laws or administrative regulations in that way in many cases.

For example, the 1962 Highway Act provides that in certain urbanized areas there be a continuing planning process which must involve the local government, elected officials, and the State highway department.

The way that is done in most instances is again a policy committee is established within the framework of the regional council. The board will have elected officials on it and also members of the State highway department, so this is the way they have accommodated those kinds of requirements.

I would anticipate, if the present proposed legislation was enacted in all cases the kind of policy framework that I have just talked about where a functional area is dealt with within the context of the regional areas, would continue.

That meaning that the law enforcement interests would continue to function and have an important role in the decisionmaking to that law enforcement criminal justice plan.

I don't think there has been any instance where I know of where these kind of legitimate special interests have not been reflected within the framework of the regional council. By their very nature to be effective they must have these kind of interests reflected actively in the decisionmaking process and not in the periphery of their operations.

Mr. DENNIS. Do you think the new law will be just as effective in this regard as the 1970 amendments to the Safe Streets Act?

Mr. BOSLEY. Our experience would say that that would be the case; yes, sir.

Mr. DENNIS. I suppose that the Congress enacted the change in 1970 to meet the then existing problem of underrepresentation for law enforcement.

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Mr. BOSLEY. I am not too sure that the amendment itself was predicated on the basis of bringing in legitimate special law enforcement interests.

As I recall it, the amendment was placed in the legislation to insure that there would be some sort of local general purpose government interest.

I may be wrong on that but I would like to check that out and get that answer to you.

Do you have a preference between the administration bill and the Stanton-Seiberling bill?

Mr. SHEPHERD. I am really not too much aware of the Seiberling-Stanton bill and I would like to have an opportunity to read that before I comment.

Mr. BOSLEY. Yes, sir. I agree with the mayor. If we could, we will look at it and would like to submit a statement to you about our position on it after we have an understanding of all the provisions contained in that legislation.

If we may we would like to do that, sir.

Mr. DENNIS. Well, I will be happy to have you do that. I am certainly no expert on the two bills either, but there is a difference in the general thrust. As I understand it, the Stanton bill would guarantee by a formula weighted in favor of crime statistics a certain amount of funds for large urban areas and grant such areas control over spending those funds.

Now I would be glad to know what you gentlemen think about that.

Mr. SHEPHERD. We would like to have an opportunity to study that.

Mr. DENNIS. All right.

As a result of the 1968 act there was an unanticipated by-product—the emergence of regional planning agencies. They were established by the States to utilize the procedures of Federal law rather than being created by Federal law themselves.

There is nothing wrong with that. They are merely planning agencies basically because you don't find many regional police agencies. Nevertheless, by custom or by law they exercise veto power over plans, as they would also, I guess, in an interstate context.

This is an interesting concept. But such an agency is not going to be able to do a thing in the world but plan, is it? It can't act unless it gets legislation in all States involved which will implement the plan.

Mr. SHEPHERD. Well, let me get back to that. I think that subject would have to be interpreted. I don't believe the council of governors veto anything. I believe they get together, knock heads, and come up with regional plans. Sometimes not everybody is happy with the regional plan, if you can call that vetoing——

Mr. DENNIS. I may be wrong but by "vetoing" I meant that unless the regional agency approved, the local plan, there was almost no chance of approval by the SPA.

Mr. SHEPHERD. It is my understanding that through the review process and various processes that we do have that we comment, No. 1, on the technical feasibility of a program, No. 2, whether or not it is consistent with a regional plan, and No. 3, what its priority is.

Beyond that, decision is with the granting agency.

Mr. DENNIS. All right, but suppose you say my request doesn't meet any of the criteria? Do I get the money?

Mr. SHEPHERD. We would say to the granting agency:

This request does not meet any of the criteria. The decision to grant the money is up to you.

Mr. DENNIS. Under the law in Michigan, for instance, the State agency, even though you disapproved everything, could still OK it. Is that right?

Mr. SHEPHERD. I am sure they could.

Mr. DENNIS. Well I don't know. Perhaps my question is not a real one. I am just asking you.

Mr. SHEPHERD. I am sure they could. I really would find it very difficult for the council of governments to stand up to the Governor and say, no; you can't do something.

Mr. BOSLEY. I think what we are saying, Mr. Dennis, except in some program such as, for example, the now quiescent water and sewer program administered through HUD—there Congress has said because water and sewer facilities go across local boundaries that a regional agency like a regional council must develop a plan and a program, and that the Federal Government has said to the Department of Housing and Urban Development:

You cannot, you shall not approve any grant that is not consistent with that plan and program.

In those instances then the regional councils action has a particular standing. It has that standing which the Federal law gives it, but in most instances, such as the law enforcement area, as Mayor Shepherd has said the only status that their views and comments have are those which the granting agency, in this case the SPA, in most States will want to give those views and comments.

It does not in any way inhibit or prohibit that State planning agency from doling out the money to the applicant if it feels that is in the best judgment.

Mr. DENNIS. Does this legislation in Michigan require that before the SPA approved a proposal, it meet the regional——

Mr. SHEPHERD. No. There is no requirement that it meet the regional. There is a requirement that it does go through A–95 review, and that the granting agency has a granting of the local review and advice.

Mr. DENNIS. So the decision is only advisory. That would be even more true of course, for the interstate agency. It's an interesting suggestion for legislation because interstate matters are traditionally Federal matters, especially when there is the added element of Federal money.

If the interstate was only a planning agency and not an action agency, how much money would it need?

Mr. BOSLEY. Although there is not an areawide police force, there are areawide needs and the individual components in many instances desire to do something on an interstate metropolitan level, the Washington area is a good example.

Prior to a Safe Streets Act the Washington Council of Governments had a very active program in public safety and still does. That program is supported with so-called HUD 701 money.

What came out of that program, for example, was an experimental information system which they call the Wales system, which allows all the local police forces to put the crime material in that information

bank and draw it out through a police cruiser cueing his local department and then access to that data system, and it is also connected to the so-called NCI system.

That is all done through the District of Columbia Government but it is a regional project.

We are saying that you can replicate those needs around the country in interstate areas if we had the ability to plan at that level, that these things would come to pass.

I think that the allocation of hardware resources under the Safe Streets Act might well be more attentive to the interstate problem if there was a proper policy and planning context for the funding agencies to work within and to try to understand the benefit that might be derived through an interstate cooperative effort.

Mr. DENNIS. You are saying we should fund these interstate regional agencies directly if the State plans of those involved establish the agency.

Mr. BOSLEY. We say that the interstate planning effort must be compatible and consistent with the States overall effort in both States if it is a bistate area, or if it is more than that with all three States.

That will force the States and the local governments involved in the metropolitan agency to come together and hopefully could lessen some of these issues that they have identified as being vital to the solution of their law enforcement problems.

We think that that is dynamic, is needed, and that process emanates from this proposal.

Mr. DENNIS. Well, it makes a certain amount of sense. But you are raising some interesting questions which we can't discuss all this morning about how far Congress can go in creating some new and unknown governmental units which have never existed previously.

I think I have no further questions, Mr. Chairman.

Mr. SEIBERLING. Mr. Chairman. I have a couple more questions.

Mr. MEZVINSKY. Sure.

Mr. SEIBERLING. In the administration bill on page 15, section 306(a)1B says that of the funds allocated for the planning process, that is 5 percent of the total that goes to the State, at least 40 percent of such funds for any fiscal year shall be available to units of general local government or combinations of such units to enable such units in combination to participate in the formulation of a comprehensive State plan.

That is the only place where any amount is earmarked for local or regional groupings, as I see it, and it says the Attorney General may waive this if it appears inappropriate.

Now I have made a rough calculation that under that formula the State of Ohio, the only one I am familiar with, would get about $800,000, the largest metropolitan area which would be the Cleveland metropolitan area, would get about $160,000, and the Akron metropolitan area would get about $40,000.

Would you think for a major metropolitan area with 2½ million people in it, that $160,000 is an adequate amount for LEAA assistance to the regional law enforcement council for planning purposes?

Mr. SHEPHERD. Well, the obvious answer is no. We'll never have enough, but I think $160,000 is rather low.

Mr. SEIBERLING. That was my impression. I just wanted to see what your reaction would be. Of course it is possible for the State to make available more under this bill, that is all that is in effect earmarked initially.

Second, section 202(a) of the bill says that the State shall establish a State law enforcement planning process to be under the supervision and control of the governor, with local government participation in the preparation, revision, and implementation of the State plans required.

Now bypassing the question of local versus State control which we have already discussed, some of the witnesses we have had have brought out the fact that this bill would put everything under the control of the governor without the State legislature having any involvement in the process.

And a recommendation was made by at least one witness that this is wrong, that there ought to be a provision for State legislative review of the statewide program and establishment of State guidelines by the legislature and that sort of thing.

What is your view of that?

Mr. SHEPHERD. I am sure that the legislatures would like to get in on this action.

Mr. SEIBERLING. Well, not what would they like, but what is the proper thing to do?

Mr. SHEPHERD. John, do you want to answer that?

Mr. BOSLEY. Our position, not just on this but on other provisions of this nature, has always been that I think the Federal system should be predicated on what States decide how they want to administer a program and that decision ought to be respected by the Federal Government insofar as it does not interfere with national interests and priorities.

My own personal views of how that should be accomplished here would simply say in the absence of State laws to the contrary the Governor should. That gives the State legislature the opportunity to establish a process which it feels is most appropriate and I think that that is more in tune with the whole concept of our federal system and we have always, even in the legislation we have proposed with regard to regional councils, have indicated that while we prefer to have the kind of organization we create accomplish the kind of planning and coordination at the areawide level, we understand there are certain States that are going to go in a different direction and that should be respected.

The local governments in the twin cities area, for instance, supported or acquiesced to the creation of an institution where the Governor appoints all the members of the body probably the most powerful region in the United States but that was a decision done by the State legislature and approved by the people in the State of Minnesota.

We approved that and think it ought to be respected.

Mr. SEIBERLING. Thanks. Certainly I don't approve of the monarchal principle either at the Federal or State level, and I think we should be careful to see that the State legislatures be given the opportunity to make the basic decision on the use of these funds.

Mr. Chairman, I have no question.

Mr. POLK. Mayor Shepherd, I would like to ask your opinion of section 203, paragraph 5.

It has been testified to that that provision would provide the legislature an opportunity to review the plans drawn up for the expenditure of LEAA funds. It is suggested that although no appropriations had been raised for the expenditure of LEAA funds, the State would have to go through the appropriation process with regard to the expenditure.

Mr. SHEPHERD. My quick reaction to that is that there may be a void here. Then there may not be. The State may not get involved in these areas providing the laws as necessary for this particular matter.

Mr. POLK. What other interpretation would you give to that provision?

Mr. SHEPHERD. Well, the provision—let me just read it again. To be very honest with you I need a definition of that paragraph.

Mr. POLK. Well, if it did mean that, would you think it would be a good idea?

Mr. SHEPHERD. I am not too sure. Applicable to the expenditures of its own revenues. It means everything should be nice and legal.

Mr. BOSLEY. I think we feel on that one that there is a great deal of ambiguity. It seems to me that could be interpreted simply as the mayor had indicated it would have to be run through the budgetary process of the State which you know I didn't know whether the State would have a program budget that might be an effective control but if it has a line item budget you have x dollars for law enforcement and criminal justice it would be no control at all.

Mr. POLK. However, for the programs to be financed by the plan, would there be any control?

Mr. BOSLEY. That certainly would, but my familiarity with State budgets would not indicate if that is the normal case or not.

Mr. SHEPHERD. Unless you get down to the specific line items in each and every——

Mr. POLK. Do you feel that's advisable?

Mr. SHEPHERD. No, no; I would be a little bit concerned about the State getting involved in the budgeting of each and every item under the LEAA program.

Mr. POLK. Then what kind of balance would you suggest for legislative oversight?

Mr. SHEPHERD. Legislative oversight? The legislature I believe can react very quickly to injustices done if they are done without going through the State act by act. I can't give you a quick answer of what it should be but I do notice that if the plans are done locally on a regional level and if they are made to abide to a State plan of so much product or categories that we don't need a divided budget.

I am not too worried about the legislative oversight speaking as a legislator now.

Mr. POLK. I take it then you are not saying that we need legislative oversight as a check and therefore should incorporate legislative oversight into the bill?

Mr. BOSLEY. I believe we have legislative oversight whether it is in the bill or not.

Mr. POLK. I see. Thank you.

Thank you very much, Mr. Chairman.

Mr. MEZVINSKY. Well, Mr. Shepherd and Mr. Bosley, I would like to thank you both very much for your presentation as well as for informing the subcommittee of the views of the council.

I know it has been helpful to me personally, as I have a bistate metropolitan council that affects my district, but I think the presentation and the argument given on behalf of considering your views will certainly be very helpful to the whole committee.

We now adjourn until 10 o'clock next Wednesday, April 4.

[Whereupon, the subcommittee adjourned, to reconvene at 10 a.m., Wednesday, April 4, 1973.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

WEDNESDAY, APRIL 4, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 2141 Rayburn House Office Building, Hon. Peter W. Rodino, Jr. (chairman of the subcommittee) presiding.

Present: Representatives Rodino, Flowers, Seiberling, Jordan, Mezvinsky, Hutchinson, McClory, and Sandman.

Also present: Daniel L. Cohen, counsel; Franklin G. Polk, associate counsel.

Chairman RODINO. The subcommittee will come to order.

Our first witness this morning is Mr. Patrick Healy, executive director of the National District Attorneys Association.

Mr. Healy.

TESTIMONY OF PATRICK F. HEALY, EXECUTIVE DIRECTOR, NATIONAL DISTRICT ATTORNEYS ASSOCIATION, CHICAGO, ILL.

Mr. HEALY. Good morning, Mr. Chairman.

Chairman RODINO. If you wish, Mr. Healy, you may summarize your statement, and we will insert it in the record in its entirety. I just wanted to make sure you know that.

Mr. HEALY. I do.

Mr. Chairman, I have kept my statement rather brief. Questions, I thought were more what you wanted.

I deeply appreciate the opportunity afforded me by you and members of this committee to testify before you today.

I would like to introduce myself to the committee. I am Patrick Healy, executive director of the National District Attorneys Association located in Chicago, Ill.

I have been the executive director since 1968. Before that I was project director with the NDAA from 1966–67. From 1964–66 I was an assistant U.S. attorney for the Northern District of Illinois which includes Chicago, assigned to the criminal trial division. From 1961–64 I was an assistant States attorney in Cook County assigned to the criminal trial division.

My remarks will deal with the national overview as it concerns prosecutors and LEAA. I am sure many witnesses before and after my remarks will have charts, graphs, statistics and exhibits to support their position.

The National District Attorneys Association has discussed LEAA and all facets of its operations both from the national, State and local level at numerous meetings, conferences and conventions.

When you consider that the National District Attorneys Association is the only national organization in the country representing prosecuting attorneys with over 5,000 members, we feel we can speak with confidence on the matter before this committee.

We wholeheartedly support LEAA and its continuation with some modifications which I will talk about later.

I can say, without exaggeration, that during the last 5 years with the assistance of LEAA, the prosecutors of this Nation have made more advances and have done more to professionalize their position and office than the last 100 years.

The leap of prosecution into the 20th century is quite simple—money was made available. States and local units of government are extremely reluctant to spend money on law enforcement. As we know it is one of the first items pared in any budget.

The continuation of LEAA is essential to avert a national crime control crisis. There are literally thousands of programs that are LEAA funded which would terminate if LEAA terminated.

All national commissions that have studied the crime problem agree that the prosecutor is in the most favorable position to bring about needed change and coordination among the various law enforcement and correctional agencies in any community.

The proper exercise of prosecutorial discretion can be the single most significant contributor to the improvement of the criminal justice system, for it is the prosecutor who sets the whole tone and pace of law enforcement in the community.

In many jurisdictions throughout the country, however, the potential of the prosecutor's role is not realized. As caseload volume and the complexity of litigation have grown in disproportion to the resources available to him.

The prosecutor has been confronted with increasingly complex problems of policy and management. He is often handicapped by a lack of national standards on law enforcement policy and by antiquated management techniques.

He is notoriously underpaid and understaffed. As a result, where he might be the catalyst for improvement of the criminal justice process. he is often just one of its many obstacles.

The LEAA program represents a source of enormous help to prosecutors all across the country. It takes two major forms. One is for grants for improvement of the operations of prosecutors' offices. The other is technical assistance to help improve current operations or prepare the foundation for better ways of doing things in the future.

One major source of assistance has been the National Center for Prosecution Management, now a little more than a year old, which was established by a grant from LEAA, and its sponsors are the National District Attorneys Association, the National College of District Attorneys, and the Institute for Court Management.

The National Center is designed to assist prosecutors throughout the Nation, by evaluating the quality of prosecution. By modernizing the offices of prosecutors. By improving their relationships with other criminal justice agencies.

Statistical tools for program improvement and evaluation of prosecutors' offices also have been a priority for the National Center. There is a great demand from prosecutors for such help.

The Center has or is to visit 54 offices to do problem identification studies under a technical assistance grant. The manpower of the Center is seriously overtaxed in trying to accommodate these requests. The Center has had to set a policy that any office, with less than five prosecutors, cannot be individually studied. See exhibit A.

The Center has, as of this date, participated in 15 State prosecuting attorneys association meetings in conjunction with their educational programs. See exhibit B. The Center has published three major works dealing with a prosecutor's office. Exhibits C, D, and E. One on measuring the flow of cases, another on measuring the capacity of a prosecutor's office, and a third on evaluation of the processing of cases.

Though the National Center has been in operation only a short time, these basic concepts already have been adopted, or soon will be, in such major cities and urban areas as Denver, Detroit, Fresno, Montgomery County, Md.; Houston, Des Moines, Jersey City, Nashville, and Camden.

The National Center is involved in the production of four manuals for prosecution and in addition is furnishing a substantial amount of technical assistance through onsite teams.

The four manuals to be developed will deal with rural prosecutors, diversionary and screening programs, pretrial programs, budgets, and management information systems.

The most appealing part of this whole undertaking is that the changes or procedures recommended by the Center do not require large outlays of money. Such outlays discourage implementation. Many of the recommendations require no money whatever.

We are not selling hardware. On the contrary, most of the prosecutor's problems can be solved or aided without the assistance of computers.

Another source of substantial aid for prosecutors is the National College of District Attorneys. LEAA has awarded some $860,000 to the college that has enabled it to conduct five 1-month-long career prosecutor courses since 1970.

In addition, a series of short training seminars are held annually on sites throughout the Nation.

In all, some 2,000 prosecutors have attended the college's various academic programs.

The month-long career prosecutor courses are held each summer at the University of Houston. It is designed for prosecutors who are planning a career in the field.

The course covers a variety of important subjects, ranging from the role of the prosecutor's office with other criminal justice agencies to trial practice to such matters as organized crime and consumer fraud.

In addition to courses and seminars, the National College provides a number of other services to prosecutors.

The college has been so successful in its summer courses that a new type of training program will be instituted this year. A 2-week executive advanced course opened only to seasoned prosecutors who are

career men will be held in Houston this year to enable top level prosecutors to discuss, in depth, criminal justice problems and matters and try to seek solutions. We like to feel that the National College of District Attorneys is our West Point.

One of the most important results of LEAA funding has been the creation of a new State function we call the Prosecutor Training Coordination and Technical Assistance Unit. Despite the long title, the aim is simple: to provide local prosecutors with all the help possible, and to do it on a statewide basis.

Today, some 33 such State units are in operation throughout the Nation.

We further encourage those State units to seek legislation for funding purposes and not to depend upon LEAA or bloc money. Two States—Michigan and Tennessee—are formed under this principle. Every State having the benefit of such a unit has made giant strides in the education and professionalization of their prosecuting attorney.

Because of this, we are developing a new idea concerning technical assistance requests. We are proposing to LEAA, in the very near future, the concept of training members of the State prosecutor training coordinator units to perform those services now due by the National Center.

Interns who would be attorneys or management personnel from the State units, would come to Washington, D.C., and train under the supervision of the Center for about 6 months. They would then return to their States to handle the management problems of their States. The first few times out a Center representative would accompany him and then the individual would be on his own.

One of the hallmarks of the LEAA program and prosecutions has been the development and support of innovative projects for prosecutors' offices. And I stress the word "innovative."

In this area of criminal justice, heavy workloads are a fact of life. And LEAA has been determined to give every assistance possible in helping us find ways to handle those workloads and still do a much better job.

One of the new tools provided by LEAA is a computerized management information system called Promis. The Promis was developed by Joan E. Jacoby who is now the executive director of the National Center for Prosecution Management, and Charles Work, assistant U.S. attorney for the U.S. attorney's office in the District of Columbia.

Developed under a $290,000 LEAA grant, the system was put into operation in the District of Columbia and led to a 25-percent increase in convictions for certain types of serious misdemeanors. The plans for the system have been made available to prosecutors throughout the country. The National Center for Prosecution Management and LEAA are now assisting several major cities to install this system in their prosecutors' offices. As you can see, we have not been idle.

I have not had the opportunity to read the proposed legislation: therefore, I cannot comment on it with any degree of familiarity. However, I would ask this committee to consider some of the following points:

1. We would recommend the incorporation into any new legislation a special section just for prosecution similar to that which was incorporated in the present legislation for corrections.

2. We feel that an increase of moneys for discretionary programs is an absolute must. This area of Federal grants, in the present legislation, is badly lacking in sufficient money to do the job. We feel more can be accomplished with one sensible national program than 100 small programs. There is tremendous duplication of effort, research, time, and money in many of the individual State projects now.

I find that people are amazed that their idea is not original. I feel it is more economical, faster, and more intelligent to obtain a variety of views and procedures rather than developing a narrow, local or provincial plan.

3. I am against a revenue-sharing approach unless there are some safeguards built into the plan. I think it is wishful thinking to feel that this money is going to go for law enforcement. In most cases it is going to go to defray general operating expenses or roads and bridges. The money, if used for law enforcement, will act as a substitute instead of a supplement to existing local expenditures unless safeguards are incorporated into the legislation.

4. I do not feel that comprehensive plans must be compiled on a yearly basis. I believe every 3 years would suffice. Due to the handicap that many State planning agencies operate under, namely, inexperienced or inept personnel, LEAA should reserve the right to refuse or limit funding of State plans if they do not meet specific standards.

I have found in many situations staff philosophies and petty politics determine what is incorporated or funded under a State plan. I see nothing wrong with requiring responsible spending of taxpayers' money.

5. There should be a requirement that 15 percent of the block money should be spent in the prosecution area. Prosecution is always placed in the category of courts as well as defense services. Although 1973 was a better year under the allocation of LEAA money for courts services—I believe it is up to around 14 percent—if you were to have a detailed analysis of this percentage and money, I believe that you would still find prosecution receiving only about 4 percent.

Considering the function of the prosecutor, his office and its effect on the criminal justice system, this percentage is disgracefully low. One way to cure this defect is to require a percentage allocation in this category.

6. To make sure that local units of government—State, county and municipal—make a firm commitment to upgrading the justice systems in their community, the match requirement should be retained. If it is not, they will consider it a financial windfall and use the money to substitute for services already being performed instead of using the money as a supplement.

7. The match requirement for discretionary funds, on the national level, should be discontinued. It is extremely difficult—in fact for us absolutely impossible—to raise hard cash match for any grant.

We have not been successful to date and the future does not hold that much of a promise, either. Considering the value of national programs by national organizations which can disseminate findings, recommendations and changes to its members, this is money well spent.

I hope my remarks have assisted this committee in its difficult task ahead since it is undertaking to address itself to the problems on the

minds of everyone in the Nation: crime, safety and the well being of its citizens.

If I can be of service or assistance to this committee I would be delighted to do so. Thank you again.

Chairman RODINO. Thank you very much, Mr. Healy.

Mr. Healy, you speak rather persuasively about the importance of Federal standards. I note that you emphasize this. The success of the part E corrections, for example, seems to have persuaded you, at least, that this kind of an approach would be helpful to prosecutors. These suggestions, of course, move in the direction of giving Congress and the Federal Government a leadership role in the fight against crime. I, myself, have been urging this and I commend you for that kind of statement.

The administration bill before us, however, presented to us by the Attorney General, moves, in my judgment, in the exact opposite direction. Part E corrections are eliminated, for example, and little or no Federal standards in any area would remain.

There is no Federal approval of State plans required; all the moneys simply go to the States, where all the decisionmaking authority resides with no Federal leverage to alter the State plans.

Do you think this kind of approach moves LEAA in the right direction, or do you feel that, because there are no strings attached to this money, it goes in the direction opposite that which you are trying to urge this committee to consider?

Mr. HEALY. Mr. Chairman, I disagree with the administration's bill. They know that.

Just to write the individual States a check, I think is a bad mistake. It would be a good idea and I would support it, if (1) you could assure that the State personnel would set proper priorities; (2) if everyone would receive their fair share; and (3) if the money were handled in a proper manner.

There are no guarantees to those conditions, Mr. Chairman. To be very frank, I do not think that the States at this time are prepared to receive the moneys in a proper fashion.

I have taken issue with the administration on the control of their present legislation. I realize the hue and cry is "Federal money," Federal domination. We have had numerous grants and we have not been controlled, we have not been told what to do by the administration, and we have operated under grants in Democratic and Republican administrations. They have enjoyed 100-percent handsoff policy.

In fact, I asked them to exercise more control; give us some guidance; tell us what you want. We are all groping. LEAA has been in existence now 5 years. We are in many respects still stumbling. We should be farther down the road than we are.

I don't know if that answers your question, Mr. Chairman. I stand by my statement. I think it is the only way to go.

Chairman RODINO. Dean Irving seemed to corroborate the statement that you make regarding a sharing of responsibility. He has been involved in these programs in an advisory capacity and has had great experience in this area, and he stated very cogently and emphatically that this is Federal revenue sharing without responsibility sharing.

And it would seem that you are making the same point in this area. It seems that your experience indicates that unless we have these

Federal standards with accountability in this area, we are not going to achieve the purposes. And that seems to be the statement you make. That is a fair appraisal of what you are saying?

Mr. HEALY. It is, Mr. Chairman; yes.

Chairman RODINO. Mr. Healy, one of the reasons advanced as to why court-related programs suffer in terms of their LEAA share is that State planning agencies are dominated by law enforcement personnel.

In New Jersey, for example, we were told by the administrative director of the courts, that of the 17 members of the State Planning Agency, only one was a representative of the courts. Do you find that State planning agencies, in fact, do not have enough representation, and as a result come out on the short end?

Mr. HEALY. You mean the judiciary? Strictly the courts?

Chairman RODINO. Yes, the courts.

Mr. HEALY. I would say—and I have nothing to base this on—4 years ago I did a 50-State study for LEAA. And they asked me to critique all 50 States' comprehensive crime plans in regard to the prosecution. And, after doing so, my recommendation was: I wouldn't write anybody a check. The plans were so universally bad.

But, getting back to the court section, I would say this, that any time the chief justice or responsible jurist wishes to get on the State Planning Agency as a representative, he can get on for the asking. He is too well respected to leave off, if you were to ask.

There seems to be a tendency of the judiciary if they have a problem, that their attitudes suggests: "Don't bother us; we will handle our own problems ourselves internally." And that is why I feel they have more or less been stepping aside or stepping back and not requesting LEAA money.

My personal feeling is that they could get all they asked for on any State plan.

Chairman RODINO. Mr. Healy, aside from personnel, what are some of the biggest prosecutorial needs that LEAA moneys could help finance?

Mr. HEALY. We are devoting our attention—the national organization this year—to diversion and screening programs. We feel that we can keep out of the justice system—and for want of better words, so you don't misunderstand it, the garbage—our caseloads will decrease, the court backlog will shrink.

And this has an effect all the way down the line in regard to court personnel, correction personnel, police personnel. So, we are devoting our attention to diversionary programs and screening.

Now, the question is: In order to enjoy a diversionary program and a screening program, you must gear up for it. It is not an expensive operation because sometimes you can use existing personnel. So we would like to see it. We are encouraging every one of our members in 1974 plans to put in for diversion and screening programs.

How successful we are we won't know. But, you see, the prosecutor, we feel, is the key for this backlog. If he does not feed the case in, the judge won't have to hear it.

Chairman RODINO. Mr. Healy, one final question if I might: Currently, the amount of LEAA moneys that can be used to compensate personnel are restricted, and the present administration bill would

eliminate that restriction and would allow these moneys to be used for salaries.

Do you think that would help improve prosecutorial performance? Is this a suggestion worth incorporating?

Mr. HEALY. At the expense of getting in from both ends, from the administration plus my own association: I would not like to see LEAA money used for salaries. Somewhere along the line the local communities must share the responsibility. If you open up the door for salaries, the first thing that they are going to put into a grant is for salary, and there isn't going to be much left over.

And that goes for police, prosecution, judge, corrections, anybody. They are going to, I think, take a large percentage of available money for salaries. I would like to see the State, county, and municipality come in and supplement it. But just to have an open door I think is a mistake.

Chairman RODINO. Thank you.

Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

Mr. Healy, I understand that you are speaking on behalf of your National Association of District Attorneys, and there are certain matters in your statement that I would like to invite you to develop if you care to.

On page 3 you say, "States and local units of government are extremely reluctant to spend money on law enforcement."

I wonder why that is. Can you tell me why they would be so reluctant? That is a strange statement to me. I might say, simply because of the historical background of law enforcement—it was almost the first function of our Government, you know, to keep the peace. And in our system that responsibility from the very beginning fell to the local and State levels. Why should they be so reluctant to carry it out?

Mr. HEALY. Well, I don't have a firm answer. I can only tell you, in going around the Nation and talking with my people and other disciplines of law enforcement, that when they go before some type of governmental agency in a budget hearing, they are always cut back.

Now, this is not a question of their asking a lot of extras. I am talking about where a man has not had an addition to his staff for maybe 4 or 5 years, but his workload has increased 30 percent. He goes in and says, "May I have another full-time assistant or part-time assistant?" and they cut him back.

It is (1) because they are not organized (2) even if they don't like it, what are they going to do about it? They can't strike; they can't complain too much; it is all in the family.

(3) The only people who get excited about law enforcement, or their only encounter with law enforcement, are victims. You and I, as long as we don't get arrested, basically don't have an encounter with law enforcement. Therefore, it is an out-of-sight, out-of-mind sort of approach.

Yes, we read about statistics in the paper and crime going up and it is not safe to walk the streets, et cetera, but when a referendum goes on the ballot to increase for various law enforcement agencies or functions or facilities, they are not too successful.

Schools are successful because they shut them if they don't get their money. It is that simple.

I made a trip last week and toured a prosecutor's office, and the secretary was sitting in the hall typing. That is where her office was, and he asked his county commissioners: May I have more space? And the answer was: Get in line because there are four other agencies that want that 660 feet that opened up on the fifth floor, along with you.

So we realize we are in the general kettle asking for money. We just don't find the reception for the upgrading of law enforcement that overwhelming by the public, I am sorry to say.

Mr. HUTCHINSON. Well, I appreciate your response. I could make some further observations with regard to it.

I rather think that most any agency which is dependent on the budgetary process and the appropriations process for its revenues has the same experience as the law enforcement people. Whether it be a city commissioner or a State legislature, or yes, even the Congress, they do not get all that they want but they are not unique in that respect.

Every agency, every activity of the government has that same experience.

Further along in your statement I suggest that you perhaps are confusing some concepts. Over on page 16 you say that you are against the revenue-sharing approach unless there are some safeguards. You say:

> In most cases the revenue sharing is going to go to defray operating expenses or roads and bridges.

Now, that argument, I think, probably might be made to general revenue-sharing money. But when you have special revenue sharing or law enforcement, such as LEAA is, or you have special revenue sharing for education or any other category of special revenue sharing, I do not think that you can say that the function will lose out. After all, the money is made available only for that category of operation. And they cannot use law enforcement money for building roads and bridges.

Mr. HEALY. As I said, Congressman, I didn't analyze the bill paragraph by paragraph. One of the safeguards I recommended was that the money be used strictly for law enforcement.

All right; if that is in the President's bill, one of the safeguards is there. Second of all, what guarantee is there that the money which they will receive, which I call "fresh money," will not be used to pay for services they are already paying for?

Because, if that is the case, what you are doing is: You are not upgrading law enforcement—

Mr. HUTCHINSON. You are making a point there. But there again, apparently this statement of yours is based upon a lack of familiarity with the legislation. Because the legislation includes a required maintenance of effort. The local maintenance of effort, you understand, must be continued even under the revenue-sharing approach.

On page 18 you make that point. You say:

> The match requirement should be retained. If it is not they will be considered a financial windfall and use the money for services already being performed.

And I suggest to you that you are confusing the maintenance of effort with match. At least in my mind they are two different concepts. The recommendation for match was to have a local input so that there would be a feeling of local responsibility. The maintenance of effort was to guarantee that there would not be a substitution.

Mr. HEALY. I agree with everything you have said. As long as they do not use that just to continue old programs I can buy that concept 100 percent.

I just had a feeling, from speaking with people: When they talk about revenue sharing I haven't seen anyone that said, "Thank God we are going to get some extra input." Most of them have said, "We are not going to get a dime."

Chairman RODINO. I would like to point out at this juncture that, of course, the proposed bill does eliminate the assumption of costs provision as well as any restriction on salaries. So that point ought to be clear at this juncture.

Mr. HUTCHINSON. Yes. That is right. The bill, as it provides, as it is written, removes any limitation on the use of money for personnel wages. But the witness has, I think very forthrightly and clearly stated his opposition to that.

I daresay that perhaps Mr. Healy would go further and say that not one penny of LEAA funds should be used for paying of wages and salaries for policemen.

Mr. HEALY. No; I won't go that far.

Mr. HUTCHINSON. The statement you made was so strong in opposition on the concept philosophically, that I thought you might.

Mr. HEALY. No. All I said was: I don't like to see people putting together budgets. And the first items are personnel. And out of a $250,000 grant, by the time they get through with personnel and rents, there is not much operating expense to undertake their grants.

I don't like to see topheavy salaried personnel grants, if you understand what I am saying there. Now, I can understand the philosophy of supplementing; yes. To get good personnel is extremely difficult. The day of dedication is just about over, where a man is going to take a $10,000 a year cut to work for law enforcement. So if you want to add to his salary, I can see that, but not just to have somebody sit down, draft together a very appealing program which actually might be extremely constructive, but then put in for $35,000 to $60,000 salaries—I think that is a waste of LEAA money.

That is all I am saying.

Mr. HUTCHINSON. You would favor the use of money primarily for training purposes and such things as you described? What is it? Your National Center and College of District Attorneys and so on—you would favor those kinds of uses for the Federal funds, would you?

Mr. HEALY. Well, not necessarily, only those——

Mr. HUTCHINSON. You said you were not in the hardware business and now you say you would not favor the use of the money primarily for salaries and wages and so forth. You would favor education and research and so on.

Mr. HEALY. Education and research. When I say we are not in the hardware business: there is a tremendous pressure on law enforcement

agencies from salesmen who are selling either one make of machine or the other; that if you install this tremendous roaring monster it is going to solve all your problems. And I have members who have some of those in their offices, and they are trying to figure out what do they do with them. They just have no idea. And I think someone sold somebody then the Brooklyn Bridge.

All I am saying is that we don't recommend the use of hardware. It has its place; yes.

Mr. HUTCHINSON. I thank you.

I am not going to pursue any further questioning.

Chairman RODINO. Ms. Jordan?

Ms. JORDAN. Mr. Healy, I missed some of your testimony, but I have read your statement since I have been here and I am very interested in the fact that Carl Vance, who is the district attorney for Harris County, the area in which I live, and which I represent, is the president of your association.

And your references are continually to the need for a component in any grant of LEAA funds for prosecutorial functions. You make references to innovation in the prosecuting process. And I am just curious to know, since Houston is where Mr. Vance, who is in charge of our county, bucked the trend and the crime rate increased when, in every other southern State of comparable size it decreased—I am just wondering what kind of innovative programs this money would be used for, which would help have some impact on the crime rate. That is, of course, what we are concerned about primarily.

Mr. HEALY. Well, Congressman Jordan, I don't know exactly or in any great detail what each of my members enjoys by way of LEAA grants. I will say this: Most of my membership looks upon Texas with green-eyed envy when they look at the allocation of money which is going to prosecution or the court section.

The court section under your State plan receives more than just about any State in the Nation. And out of that, the prosecutors receive a very substantial share. When I say "substantial share," I am talking about more than their sister units in other States.

Carl Vance has received numerous LEAA grants. I don't know the extent of them. I know he has district attorneys out in the districts where they used to be only in the courthouse. Now they are out in the districts servicing complaints. I can't tell you the scope of his enjoyment of LEAA money of whether it has made a tremendous change or no change at all.

Ms. JORDAN. In terms of the national overview, even though Houston, Harris County, Tex., where Mr. Vance is the District Attorney, shows no decrease in crime do you have a different picture when you look at the total national overview?

Mr. HEALY. In other words, can I say that we enjoy a decrease in crime nationally?

Ms. JORDAN. Yes.

Mr. HEALY. I can't say with any degree of certainty, to be frank with you. I do know, from speaking with my members that they claim that times are a little better, yes; that the wait is not as long as it used to be, that they are enjoying better rapport with other law enforcement agencies, police, corrections.

It used to be, not too long ago, that they used to spend more time fighting among themselves than fighting criminals. We like to think that that has gone by the boards.

I think we are making headway, yes. Maybe I am being too impatient. I would like to see us make faster headway.

Ms. JORDAN. What would you envision as the kinds of programs which would be funded if you were to get this 15-percent discretionary fund going to the office of the prosecutor?

What kind of programs would you envision a prosecutor's office undertaking?

Mr. HEALY. Well, our whole purpose of the existence of our association—is to professionalize the prosecutor. And we have to address ourselves to such basic things as how to keep a man. How to keep him for 2 years. How to keep him for 3 years. It is a revolving door process. As soon as a man gets educated the private law firms grab him. So we are trying to just keep him with us and then, from then on we will do like the doctors and the dentists are doing, with all types of supplemental education.

I would like to see (1) when a man enters the prosecutor's office, that he be thoroughly trained. He does not get it in law school.

(2) I would like to see him work under conditions which are the level of his profession. As simple as it may be, a man should have an office, he should have furniture, he should have supporting personnel.

Ms. JORDAN. Let me interrupt you. Is this a function of the LEAA funds, to provide these kinds of conditions under which men work?

Mr. HEALY. If you provide these kinds of conditions you upgrade law enforcement. If you upgrade law enforcement you have better services, better law enforcement, better justice. You cannot work under handicaps and expect the justice system just to bear up and perform at 100 percent.

The reason we are bumping along now is: Everyone for the last 20 years has been shortchanging all law enforcement from police to corrections all along the line. Isn't that true? We have all been taking the back seat. I feel it is.

I have been a prosecutor for 6 years in a large metropolitan area. We were considered stepchildren.

Ms. JORDAN. So in the main you do feel that the Federal Government should help subsidize the kind of law enforcement effort which the State and local communities would carry forward because it has been shortchanged at the State and local level, and it is time for the application of some Federal resources.

Mr. HEALY. Yes. There is only one thing that we would like to add to it. We would like to wean the local agency off the Federal Government. We like to see the local unit of government pick up those services and adopt them as their own. That is what we would like to see.

Nothing would please us more than to see LEAA terminate because it is no longer needed.

Ms. JORDAN. Thank you.

Thank you, Mr. Chairman.

Chairman RODINO. Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman.

As a representative from Illinois on this committee, I want to welcome you here this morning, Mr. Healy.

I want to ask you, first of all, since your testimony is rather elaborate, and you make a number of points, and you have attached a resolution of your organization, whether or not the basic recommendation of your organization is embodied in the resolution and the other views are your individual views?

Mr. HEALY. Well, yes and no, Congressman. The resolution came up at our board meeting in Denver because we have been bumping along, taking whatever was thrown out to us. And we felt good guys come in last. Now is the time to start pounding the table for what it is worth.

So we passed a resolution. That does not embody all of our views or all of our discontents.

About a year ago I had some members tell me that they were so disgruntled with redtape and bureaucracy, both on the State and national level, in trying to get a couple thousand-dollar LEAA grants—they could care less whether LEAA lived or died.

Mr. MCCLORY. Then, speaking of that, the complaint about redtape is consistent with your organization's position that you recommend the Federal guidelines as a further condition for LEAA grants?

Mr. HEALY. Yes. I think Federal guidelines, but not the Federal guidelines which everyone is mentioning concerning the national conference on criminal justice guidelines.

Mr. MCCLORY. That is an organizational recommendation as well?

Mr. HEALY. Yes.

Mr. MCCLORY. Are district attorneys from all of the 50 States members of your organization?

Mr. HEALY. Yes, and three foreign countries.

Mr. MCCLORY. And they support the organization? It is support through——

Mr. HEALY. Strictly dues; conferences, publications. We have no foundation money.

Mr. MCCLORY. I am impressed by your testimony, particularly with regard to the $860,000 program which resulted in training and college. It is called The National College of District Attorneys, I guess.

And you make the point further that there appears to be no clearinghouse for the dissemination of training information and research information. Would it be helpful, do you think, if we would augment at the Federal level, for instance, the National Institute of Law Enforcement and Criminal Justice, which would serve as a clearinghouse for dissemination of information, for providing the guiding framework for training programs; not only for prosecutors but for those that are engaged in community relations that might prevent crime, rehabilitation, parole, and the whole gamut of activities that are involved in reducing crime.

Wouldn't that be extremely helpful?

Mr. HEALY. We would like to see a clearinghouse. In fact, with LEAA funds there are 33 of my counterparts on the State level. Their first hue and cry, after being in existence for 3 or 4 months, they kept asking me: Well, what are they doing in the next State over?

So we put in for a small $50,000 grant for a national coordinator. He coordinates all the State coordinators.

Now there is a tremendous exchange of work and ideas and plans. The National Institute—there should be some national clearinghouse which would say: "Oh, are you running a research program on a burglary prevention unit. Try Arizona. They are doing research work on it. Or try California."

Yes, there should be something along those lines.

Mr. McCLORY. And perhaps some evaluation of the value of research or training programs so that the States and local areas can benefit from that.

Mr. HEALY. Yes.

Mr. McCLORY. You mentioned in response to a question that a major effort of your organization was to try to eliminate from the courts and the prosecutorial function the garbage that clutters up the courts and clutters up the prosecutor's office, I imagine.

Exactly, would you just describe a couple of things?

Mr. HEALY. Typical garbage?

Mr. McCLORY. Are we talking about getting juveniles out, domestic relations cases?

Mr. HEALY. Well, we would like to get juveniles out but we don't consider that garbage.

When I say garbage, I am talking about family disputes. If he is going to throw it out, either he or the judge or somebody else is going to throw it out of the justice system, way up at the trial level. Why wasn't that decision made before the person was even charged or right after he was charged? Why clutter up the whole system and all the personnel that must touch that case and control it, up to the final disposition?

We think that is wrong. We have not taken a stand on this, or our organization. But such things as traffic cases. Maybe they would be better off if handled through some administrative body. The Cook County traffic division must be a tremendous drain on the Cook County D.A. Minor offenses, family feuds. I suppose you could actually sit down and draw a list of a series of maybe seven or eight which are now cluttering up the court system.

Maybe misdemeanors can be handled in some other way. That was what I mean by garbage. And as a result it is a drain on a man's resources as well as on the office. So he spends as much time—and this is true—he spends as much time preparing a petty larceny as he does a murder case. That is not a proper allocation of resources, we feel.

Mr. McCLORY. You have given some generalizations there. Do you have any concrete recommendations or does your organization have any concrete recommendations for the establishment of administrative bodies or inferior courts or whatever?

Mr. HEALY. We have not, Congressman.

Mr. McCLORY. That is a subject that you think might be covered through a discretionary allocating grant?

Mr. HEALY. We would like to see it explored, yes, the possibility of setting up some alternative method.

Mr. McCLORY. Thank you.

Chairman RODINO. Mr. Mezvinsky.

Mr. MEZVINSKY. Thank you, Mr. Chairman.

I was interested in your focus on discretionary programs, and that you used that as a must. I gather, by looking at the administration bill

you are aware that that is not a must under the administration proposal, rather it simply focuses on general revenue sharing on a population basis.

Would you care to comment further?

Mr. HEALY. Well, yes, I understand. And I will approach the problem selfishly.

We are a national organization. We cannot get grants under State blocs unless we contract with the States. Our only source of any type of LEAA research or action or planning grants out of LEAA would be on a discretionary level. I feel personally that a national organization can accomplish a lot and avoid a lot of duplication by one discretionary grant—can avoid a lot of duplication that many, many other States are working on; and still accomplish the same thing.

Every time we go to Washington they always say that the money is gone; come back next year. Well, you know, it doesn't do us much good.

I would like to see national organizations, not just ours, the sheriffs and others. They have a very large training grant but still they could use more help. I would like to see national organizations do more than they are doing. But they are limited because of funds. That is what I am told.

Now, maybe I am wrong.

Mr. MEZVINSKY. You do not have any apprehension of certain moneys going to impacted crime areas, do you?

Mr. HEALY. I have no experience with that. I am sorry, Congressman, I do not. I do know that some of our cities are what you might call target cities, and they are sharing what you also might call some extra money, because they are, but I have no idea what the results are bearing.

Mr. MEZVINSKY. Have you any idea of how LEAA moneys have reduced the docket backlogs and reduced the time between arrest and trial?

Mr. HEALY. The only thing we bank the majority of our hope on is the National Center for Prosecution Management, which we are extremely proud of, which is telling the district attorney how to run his office like a lawyer, and how to get it in shape.

And like I said before, the appealing part about that is that a lot of recommendations don't cost any money.

Mr. MEZVINSKY. Couldn't the National Institute play a stronger role?

Mr. HEALY. Oh, yes; very much so, yes. Great! A much stronger role.

Chairman RODINO. Mr. Sandman.

Mr. SANDMAN. The garbage that you refer to, Mr. Healy, of course I am well aware of. However, could that not better be eliminated by legislation within the State? You have so many cases, for example, in every State, that require indictment by the grand jury, minor cases that could be disposed of by a magistrate. Many States mandatorily must go to the county court.

Mr. HEALY. You are absolutely right. There are many cases which are routine, which are just ground out, that must go through a grand jury because the Constitution requires it. Yes.

Of course, this is under your law reform. It would be extremely apropos to give the alternative to the prosecutor or to the defendant

if he wishes to waive by way of indictment and go by way of information or complaint and dispose of the case immediately. Yes, we would like to see that.

A lot of our members must proceed because the State law or constitution says that they must go by way of grand jury or some other method. It is not the best way.

Mr. SANDMAN. But is that not better healed by State laws than something we could do here?

Mr. HEALY. By way of doing away with the grand jury, we don't recommend that the grand jury be abolished. All we say is that every case should not have to be processed through the grand jury. Yes, you could pass appropriate State laws which say that everyone guilty of a traffic offense will go down to an administrative body for hearing or disposition. Is that what you had in mind?

Mr. SANDMAN. Yes.

Mr. HEALY. Yes.

Mr. SANDMAN. Has your organization recommended this in the various States?

Mr. HEALY. We haven't taken it on, Congressman. We would like to, but we have not.

Mr. SANDMAN. It would be a good idea, though, would it not?

Mr. HEALY. Yes.

Mr. SANDMAN. The other comment you had in here is the fact that you do believe the matching grant should be retained in most cases. However, in those that affect discretionary grants, you recommend they not be retained. Why do you feel that way?

Mr. HEALY. Well, personal experience, to be frank with you. When I first took over the organization, we were operating on basically about a $90,000-a-year budget. We would knock on foundation doors and say, "Would you like to help us do this, this, this?" And they said, "No, we don't contribute to political organizations."

And we sit there and explain to them for months that we were an organization of elected officials, but not political, and they wouldn't buy that so you would still go home. We have found no foundations coming to our door and saying, "Will you do this research for us? Will you develop this concept or submit to us a concept paper, and we may consider it for funding?"

We find those avenues absolutely nonexistent. And, as I said before, I am candid enough to say I am approaching it selfishly, without some additional help. There are many programs we would undertake, exactly what you mentioned, keeping the garbage out of the system. We would like to study those. It all takes money. We do not have it; therefore, we look upon LEAA.

If we can sell them a concrete, constructive proposal that will benefit the criminal justice system, they will fund it. It is that simple. But private foundations——

Mr. SANDMAN. You made quite a statement here that the State planning boards are handicapped because they have so many inexperienced and inept people. Have you made quite a study of this?

Mr. HEALY. Only to the point where I have every court specialist and every State director of a State planning agency on my mailing list, because I keep abreast of what happens. And the turnover is as bad as ours. Their revolving door does pretty much like ours does.

Mr. SANDMAN. Are you talking about State planning?

Mr. HEALY. I am talking about the Governor's Commission on the State level, which formulates a State comprehensive plan which is submitted to Washington.

Mr. SANDMAN. Are you talking about the members or their employees?

Mr. HEALY. I am talking about their staff. Oh, you are talking about the members comprising the board? Oh, we never see those. We are talking about the men who go around and say, "That plan is good. That plan is bad."

Mr. SANDMAN. Thank you.

Chairman RODINO. Thank you for a very, very informed statement this morning. We will find it very useful, Mr. Healy.

Mr. HEALY. Thank you, Mr. Chairman.

[The prepared statement of Mr. Healy follows:]

[Exhibits referred to are in appendixes, D. E., pp. 700–735.]

PREPARED STATEMENT OF PATRICK F. HEALY

Mr. Chairman, I deeply appreciate the opportunity afforded me by you and members of this committee to testify before you today.

I would like to introduce myself to the committee. I am Patrick Healy, executive director of the National District Attorneys Association located in Chicago, Ill. I have been the executive director since 1968. Before that I was project director with the NDAA from 1966–67. From 1964–66, I was an assistant U.S. attorney for the Northern District of Illinois which includes Chicago, assigned to the Criminal Trial Division. From 1960–64, I was an assistant States Attorney in Cook County assigned to the Criminal Trial Division.

My remarks will deal with the national overview as it concerns prosecutors and LEAA. I am sure many witnesses before and after my remarks will have charts, graphs, statistics and exhibits to support their position.

The National District Attorneys Association has discussed LEAA and all facets of its operations both from the national, State and local level at numerous meetings, conferences and conventions.

When you consider that the National District Attorneys Association is the only national organization in the country representing prosecuting attorneys with over 5,000 members, we feel we can speak with confidence on the matter before this committee.

We wholeheartedly support LEAA and its continuation with some modifications which I will talk about later.

I can say, without exaggeration, that, during the last five years with the assistance of LEAA, the prosecutors of this nation have made more advances and have done more to professionalize their position and office than the last 100 years.

The leap of prosecution into the 20th century is quite simple—money was made available. States and local units of government are extremely reluctant to spend money on law enforcement. As we know, it is one of the first items pared in any budget.

The continuation of LEAA is essential to avert a national crime control crisis. There are literally thousands of programs that are LEAA funded which would terminate if LEAA terminated.

All national commissions that have studied the crime problem agree that the prosecutor is in the most favorable position to bring about needed change and coordination among the various law enforcement and correctional agencies in any community.

The proper exercise of prosecutorial discretion can be the single most significant contributor to the improvement of the criminal justice system, for it is the prosecutor who sets the whole tone and pace of law enforcement in the community.

In many jurisdictions throughout the country, however, the potential of the prosecutors role is not realized. As caseload volume and the complexity of litigation have grown in disproportion to the resources available to him.

The prosecutor has been confronted with increasingly complex problems of policy and management. He is often handicapped by a lack of national standards on law enforcement policy and by antiquated management techniques. He is notoriously underpaid and understaffed. As a result, where he might be the catalyst for improvement of the criminal justice process, he is often just one of its many obstacles.

The LEAA program represents a source of enormous help to prosecutors all across the country. It takes two major forms. One is for grants for improvement of the operations of prosecutors' offices. The other is technical assistance to help improve current operations or prepare the foundation for better ways of doing things in the future.

One major source of assistance has been The National Center for Prosecution Management, now a little more than a year old.

The National Center for Prosecution Management was established by a grant from LEAA, and its sponsors are: The National District Attorneys Association, The National College of District Attorneys, and The Institute for Court Management.

The national center is designed to assist prosecutors throughout the Nation. By evaluating the quality of prosecution. By modernizing the offices of prosecutors. By improving their relationships with other criminal justice agencies.

Statistical tools for program improvement and evaluation of prosecutors' offices also have been a priority for the national center. There is a great demand from the prosecutors for such help.

The center has or is to visit 54 offices to do problem identification studies under a technical assistance grant. The manpower of the center is seriously overtaxed in trying to accommodate these requests. The center has had to set a policy that any office, with less than five prosecutors, cannot be individually studied. See exhibit A. The center has, as of this date, participated in 15 State prosecuting attorneys association meetings in conjunction with their educational programs. See exhibit B. The center has published three major works dealing with a prosecutor's office. Exhibits C, D, and E.

One on measuring the flow of cases, another on measuring the capacity of a prosecutor's office, and a third on evaluation of the processing of cases.

Though the national center has been in operation only a short time, these basic concepts already have been adopted, or soon will be, in such major cities and urban areas as Denver, Detroit, Fresno, Montgomery County, Maryland, Houston, Des Moines, Jersey City, Nashville and Camden.

The national center is involved in the production of more manuals for prosecutors and in addition is furnishing a substantial amount of technical assistance through onsite teams.

The four manuals to be developed will deal with rural prosecutors, diversionary and screening programs, pretrial programs, budgets and management information systems.

The most appealing part of this whole undertaking is that the changes or procedures recommended by the center do not require large outlays of money. Such outlays discourage implementation. Many of the recommendations require no money whatever.

We are not selling hardware. On the contrary, most of the prosecutor's problems can be solved or aided without the assistance of computers.

Another source of substantial aid for prosecutors is The National College of District Attorneys. LEAA has awarded some $860,000 to the college that has enabled it to conduct five month-long career prosecutor courses since 1970. In addition, a series of short training seminars are held annually at sites throughout the Nation.

In all, some 2,000 prosecutors have attended the college's various academic programs.

The month-long career prosecutor courses are held each summer at the University of Houston. It is designed for prosecutors who are planning a career in the field.

The course covers a variety of important subjects—ranging from the role of the prosecutor's office with other criminal justice agencies to trial practice to such matters as organized crime and consumer fraud.

In addition to courses and seminars the national college provides a number of other services to prosecutors.

The college has been so successful in its summer courses that a new type of training program will be instituted this year. A 2-week executive advanced course opened only to seasoned prosecutors who are career men will be held in Houston this year to enable top level prosecutors to discuss, in depth, criminal justice problems and matters and try to seek solutions. We like to feel that the National College of District Attorneys is our "West Point."

One of the most important results of LEAA funding has been the creation of a new State function we call the prosecutor training coordination and technical assistance unit. Despite the long title, the aim is simple: To provide local prosecutors with all the help possible, and to do it on a statewide basis. Today, some 33 such State units are in operation throughout the Nation.

We further encourage those State units to seek legislation for funding purposes and not to depend upon LEAA or block money. Two States—Michigan and Tennessee—are formed under this principle. Every State having the benefit of such a unit has made giant strides in the education and professionalization of their prosecuting attorney.

Because of this, we are developing a new idea concerning technical assistance requests. We are proposing, to LEAA, in the very near future the concept of training members of the State prosecutor training coordinator units to perform those services now done by the national center. Interns who would be attorneys or management personnel from the State units would come to Washington, D. C., and train under the supervision of the center for about 6 months. They would then return to their States to handle the management problems of their States. The first few times out a center representative would accompany him and then the individual would be on his own.

One of the hallmarks of the LEAA program and prosecutions has been the development and support of innovative projects for prosecutors' offices. And I stress the word "innovative."

In this area of criminal justice, heavy workloads are a fact of life. And LEAA has been determined to give every assistance possible in helping us find ways to handle those workloads and still do a much better job.

One of the new tools provided by LEAA is a computerized management information system called Promis.

The Promis system was developed by Joan E. Jacoby who is now the executive director of the National Center for Prosecution Management, and Charles Work, assistant U.S. attorney for the U.S. attorney's office in the District of Columbia. Developed under a $290,000 LEAA grant, the system was put into operation in the District of Columbia and led to a 25-percent increase in convictions for certain types of serious misdemeanors. The plans for the system have been made available to prosecutors throughout the country. The National Center for Prosecution Management and LEAA are now assisting several major cities to install this system in their prosecutors' offices.

As you can see, we have not been idle.

I have not had the opportunity to read the proposed legislation; therefore, I cannot comment on it with any degree of familiarity. However, I would ask this committee to consider some of the following points:

1. We would recommend the incorporation into any new legislation a special section just for prosecution similar to that which was incorporated in the present legislation for corrections.

2. We feel that an increase of monies for discretionary programs is an absolute must. This area of Federal grants, in the present legislation, is badly lacking in sufficient money to do the job. We feel more can be accomplished with one sensible national program than 100 small programs. There is tremendous duplication of effort, research, time, and money in many of the individual State projects now. I find that people are amazed that their idea is not original. I feel it is more economical, faster, and more intelligent to obtain a variety of views and procedures rather than developing a narrow, local or provincial plan.

3. I am against a revenue sharing approach unless there are some safeguards built into the plan. I think it is wishful thinking to feel that this money is going to go for law enforcement. In most cases it is going to go to defray general operating expenses or roads and bridges. The money, if used for law enforcement, will act as a substitute instead of a supplement to existing local expenditures unless safeguards are incorporated into the legislation.

4. I do not feel that comprehensive plans must be compiled on a yearly basis. I believe every three years would suffice. Due to the handicap that many State

planning agencies operate under: namely, inexperienced or inept personnel, LEAA should reserve the right to refuse or limit funding of State plans if they do not meet specific standards. I have found in many situations staff philosophies and petty politics determine what is incorporated or funded under a State plan. I see nothing wrong with requiring responsible spending of taxpayers' money.

5. There should be a requirement that 15% of the bloc money should be spent in the prosecution area. Prosecution is always placed in the category of courts as well as defense services. Although 1973 was a better year under the allocation of LEAA money for courts services—I believe it is up to around 14%—if you were to have a detailed analysis of this percentage and money, I believe that you would still find prosecution receiving only about 4%. Considering the function of the prosecutor, his office and its effect on the criminal justice system, this percentage is disgracefully low. One way to cure this defect is to require a percentage allocation in this category.

6. To make sure that local units of government—State, county, and municipal—make a firm commitment to upgrading the justice systems in their community, the match requirement should be retained. If it is not, they will consider it a financial windfall and use the money to substitute for services already being performed instead of using the money as a supplement.

7. The match requirement for discretionary funds, on the national level, should be discontinued. It is extremely difficult—in fact for us absolutely impossible—to raise hard cash match for any grant. We have not been successful to date and the future does not hold that much of a promise either. Considering the value of national programs by national organizations which can disseminate findings, recommendations, and changes to its members, this is money well spent.

I hope my remarks have assisted this committee in its difficult task ahead since it is undertaking to address itself to the problems on the minds of everyone in the Nation: crime, safety, and the well being of its citizens.

If I can be of service or assistance to this committee, I would be delighted to do so. Thank you again.

NATIONAL DISTRICT ATTORNEYS ASSOCIATION BOARD MEETING, THE BROADMOOR, COLORADO SPRINGS, COLO., DECEMBER 1972

RESOLUTION

The Board of Directors of the National District Attorneys Association, at its meeting in Colorado Springs, Colorado, on December 1, 1972, unanimously adopted the following resolution:

Whereas, on January 2, 1971, the Congress of the United States of America amended Section 520 of Section 7, Part F of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, by allocating for the purposes of Part E of said Act, relating to Grants for Correctional Institutes and Facilities, an amount equal to not less than 20 per centum of the total amount allocated under Part C of said Act for general programs, in the Fiscal Year ending June 30, 1972, and in each Fiscal Year thereafter; and

Whereas, in the Fiscal Year ending June 30, 1972, the State Planning Agencies of the various states allocated only a mere 2 per centum of the total funds available for general programs under Part C of the Omnibus Crime Control and Safe Streets Act for prosecutive activities; and

Whereas, the Prosecuting Attorney for the county or district has almost exclusive responsibility for the prosecution of criminal cases in the entire county or district, and neither the State Attorney General nor the City Corporation Counsel, who prosecutes ordinary ordinance violation cases, plays a significant role in the routine prosecution of serious offenses; and

Whereas, the National District Attorneys Association recognizes that continuous improvement of prosecutorial systems is required to be able to justiciably dispose of the increasing and surmounting criminal caseload of the judicial systems of the United States; and

Whereas, the prosecutor of the various jurisdictions of these United States is the leader of law enforcement in the community and is expected to participate actively in marshaling society's resources against the threat of crime; and

Whereas, with the exception of a few prosecutors' offices, most lack adequate funding necessary to meet the burgeoning crime rate, nor can most prosecutors

fund the professional and technical positions required for the administration of a modern and efficient office ensuring justice to all parties who become involved in a criminal proceeding; and

Whereas, without a substantial increase in participation from the Law Enforcement Assistance Administration by allocation of a greater share of available funds for the furtherance and betterment of prosecutorial objectives, the most important and key member of the criminal justice system will be rendered into a untenable position; and therefore, be it

Resolved, that the Omnibus Crime Control and Safe Streets Act, be amended, directing the Law Enforcement Assistance Administration to allocate a minimum of 15 per centum of the available funds of said Act for the advancement of prosecutorial activities and the purposes related thereto and objectives thereof.

Unanimously adopted by the Board of Directors of the National District Attorneys Association, here at Colorado Springs, Colorado, this 2d day of December, 1972.

CAROL S. VANCE,
President.
JOHN J. O'HARA,
President-Elect.

Attest: PATRICK F. HEALY,
Executive Director.

Chairman RODINO. Our next witness is Mr. Earl Phillips, formerly executive director of the high impact crime program.

Before hearing Mr. Phillips, I would like to inquire whether Mr. Frank Jones is present.

Mr. HARTMAN. I am Marshall Hartman, representing the National Legal Aid andDefender Association. Mr. Jones will not be here today but I am testifying on behalf of the organization. I am the national director.

Chairman RODINO. Do you have a prepared statement?

Mr. HARTMAN. Yes, I do.

Chairman RODINO. Thank you very much. We will look forward to hearing you after Mr. Phillips.

Mr. Phillips, I am delighted to welcome you here, both as a friend and as a constituent.

You are one who I know has been interested in the problem that we are dealing with, especially law enforcement assistance, especially from the point of view of the position you held. I appreciate your taking the time to come here to give us the benefit of your views concerning the current administration proposal, and the working of LEAA under the present system.

I note that you have a rather lengthy prepared statement which has been given great thought and surely represents a great deal of effort. Some of it, I see, deals with the background of some of the developments that occurred during your time as director of the program in Newark. That, of course, is of interest to us because it shows how the system has operated. I was wondering, however, whether you might summarize some of that material. Your entire statement, of course, will be included in the record.

TESTIMONY OF EARL PHILLIPS, FORMER EXECUTIVE DIRECTOR, NEWARK HIGH IMPACT ANTICRIME PROGRAM

Mr. PHILLIPS. You would like me, Mr. Chairman, to summarize the background information.

Chairman RODINO. Yes. Some of that background that you make reference to here quite elaborately. And at the same time, please do

give us in full your views regarding the present administration proposal, which I think is most important to the consideration of this committee.

Mr. PHILLIPS. I think it is important for the committee to read it in its entirety at another time. And at your leisure I would recommend strongly that you do take the time to read the background data that I have pulled together for your information, regarding the birth of the LEAA high impact anticrime program in the United States.

Very briefly, the program came about as a result of unspent discretionary moneys that were available for cities throughout this country. And eight cities were selected to operate the high impact anticrime program, Newark, N.J., being one of those eight cities, and I being one of the executive directors of the eight city programs.

How the program came into being is all a matter of record here in my written testimony. The program is spelled out, but I think—you should be aware that it was a stranger-to-stranger crime goal, trying to make for reduction of crime 5 percent in 2 years and 20 percent over a 5-year period of time.

The stranger-to-stranger crimes that we are talking about center primarily around homicide, rape, and robbery, as defined by the Uniform Crime Report standards.

The program in its inception was given a responsibility by LEAA and SLEPA (The State Law Enforcement Planning Agency) for New Jersey, given the responsibility for developing a programmatic thrust.

It was stated over and over that the city, and in this case it would be the impact staff, would be responsible for developing this function, and that the State planning office and the LEAA regional office would play a monitoring and evaluating role.

I just might add here that the staff make up (I think this is important to my testimony) consisted of a psychologist, two attorneys, a certified public accountant, a social psychologist, a city planner, a criminologist, a systems analyst, a community research expert, and four secretaries. Here, this group of experts, if you will, attempted to pull together data to determine the causation of crime and how one would then go about trying to make for this reduction that was mandated by LEAA and the State planning agency.

Once we developed a plan of operation we then recognized that the plan that was going to be developed would involve creating and integrating comprehensive plans for each functional area of responsibility. Those functional areas of responsibility were broken down into a prevention-detention apprehension for police, a juvenile delinquency section, a narcotics section, an adjudication and a corrections rehabilitation, and most importantly, a reintegration section.

The process of the plan itself involved the definition of the problem, problem dimensions, operating objectives, data collection, analysis of need, alternative solutions of programs, and project selections.

We then recognized, as stated on page 8 in my testimony, that we were going to have some problems with the program, not just in Newark, but throughout the country. We began to communicate with other impact directors in the country and we found there were a great many inconsistencies that were taking place throughout the country in these programs.

And after a number of national conferences and meetings with other directors and LEAA officials, we then recognized that it was going to be necessary for the impact directors to come together and try to deal on a uniform basis with each other, to have an exchange of ideas, an exchange of program plans, to try to really gain as much knowledge as possible for each other. We found out that were we not able to receive this kind of information from LEAA and from the State planning agencies.

I guess the unfortunate thing that we recognized was that the flow of information from LEAA was just not taking place. We were not receiving the things that we were looking for. The guidelines had been spelled out initially, but very loosely. And it was made very apparent, as I stated in my written testimony, at this point, that it paid to be close friends with the regional office, doing just as they would suggest, or you would find yourself having great problems in getting programs approved.

The first chairman of this group, who happened to be from Baltimore, Md., very mysteriously resigned the directorship of the local program. No one seemed to really find out what the problem was, and he was sort of not at liberty to divulge this information to us.

This individual, by the way, was a lawyer. We knew that he was a very strong-thinking preventive-program person and it seemed that the State law enforcement planning agency there in Baltimore was very strong in terms of police programs and also programs that would be controlled and run by the State.

Once he left, however—and I understand he has been given a consulting job to handle this evaluation process of all the programs—then the program really went more or less into Federal and State hands.

Most of the programs were then designated for State funding and for State operation and county operation. The next elimination came in Atlanta when the director there was asked to leave due to a conflict. It was also a very mysterious kind of happening, one day he was there and the next day he was not. We were told by the State planning officials at LEAA that there just was some kind of conflict that could not be resolved.

We later found out that here again, another individual had some very serious concerns about the direction that the program was taking, and once the State planning agency recognized this and found that there were not the kinds of controls there that they wanted to have with this individual, he was removed from his position and an individual who had been a former State planning agency official then took over that program.

After a preliminary draft of our plan was submitted to LEAA and returned, corrections and additions were made, the final draft of the comprehensive plan was then completed. It was then forwarded to LEAA and our State planning agency.

We then found out that we were going to be having some very serious problems with the revised plan. At that point, the State planning agency head, Mr. John Mullaney, and the regional director of LEAA, Mr. Joseph Nardozo, called for a meeting with Mayor Kenneth A. Gibson and advised him that the plan was not acceptable to them. They would refuse to give him anything in writing, spelling this out,

but stated that the plan just was not an acceptable plan. And further, that they felt they were having some problems with the director; that they felt that the director could not handle the job, again refusing to give him (the mayor) any specifics.

They then made an ultimatum to the mayor and stated to him emphatically that if he did not ask for the resignation of the director and the deputy director, who was also my general counsel, then they would see to it that the $20 million that was designated for the city of Newark be rerouted and sent to another city.

You can see really the pulling together of all of that information in appendix I, the prepared statement that the mayor had made to the press. That is attached to my testimony.

At that point the mayor proceeded to make necessary calls to Washington to talk to LEAA officials, who in turn stated to the mayor that really the regional office was the controlling factor in this as well as in most situations.

We had already recognized this, that the powers that be in Washington, at conferences, would never take a stand; if a question was asked they would never deal with it positively and effectively, but they would always say, "Check with your regional office."

So, at that point they informed the mayor that they were very sorry, but that they could not, in fact, assist him in his request. He then requested a hearing, at least so that the accused individuals would be heard. They (LEAA) flatly refused this. The mayor then, out of desperation, made a phone call to the Vice President's office, talked with one of the Vice President's aides, who stated that he (the aide) was at that point going to contact Vice President Agnew, which he did, and then he was going to get back to us in terms of setting up a time for some kind of a hearing.

The following day the mayor received a call from the regional office director, Mr. Joseph Nardozo, and was informed that Washington had instructed him to communicate to the mayor and advise him that this hearing would not be possible and that the mayor would have to do one of two things: Ask for the resignations or forfeit the $20-million program.

Still, at this point there was nothing given in writing. On page 10 of my testimony——

Chairman RODINO. Excuse me, Mr. Phillips. How long after you had been director was this resignation requested?

Mr. PHILLIPS. Resignation was requested in November of 1972. I became permanent director the latter part of May of 1972. The reason that they gave, Mr. Chairman, for asking for the resignation—and they never really explained it in terms of the deputy director—was that the plan had not been prepared soon enough.

But the other interesting thing in the whole picture was that there had only been at that point, out of the eight impact cities, three that had plans already approved. So the other cities were still in the firming-up stage.

The other key point here was that approximately 2 weeks before that we had a meeting with the LEAA and SLEPA officials in Trenton and a representative from Washington for that meeting with the mayor and we set up a series of sessions that each of our functional area people would have with their people.

In other words, our correctional person would meet with the correctional person from SLEPA and from LEAA to try to pull together the pieces.

We set these meetings up and then all of a sudden we got a call from our regional office stating that the meetings were not to be held at that point, and they would get back to us. Those meetings never did materialize, and the next thing that we heard from them was that they were asking for the resignations.

Page 10—and I won't read all of this, but page 10 will spell out for you, and parts of page 11, which I would like you to read—basically, parts of my letter of resignation to the mayor and reasons for same.

A press conference was held and there were some 75 or 76 telegrams sent to the mayor from various organizations and individuals requesting that the resignation not be accepted, but at that point we did not want to take a chance of losing the $20 million for the city and we—my deputy directors and myself—did resign—as we have stated—under pressure.

It was very apparent at that point that the disease of discrimination, as far as LEAA and the State planning office was concerned, was far from being overcome. As I stated in my letter of resignation, "racism still rides high, whether it be racism of color or racism of background."

And I might add here, perhaps if I was more police directed rather than social science oriented, we would still have a director. Perhaps if we had remembered our place in the system and planned only with absolute direction we would still have a director. And I think that was very, very true. And that, primarily, was the key concern in the whole situation.

We had begun to really speak out on specific kinds of things. The power that be would have seen us put more money into police-type programs rather than into community-oriented programs. And at that press conference, these were the reasons. And I would like to read these for your information.

The reasons that were expressed at that time for the LEAA and State officials asking for the resignations:

First, the program took a preventive rather than a police type approach, and because members of the community had been and would continue to be totally involved, a New York Daily News article dated November 17, stated that a U.S. Justice Department official said, "His proposal far exceeded the scope of the program because he tried to cure all of Newark's social ills with the money," the source said.

Second, a definite pattern was continuing and has continued to be across the Nation of Federal and State authorities establishing total administrative control of impact programs—St. Louis, Cleveland, Baltimore, and Atlanta already under tight control.

Third, since the Executive Director's Council was becoming stronger—and I might add that I had been elected chairman of that Executive Director's Council for the United States—and now beginning to ask pertinent questions and make demands of LEAA to perform its duties, there was a definite aura of fear, with myself as chairman of the group.

Fourth, the displeasure that I had expressed to the State law enforcement planning agency regarding a contract that had been

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signed between SLEPA and the Institute for Court Management in Denver, Colo. for the sum of $9,380 to design a program for the reduction of the LEAA adjudication process in county and municipal courts, to be implemented with Federal funds, and the very brief, approximately 15—and I think that is saying too many—pages report, was of no value to the staff of impact.

And I expressed great concern over the State spending impact moneys before the director or the staff was hired. This was done before I came on as director. And I think if you will see appendix II, which is attached to my testimony, you will find that there was a waiver given by the State so that they would give this contract to a special group or individual.

There was a waiver of advertising, so that they could give this contract to that particular consulting firm.

The fact that I was speaking out about the lack of Spanish-speaking persons in any leadership positions in LEAA in State planning agencies, constituted a threat to the existing order also.

I might add here that there were no black and Spanish-speaking persons at all in the State planning agency in New Jersey, and there were two minority members at the regional office, one black and one Spanish speaking, both of whom were not in decisionmaking positions at all, and both of whom had police-type backgrounds prior to coming with LEAA.

Even more glaring was the large number of police-type individuals in key positions in LEAA, with the specific absence of social service-oriented persons.

Seventh, too much money would be going to community groups rather than to already existing Government agencies. And this was a very, very serious concern that they expressed to us.

A serious concern was raised as to local control of moneys rather than Federal control of dollars. The reason that it was given, as I stated before verbally to the mayor, was due to the alleged lengthy period of time it had taken to prepare the plan.

The other reason that they gave verbally at that time was that they felt at this point that the director may not be able to administer the $20 million program. And there was no justification for that.

Another problem area that came up that I had expressed very serious concern about, and that I would like to bring to your attention, was the TASC program, the treatment alternative to street crime. You probably are aware of what the TASC program is.

Let me just refresh your memories if you are not aware. This was a program that was working closely with LEAA through executive pressure, I might add, from the President's office, and had forced its way into the planning and operating component of each impact program.

This program was a drug program being promoted by the Special Action Office for Drug Abuse Protection, which they called SAODAP. And the members of the executive director's council had discussed this program throughout and had serious problems with it but the regional LEAA offices made it known that they wanted this program funded in each one of those impact cities.

There had been a move afoot to get these funded and operational before the last election in November. There were visits made to the

cities really pushing and trying to get things done, trying to get the paperwork completed so that they could have the public announcement that this program was going to be funded, and that it was being funded at the insistence and assistance of the Nixon administration.

The objectives of the program were to reduce the target crime rate among drug abusers, to reduce drug abuse among target offenders, to divert drug abusers from the criminal justice system into a treatment system in order to interrupt the revolving door phenomenon, providing an alternative to current detention and sentencing modes.

Operationally, an addict would move from arrest for drug addiction by an interview. A urinalysis is done through a Frat machine. Data then goes to the judiciary, prosecutor, and defense attorney. If the person is then diverted to the TASC, detoxification follows.

The next step is evaluation by a diagnostic unit and referral to a treatment modality. Part of the treatment or medical services are chemotherapy or methadone maintenance with a centralized pharmacy.

It was here that we had serious problems. The question was raised re: The reaction of the community accepting methadone as a viable maintenance to be used. SAODAP made it clear that no option was going to be given and key persons from Washington visited Newark and held meetings with members of the criminal justice system to "sell the package."

The agency in Newark to handle the program was the Addiction Planning and Coordinating Agency and New Jersey State Health Department with the State agency being in control of the dollars. If one was to check each Impact city, you would find plans under way to incorporate that program within the overall thrust.

After leaving the agency it was made very clear, through various documents, letters, memos, et cetera, that the move to have me replaced was by design and it was racial in nature and I was seen as a real threat to the continuation of "business as usual."

In terms of my staying and in terms of performing adequately, an example is a letter dated October 13, 1972, which I was able to obtain from the Regional Director of LEAA to the SLEPA Director, and on page 2 of that letter, which I have a copy of here with me, it is stated—this is from Mr. Nardozo, Regional Director.

> I believe that the Plan is salvageable. Certainly the laughingly called "supportive services," is incredible. PRIDE, Incorporated, which is a predominately Black organization here in the District of Columbia, can demonstrate to all concerned the folly of this approach, and so can the GAO auditors who checked the books.
>
> Aside from folly it is my judgment that use of funds for such a purpose is not authorized by the statute.

And then if you will see at the bottom of that, there is a handwritten memo from Ernie Milner, where he is endorsing and being supportive of this type of document.

Once the interim director came on board he came on board with the express purpose or for the express purpose of them developing a brand new plan since the plan that we had pulled together was not an acceptable plan.

On March 27, 1973—and you have a copy of that letter attached—see appendix IV—LEAA provided Newark anticrime program with approval for the plan. It is, however, of even greater interest to note

that the plan that was not acceptable to LEAA and SLEPA in November of 1972 is now acceptable in March 1973.

What I am saying to you—and I have documented proof. I have gone through both plans, our plan and the new plan. Every single program that was in my plan has been incorporated in the new plan. Every single program. There is not one program that is any different. The only differences in those two plans are that they have totally removed the community component out of the plan that was made in 1972 and incorporated those programs under other areas, and they have totally removed the juvenile delinquency component and put those programs in other functional areas of responsibility.

And the only other change that they made was that they changed the names of some of the functional area. Instead of having police and courts and narcotics, they now call it adjudication detection, prevention, and apprehension.

And as I stated, all the juvenile delinquency programs have been incorporated.

You will note that the 1973 plan, which is the new plan now, is under the auspices of the county. There are four programs that will be controlled by the county; two programs controlled by the State; one program that will be under judicial control; and 22 programs that will be under municipal control, but the interesting point is that out of the 22 programs that will be under municipal control, 13 of those programs will be controlled by the police, that is the anticrime units programs we had designed where community folks would be involved.

In working closely with the police departments in setting up programs and in setting up black watcher organizations, et cetera, things would have brought together for a more harmonious, closer working relationship between police and community—those programs now are going to be controlled solely by the police.

Chairman RODINO. Mr. Phillips, I am sorry to interrupt, but in order to get to some of the specifics concerning the present bill and the proposal by the administration and because of the experience that you have undergone, I would like to address this question: How do you feel the present bill addresses itself to the problem that we experienced in Newark regarding plan approval by the State, where you feel that the difficulty did occur?

Mr. PHILLIPS. When that program came into being, they talked about, interestingly enough, a new kind of federalism and one talks of the concept of new federalism and how the move has been made to bring the operational programs closer to the hands of the people.

And I would say to you that the new federalism was tried out with the impact program. Those in the Justice Department expressed from the onset the ability for the impact city teams to be creative, innovative, and all of the other jargon that we found out later really deceived us.

When the time came to be creative and to use community groups and to attempt to bridge the law enforcement with the community, and to put the fellow who was incarcerated into a position of learning while he is in jail, to make for a better life once that individual is

released, when action begins to move in this direction, and then you learn that programs are not acceptable, for various reasons, none of which are really justifiable, it is then that you realize that the concept of new federalism is inconsistent with the Federal Government and what they did in the Newark impact program.

It is then that you realize that that interoffice memo that I referred to in the appendix demonstrates the kind of thinking and assistance that you could expect when you tried to fight the cause of crime reduction in the Nation. It is only then that you realize that that new federalism, without Congress insuring its effectiveness, is really just total control of the people.

And when you talk about the present revenue sharing programs which, by the way, people are really, really concerned about when you talk about the special revenue sharing for municipalities and Federal categorical grants, the States and localities would then have the authority to decide how to spend the Federal funds received for the purposes spelled out in your H.R. 5163.

I am sure you are aware of the opposition by many minority and community groups and also a growing number of State and local officials, to the loosely controlled legislation in Congress to control and guide the expenditures of these funds.

The Urban Coalition in Newark completed a study recently that showed that some mayors have expressed very serious concern that they would receive the same amount of money or possibly even less for special programs like the anticrime program. And a process that they currently complain in large part is Federal responsibility.

They feel that here they are going to have less money for these programs and yet be forced to assume total political responsibility for the local allocations.

Chairman RODINO. In other words, Mr. Phillips, you are suggesting that under the present administration proposal, the city of Newark, the subject of much discussion and concern because of its alarmingly high crime rate, really would not, with this no-strings-attached philosophy, be able to deal with the question of crime as effectively as it should. Is that correct?

Mr. PHILLIPS. That is correct. The President has repeatedly emphasized that his budget is designed for slow inflation to avoid tax increases and revamp the Federal grant system and to shift more the burden for public policy and decisions to local and State governments.

I seriously question at this point if the private sector and the public sector is really willing or at this point, able to do these kinds of things. That is why I think that the legislation that comes before this body, your H.R. 5613, must be evaluated very carefully, as you are doing, to insure the proper safeguards for the public, who may not at this time be prepared or even willing to handle the run of problems that affect our national growth and continued existence, without proper guidelines and controls both for the Federal authorities as well as for the State and local officials to follow.

I would like to get into my views on H.R. 5613 and its limitations. It is just a couple of pages but I think it is important. I do have a copy of H.R. 5613 and I have gone over it extensively.

After reviewing with great interest the bill, it becomes very apparent that Congress must deal, first of all, with the very fundamental question of continuation of funds through H.R. 5613, to aid local, State, and Federal support of programs designed to enhance the law enforcement duties and responsibilities for our Nation.

I would hope that Congress will see the need to consider continuation of funds, but I would express the hope that in doing so more definitive guidelines would be established to make for a clearer explanation of the role of both the State and the Federal Government.

Then he goes on to say that "to allocate $1.2 million for establishing a junkyard to hire ex-prisoners, enthusiasm displayed by Mr. Phillips and his staff will, with the proper direction and assistance, set the plan right. I think that a tripartite crash approach is essential at this point."

Now, to see a better understanding of an example of the lack of understanding of LEAA officials, the people that we dealt with on a day-to-day basis, who made determinations as to whether the program should go or should not go—look at appendix III and you will see also at the bottom of that appendix is a letter to Harold Damon, associate director of the State planning agency, who by the way, is the individual who was brought in as the interim director of the LEAA program, the impact program, after I left.

And the memo to Harold Damon was written by Milner, the State LEAA representative. And you will notice in that memo reference is made by the individual who was reviewing our correctional programs. He was the major person for LEAA. And if you look at that memo you will see he makes reference to the Ku Klux Klan, black organization (Pride, Inc.) in Washington, D.C., in a negative sense.

He makes reference to this one point, that this is not a plan and it is not a program, but it is a smattering of OEO-type debris, which is neither cohesive nor substantially powerful.

We can enter into long and thoughtful review about how our anti-crime programs under the law enforcement Revenue Sharing Act of 1973 can be defined and developed in order to make them more efficient.

While this is being done, because this is not spelled out thus far in H.R. 5613, the program progress must not be halted. Congress must, therefore, take action to see that the proper level of activity continues, while better and more exquisite guidelines are developed by the Justice Department.

We do need additional programs. We do need additional programs that will better educate those who are incarcerated. We need better programs to integrate police, community, and other components of the political justice system into a more meaningful thrust to reduce and even eliminate crime in our cities and towns.

We need to be more effective with our young people to provide greater opportunities, to deter them from lives of crime and violence. We should better adapt existing programs to the greater sophistication of criminals, who have in the past taken advantage of both State and Federal officials.

Congress has the responsibility to encourage State and Federal departments to form closer working relationships with community-based organizations as well as local governmental units.

H.R. 5613 should deal specifically with this. The bill as it is constructed now leaves strings untied, areas of responsibilty not clearly defined, and specific duties delegating where one goes when plans don't work, when plans don't work out as anticipated.

The bill should therefore be responsible for providing for a programmatic thrust that will make for more improvement. But there can be no improvement where there is no commitment to solving the problem. Congress can and must build this into legislation to prevent crime and assure the greater safety of the people.

If one is to look back in years past, one sees LEAA only using guidelines and standards as tools when it is necessary to accomplish benefits for the purpose of that particular Federal agency.

Countless times memos were sent to the field, only to find that next week previous instructions were changed for no apparent need.

The research arm of LEAA was seen by the police type as "outside." Controls were never given to the National Institute groups, and ofttimes staff persons from that Institute would express their dismay to LEAA officials, who truly did not understand what reducing crime was all about, unless you were discussing arrest procedures.

Many units of criminal justice planning throughout the United States felt that LEAA failed to give the proper directions and to provide the proper guidance to the States in receiving and evaluating plans and programs. However, in New Jersey, there was a very close working or dealing relationship with LEAA. Both the regional office and SLEPA were clear in their directions.

It is also of note to look at the staff structure, and I stated this before, the makeup of the racial composition there.

Part B in H.R. 5613, section 201, states that encouragement will be made for States and units of general local government to prepare and adopt comprehensive local law enforcement plans based on their evaluation of State and local problems of law enforcement.

Placing the planning in the Governor's body without having a check-and-balance system and legislative review of the plan and budget is, in my estimation, a mistake. It has already proven in some States that the Governor's office, and that is the State attorney general for the most part, does not necessarily make for workable programs.

We run again to the lack of persons who have a broad understanding of corrections, methods of eliminating crime, and the causes that never seem to be utilized. LEAA has developed across the Nation planning groups, but as of this date these groups still fail to fully understand the needs of the people in reducing crime.

And I would say perhaps that the reason for this is because of the composition thereof.

Part C, revenue sharing for law enforcement, section 301: If the Attorney General is to be authorized to make special revenue-sharing payments to States, perhaps the law then should spell out in detail the amounts of funds that should be designated for specific functional areas: Juvenile delinquency rehabilitation, adiudication, and the like. These should be just as important as the role of the police training and law enforcement education. And I would tend to think that it is not spelled out in this legislation.

And what you are going to find happening is that large sums of money will be going into police training, law enforcement education, and the like, where small sums of money will then be channeled into other functional areas of responsibility.

Section 308 will soon take the place of section 518 in the Omnibus Crime Control and Safe Streets Act. That is the nondiscrimination section. This section protects and insures nondiscrimination in any program or activity funded from the act.

This section is structured loosely in nature, without specifically spelling out the time that the Governor should have in securing compliance.

As you recall, all the bill states is that the Governor has the right and responsibility to insure this compliance, but it doesn't spell out how much time that individual should have.

It would be of advantage for this section to be more detailed. And I am talking about the role of the attorney general as well as the Governor, in terms of areas he should be carrying out as his responsibilities to assist the swift resolution of problems.

Your section 402, the National Institute: the Institute has always been a coverup for police-type programs being endorsed by LEAA. They would always be called upon to produce statistics to justify the need for a program. This would come about after they decided they wanted a special kind of program.

The National Institute had some fine minds. We would see them at national meetings in Washington from time to time. If only they could have been permitted to visit in the field and truly give of their time and their knowledge. Unless teeth are put into this section, it would be a waste of time and good manpower.

Perhaps here, under the National Institute, there should be developed an evaluation arm of LEAA. However, keeping it as independent as possible from LEAA. This, therefore, would be in conflict with your section 515, A and B.

Congress, in deciding this bill and its fate, should not initially be concerned with differences of opinion over the question of how crime can be reduced most effectively, but rather that the administration is abandoning fundamental commitments to social progress and unfortunately twisting the will and confidence of the people of our great Nation against meeting those commitments.

The issue, therefore, as you see it, or perceive it, is one of the mass of people who want to follow meaningful guidelines, share in the reduction of crime, help America to stand up again on its feet, allow each person to be able to walk the streets and say, "If you perceive this as worthwhile, then H.R. 5613 must be restructured."

But if our people are perceived by you as those who wish not to share in the Nation's abundance, as people who cannot solve and will not solve their own problems to improve life, and people who are not willing to work with State, local, and Federal Government, then and only then should the bill remain intact.

If those who shape this bill know anything about the people and the value of their involvement in planning and operating for our advancement, they cannot help but perceive that all elements must make for a whole and that the community, the criminal justice system,

all forms of government advancing together, is intrinsically tied together to accomplish the goal of assuring greater safety for the people.

Congress can then work to incorporate matters like prison reform, rehabilitation programs, improved court procedures, modernized police techniques and the like, if the legislation is clearly defined. Inclusion of citizens on all levels is surely a start in the right direction.

The National Institute can be designed to be a separate planning arm of LEAA, but a cross-section of thinkers, involved to act as a governing body.

Most importantly, the State plans are being reviewed by the legislative body to create better controls, with Congress acting as a check and balance. This to me is a must.

Mr. Chairman, I thank you for your invitation to appear before this committee and share with you my thoughts concerning H.R. 5613.

I thank you for your time and for giving me the opportunity to speak. For your attention I am most profoundly grateful.

Chairman RODINO. Thank you very much, Mr. Phillips, for a very detailed piece of testimony. We appreciate your experience as director of Newark's high impact anticrime program and the difficulties you encountered.

Certainly I believe that the committee will find your testimony very useful in getting at the heart of this problem. I, for one, of course, am deeply committed to finding a workable solution to this problem. I think we can both agree that the fundamental and basic thrust of LEAA was in the right direction, and that there is a need for Federal assistance. However, that need, I think, carries with it a commitment to insure that guidelines and goals are spelled out, to insure that the moneys are wisely spent and appropriately distributed to all the areas of criminal justice.

Mr. Phillips, I was particularly interested in your references to racism in the administration of LEAA programs. What can we in Congress do to assure that racial discrimination has no place in the administration of this program?

I am asking you the question. It is very broad but I wonder what comment you would have.

Mr. PHILLIPS. I think if one is to look at the process that is used by LEAA and your State planning agencies at this point in hiring of personnel and if one is to look at the backgrounds of these individuals—because you are talking about discrimination, not just in race discrimination, but you are also talking about discrimination in terms of background.

If you are not a police type, if you have not performed some type of job experiences in the past that were criminal justice-related, then you are not a knowledgeable individual and you cannot deal effectively with the problems that cause crime and make for reduction of crime.

And this was the thing that we recognized, that we were having a constant battle with the individuals. I think that Congress has a responsibility to make sure that you have the kind of cross section of individuals that our staff persons, and in meaningful kinds of roles, are doing the kinds of things that are going to make for a more integrated program across the country.

Because, once you get yourselves caught up in a situation where you are just dealing with people who are from one discipline, you are going

to find that there is going to be a kind of unanimity in thinking rather than a full, open exchange of meaningful ideas, when they sit around a table. And this was the kind of thing we experienced so often.

We would sit around the table with all police-type individuals. And I am not stereotyping, you understand where I am coming from, but I am trying to be as specific as I possibly can, so you can appreciate what I am saying. Once you sit at a table and you are out-numbered 10 to 1, and all of those individuals have had some kind of police experience, have been in law enforcement most of their adult professional lives—they see things in that specific with blinders on.

And you talk about the kind of meaningful corrective programs that are going to be doing things for people while they are incarcerated and they really don't understand where you are coming from and they can't appreciate the kinds of things you are talking about.

Chairman RODINO. In other words, Mr. Phillips, you are saying that it is not only the racial discrimination, but discrimination also of those programs oriented to police rather than corrections and rehabilitation and prevention and detention and things of this sort.

Mr. PHILLIPS. Exactly. And also the fact that in years past minorities in this country have not been in leadership positions in the law enforcement field. So, consequently, when individuals move from the active law enforcement field, into the criminal justice system, to work in planning agencies and your Law Enforcement Assistance Administration, you don't have those individuals who are Black and Hispanic in the top level positions, because they have never moved from the low ranks in the law enforcement field up to the higher ranks of operation in decisionmaking positions.

So you have a two-pronged thing here. And I think, you know, that we have a responsibility to really try to ensure that there are more minority individuals moving up in the ranks of the law enforcement services in this country.

Chairman RODINO. The National League of Cities and the United States Conference of Mayors, in testimony before us told us last week that it was their belief that the administration's proposed revenue-sharing bill did not guarantee either enough money or enough decision-making authority directly to the cities, particularly in the high-crime urban areas where the need, in terms of the crime rate, is greatest.

The administration's allocation formula, of course, has all the money going to the States purely on a population basis. Do you think that some sort of direct funding by LEAA to particular localities to take into account the crime rate plus population, would be in keeping with what you feel could do the job here?

Mr. PHILLIPS. Yes; I do, Mr. Chairman. I think that the impact anticrime program could have been an excellent beginning for this process. Here you find eight cities that were designated to receive specific moneys to do a specific thing to make for reduction of stranger-to-stranger crimes. So it is specific moneys being zeroed in, being sent into a city to do specific kinds of things with special kinds of guidelines.

I think if more of those kinds of funds are channeled into areas where you have high crime rates and you know that there needs to be additional moneys, and perhaps your State does not always see

this as being the case—that is the other fear that I have in terms of the State level being in the position to allocate those funds.

Many times you are going to find that the State politics are going to come into the picture and it is going to be reflective of the decisions that will be made by a handful of people on that State level, to channel those dollars into specific areas of responsibility.

And if this happens without the proper kinds of guidelines in this legislation I think you are going to find that you are just going to be channeling money down to the States and the money is just going to be going for naught.

Chairman RODINO. Mr. Phillips, those bells mean we have to go to the floor. There is a quorum call. I would like to ask one more question of you, however, before recessing, and then I would appreciate your returning at 2 o'clock.

That will give the other members an opportunity to ask questions.

The report of the Monagan subcommittee of the Committee on Government Operations made one finding in particular that I would like your comments on. Perhaps your experience in Newark can help us evaluate this conclusion.

According to the Government operations report: "A substantial amount of action grant funds have been allocated by States to projects which are not directly related to the criminal justice system * * * whose projects deal with unemployment, vocational education, and learning problems of children in elementary schools. All seem to go beyond the thrust of the Safe Streets Act and are eligible for funding under other Federal programs.

The diversion of LEAA bloc grant funds to these and other functional categories (*a*) frustrates the congressional purpose; (*b*) is unjustifiable in view of the obvious and direct needs of the criminal justice system; and (*c*) fragments Federal efforts in various functional areas.

That is the finding and conclusion of the Government Operations Committee looking into this.

I am wondering if you feel that that has any validity—since it seems to delineate what LEAA should do and what these programs do.

Mr. PHILLIPS. I think the statement is absolutely correct. I might add that initially, when impact came into existence, one of the first questions that I raised was: If the moneys that are going to be coming to those cities are crime-specific moneys to make for reduction of crime, and you have to use that money specifically for that purpose, we recognize in the social service field, many things that happen on the fringe of crime that would eventually be coming into the crime area.

How, then, can we deal with those things in the preventive manner before they get to the correctional matter, and you have to deal with that problem? We sat down and we talked about Federal cooperation.

I met with a Federal executive regional council, which is made up of representatives from HEW, HUD, at that time OEO, the Department of Labor, some seven or eight Federal agencies. Moneys were supposed to be channeled through this Federal regional council. Moneys were to be channeled from each of those specific agencies for things if we saw a need to have coattail programs, if you will, for specific purposes.

In other words, if we had a program that dealt with individuals who are not juvenile delinquents, but who lived in a community where we knew there was a high degree of juvenile delinquency, and we could stop these individuals before they came to that point then perhaps we could go to HEW and get moneys for special kinds of educational programs.

And it was that kind of program that we were going to work for. However, this never materialized.

Chairman RODINO. Thank you very much, Mr. Phillips.

We will adjourn until 2 o'clock.

[Whereupon, at 12:10 p.m., the committee was recessed until 2 p.m. this day.]

AFTER RECESS

[The subcommittee reconvened at 2 p.m. Hon. Peter W. Rodino, Jr., chairman of the subcommittee, presiding.]

Chairman RODINO. Mr. Phillips, I will now recognize my colleague from Michigan, so that he may address his questions to you. Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

Mr. Phillips, I was impressed by your testimony this morning, because you will probably disagree with me, but I thought it was a very able statement in behalf of the concept of revenue sharing, for the reason that you have been critical of the direction that you got from above at the Federal Government level; that there was not any opportunity for State and local input into this impact program.

Of course, the impact program is a discretionary grant program.

Mr. PHILLIPS. Right.

Mr. HUTCHINSON. And because it is a discretionary grant program, it is controlled from above.

Now, as I say, I was impressed that your entire testimony was critical of that whole approach and that you would tend to favor a much wider discretion at the State and local level. Do you think I unfairly state the gravamen of your testimony?

Mr. PHILLIPS. Yes. Yes, I do, Congressman. I think the thing that I favor is the structure of having the Federal Government play a partnership role with the State and with the local officials in any program. My criticism of the impact program was not based on the fact that I am opposed to the involvement of Federal officials, but rather I am opposed to the involvement of the Federal officials when the guidelines and the specifications are not there to direct and to assist as much as possible.

What happened with impact was a changing in the middle of the stream, of horses, so to speak. You found that one week there were certain kinds of guidelines; the next week those guidelines were changed for something else; the following week it was something else, which meant that you had to continually revamp, revamp, revamp.

We were not getting the kind of information from Washington that we should have been receiving.

Mr. HUTCHINSON. Don't you suppose that is the usual criticism that can be made of most Washington bureaucrats, that people back on the local level feel that Washington is always changing its mind, and so on?

Mr. PHILLIPS. This might be true but I think here you have an opportunity through this committee that perhaps can offset those kinds of things. Here you are in a position to develop a new law, or to remold the old Omnibus Crime Act.

You are taking testimony from a varied source of individuals and organizations throughout the country, so you are finding out all the pluses and you are finding out the minuses of the old structure. So this, then, puts you in a position whereby you can develop a new structure based on the kind of trial and error that has been taking place over the years with the existing program that you have now.

And I think it would be important for you to look at the things that have happened in the past, and then to use them as guides. I think it is extremely important for you to maintain that Federal responsibility.

Mr. HUTCHINSON. Thank you very much for your response.

Chairman RODINO. Mr. Phillips, I am awfully sorry, but there is another quorum call, and we will have to recess again briefly.

[Brief recess followed.]

Ms. JORDAN [presiding]. The subcommittee will please come to order.

Mr. Phillips, I understand that you have completed your statement, and the committee was in the process of raising questions with you regarding it.

I have had the statement before me and one question that comes to mind is: What specific outlines would you propose to the Federal Government to exercise its responsibility for the wise use of LEAA funds, if we are, in fact, going to go the special revenue-sharing route?

That is another quorum bell. The problem on the floor is that the Republicans are running out of witnesses who want to be heard on the bill; and so, in order to keep time going, we just have quorum calls. But did you get the question?

Mr. PHILLIPS. Yes, I did. I think, as I tried to outline earlier this morning, it is going to be essential if you are going the route of the special revenue sharing, for this committee, in dealing with H.R. 5613, to spell out very specifically and very pointedly in the legislation guidelines that are going to govern LEAA, or in this piece of legislation, the attorney general.

Ms. JORDAN. All right. Such as?

Mr. PHILLIPS. It is going to be necessary that the guidelines, once they are established, are going to be flexible. The problem we have had in the past was that the guidelines have been written in such a manner that you can really do just about anything and everything that one desires in the criminal justice system.

If the moneys are to be directed specifically in a functional area of responsibility, that legislation ought to so state. There ought to be a certain amount of money that is going to the States. A certain percentage should be for corrections. A certain percentage should be for juvenile delinquency. A certain percentage should be for narcotics, because if you don't do it that way, and you just have a broad overview and a general kind of "take it out of the pot; let's give it to the States," what is going to end up happening is that you are going to have lots and lots of law enforcement training, and you are going to have very, very little meaningful, positive kinds of programs that are going to make for reduction of crime.

I think the other key area of concern that you ought to really be dealing with is the causes of crime, No. 1, and the programs that are not so much correctional, but preventive.

We found, in all of the data that we pulled together in Newark, and going throughout the country, as chairman of the Council of Executive Directors of the Impact Cities—what we were finding out was that if, in fact, we were to put most of our energies and most of our moneys into programs that were geared for preventive measures, we would not have to spend all the money that we were spending on the correctional kinds of things, and also then go into spending money for a new courtroom, which they were calling an impact court, a municipal Impact court, which would deal with Impact crimes.

When we began to express and verbalize this in meetings with LEAA officials who had been going along a straight and narrow route all these many years, they began to oppose that. And they began to say:

> The thing that we want to do is to upgrade the police departments. We want to expand on services that the prosecutor's offices will be doing. We want to come up with more computerized mechanism in the police units. We want to put scanner machines into the patrol cars so that the police units can get to and from a point of destination much quicker, and that will cut down on the time that the policeman is out of touch.

These things are good, yes, but I think it is more important to deal with things in a corrective-preventive manner rather than just dealing with correction and then dealing with the individual when he goes into the institution. Then you have a heck of a thing to do when he goes into the institution, in terms of revamping him and reeducating him and getting him training.

Ms. JORDAN. We must answer the quorum call. We shall return.

[Short recess.]

Chairman RODINO. The subcommittee will resume.

The Chair would like to state that if there is another quorum call we will just have to assume that they are going to continue on with it, and there will be no purpose in having you wait on here, so we will have to adjourn until tomorrow morning.

[The prepared statement of Mr. Phillips follows:]

PREPARED STATEMENT BY EARL PHILLIPS

Mr. Chairman, distinguished members of the Committee on the Judiciary, please allow me to thank you for your kind invitation to appear before your committee to discuss the legislative proposals relevant to the Law Enforcement Assistance Administration (LEAA) and my views relating to H.R. 5613 and other pertinent matters.

My name is Earl Phillips and I reside at 555 Mt. Prospect Avenue in the City of Newark, New Jersey. I am a Psychologist by profession and have had extensive background and experience in the fields of Education and urban problems with special emphasis in programs that have affected our cities in the last fifteen years. I have been an Educator, a Psychologist with a State Rehabilitation Program, Director of a City Human Relations Commission, performed law enforcement work in Washington, D.C., Director of a local Urban League, employed with the Field Operations of the National Urban Coalition and until November 1972 was Director of a program in Newark—The High Impact Anti-Crime Program, funded through the Law Enforcement Assistance Administration. I am presently an Urban Consultant, working with Industry, Community based agencies and Government agencies in the area of urban improvements. It is basically from those experiences and those acquired with the Anti-Crime Program (April to November, 1972) that I wish to, for the most part, address you. It is from the

experiences with both the State of New Jersey Law Enforcement Planning Agency (SLEPA) and LEAA that I come before you to discuss pending legislation for the continuation of the LEAA organization.

BACKGROUND

Since you already know that the Law Enforcement Assistance Administration (LEAA) was created by the Omnibus Crime Control and Safe Streets Act of 1968 for the expressed purpose of improving the law enforcement and criminal justice system in our Nation, the principal means of fulfilling that task was and has been through various awards of grants to states, local agencies, colleges and some private research groups. These funds (the largest percent) are given to the states for action grants (otherwise known as block grants). Approximately 15% of LEAA's monies are awarded and these funds are given as "discretionary funds".

In years past, small amounts were provided for discretionary funds. However, in 1972 a very substantial portion of discretionary and research monies were channeled through a new initiative fight against crime called "The Impact Program".

Thus, on January 13, 1972, LEAA announced the selection of Newark as one of eight cities which would receive $160 million to be allocated competitively for reduction of specific crimes. The program, designated the High Impact Anti-Crime Program, had as its goal the reduction of target crimes committed in Newark by 5% in two years and by 20% in five years.

SELECTION OF CITIES

The Cities of Newark, St. Louis, Denver, Baltimore, Atlanta, Portland, Dallas and Cleveland were said to have been chosen as target cities because the highest proportion of crime victims live in cities. It was felt (and justly so) that the incidence of crime continues to increase significantly.

The first eight cities were communities with over 250,000 in population. The six cities with over one million in population were, therefore, not considered due to the limited funds available and feelings within the Justice Department that it was unlikely that a significant crime reduction could be achieved in the nation's largest cities. It was important to provide adequate resources for the program (as stated before about $20 million per city) so it was decided that eight of the fifty cities with populations between 250,000 to one million would be chosen. Selection was based on the following assumptions:

(*a*) Strong local administrative support could be expected.

(*b*) The program should have a broad geographic distribution.

(*c*) The greatest reduction could be achieved in those cities with the most serious robbery and burglary problems.

Therefore, based on these criteria, the aforementioned cities were selected.

The National Institute of Law Enforcement and Criminal Justice, the research arm of LEAA, was responsible for the overall design of the program and for the development of a resource document, *Planning Guidelines and Programs to Reduce Crime*, for the use of the cities that had been selected.

To assist the cities in developing their impact programs, a general analysis of the target crimes was made. Each city was to undertake its own specific crime analysis. The institute's effort was simply a suggested approach for crime specific planning. It is interesting to note from this point however that the "suggested approach" was one that was being "strongly" suggested to each city.

PROGRAM GOALS

It was made clear from the onset that all resources allocated to Newark's High Impact Program was to be expended on projects designed to reduce "stranger to stranger crime" and burglary. Accepting the definition as set forth in the LEAA Planning Guidelines Manual, "stranger to stranger crimes" were:

> "Homicide, rape and robbery, as defined by the Uniform Crime Reporting Standards, when such crimes do not take place in a social situation between relatives, friends, or persons well known to the victim are excluded".

In New Jersey burglary does not exist as a statutory offense and the related (more general) measure of breaking and entries committed was utilized.

The Director then (from May 1972) began the task of hiring the staff to administer the program, wrote a personnel manual, rented office space in the

downtown section of Newark (near the State Law Enforcement Planning Agency), completed an application for the Planning, Administration and Evaluation of the program which was submitted to LEAA and SLEPA in June 1972. The purpose of this application was one of support to the program in the establishment and operation of the overall program and it would further coordinate the allocation of all Impact action grants. Goals, objectives, activities and citing of the problems, accompanied by personnel data and projected cost data were included.

MANAGEMENT

The staff of each Impact program (as well as the Mayor of each city) was then given, by LEAA through its guidelines, the major responsibility for developing the programmatic thrust. It was stated over and over that this responsibility lies within the City. The basic data for planning implementation and evaluation was to be developed by the cities. The LEAA Regional Office and the State Planning Agencies were to play a monitoring and evaluating role.

THE BEGINNING

Our staff, which was made up of a Psychologist, two Lawyers, a Certified Public Accountant, a Social Psychologist, a City Planner, a Criminologist, a Systems Analyst and a Community Research Expert and four secretaries. Pulling together Data, we then began to see the job ahead of us based upon a researched assessment of facts highly pertinent and specific to Newark.

Thirty percent of our citizens live on public welfare, ten percent live in public housing projects. The work force of this major industrial/financial center is now comprised of over fifty percent commuters—the first such city in the country.

The inhabitants of this welfare reservation, we found, were expectedly poor, uneducated, unskilled and unemployed.

The same conditions which the Governor's (Hughes') Select Commission on Civil Disorders found to have precipitated the 1967 riot in Newark, we saw still in existence in 1972. Only now we found that the despare seemed more and more eased with drugs: alcohol, heroin, barbituates. More and more it was expressed in crime.

Widespread criminality—organized and spontaneous—is woven into the cultural fabric of Newark. Turn on t.v. or radio, scan a local newspaper, and one is inundated with crime stories. With numbing repetition, like a background of informational Muzac, we learn of the outrageous street assault, the indicted official, the juvenile drug bust.

We then realized, after careful considerations and review of all the facets of crime, a very basic fact. It was simply that these crimes can no more be lumped together for purposes of analysis than can measles and schizophrenia, or lung cancer and a broken ankle. As with disease, so with crime: if causes are to be understood, if risks are to be evaluated, and if preventive or remedial actions are to be taken, each kind must be looked at separately. Thinking of "crime" as a whole is futile.

And, as the President's Commission concluded in 1967, "To speak of controlling crime only in terms of the work of the police, the courts and the correctional apparatus, is to refuse to face the fact that widespread crime implies a widespread failure by society as a whole."

So now, after five years of generalized planning for law enforcement and the criminal justice system, we felt the Impact Program was announced as an eight city experiment. Insisting on crime-specific analysis (of five target crimes) the design called for *crime-reduction*, rather than institutional (or crime justice systems) improvement.

Of course such a program implied that the most effective crime preventative programs are known and can be implemented in Newark with some certainty of result. Unfortunately, this we felt, was not the case; and what was said in a multi-national context is equally applicable in our city.

The fact is that, despite the years of extensive and intensive study and research in many countries, the vital factors causing crime still escape unequivocal, positive identification. As already noted, for nearly every factor known to be associated with delinquency, from "broken homes" and mental deficiency to overcrowding, delinquent subcultures, child neglect and poverty, it is still possible to show at least as many young people subjected to such conditions who

do not commit crime as those who do. This is often true of combinations of factors too. The ingredients are often known but not their proportions, interrelationships or respective influences on the criminal event. (Fourth United Nations Congress on the Prevention of Crime and The Treatment of Offenders, Kyoto, Japan 1970 at p. 21.)

Thus, Impact began planning not merely for control, but for information as to the factors involved in crime. Heavy emphasis was placed on evaluation—both of individual projects and of crime-reduction programs as well—so that expert hypotheses could be tested and our knowledge of crime causation (or correlates) deepened.

Most importantly, Newark Impact aims were to create of this program, a cooperative venture of governmental, criminal justice, business and community interests; for without the involvement of all these people, it could not succeed. The advisory board appointed by Mayor Kenneth A. Gibson was reflective of all these groups. Furthermore, extensive neighborhood and family involvement was sought in the implementation of juvenile delinquency, corrections, narcotics prevention, diversion and treatment programs, as well as in the purely crime-preventative community programs.

The process of plan development involved creating, then integrating, comprehensive plans for each functional area of responsibility. Those areas as defined were:

Prevention, Detection, Apprehension—Community
Prevention, Detection, Apprehension—Police
Juvenile Delinquency
Narcotics
Adjudication
Corrections, Rehabilitation, Reintegration

The planning process included *Definition of the Problem, Problem Dimensions, Operating Objectives* for each program component, *Data Collection, Analysis of Needs, Alternative Solutions and Programs or Project Selections.*

For the first time we could see and feel as Mayor Kenneth Gibson did when he appeared in Washington to accept the award for the City of this program and stated, "For the first time, the City of Newark will be able to decide what its needs are to fight crime without worrying if those needs fit into specific federal guidelines." We received even sharper focus as to our mission with statements made by Jerris Leonard, LEAA Administrator, "it is not enough to apprehend more criminals and convict more offenders, as important as those things are. It also is vital to rehabilitate a great many more offenders than are being rehabilitated now in the nation's corections system." (LEAA Newsletter, Volume 2, No. 5). "The principal responsibility for crime control rests with state and local governments. Consequently, we see the Federal contribution as one of general assistance which enables state and localities to carry out their criminal justice responsibilities." (LEAA Newsletter, Volume 2, No. 3).

As we planned and developed we learned that it would not be an easy task to prepare a final document to attack our objectives. We soon realized as we moved forward that the freedom of planning would not last and rather a very firm "police-type" direction would be coming from the Regional Office of LEAA and through the State Planning Agency.

THE EXECUTIVE DIRECTOR'S ASSOCIATION

After a number of national conferences were held, the directors of the eight Impact cities decided that in order to better understand the information which was coming from our National office in Washington (it was more confusing than helpful), we would meet together, form an organization, elect a chairman and try to establish a meaningful flow of information within the eight cities. We recognized even a greater need for this when we did convene in Washington, D.C. and learned that the guidelines were being used by some regional LEAA and State Planning Agencies while others did as they pleased. It was made very apparent at this point that it paid to be close friends with the regional office, doing just as they would suggest or one would find himself having great problems in getting programs approved. The first Chairman (from Baltimore) very mysteriously resigned the directorship of that program. I might add here that he is a lawyer, strong thinking for preventative programs and opposed to programs being controlled by State agencies. Once he left (he now has a consultant job

with the agency) that program's control went into Federal and State hands. Helicopters were purchased and most of its monies are being channeled via existing State agencies. The next elimination came in Atlanta when the director was asked to leave due to a "conflict" between State, LEAA and the Impact Director.

At this point, I was elected Chairman of the Impact Director's Association for the Nation. We held one very productive meeting in Portland, Oregon without having any LEAA officials present. Needless to say the powers that be were quite upset. It was from this point that the Newark program began to receive unjust criticism from both LEAA and the State Planning Agency.

RESIGNATION

After a preliminary draft was submitted, returned to us and corrections and additions had been made, the final draft of the Comprehensive Plan was completed, forwarded to LEAA and SLEPA and without written comments, rejected with a request from Mr. Joseph Nardoza, Regional Director of LEAA and Mr. John Mullaney, Executive Director of SLEPA to Mayor Kenneth Gibson, to ask for the resignations of the Director and Deputy Director or lose the $20 million Impact Program from Newark (See Appendix 1 at end of Prepared Statement—"Gibson Says Choice Was Aid or Crime Chief").

A summary of the letter of resignation stated in part:

NOVEMBER 21, 1972.

DEAR MAYOR GIBSON: Regretfully and under direct pressure from the Law Enforcement Assistance Administration (LEAA) and the State Law Enforcement Planning Agency (SLEPA) and the threat of them withdrawing the $20 million Impact Program and placing it in another city unless I resign, I am submitting my formal resignation of my position as Executive Director of the High Impact Anti-Crime Program * * *.

With great advantages being displayed all around us in the suburbs we found the people of Newark living in a world of denied expectations. We knew then that we could not with our program cure all social ills, but we were convinced however that we could do a great deal to cope with that Grandfather of social ills—crime * * *.

Perhaps the most important thing often overlooked by our federal partners was the aim to make and keep this program as a cooperative venture, among government, all elements in the criminal justice system, business and community interests. To be sure we saw extensive neighborhood, family and agency involvement a must in implementing the juvenile delinquency, corrections, narcotics, diversion and treatment programs as well as all the crime preventative community programs so important to make for the reduction * * *.

We have attempted to use the real experts in developing this plan which the state and federal agencies so quickly cast aside—the people of this city, those victims of the crimes—they are the experts, not those many private consultants that are so often suggested for use by our federal and state partners * * *.

Perhaps the most important and glaring negatives that I see today lies in two issues. The first is a control of local monies by the Federal agency (LEAA). They will assume responsibility once I vacate my position and will develop their "plan of action," the second is the rejection of the plan that has been developed merely by saying to the City that it is not acceptable without reasons why the rejection. The question, then, that I would have to raise after looking at the other seven cities and seeing now three (including myself) directors change in five months and seeing more control being seized by LEAA is a very simple one. Is the new thrust now strictly a "Law and Order" approach? Do those who hold the purse strings see this as the only way to reduce crime? * * *

The mandate that was given to us could have been fulfilled and as Mr. Jerris Leonard stated. "High impact will involve all parts of the criminal justice system in each of the cities. While details will vary from city to city," he said, "there will be these common components: public education programs to inform citizens how they can better protect themselves and their property; * * * new programs to rehabilitate street crime and burglary defendants, with special emphasis on juveniles and narcotics addicts." It is very apparent that the diseases of discrimination in our nation is far from being overcome, racism still rides high—whether it be racism of color or racism of background. Perhaps if I was more police directed rather than social-science oriented, you would still have a director. Perhaps if we had remembered our place in the system and planned only with absolute direction you would still have a director. * * *

A press conference was held and it was expressed at that time the true reasons for the LEAA and State officials asking for the resignation. Those listed were:

(1) The programs took a preventative rather than a police-type approach and because members of the community had been and would continue to be totally involved. A New York Daily News article dated November 17, 1972, stated that a U.S. Justice Department official said "His proposal far exceeded the scope of the program because he tried to cure all of Newark's social ills with the money" the source said.

(2) A definite pattern was being (and has continued to be) established across the nation of federal and state authorities establishing "total administrative control" of Impact programs. (St. Louis. Cleveland, Baltimore, and Atlanta already under tight controls).

(3) Since the Executive Director's Council was becoming stronger and now beginning to ask pertinent questions and make demands of LEAA to perform its duties, there was a definite aura of fear with myself as Chairman of the group.

(4) The displeasure that I had expressed to the State Law Enforcement Planning Agency regarding a contract that had been signed between (SLEPA) and the Institute For Court Management in Denver, Colorado for a sum of $9,380 to design a program for the reduction of delay in the adjudication process for County and Municipal Courts to be implemented with Federal funds.

The very brief (approximately 15 pages) report was of no value to the staff of Impact and I expressed great concern over the State spending Impact monies before the director or staff was hired. I later found out that the director of this consultant firm was very good friends with members of the New Jersey Criminal Justice System (See Appendix 2).

(5) The fact that I was speaking out about the lack of black and Spanish-speaking persons in any leadership positions in LEAA and State planning agencies constituted a threat to the existing order.

(6) Even more glaring was the large number of police-type individuals in key positions in LEAA with the specific absence of social service orientated staff persons, e.g. social workers, teachers, psychologists, etc.

(7) Too much money would be going to community groups rather than to already existing government agencies.

(8) Serious concerns were raised pertaining to Local control of monies vs. Federal control of dollars.

The reason that was given (verbal at that time) to the Mayor for the requested resignation was due to the alledged lengthy period of time it was taking to prepare the plan (even though five cities had not been approved and only three had been approved at that date). The other reason was that "they" felt at this point that the director may not be able to administer the $20 million.

TASC (TREATMENT ALTERNATIVES TO STREET CRIME)

Another point of importance that should be mentioned here is a program that has worked very closely with LEAA and, through Executive pressure (the President of the United States) has forced its way into the planning and operation component of each impact program. This program (TASC) which is a drug program is being promoted by the Special Action Office For Drug Abuse Prevention (SAODAP).

Members of the Executive Directors Council had discussed this program's thrust and had serious problems with it but the Regional LEAA offices made it known that they wanted this program funded in each city. There had even been a move afoot to get these funded and operational before the last election in November.

The objectives of the program were: (1) Reduce the target crime rate among drug abusers; (2) Reduce drug abuse among target offenders; (3) Divert drug abusers from the criminal justice systems into a treatment system in order to interrupt the revolving door phenomenon; (4) Provide an alternative to current detention and sentencing modes.

Operationally, an addict would move from arrest to screening for drug addiction by an interview. A urinalysis is done on a Frat machine. Data then goes to the judiciary, prosecutor and defense attorney. If the person is then diverted to the TASC, detoxification follows. The next step is evaluation by a diagnostic unit and referral to a treatment modality. Part of the treatment or medical services are chemotherapy or methadone maintenance with a centralized pharmacy. It

was here that we had serious problems. The question was raised re: the reaction of the community accepting methadone as a viable maintenance to be used. SAODAP made it clear that no option was going to be given and key persons from Washington visited Newark and held meetings with members of the criminal justice system to "sell the package". The agency in Newark to handle the program was the Addiction Planning and Coordinating Agency and New Jersey State Health Department. If one was to check each Impact city, you would find plans under way to incorporate that program within the overall thrust.

After leaving the agency it was made very clear, through various documents, letters, memos, etc. . . . that the move to have me replaced was by design and it was racial in nature and I was seen as a real threat to the continuation of "business as usual". An example is a letter dated October 13, 1972 from the Regional Director of LEAA to the SLEPA Director on page 2 where it stated "I believe that the Plan is salvageable. Certainly the enthusiasm displayed by Mr. Phillips and his staff will, with the proper direction and assistance, set the Plan right. I think that a tripartite crash approach is essential at this point". See Appendix 3 to better understand an example of a lack of understanding of LEAA officials to programs in the field. At bottom of Appendix 3 is a memo to Harold Damon, Associate Director of SLEPA from Ernest Milner who was the LEAA New Jersey State Representative.

INTERIM DIRECTOR

Once the former director resigned under pressure, SLEPA sent in their Associate Director to serve as an interim director to coordinate the program and develop a workable plan of action. It is interesting to note that as of March 27, 1973 LEAA has approved the Newark Anti-Crime Plan (See Appendix 4). It is, however, of even greater interest to note that the plan that was not acceptable to LEAA and SLEPA in November 1972 is now acceptable in March 1973. In making a comparison of the two plans one finds the following areas of interest:

(1) In the 1972 plan the functional areas were:

(a) Community, (b) Police, (c) Juvenile Delinquency, (d) Corrections, (e) Courts and Narcotics.

(2) In the 1973 Plan the functional areas are:

(a) Adjudication, (b) Detection, (c) Prevention, (d) Apprehension, (e) Corrections and Reintegration.

(3) All the Juvenile Delinquency programs were distributed into other functional areas.

(4) All community based programs were placed under other controls. In the 1972 Plan there were seven programs.

(5) All Narcotics programs are now under corrections and reintegration.

(6) As stated before, the programs are now placed in the plan differently. However, the programs are not new, only the controls are different. They are now absent of community involvement.

(7) The 1973 Plan is largely controlled by Government (already existing) agencies:

	Programs	Number
County of Essex	4	2,840
State	2	1,036
Interjurisdictional	1	1,178
Municipal	22	22,014
Of which—		
Police	13	
Treatment Alternatives of Street Crimes	1	
Community agencies	3	

(8) The Advisory Board which met on a regular basis (at least once per month) has only met once since November, 1972. One now sees the real controls coming from State, Federal and Criminal Justice persons in the Newark area.

(9) Initially, professional staff consisted of five Whites and four Blacks. Now the staff is made up of three whites and one black. Professionals who resigned and have not been replaced are: a psychologist, lawyer, certified public accountant, social psychologist and a systems analyst.

JUSTIFICATION FOR CONTROLS

The experiences that I have gained in the last ten years have made me realize today, more than ever, the real worth H.R. 5613 should have in our nation.

Not too long ago I attended a National Conference on Criminal Justice sponsored by LEAA. All the speakers that addressed the group spoke very pointedly about the importance of reducing crime in our urban areas. They talked about the "quality of living in our nation" and being concerned with the reduction of crime on the streets. Even our President stated recently that crime must be fought "without pity".

Governor William T. Cahill of New Jersey, in March, stated to the National Governors Conference that he saw a serious battle ahead with members of Congress who want to change the Omnibus Crime Control and Safe Streets Act. He went on to discuss how "this program has been a dramatic example of how States can do the job better than the Federal Government". He expressed very firmly that he felt the program should be kept basically the same. He then named five examples of areas that the State had made great strides in. One of those five was the Newark High Impact Anti-Crime Program.

Some of the things that have happened throughout this nation under the banner of LEAA and the Department of Justice should not have been permitted to happen. Not by me—not by you. We are at fault for allowing police departments and members of the elite corp of criminal justice hierarchy to continue to corrupt our true sense of criminal justice.

It is true that most cities need more and better policemen, swifter justice and better and more modern correction procedures that really correct. But a mere apprehension of an offender does not solve the problem that caused the crime in the first place. The causes of crime must be fought on every front by policemen, judges, correction officers and most important—by the little people in each city and town. It was through this coordinated effort that the Newark Impact Program was building upon when LEAA and the State Planning Agency put on the brakes.

The staff of a cross-section of thinkers that we had at Impact was, without a doubt, some of the finest minds and experiences in this nation in the area of crime rehabilitation. They developed a plan of action, not merely for control, but for information as to the factors involved in crime. We placed heavy emphasis on evaluation both on individual projects and on crime-reduction programs as well—so that expert hypotheses could be tested and our knowledge of crime causation deepened as we moved onward in the attainment of our goal of 5% reduction in two years, 20% in five years.

As recent as January of this year, the National Advisory Commission on Criminal Justice Standards and Goals proposed a shift towards community based correctional programs geared to early release of offenders on parole or probation, with help in rehabilitation from local residents and groups.

There is no question in my mind today that the understanding and desire to move ahead in a posture designed to involve the people of this nation in helping to truly solve many of the causes of crime is not the intent of LEAA. At this point I would say very definitely that Congress needs a check and balance system established over LEAA. Congress needs to know what is being done and more importantly—how its being done. Individuals in leadership positions are chosen for those positions because they are of the same thinking mode as those who were there before them. Those in control are strict law and order types who react to police action. The phrase "without pity," it seems, has become the banner of LEAA and many of the State Planning Agencies. It boasts in many ways the "hard-headed" view of life today.

NEW FEDERALISM

One talks of the Concept of New Federalism and how the move has been made to now bring the operation of programs closer to the hands of the people. I say to you that the New Federalism was tried out with Impact programs. Those in the Justice Department expressed from the onset the ability to be creative, innovative and all the other jargon used to deceive you. For when the time comes to be creative, use community groups in an attempt to bridge Law Enforcement with Community, put the fellow who is incarcerated into a position of learning while he is in jail to make for a better life when he is released . . . when action begins

to move in this direction is is then that you learn that programs are not acceptable for varied reasons (none of which are really justified). It is then that you realize that the Concept of New Federalism is inconsistent with what the Federal Government did to Newark's Impact Program. It is then that you realize that an inter-office memo written at LEAA offices on September 20, 1972 demonstrates the kind of thinkers and assistance you can expect if you continue to fight the cause of crime reduction in this nation. (See Appendix 3). It is only then that you realize truly that "New Federalism" without Congress insuring its effectiveness is really "Old Control of the People."

SPECIAL REVENUE SHARING

As far as major cities in this nation are concerned, the 1974 Federal Budget has serious implications for the 65 million citizens who inhabit America's central cities. Those hardest hit will be poor folks, near poor and minorities in rural and urban areas. Newark will receive approximately 8 million dollars in general revenue money while losing about 400 million dollars due to the recent cuts in federal programs.

Of the total Administration's Budget for Fiscal Year 1974 outlay of 268.7 billion dollars, 7 billion dollars or 10% of the total left for special federal programs (aside from Social Security, defense expenditures, interest on the national debt) is earmarked for special revenue sharing reflecting a proposed shift of administrative controls to local and state officials. This comes about through the substitution of special revenue sharing for the multiplicity of federal categorical grants. States and localities would then have the authority to decide how to spend federal funds received for the earmarked purposes (as spelled out in H.R. 5613). I am sure you are aware of the opposition by minority and community groups, and also a growing number of state and local officials to the loosely proposed legislation in Congress to direct and guide the expenditures of these funds. A Greater Newark Urban Coalition study reveals that some Mayors are worried that they would receive the same amount of money, or perhaps less for these special program areas and yet be forced to assume total political responsibility for local allocations, a process which they currently can claim is, in large part, a federal responsibility. This indicates a lurking suspicion of purposeful funding for failure.

Minority, poverty and community groups tend to view special revenue sharing as an abdication of federal responsibility for national problems of poverty, race, urban decay and crime. They believe there is still an urgent requirement for many of the categorical grants that were introduced in the 1960's specifically to meet needs for poor and minority people long neglected by state and local elected officials. A survey of the first expenditures of general revenue sharing funds around the country shows virtually none of the money is being used for projects which directly affect minorities and the poor.

The President has repeatedly emphasized that his Budget is designed to slow inflation, avoid tax increases, revamp the Federal grant system, and to shift more of the burden for public policy decisions to local and state governments. In addition, the Administration intends to rely heavily on the private sector to deal with the problems of unemployment, housing production and other social problems, despite the absence of any evidence to suggest that the private sector is willing, or even able to do this.

This is why legislation that comes before this body like H.R. 5613 must be evaluated very carefully (as you are doing) to insure the proper safeguards for the public who may not, at this time, be prepared or even willing to handle the mammoth problems that effect our national growth and continued existence without proper guidelines and controls both for the federal authorities as well as state and local officials to follow.

H.R. 5613 AND ITS LIMITATIONS

After reviewing, with great interest, H.R. 5613 it becomes very apparent that Congress must deal first of all with the very fundamental question of continuation of funds (through H.R. 5613) to aid local, state and federal support of programs designed to enhance the law enforcement duties and responsibilities of our nation. I would hope that Congress will see the need to continue appropriation of funds but I would further express hope that in doing so, more

definitive guidelines be established to make for a clearer explanation of the role of both the States and Federal Government.

We can enter into long and thoughful reviews about how our anticrime programs under the Law Enforcement Revenue Sharing Act of 1973 should be defined and developed in order to be made more efficient. While this is being done (because it is not spelled out thus far in H.R. 5613) the program progress must not be halted. Congress must therefore take action to see that the proper level of activity continues while better and more explicit guidelines are developed by the Justice Department.

We do need additional programs. We do need programs that will better educate those who are incarcerated. We need better programs to integrate police, community and other components of the criminal justice system into a more meaningful thrust to reduce and even eliminate crime in our cities and towns. We need to be more effective with our young people and provide greater opportunities to deter them from lives of crime and violence. We should better adapt existing programs to the growing sophistication of criminals who have in the past taken advantage of both state and federal officials. Congress has a responsibility to encourage states and federal departments to form closer working relationships with community based organizations as well as local government units. H.R. 5613 should deal specifically with this.

H.R. 5613 as it is constructed now leaves strings untied, areas of responsibility not clearly defined and specific duties delegating where ones goes when plans don't work out as anticipated. H.R. 5613 should therefore be responsible for providing for a programmatic thrust that will make for more improvement. But there can be no improvement where there is no commitment to solving the problem. Congress can and must build this into legislation to prevent crime and insure the greater safety of the people.

If one was to look back in years past one sees LEAA only using guidelines and standards as tools when it was necessary to accomplish benefits for the purpose of the federal agency. Countless times memos were sent to the field only to find the next week previous instructions were changed for no apparent reason.

The research arm of LEAA (The National Institute) was seen by the "police-types" as "outsiders." Controls were never given to the National Institute groups and ofttimes staff persons from the National Institute would express the dismay with LEAA officials who truly did not understand what reducing crime was all about unless you were discussing arrest procedures.

Many units of criminal justice planning throughout the United States felt that LEAA failed to give the proper direction and provide proper guidance to the states (receiving and evaluating plans and programs). However in New Jersey there was a very close working (or dealing) relationship with LEAA. Both the Regional Office and SLEPA were clear in their direction—total control or refuse to fund it—programs of corrective nature rather than preventative. It's also of note to look at the staff structure of SLEPA (no black or Spanish-speaking professional staff) and LEAA (one black and one Spanish-speaking professional). Neither person at LEAA, however, was in a decision-making position. The black was a former police chief in a town in New Jersey and the Spanish-speaking individual had law training to his credit. *Part B—The State Planning Process, Sec. 201 states* "that encouragement will be made to states and units of general local government to prepare and adopt comprehensive law enforcement plans based on their evaluation of state and local problems of law enforcement". Placing the planning in the Governor's office without having a check and balance system and legislative review of the plan and budget is, in my estimation, a mistake. It has already been proven in some states that the Governor's office (State Attorney General) does not necessarily make for workable programs. We return again to the lack of persons who have a broad understanding of corrections, methods of eliminating crime and the causes who never seem to be utilized. LEAA has developed (across the nation) planning groups, but as of this date those groups still fail to fully understand the needs of the people in reducing crime.

Part C—Revenue Sharing for Law Enforcement Sec. 301(b): If the Attorney General is to be authorized to make special revenue sharing payments etc. to states perhaps the law should then spell out in detail the amounts of funds that should be designated for specific functional areas. Juvenile Delinquency, Rehabilitation, Adjudication and the like should be just as important as the role of police training, and law enforcement education. *Sec. 308* will soon take the place of Section 518 in the Omnibus Crime Control and Safe Streets Act. This

Section protects and insures for non-discrimination in any program or activity funded from the act. This Section is structured loosely in nature without specifically spelling out the time the Governor should have in securing compliance. It would be of advantage for this Section to be more detailed, (the role of the Attorney General) in terms of areas he should be carrying as his responsibilities to assist in swift resolution of problems.

Sec. 402—National Institute: The Institute has always been a cover-up for police type programs being endorsed by LEAA. They would always be called upon to produce statistics to justify a need for a program. The National Institute had some fine minds (we would see them only at National meetings in Washington, D.C.). If only they could have been permitted to visit in the field and truly give of their time and knowledge. Unless "teeth" are put into this section it will be a waste of money and good man power. Perhaps here under the National Institute there should be developed an evaluation arm of LEAA, keeping it as independent as possible from LEAA. This, therefore, would be in conflict with Sec. 515 (a) (b).

Congress and Its Responsibilities:

Congress, in deciding H.R. 5613 and its fate, should not initially be concerned with differences of opinion over the question of how crime can be reduced most effectively, but rather that the administration is abandoning fundamental commitments to social progress and unfortunately twisting the will and confidence of the people of our great nation against meeting those commitments.

The issue therefore as you see it or perceive it is one of the mass of the people who want to follow meaningful guidelines, share in the reduction of crime, help America to stand up again on its feet, allow each person to be able to walk the streets in safety. If you perceive this as worthwhile, then H.R. 5613 must be restructured. But if our people are perceived by you as those who wish not to share in the nation's abundance, as people who can not solve and will not solve their own problems to improve life and people who are not willing to work with State, Local and Federal Government then and only then should H.R. 5613 remain intact. If those who shaped this bill know anything about the people and value of their involvement in planning and operating for our own advancement then they can not help but see that all elements must make for a whole and that community, criminal justice persons, all forms of government advancing together is intrinsically tied together to accomplish the goal of insuring greater safety of the people.

Congress can work to incorporate matters like prison reform, rehabilitation programs, improved court procedures, modernized police techniques and the like if the legislation is clearly defined.

The inclusion of citizens on all levels is surely a start in the right direction. National Institute could be designed to be a separate planning arm of LEAA with a cross section of thinkers involved to act as a governing body. Most importantly are the state plans being reviewed by the legislative body to create better controls and Congress acting as a check and balance. This to me is a must.

Mr. Chairman, I thank you for your invitation to appear before this Committee and share with you my thoughts concerning H.R. 5613. Ladies and Gentlemen of this Committee, I thank you for your time and for giving me the opportunity to speak. For your attention I am most profoundly grateful.

[From the Newark Star-Ledger, Nov. 23, 1972]

GIBSON SAYS CHOICE WAS AID OR CRIME CHIEF

DEFENDS ROLE IN RESIGNATION ROW

(By Tex Novellino and Dan Shifren)

Newark Mayor Kenneth A. Gibson said yesterday he has reluctantly agreed to the resignation of Earl Phillips as head of the federally-funded High Impact Anti-crime Program rather than see $20 million in funds "snatched" from the city.

Phillips on Tuesday said he was faced with an ultimatum from the federal Law Enforcement Assistance Administration, which supplies the funds to selected cities, and the State Law Enforcement Planning Agency, which was scheduled to administer the funds to Newark.

Phillips said both agencies threatened to withdraw the funds unless he, the only Black High Impact director in the nation, and his deputy, Donald Friedman, resigned.

Corroborating these statements yesterday, Gibson, in "an explanation to the citizens of my city," said he had "appealed directly to the White House" in an unsuccessful attempt to have state and federal authorities reconsider their decision.

Gibson said he will now ask SLEPA and LEAA to send a temporary director of the program to the city until such time as he can find a permanent director.

Gibson characterized the mutual agreement for Phillips to resign the post as "the most weighty decision I have had to make since I was mayor of Newark."

The mayor, who said he had been gratified by the "sensitivity" shown by Phillips to the needs of the city in drafting his plans for the program, added that Phillips had not supplied one, but two plans, in a futile effort to gain acceptance from the authorities.

"Furthermore," he declared, "I did not agree or support the process that was used to force Mr. Phillips' resignation and I will make every effort to make sure Mr. Phillips' talents will be available and used by this administration for the benefits of the citizens of the city."

Phillips had charged at his Tuesday press conference that the reason his five-year crime reducing plan had been rejected was "because our programs took a preventative, not a police-type, approach and because members of the community were to be actively involved."

According to Phillips, his plan was to be a cooperative program among government, all elements of the criminal justice system and business and community interests, with extensive neighborhood, family and agency involvement.

Anything less, in a city with 30 per cent of its citizens living on public welfare and 10 per cent in public housing, he predicted would see the program "go down the drain," and leave the same attendant evils of "more arrests more incarcerations, more crimes."

Gibson, who said program officials had charged that Phillips and Friedman had "in effect, mismanaged the program," added that every effort he made to arrange for both men to face their accusers had been brushed aside.

Gibson, recounting those efforts, said after the first plan was rejected, he met for four hours in Trenton with the SLEPA and LEAA staff to try to resolve hostility to the plan, without avail.

The mayor said a second plan was then formulated in an effort to remove objections of the officials and he met on Nov. 15 with John Mullaney, SLEPA director, and Joseph Nardoza, regional LEAA director.

But, said the mayor, the officials told him the second plan was merely a restatement of the first, with only some "minor" modifications and was, therefore, similarly unacceptable.

"These officials," said Gibson, "informed me that the key elements of the criminal justice system on the local level apparently would not be in favor of the plan and therefore they saw no possibility that the plan could be successfully carried out."

Gibson said that when he raised the issue of "mismanagement" and asked what charges were actually being made, he said they replied they were not prepared, "at that time" to issue specific charges.

Furthermore, Gibson contended, the officials requested that "for the benefit of the program," the resignations should be "requested without any public furor."

Unless Gibson agreed, he charged the officials threatened to reassign the funds allocated for Newark to another city.

Gibson then requested a meeting in which Phillips and Friedman would have an opportunity to reply to specific charges. The meeting as he envisioned it, said Gibson, would include about 10 persons, including "the directors of the criminal justice system." But the officials refused to agree to such a meeting, he said.

Finally, Gibson said, when he appealed to the White House, a "Mr. Vandermead" told him he generally agreed with the mayor that Phillips and Friedman should be heard.

"However," the mayor continued, "after Mr. Vandermead talked to the officials at the Washington LEAA office, I was informed, not by Washington officials, but by Mr. Nardoza again, that no such meeting was possible."

STATE OF NEW JERSEY,
STATE LAW ENFORCEMENT PLANNING AGENCY,
Trenton, N.J., March 20, 1972.

MR. JAMES A. O'CONNOR,
Director, Division of Purchase and Property,
State House, Trenton, N.J.

DEAR MR. O'CONNOR: Attached is a letter from the State Law Enforcement Planning Agency to Mr. Wechsler, Division of Budget and Accounting, describing the need to contract with the Institute for Court Management, University of Denver Law Center for a consultant study, and the Bureau of Budget response.

We are hereby requesting a waiver of advertising because public exigency requires the immediate delivery of the performance of the service and there is only one source of supply that has the confidence of those agencies whose cooperation is needed to complete the project.

Very truly yours,

JOHN J. MULLANEY,
Executive Director.

Attachment—As stated.

NEW JERSEY DEPARTMENT OF THE TREASURY,
DIVISION OF PURCHASE AND TREASURY,
March 20, 1972.

Re Herb Blumenthal, Account No. 100-202-300.

Consultant contract with the Institute for Court Management, University of Denver Law Center, 200 West 14th Ave., Denver, Colo.

Purpose: To design a program for reduction of delay in the adjudication process for the Essex County Court and the Newark Municipal Court to be implemented with Federal funds. The program design will include cost of implementation, time requirements for implementation, measures of effectiveness.

Cost estimates:

14 professional-man weeks	$7,000
Per diem, 50 days at $25 per day	1,250
Travel, 5 persons, rountrip to Denver	1,130
Total	9,380

HAROLD K. DAMON,
Assistant Director, Field Planning Technical Service.

STATE OF NEW JERSEY,
STATE LAW ENFORCEMENT PLANNING AGENCY,
Trenton, N.J., March 20, 1972.

MR. WALTER WECHSLER,
Director, Division of Budget and Accounting,
State House, Trenton, N.J.

DEAR MR. WECHSLER: The New Jersey State Law Enforcement Planning Agency has been granted a total of 20 million dollars to be used in the next three years in the City of Newark for instituting programs aimed at reducing street crime and burglary. The source of these funds is the U.S. Department of Justice, Law Enforcement Assistance Administration.

Because five million dollars in programs must be operational by July 1, 1972, and a broad plan for the use of the total 20 million dollars must be submitted to the Justice Department within 60 days, there is a need to direct professional expertise to plan development immediately.

One of the areas of concern is the courts. The time period available for refining the general adjudication problem analysis, defining programmatic alternatives, obtaining consensus among the operating agencies involved and developing complete program proposals is too limited to rely on the efforts of operational agency personnel.

A proposal (copy attached) has been developed by the Institute for Court Management, University of Denver Law Center, 200 West 14th Avenue, Denver 80204. The monies used to pay for these services would be all federal, Appro-

priations Account #100–202–000. The consultant resource has the full confidence of the courts and all local officals whose cooperation is necessary in conducting the study.

Under NJSA 52.34–9A, we are requesting Bureau of Budget authorization to complete a contract for this professional and technical service. We will then proceed to request a waiver of advertising.

Very truly yours,

JOHN J. MULLANEY,
Executive Director.

Attachment—As stated.

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
New York, N.Y., September 20, 1972.

ERNIE MILNER,
New Jersey State Representative, MK, CPA, NYRO,
Newark Impact Cities Plan (IMPACT).

I have read the corrections section of the Newark Impact Cities plan and don't believe that allegdly intelligent, supposedly capable, and certainly high-priced staff could turn out such a non-document. As proposed, the corrections component of this plan is only slightly more useful than the constitution and by-laws of the Ku Klux Klan and indicates more than anything else that IMPACT has no idea as to what corrections is or what it is supposed to accomplish.

This is not a plan and it is not a program. It is a smattering of OEO type debris which is neither cohesive, substantively purposeful, nor part of what should be a correctional continuum. To ignore the County jail and the Penitentiary is stupid and the approach can be likened to not treating a medical patient until after he leaves the hospital.

To allocate $1.2 million for establishing a junk yard to hire ex-prisoners, laughingly called supportive services, is incredible. Pride, Inc., of Washington, DC, can demonstrate to all concerned the folly of this approach and so can the GAO auditors who checked the books. It would take less than a week for the graduates of Trenton State, Yardville, and Rahway to start stealing cars and strip them in an LEAA funded "recycling" (Yipe!) plant. Aside from folly, it is my judgment that use of funds for such a purpose is not authorized by the Statute.

This plan is not approved by me and it will never be approved by me until IMPACT devises a plan with supporting programs which are statutorily authorized, which are correctional programs in nature, and which are part of an overall system calculated to produce a specific and measurable result.

It is clear that IMPACT requires some high-level and professional assistance. I will be happy to arrange this upon request. The alternative for IMPACT is to stall their submission until after December 23 when I will be gone.

M. KOLINCHAK,
Correctional Program Advisor.

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
New York, N.Y., March 27, 1973.

Mayor KENNETH, A. GIBSON,
City of Newark, City Hall Building,
Newark, N.J.

DEAR MAYOR GIBSON: The High Impact Anti-Crime Action Plan submitted to this office on February 12th, has been reviewed, and found to be responsive to the intent of the program—the reduction of stranger to stranger crime through crime specific planning.

The completion of a satisfactory planning effort enables the program to move to the implementation phase. As previously discussed, this letter of approval does not constitute an award, but rather approval of the methodology for the program. Funding of $20,273,000 for 26 projects described in the Plan is to be accomplished on a project-by-project basis over the next two years in conformance with the Plan and those conditions that govern the awarding of Law Enforcement Assistance Administration Discretionary Grants.

LEAA looks forward to receiving your applications, through the State Law Enforcement Planning Agency, at the earliest possible time, and is eager to assist the City of Newark in pursuing this effort to bring about the reduction of target crimes within the next two years.

I commend your crime analysis staff and the interim Director on their highly professional approach to developing the Plan. Their enthusiasm in meeting the challenges over the past year and the cooperative nature in which they carried out their daily functions is gratifying.

Sincerely,

JOSEPH A. NARDOZA,
Regional Administrator.

[From the Washington Post, Nov. 28, 1972]

STREET CRIME IN NEWARK AND ELSEWHERE

The apparently forced resignation of Earl Phillips as head of the Newark, N.J., anticrime program raises disturbing questions about the administration of the Law Enforcement Assistance Program which reach far beyond the boundaries of that deeply troubled city. Newark is one of eight target cities selected by LEAA for a special attack on immensely frightening "stranger to stranger" street crime. Newark's share of the $160 million program was $20 million. Mr. Phillips, a black psychologist who was formerly a member of the National Urban Coalition staff in Washington, hired a criminologist, some social workers and some lawyers to look for the critical attack points in the Newark crime problem. They consulted with community groups of all kinds and, in Newark's tense racial atmosphere, succeeded in getting groups of blacks and whites to begin working in harness on problems that disturbed them all.

The plan they devised evolved from joint community-professional analysis of the nature of crime in Newark. Ten per cent of the city's population, for example, lives in high-rise low-income housing, but the percentage of the city's crime occurring in such places far exceeds the population ratio. A high priority in the plan, therefore, was to provide better lighting around the buildings and to improve tenant access to apartments. Further, a good deal of crime was found to be committed by high school dropouts, so a prominent feature of the plan was to establish alternative educational options for the dropouts. Another aspect of the plan was the development of community-based neighborhood patrols and neighborhood probation centers.

All of this appears sufficiently innovative in a perplexing field where there are no hard answers—to warrant a close look and a good try. The plan also seems to provide some answers to the LEAA critics who say that the agency has squandered its money mindlessly on hardware—three tanks for Birmingham and a plane for the Indiana State Police—which the police seem to want, but which has little demonstrable effect on cuting down crime. Yet, having developed the plan, Mr. Phillips says he was forced to resign because federal authorities told Mayor Gibson that he had to fire Phillips or lose the money.

Phillips has several explanations for all of this. Racism is one. Another is that the Newark police department thought his plan would provide them with too thin a slice of the pie. The third is the most disturbing explanation of all: that the federal government is determined to retain control of the program and thus wants its own, rather than locally chosen, people directing the impact effort in the eight cities.

We are in no position to say whether Mr. Phillips' plan would have succeeded. Nor, indeed, can we evaluate the merit of his charges since neither Mayor Gibson nor the federal people are talking. All that can be ventured at this juncture is the view that Phillips' community based process for developing his plan seems eminently sensible and some of his solutions strike us as considerably more to the point than much of the effort already funded by LEAA. Thus, the merits of Mr. Phillips' charges and the seriousness of the administration's attack on "stranger to stranger" street crime will have to await the disposition of the Newark plan and the nature and direction of the efforts in the other seven cities. All who care deeply about the problem of crime in America will be watching the administration's performance intently.

[From the Star-Ledger, Newark, N.J., Aug. 24, 1972]

VIEWPOINT

"IMPACT" PROGRAM

Crime in Newark—particularly the stranger-to-stranger offenses of rape murder, assault and robbery—has left many city residents afraid to walk the streets, even during daylight hours.

How to cure the problem and cut the rising crime rate has been an issue of contention for years.

Finally, the federal government, through a two-year, $20 million grant, has made it possible for a team of socially-oriented experts to dispassionately examine the situation and produce the kinds of answers that may bring real results.

The High Impact Anti-Crime Program, initiated in Newark and seven other cities less than three months ago, is designed to come up with more than easy, stop-gap solutions.

With a $625,000 planning grant, which also covers administrative salaries, Impact has been at work on a comprehensive two-year master plan for confronting the crime cycle with long-needed innovations.

But before the program has had a chance to demonstrate what it can or cannot do—federal officials aren't even asking to see the plan until Sept. 15—Impact has had its detractors.

The emotion-laden cry of vigilantism has been directed at the program, clouding Impact's goals and possibilities before the real work has even begun.

Distortion of the words and intentions of Impact Director Earl Phillips set off a series of charges that officially-sanctioned armed citizen patrols were soon to come.

But Phillips, a civil libertarian well aware of the dangers inherent in even the most well-intentioned form of vigilantism, has been put in the unfortunate position of defending a stance he never held.

Ironically, Phillips' misconstrued statement stemmed from the most original and praiseworthy element in the Impact concept—the component of community participation and guidance in law enforcement that has been sadly lacking from most anti-crime ideas.

Impact hopes to generate not lawless vigilante groups, but constructive neighborhood associations that would cooperate with police in the creation and implementation of experimental programs.

Phillips, a 39-year-old psychologist and social activist who headed the Essex County Urban League before assuming the Impact post, hopes to bridge the gap between the criminal justice system and Newark residents, not to initiate the kind of para-military organizations that are rightfully condemned.

The Impact Advisory Board reflects this aim, including representation from local government, police and courts, as well as from the black, white and Puerto Rican communities.

The ambitious program is geared to a multifaceted approach that attacks causative conditions while instituting more relevant, realistic enforcement techniques.

Impact will not be free to fund any specific projects until after the Law Enforcement Assistance Administration approves the master plan. Yet critics have condemned it for moving too slowly, demanding immediate action.

The charge has also been leveled that city officials were not informed that Newark would have to provide matching funds up to 20 per cent of the program costs. The matching fund requirement was not secret—it is clearly spelled out in the federal guidelines—and may not mean a drain of funds from the city budget.

Phillips predicts that most of Newark's share can be provided through federal funds already coming into the city through other programs, such as Model Cities.

Unfortunately, an editorial in this newspaper last Friday was based on misinformation and created an erroneous impression about the program.

Impact, like all federal programs, should be closely scrutinized and observed. And the integral design of the program allows for just such a process of constant monitoring and evaluation.

Working with a staff of highly-trained, people-oriented professionals—who were selected without the kinds of political pressures that might have turned Impact into another federal porkbarrel—Phillips is working to provide answers in an area where few get beyond questions.

Impact may be the beginning of a turning-around process that could make Newark's streets liveable again. The program goals call for a five per cent reduction in stranger-to-stranger crime within two years and a 20 per cent drop by the end of five years.

And Impact should be given the chance to fail or succeed, live up to its promise or not, based on the merits of the programs once they are implemented.

Chairman RODINO. Our next witness today is Marshall J. Hartman, director of Defender Services for the National Legal Aid and Defender Association, on behalf of the National Legal Aid and Defender Associations.

TESTIMONY OF MARSHALL J. HARTMAN, DIRECTOR OF DEFENDER SERVICES FOR THE NATIONAL LEGAL AID AND DEFENDER ASSOCIATION

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

Frank Jones, the executive director, could not be with us today and I am presenting this on behalf of the National Legal Aid and Defender Association.

The purpose of the statement is to place this before the subcommittee——

Chairman RODINO. You may sit, if you wish. If you feel more comfortable standing, it is as you please.

Mr. HARTMAN. The purpose of our statement today is to place before the subcommittee our views with respect to legislative proposals relating to the LEAA administration and specifically to the proposed Law Enforcement Revenue Sharing Act of 1973.

Our organization was formed in 1911 and presently counts as members about 1,000 legal aid and defender offices. We provide technical assistance to communities and to lawyers working in the legal assistance field to help serve the indigents.

We are especially pleased to appear today before the subcommittee, because we have recently completed and just published a study of LEAA as it relates to the defender function. It is entitled: "The Dollars and Sense of Justice." And I ask that that be appended to our testimony today.

Chairman RODINO. Without objection, it is so ordered.

We will, of course, Mr. Hartman, insert your statement in its entirety in the record.

Mr. HARTMAN. Thank you.

We ask that the book be made a part of our testimony, if that would be acceptable.

Chairman RODINO. Without objection.

[The statement of Mr. Hartman is at p. 522 and "The Dollars and Sense of Justice" is at p. 536.]

Mr. HARTMAN. The study briefly traces the development of LEAA from 1969 to the present date and points out several salient things.

First of all, it points out that defenders received, over the first 3-year period of LEAA's existence, less than 1 percent of all the funds allocated by LEAA. This includes bloc grants, discretionary grants, and the institute.

One of the reasons for the small percentage of funds being received by defenders, perhaps, lies in the fact that the Congress failed to in-

sert the word "defender" into the bill or make any reference in the original bill to defense of the indigent or public defense or anything of that kind.

Our position would be that we would like to have included in the present legislation some reference to the term "defender." And having studied the new bill, the administration bill, I find that again, there is no reference to the word "defender" in the bill, and that creates problems for us.

The defender movement in this country is relatively new. Actually, prior to *Gideon* v. *Wainwright*, in 1963, there were no defenders; there were very few organized defender offices. But of course, as you all know, prior to *Gideon* you really didn't need a lawyer for a poor person unless he was charged with a capital offense.

When *Gideon* came down in 1963, stating that every felon was entitled to counsel, free counsel, if he couldn't afford it, suddenly the public defenders' offices blossomed over the country and today we have over 450. However, we are only talking about felony cases. The present crisis—and the main rationale and reason why we are asking the subcommittee to ensure that defenders get mentioned in this bill is because a new crisis has erupted in the criminal justice system today.

And that is because of the case of *Argersinger* v. *Hamlin*, which came down in July of 1972. That case held, as you know, that from now on no defendant can be imprisoned without the assistance of counsel.

Now, in terms of sheer numbers, when we talked about people charged with capital offenses there were very few people involved. However, when we talk about felons we are talking about 200,000 cases a year, because defenders handle roughly 60 percent of the business in the court system.

There are about 350,000 felonies; so probably about 200,000 felons were handled.

When you talk about misdemeanors, as you do after *Argersinger*, you are talking about 6 million misdemeanors a year. And my guess is that we will have to handle about 3 million.

The present capability in the defender movement today is inadequate to handle that load. And so that is one reason why we are asking the Congress to ensure that in this bill, defenders are mentioned and it is very clear that it is congressional intent to fund defenders out of LEAA moneys.

Now, we received a grant from LEAA, a small grant, to conduct a national defender survey, to determine what is out there, what are the needs of indigents? And can the country handle the problems of *Argersinger?*

We do have some data from that study. And I quote:

> Over 50 percent of the judges who were surveyed stated that they did not provide counsel prior to *Argersinger* for misdemeanor cases. About 40 percent said that they did not have funds to finance the decision in *Argersinger*. Moreover, field studies conducted by the survey showed what they were doing in some States was just not putting people in jail, because there were no counsel available.

So really it was a national crisis created by *Argersinger*. Now States want to do things.

I received a call to meet with the Chief Justice of Alabama, and I personally flew down to Alabama. And what they wanted to do was

to set up a statewide defender system very quickly with LEAA funds, to meet the challenge of *Argersinger*.

A number of States this year set up statewide defender systems in response to *Argersinger*—Nevada, Vermont, Missouri, Kentucky. Almost every jurisdiction is reconsidering its capability in order to meet this challenge.

Now, the other problem, apart from the fact that you have to have defenders now in every case, even misdemeanors, is that the scope of counsel has been expanded.

In the old days, when I first began as a public defender, you worried about the client in your courtroom. That was it. Now you have Supreme Court decisions, ABA guidelines, and the new National Advisory Commission on Criminal Justice Standards and Goals suggesting that the lawyer has to begin very early, as early as private counsel begins. This is when a man is first suspected of being involved in a case. Then, the lawyer must stay with that client and represent him at every stage of the proceedings, preliminary hearings, lineups, interrogations, pretrial motions, bail hearings, diversionary programs, pretrial relief of all which, by the way, if you can get the defendant out of the criminal justice system early enough—you save a lot of time effort and money apart from helping the individual, and the lawyer has to stay with him all the way through until the case is appealed, and if there is a collateral attack or postconviction release, he has to be in that stage, too.

So you have a tremendously expanded role of counsel.

Chairman RODINO. At that point, in view of the fact that we now are seeing that the administration is cutting back on legal services, how does this affect the program?

Mr. HARTMAN. Well, I would say that I can't believe that the cutback in legal services, which is civil in nature, has any relationship to the constitutional mandate to provide defense counsel in criminal cases. I mean, I think it is unfortunate that the administration is operating in the legal services field, but there is a separate entity we are talking about.

We are talking about here a sixth amendment right to counsel, which the U.S. Supreme Court has stated last year, means that no person can be imprisoned without assistance of counsel. So, it is not a desirable goal. It is a mandatory goal under our Constitution.

And so the U.S. Supreme Court has said you have to have orders? The only question is: how do you get them? Where do the funds come from and how do you set them up?

In the case of most States now, the trend is toward statewide defender systems, in my view. And we also would like to append to our testimony an article written by Nancy Goldberg and myself, entitled: "The Impact of Argersinger." It is in the blue NLADA *Briefcase*. Just a short article but it discusses the impact of *Argersinger* and talks about budget and manpower requirements and the need for funding of these areas.

So I think we are talking about a different ball game here. We are talking about a constitutional mandate.

Now, I want to say further that although the word "defender" was not in the bill, LEAA has done a lot of things for defenders since it began.

In addition to being Director of Defender Services at NLADA, I also hold an elective position as president of the Illinois Public Defender Association. That association received a $2 million grant from Illinois Law Enforcement Commission, the SPA in Illinois, to set up a statewide defender system, which we did. And we did a lot of things with that statewide defender system.

We did a trial project for seven counties near Cairo, where two defenders, full time, rode circuit over seven counties with part time assigned counsel. That has been hailed as a good example of a fine program.

We also set up training seminars for defenders. We did appeals over the States, a thousand appeals, and did a number of other things which I have attached in our statement.

Then, at the end of 3 years that program was picked up by the State legislature, so this was an excellent example. I think that Dean John Irving referred to it in his testimony last week. Because he was then the executive director of ILEC when that grant was awarded and he insisted on that grant.

There was an excellent example of seed money of LEAA going into the States for defender purposes, the project proving itself out and then the State legislature picking it up and funding it.

Now, perhaps in view of the time element, I ought to get a little bit into the bill itself.

Chairman RODINO. Yes. I would like to ask, if you can in the next 10 minutes, please make comments about the bill, because I may have a few questions for you. I think I will have to recess no later than 3:15, or at least have someone else assume the chair at that time.

Mr. HARTMAN. OK; fine.

Perhaps I ought to get into the bill at this point.

I might state that, as I said, a lot of defender programs were funded by LEAA and we just recently received the latest figures from LEAA, showing that allocations for the court function are up this year.

So that perhaps there is a trend toward funding defender services a little bit more.

The bill, however, gives us some trouble in this sense. And I am on page 7 of my statement.

The first problem of the bill for us is simply this: In the definition section, which is 601, the term "defender" isn't there.

Now, the term most often used in the bill is "law enforcement." There are two views. One is that I feel defenders are part of the law enforcement, because under the sixth amendment there must be a defense of the indigent accused. And therefore the law-enforcement system in our country means legal prosecution, impartial judiciary, and also a vigorous defense of the accused.

Nevertheless, when they described in the bill the activities which law enforcement can cover, the activity of defending the indigent accused wasn't there. And we would request that the term be in there, that it be very clear in the bill that money can be funded to defenders.

I say that because without it being in the bill you deal with people at the State planning agency level, and they say, "Why should we give money to defenders? You are the enemy. You are obstructing the criminal justice system. If Congress would have wanted you to have money they would have put it in the bill."

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We are here today to assure that, given the *Argersinger* challenge, the Congress makes it very clear that they are going to fund defenders, and they put it in the bill.

Now, in section 303—I am on page 9 of my statement, and I am skimming over—in section 303(b), this relates to the description of a comprehensive plan.

Again, in describing a comprehensive plan, the word "defender" or the activity "defense of the indigent accused," is not present. That would mean, therefore, that a State could work up a plan, present it, and in that plan they would fund police, prosecutions, corrections, and not the defense function. And we feel that no plan can truly be comprehensive unless the defender is represented. Otherwise what you have is an overburdening of the system at one end.

You have a lot of people arrested and then they get funneled into detention centers and there are no defense lawyers there to carry the cases forward.

I know just on a personal note, I used to work on the juvenile court of Cook County before I became a public defender. I recall then that at one time I was the only defense lawyer there, in a sense, to defend people. The judges used to wait. There would be five courtrooms for them and they would be sitting waiting, until I got into the next courtroom, because there weren't enough defender people around. And that may save money on defenders' salaries, but look in terms of court personnel, witness waiting, bailiffs, clerks, et cetera. So I think it is important that you have to have defenders there. And therefore, we feel that in a comprehensive plan defenders ought to be mentioned.

Similarly, in paragraph M of 601, when they discuss "comprehensive," again, the word "comprehensive," we would like to include defense of the indigent accused, or some reference to the defense function.

Now, I am on page 10 of our statement. In section 301(b) the administration presents a list of the purposes for which grants may be provided.

Now, there are two ways to look at this. If we just look at what they have in the bill, in the administration bill, I suggest that we need another paragraph, either paragraph 15 or whatever, which would add as one of the purposes for which grants may be authorized the improvement and establishment of defender systems.

At present everybody is mentioned but the defense. And so I ask that be added as paragraph 15, establishment and improvement of defender systems.

Another way to look at that problem is to perhaps redraft that whole section. And there are other bills, for example, Senate bill 3050, or 3492, which described the kinds of things which ought to be funded out of grants and they just say that you have to fund all phases of the criminal justice system, like corrections, police, courts, without being very specific on what each one should entail. These bills include defenders as one of the items included within the courts function.

Section 306(a) suggests that there be a passthrough provision in the States, and I wanted to discuss that just for a minute.

Attorney General Kleindienst, in a speech before the National Association of Attorneys General, suggested that courts receive 15 to 20

percent of the moneys of LEAA. In section 306(a) the proposal suggests that 30 percent of the funds given to the States be retained for statewide functions like corrections, courts, and higher education.

Corrections already receive over 20 percent of the "pie." If only 30 percent, reserved to the States, is allowed for the purposes of corrections, courts, and higher education you will never get courts up to the level of 15 to 20 percent.

So I would suggest first that this passthrough be abolished. I see no reason for money going into the State to be then categorically broken down to localities. I think the State should be able to utilize it statewide if it sees that as the need or if there is going to be a passthrough that it be a 50-percent passthrough; that is, the State should be allowed to retain 50 percent for statewide purposes and maybe 50 percent for passthrough.

With respect to section 304, I have one important note to make and that is simply this: Section 304—the language does not mention that the people who can apply for grants should include not-for-profit corporations or nonprofit organizations.

Elsewhere in the act, where it talks about discretionary funds, in 306(2), it says that nonprofit organizations may apply for discretionary funds. I would ask that the same language that is in 306(2) be added into 304 so that it is very clear that not only can nonprofit organizations receive discretionary funds, but also the nonprofit organizations may receive State level funds. You know, through the bloc grant or revenue sharing or whatever.

This is very important to defenders because, for example, the example I gave about the Illinois defender, the public defender association, getting money, $2 million—that was a not-for-profit organization. And under this new legislation they would be out of the box and not able to receive any grants.

With respect to the declarations and purposes preamble to the act, it talks about reducing and preventing crime and delinquency. I think that is a very important goal of LEAA. I also suggest that given the framework and fabric of our American society, another goal, equally important, is the improvement of the criminal justice system. And I think that the preamble and declaration of purpose of the act ought to reflect not only the goal of reducing and preventing crime, but also the goal of improving the criminal justice system and the quality of justice in this country.

Now, the final thing that I want to mention has to do with section 204. That has to do with a problem which was mentioned this morning earlier. It has to do with how moneys are released.

Under section 204, all that a State would have to do to get its money would be to file a comprehensive plan. And then what would occur is that the moneys will be released to the State. Then, under this provision if the Attorney General objected or did not like parts of the plan he could make his remarks in the Federal Register.

It occurred to us that, given the kind of criticism that LEAA has received in the past and given also the fact that some States have spent a lot of money for defenders but other States have never spent any money for defense of the indigent. There are some States which to this day still force their lawyers to take cases on the basis of noblesse

oblige, without pay. Those States don't have organized defenders systems. I would be very nervous if the money was allowed to be given to those States without any kind of guidelines saying that the defense of ought to be funded as well out of these funds.

And so I believe that the present system, where LEAA has at least a reviewing power over the comprehensive plan before the funds are released, ought to be retained. I think that even if you have a kind of special revenue sharing package—after all, this is special revenue sharing. These funds are designated specifically for law enforcement. That is not the case with general revenue sharing. And, as long as you are specifically designating for law enforcement, as long as you are making the States file comprehensive plans I would go one step further and have these plans receive prior approval by LEAA before they are funded.

One personal note: I attended a meeting of the National Center of State Courts in Denver last year, and then they had roundtable discussions and I was present. And two chief justices of State courts stated that they had been on their boards in States and they had, you know, wanted things for their courts, and they were outvoted on the policy boards. And then they didn't get what they needed to run their court system.

The advice given to them at that meeting was; well, then, appeal to the regional administrator and state that the plan is not comprehensive. In that way they will put pressure on the State to insure that it is a comprehensive plan.

As a defender, I want to make sure that the States include defenders and defense of the indigent in their plans. For that reason I think there should be prior approval.

The final item I mentioned, too, just for a moment is under education and training and the other items are in the statement. Under education and training there were some funds called LEEP funds. There was some question as to whether law students who wanted to enter the criminal justice system as criminal justice planners could qualify under LEEP funds.

It is my view that it is important to recruit people into the criminal justice system, not speaking now only as a defender, but as part of the criminal justice system. And if LEEP money is available it should be available as well to people who want to enter law school and want to serve in the criminal justice system.

Chairman RODINO. Under the present proposal that is not possible.

Mr. HARTMAN. Well, it is not clear from the statute that this is not allowed and it has never really been interpreted either way.

Chairman RODINO. It has not been categorized.

Mr. HARTMAN. That is true and I think it ought to be very clear. In fact, on page 19 of our statement we propose language to be added which would say that it is authorized for areas related to law enforcement. And then we add the words "criminal law and the administration of justice."

Similarly, there are very important colleges in addition to institutions of higher learning, such as a defender college, a prosecutor's college, which we heard about this morning, and a college for the judiciary. It occurs to me it would be valuable to have moneys for these

institutions, a kind of continuing professional education to be out of LEEP funds as well, because the discretionary funds clearly are a very small portion of the whole pot. And I think that this is very valuable education at a postgraduate level.

With that, I will close my prepared remarks except to thank the committee for having me present its views and ask again that the report, the study we did of LEAA as it relates to the courts, prosecution-defense system and called "Dollars and Sense of Justice," be appended to our statement, and also the article on *Argersinger*.

I thank you very much.

Chairman RODINO. Thank you. We will make that part of the record.

[The document referred to is at p. 536.]

Mr. HARTMAN. Thank you very much.

Chairman RODINO. First of all, thank you for the patience both you and Mr. Phillips have shown in waiting around here during all these quorum calls. However, it is a situation that is not within our control.

Mr. Hartman, has the fact that the States rather than the Attorney General have had prime control of fund distribution caused the defender services to suffer? You know, it was not anticipated this way under the initial Johnson administration proposal.

Mr. HARTMAN. Are you asking what would happen if the States took it over as opposed to the Attorney General?

Chairman RODINO. How has the distribution of funds affected the defender services, in view of the fact that control is primarily within the States rather than in the Attorney General?

Mr. HARTMAN. Well, I would answer that the facts speak for themselves. The figures are that for the first 3 years of LEAA, 1969–71, the defenders received less than 1 percent of all funds expended by LEAA.

Now, this really was a very small amount. Of that less than 1 percent, some States, like Illinois, gave $2 million to defenders. Many other States gave nothing.

We took a survey. When we did our study we wrote to each State planning agency requesting that they list for us the kinds of projects in the defender area. And some States replied that they just hadn't funded anything in the defender area.

Now, hopefully, there is a trend and LEAA has just contacted us last Friday to give us the latest figures—there is a trend among the States to begin increasing allocations, doing something on the defender side. But again, as I stated, I think that where there is a guideline from above saying defenders are a part of the criminal justice system, they should receive funds, especially where *Argersinger* has not been implemented. Then people will do it.

If there are no guidelines, I don't know.

Chairman RODINO. Let me put it this way: what would be the effect of programs if we moved toward revenue sharing without any Federal standards?

Mr. HARTMAN. I just don't know. I fear that some States, which have historically failed to provide for defender services in the past, and probably need these services the most, might retain their patterns and not provide for them. And so I feel it would be valuable for that reason to have guidelines and to have prior approval of the comprehensive plans.

Chairman RODINO. You feel that prior approval is necessary?

Mr. HARTMAN. I really do.

Chairman RODINO. In order to at least provide for funding of the defender service program?

Mr. HARTMAN. I do.

Chairman RODINO. Mr. Hartman, has LEAA money been evenly or fairly distributed between prosecutorial and defender programs in terms of those funds that are spent on the court systems?

Mr. HARTMAN. Well, let me put it this way, Mr. Chairman: the courts in general have not received very much money under LEAA in our view. The study that we did covered the court system as well and showed that, for example, over the first 3 years of LEAA's existence, 1969, 1970, and 1971, the courts themselves received only 6 percent. Defenders received less than 1 percent, and the prosecutors just a little over 1 percent.

Now, it is a little difficult to trace it since prosecution gets money in a number of areas. For example: the prosecution receives funds under the heading of organized crime and they probably receive more than defenders in that sense. But I would say in general the court function was one of the lowest funded areas. And in our view, considering the criminal justice system as a whole, when you neglect one area you just create bottlenecks.

I think it is fine to have the police apprehend criminals. I want safe streets as well as anyone else. But, now, if you only have the police apprehending people and you do not have an expanded role for public defenders and for prosecutors, then you get a stricture, a blockage, because nobody can come to court until there are enough defenders and prosecutors to handle them, and judges as well.

So then you have overflowing detention centers and you have riots and everything else. So I really think that you have to think of the system as a whole and money has to be applied to all parts of it.

Furthermore, the defenders were always underfunded. We learned from our work in the National Defender Survey—we received reports from all the defenders in the field—that there are many States that have not yet implemented *Gideon* v. *Wainwright*, which was handed down in 1963.

Here I am asking the committee to consider *Argersinger*, but the truth is that some States have not yet even implemented *Gideon*. I think it is important and we are here to ask the Congress to make it very clear to the States that they have got to fund the defender function and provide for the defense of the indigent accused, which will constitute 60 percent of the business in our criminal courts in America.

Chairman RODINO. Mr. Hartman you have mentioned representation on State planning agencies. Are the needs of the defender programs well represented on State planning agencies?

Mr. HARTMAN. Well, I would say that they are not. I would say, as I pointed out, two chief judges suggested that they were outvoted. As one chief judge put it, he said:

> I am up there. I looked at the prosecutor and he is with me. And if there is a defender up there he is with me. Other people are all police, sheriffs. You know, they all kind of go together.

I would say that I think there ought to be a requirement that someone representing the defender function be on each State planning

board. I think when they are there, whether they are underrepresented or not, there is usually some recognition to the fact that they exist.

In Illinois we did have a public defender on the State planning board, and I am sure that contributed to at least making for an awareness on the part of the commissioners in Illinois of the problems of defenders. In many States they don't have them at all on local or on State planning boards.

And in the book that we appended to our testimony, "Dollars and Sense of Justice," we had a section on conclusions and recommendations. One of the recommendations is that there should be a public defender on every one of those State planning commissions.

Chairman RODINO. Thank you.

Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman.

Mr. Hartman, I apologize for not having been here during the presentation of your statement. And you have already very well covered this matter. But for my own information at this point: I understand that you represent the National Legal Aid and Defender Association and I take it that those are the attorneys, largely, who not only are employed as public defenders, but this also includes those attorneys who, through local bar associations, respond to the appointment of the courts.

Mr. HARTMAN. Yes. Our membership includes many assigned counsel as well as public defender systems.

Mr. HUTCHINSON. Now, Mr. Hartman, about what percentage of the defendants in criminal cases would you say are served by legal aid bureaus and defenders?

Mr. HARTMAN. Well, I would say that roughly 50 to 60 percent of those who are in our criminal courts require the services of a public defender or a court-appointed counsel.

Mr. HUTCHINSON. About 60 percent of the numbers of those accused.

Mr. HARTMAN. Yes, sir. There are varying standards of indigency from State to State but as an overall average I would say 50 to 60 percent. Some States are higher.

Mr. HUTCHINSON. And the trials, the criminal trials—maybe that is not a proper way to put it. Let me state it this way: The cases that public defenders and appointed counsel defend—are they as time consuming as those who are employed by the defendant to represent them? I mean from the standpoint of the attorney's time?

Mr. HARTMAN. I would say this: that when the supreme court of a State looks at a trial, one of the points that a defendant can raise on appeal is the question of the competency of his attorney. And when the U.S. Supreme Court looks at a trial they consider whether or not the attorney was competent at the trial. And they make no distinction between retained counsel or appointed counsel at that time.

So, if anything, the public defender in a sense, or appointed counsel, has kind of a higher standard, because often he is not the lawyer of the defendant's choice. He is a lawyer given to him by the State. And the State has a special responsibility to make sure that these attorneys are competent.

As I stated earlier today, the gravamen today is different; the problem is simple. The U.S. Supreme Court in recent decisions, has done

two things: (*a*) It has required that counsel be present at every trial before a defendant may be imprisoned. So, as I said before, it is not just the old days of *Powell* v. *Alabama*, where there was a capital case, and someone would take a lot of time on this one capital case. We are now talking about 2 to 3 million cases annually as a result of this decision which just came down in July, *Argersinger* v. *Hamlin*. There are now 3 million cases every year that must be handled by public counsel.

The second problem is—and in a way it is a challenge, because I believe in our criminal justice system—the U.S. courts have stated the role of counsel, and the scope has been enlarged. It has been enlarged from the time when I was a young public defender. We worried about the defendant in our courtroom. That was it. We tried his case and if he won, fine and if he lost, "Go on to the next case."

Those days are over. Now American Bar Association standards, standards by the new National Advisory Commission on Criminal Justice Standards and Goals, which is funded by LEAA, and Supreme Court decisions, suggest—order—that counsel be present at every stage of the proceedings. He has to be there for postindictment lineups. He has to be present at the police station for interrogations or they can't interrogate the defendant. He must be there for preliminary hearings under *Coleman* v. *Alabama*. He has to be in juvenile court, under in re Gault. He has to be at probation revocation hearings, under *Nempa* v. *Rhay*.

He ought to be there for bail hearings because he assists the court in seeing whether the defendant can get out on bail, instead of crowding our detention institutions.

Pat Healy this morning, the executive director of the National District Attorneys Association, pointed out that the new trend is for pretrial release and for diversion before defendants get into the criminal justice system. Well, we need prosecutors for that but we also need defenders for that. And it is a good thing, because if a defendant can be let out of the criminal justice system before he gets into it, if he can be put on some kind of alternative to incarceration, drug abuse program, work release program, or whatever, you save the institutions money and you save the criminal justice system some time, et cetera.

But for all these you need counsel present. Moreover, the U.S. Supreme Court has said, in *Douglas* v. *California*, that you need appointed counsel or public defenders for appeal.

So you really have to be in on the case at all stages and in every courtroom and that has really tremendously changed the problem from what it was even 5 years ago.

Mr. HUTCHINSON. Then I suppose it is a safe statement to make that under the present situation, any county—I am thinking about rural counties for instance—any county that has a prosecutor would have a defender or someone in his role equally busy as a prosecutor.

Mr. HARTMAN. That is true.

I spoke about the National Advisory Commission on Criminal Justice Standards and Goals a little earlier. As you all know, this was a Commission funded some 18 months ago by LEAA, with many distinguished people on the Board of Commissioners, headed by former Governor Peterson. The purpose of this Commission was, utilizing

consultants, to draw up blueprints and guidelines for the criminal justice system.

That Commission—and the National Defender Association had the privilege of working as a consultant to that Commission as well—that Commission recommended that there be a public defender in every jurisdiction in this country. And when it came to rural areas, perhaps, that could not afford one public defender a full time as there just wouldn't be enough business for a full-time defender in what is a rural county—then the standards provide that there should be multi-county groupings until you have enough business for a full-time public defender.

And, as I said a little bit earlier, in Illinois we did have a project funded by LEAA—it was State planning funds—where we ran a trial project in Cairo, Ill. and in seven surrounding counties. What we did was to have two full-time circuit defenders ride the circuit, just as in the old days, going from county to county, to help in calendaring their cases and prove that you could have two full-time defenders cover that seven-county area, people who were professional criminal defense lawyers devoted to representing the indigent.

And that worked out very well. It was praised by LEAA. And the State Legislature in Illinois this year passed and Governor Ogilvie signed the bill just a few months ago picking up parts of that program, the appellate components of this public defender project.

Mr. HUTCHINSON. Just one further question: do you foresee the time in the relatively near future, perhaps, when just as the prosecutorial system is carried out exclusively by attorneys, either publicly elected or appointed, the defense function likewise will be exclusively carried on by a similarly, either publicly appointed or elected official as a public defender?

Mr. HARTMAN. Well, I don't see that in the foreseeable future, because the traditions of this country are those of a free enterprise country. That is, lawyers traditionally have always wanted to hang out their shingles and practice law.

I think that at the moment I am concerned about the 50 to 60 percent of the populace that can't afford counsel of their own choice. And the State has an obligation under a recent Supreme Court decision and the sixth amendment to the Constitution, which was declared binding on the States in 1963, to provide counsel in those cases. And that hasn't been done yet.

We are a long way from providing counsel to those 50 or 60 percent. So I don't really see that in the future we are going to have 100-percent public representation, when at the moment we are probably nowhere even the 50 percent we ought to be at.

Second, you always need the private bar's involvement and as I stated, the National Advisory Commission suggested there be a public defender jurisdiction in every county. It also said that the private bar should continue to be involved.

One of the reasons you need the private bar is that the public defender can't handle all the cases. For example: there may be a conflict of interest between two defendants. Often you get two defendants in a case and each one will confess, stating that the other one did it. In that case, under the canons of ethics, the public defender cannot represent both clients.

So, what traditionally happens is that the public defender will take one defendant and then the bar association representative or assigned counsel or court-appointed counsel, will be appointed for the other case. So you are always going to need private bar involvement.

However, what we are here today for to seek from the Congress is simply this, apart from all the other remarks we make. The main point I want to make is this: The legislation did not mention the words "Public Defender," or "Defense of the indigent," originally. Today, with the *Argersinger* crisis, and the Supreme Court saying that you need counsel in every State before a man can be imprisoned, you have States where they are not putting people in jail because they have no lawyers.

It is important that the Congress clearly write into the act the term "public defender" or "defense of the indigent," or "defense function"; so that State planning agencies will fund those programs, especially if you go to the revenue sharing, where the States are going to make the decisions, you have got to have some guidelines on the legislation from the Congress saying to them, "You may find 'defender,'" otherwise they will be saying, "Look, if the Congress had wanted us to fund defenders out of LEAA money they would have put it in the act."

And that caused great difficulties over the first 3 years because you met resistance from the people on planning boards, et cetera, who said, "Where is the defender in here?" So the primary thrust of our remarks today was to ask the Congress to include the word in the definitions, under law enforcement or under criminal justice, where you talk about comprehensive plans, and wherever it would be appropriate, describing the activities that can be funded out of LEAA funds, that the word "defender" or "defense of the indigent" be placed in the legislation.

Mr. FLOWERS [presiding]. Is it your statement, sir, that 50 to 60 percent of the accused in this country cannot afford counsel of their own choice. And where do those statistics come from?

Mr. HARTMAN. No. 1, that is my statement.

Mr. FLOWERS. I did not know a lawyer's fee was that high.

Mr. HARTMAN. Well, that is my statement, No. 1. And there were conferences held at Airlie House and other places where these matters were discussed and that figure is also quoted in the President's Commission report—"Challenge of Crime in a Free Society"—which was published in 1967. This 50-percent figure.

Also, Lee Silverstein published a book on the "Defense of the Poor" about 10 years ago and he estimated 50 percent.

Mr. FLOWERS. It is all estimated, though. Does it reflect income statistics as opposed to lawyers' fees, or anything like that? Really it is just a figure that has been pulled down. Anybody may be right or not, but it is not investigated.

Mr. HARTMAN. Let me suggest this: I worry about statistics that are not pulled down, as well. And so what we did was request from the Law Enforcement Assistance Administration last year that there be conducted a National Defender Survey to find out the needs of indigent defendants out there in America. That survey is now underway. And we want to make sure that we nail down statistics so that we know.

However, I would only say this to you about the statistics. It has been used now for about 5 years, this 50 percent.

Mr. FLOWERS. So it has that standing in court anyway?

Mr. HARTMAN. I know I have talked to people in various communities and they suggest that it is perhaps higher. In some States it may be up to 75 percent.

Mr. FLOWERS. If those figures are higher, are we moving to the point where all criminal defense will be done by a public servant, a public defender? I will say that in my judgment the movement seems in that direction, though it might be a long way away.

I certainly would not want to be a young lawyer setting out to practice criminal law on the defense side, and rely on that as my sole source of income because the problem is that every marginal person incomewise is going to declare that he is indigent. And the judge is going to have to assign a public defender to him. And you don't really find any effort on the part of the nonindigent to fund his own legal defense any more.

Mr. HARTMAN. Well, let me make two responses to that, if I can. First of all, in many States there are recoupment statutes, so that if the person erroneously states that he is entitled to free assistance of counsel, and he has funds, he must reimburse the State for the cost of that service.

I am not interested now in worrying about the person who has funds. It is true in New Jersey, for example, that they did recoup a certain amount of money. I would think by and large, however, that we are so far away from even meeting the requirements of *Argersinger* now and *Gideon*, that it is just too remote in the future to worry about the problem. I think the problem will always be there. I think that the National Advisory Commission standards strengthen the private bar as well, plus also people who have been public defenders or prosecutors often leave that field and go into private sector criminal defense work.

So there is a continuum, and the criminal justice field is a very profitable field in some ways.

Mr. FLOWERS. I would personally hate to see a private attorney in general practice have foreclosed to him the opportunity to practice criminal law on the defense side. I think it is good for our system. I think it is good for the young lawyer or any lawyer. It is good exposure; it is good practice.

Mr. HARTMAN. Mr. Congressman, I think they can both coexist. As I said, under the criminal justice standards, the National Advisory Commission, they expect in each jurisdiction there will be a mix. There will be a public defender in each jurisdiction where the private bar will handle a certain percentage of the cases.

In the Criminal Justice Act passed for the Federal courts they provide that 25 percent of the cases must be handled through private bar. And so what they do is, in some areas, with the community Federal organization: there is a public defender who has a staff and then there is a panel of attorneys who volunteer, who want to handle criminal cases.

And then, even if it is poor people, they are appointed to handle those specific cases. So you always have a mix of 25 to 30 percent of the private bar, sometimes 50 percent.

Mr. FLOWERS He still is, in effect, a public defender in that sense. You've just hired him as a part-time public defender, you might say, in reference to that particular case. Not really a private lawyer-client relationship, which I hate to see changed. There may be no alternative to it.

One other thing that I might just point up to you: I understand your interest, and I commend you for it, in your work. But you suggested that in the preamble clause of the act we might include something like "to improve the quality of justice." And I can surmise that at least one thing in your mind would be "to improve the quality of justice," the public defender program. And in the minds of some other people, improving the quality of justice in this country might mean getting more convictions, fewer paroles.

It is kind of like beauty; it is in the eye of the beholder. When you start using terms like that they really lose their meaning as a general theme, I think.

I think when you talk about "reducing crime," that is a measurable statistic that you work toward. We have done well with LEAA, and I hope we can do better with some changes that might come about in the law.

I thank you. You have made a good presentation here, in my judgment, Mr. Seiberling.

Mr. SEIBERLING. Thank you, Mr. Hartman, one of the first jobs I had, as a young lawyer, was to work for the New York Legal Aid Society. It was headed, I think, by a Mr. Schmier, Bernie Schmier. Anyway, I was interested in your point, which I think is very well taken, that we ought to try to apply a kind of systems analysis to the whole law enforcement-judicial-corrections system as a whole, and recognize that it has to be treated as such.

And I wondered whether, to your knowledge, anybody has done any experimental systems analysis on it, as just a logistical problem?

Mr. HARTMAN. Well, I do know that there were several kinds of programs emanating from LEAA, and I think they were called "pilot cities." And I think the idea was to look at the whole criminal justice system in an area and try to beef up prosecution, defense, courts, and corrections.

Whether we have succeeded in measuring that, I am not sure. I have not seen the reports yet. I think that the time has come now when we have to do that. We have to look at the criminal justice system as a whole.

I know that there was an effort in Dade County, Fla., in which NLADA (the National Legal Aid and Defender Association) participated and in which the American Judicature Society and several other groups were involved. And the idea was to evaluate the criminal justice system in Dade County.

We looked at the defender's office. The American Judicature Society looked at the courts. I haven't seen the report yet but I think that was an attempt to move in the direction that you are suggesting ought to be examined—to look at the whole system to see how it works.

I might suggest to you that the National Legal Aid and Defender Association often evaluates defender systems to see if they meet standards. I was involved in evaluation of a statewide system recently.

It is interesting because in order to evaluate the defender system we had to talk not only to defenders, but also to judges, to the prosecutors, to the chiefs of police, to the clerks in the courtroom, et cetera. And to the corrections people.

And finally, our evaluation design requires that we talk to the inmates who are the users of the service. So, just to give you one instance: The law requires when a person is convicted that he be informed of his right to appeal. So in this one area we asked the judges whether they notified the defendant of his right to appeal. They said, "No, the public defender tells him after the trial."

Some other people interviewed the public defender. They said, "Do you inform the defendants of the right to appeal?" He said, "No; they are told about that at the prison." Another said, "No, no." We sat down and compared notes and we found nobody told those defendants of their right to appeal until it was too late.

But here is an example of the value of what you are suggesting, looking at the whole system——

Mr. FLOWERS. Without commenting on what kind of defense counsel wouldn't advise his client of his right to appeal, I just wonder: Isn't this the kind of thing the National Institute ought to be doing?

Mr. HARTMAN. Well, the National Institute, I think, has a tremendous leadership role that it can play. I think that statistics in this country are very meager in terms of watching careers of people in the criminal justice system.

I know that I worked before I became an assistant public defender in Cook County—I worked in the Juvenile Court of Cook County as assistant to the judge. We always asked about recidivism figures. Did our probation officers work well with these children? Did they then stay clear of crime?

Oh, I think it is important to have some kind of followup, so that you trace the career of somebody from the time he enters the criminal justice system all through adult life.

I think this is the kind of thing the National Institute could be involved in.

Mr. SEIBERLING. With all the computer operations we have around this country in every conceivable field, it seems to me it is about time we used our technology in the law enforcement field in this particular way.

Mr. HARTMAN. In terms of evaluating offices, which you also asked me about, I would say there I think that the organization which has some professional expertise and some standards, has to do the evaluating.

I think the National Institute can contract with organizations, the National Legal Aid and Defender Association to evaluate defenders, the National District Attorneys Association for prosecutors, and the National Juvenile Court Judges or some other organizations for that field. But I think that you have to have a certain experience in the field to know whether or not, you know, a defender or prosecutor is performing adequately.

Our staff at the National Legal Aid and Defender Association has a lot of experience in this area and we have done a number of evaluations over the last few years, so that we can kind of evaluate one office

against another, plus I personally spent about 8 years as a public defender.

I don't know anybody who has never been in the field could really evaluate the performance as well but I think certainly the National Institute has a leadership role to play in developing capabilities for these kinds of evaluations. And perhaps even accreditations. It may be there ought to be standards for defender offices, standards for prosecutor offices, and if these standards are not met perhaps some action should be taken to have high standards of competency met.

For example, if a public defender is incompetent in handling a case you may have a guilty client just walk out the door. I mean we are here to do two things, to insure that the innocent are acquitted and to insure that every American has a fair trial.

Now, that is the scope of our responsibility. And we want to do that to the best of our ability as lawyers and as Americans.

So it is part of the American system that you have a vigorous, well-trained, competent defense counsel. We have asked judges who say that they are happy when there is a strong defender because when they have a strong prosecutor and a strong defender, they can judge. They don't have to do anything else in the case, to become an advocate as well.

So, training is important for defenders, and that is part of the standards which we advocate. In fact, even in our proposed text we suggest it be very clear that defender training be allowed under the act.

Training is very important.

Mr. SEIBERLING. How many public defenders are there, how many lawyers engaged as public defenders around the country, now?

Mr. HARTMAN. Well, there are about 3,100 counties. And in every county there has to be someone who is engaged in defending the indigent.

Before we got our money in Illinois for the Illinois defender project, which I discussed earlier, we conducted a little survey in Illinois to determine how the indigents were being handled before LEAA gave us some funds. We found in some counties there were not enough lawyers to go around. So, when there was an indigent case they had to import a lawyer from outside of the county to come in and to represent this poor person. And that was a great hardship, especially if he was a lawyer in private practice doing probate law, et cetera. He took time from his regular business. It was a hardship living in this other county and there was always a temptation to get the case over with quickly.

But, assuming the lawyer was zealous, which I am assuming they are, because most lawyers are zealous in defense of the indigent, when the case was completed if the judge then said to him: "Now will you undertake the appeal of this pauper?" The lawyer would usually throw up his hands and say, "Your Honor, I have been away from my home and family. I just do not have the time to do the appeal."

That is why I completed our survey of the Illinois program and we were funded by the SPA there for $2 million to set up a statewide public defender service, which was made into a State agency just this past summer.

But, in response to your question as to how many defenders there are, what I am suggesting is that they should be at least one for every county.

Mr. SEIBERLING. I just asked how many there are.

Mr. HARTMAN. At this moment I would estimate somewhere between 2,500 and 3,000. There are 600 in California alone.

Mr. SEIBERLING I presume some of them do eventually go into private practice?

Mr. HARTMAN. Yes.

Mr. SEIBERLING. So we are not really running into this problem of depriving young men who want to become criminal lawyers of the opportunity to practice criminal law?

Mr. HARTMAN. Actually, if I could just comment on that because I think it is important that you get involved in criminal law. I know when I went to law school it was the only kind of law I wanted to practice. That was, I felt, American law at its best in the courtroom.

Actually, the public defender movement has given me a chance to practice criminal law. The president of the American Bar Association pointed out that we now have a tremendous number of law graduates, graduating each year from the law schools and there is a problem as to what they are going to do.

Well, one of the fields which they can now go into, due to the *Argersinger* decision, is the defense of the indigent in criminal law. Whether they stay in that or practice for a few years and then move on, they have their chance to defend the indigent and receive a decent living for it.

The National Advisory Commission suggests, for example, that those people who engage in the defense of the indigent be paid the same salary as prosecutors. And they suggest that both the prosecutor or defender or appointed counsel be paid the same salary as members of the bar in private law firms for the first 5 years.

The standards also suggest that, as the head public defender is as important a component of the system as the prosecutor and chief judge, he should be paid the same salary as the prosecutor and that he and the prosecutor should be paid the same salary as the chief judge, and later on it was suggested they all be paid the same as the Federal judge in the circuit.

So, in any event, the movement has opened the way for defenders and young lawyers to be involved.

Mr. SEIBERLING. Just one more question, Mr. Chairman.

To what extent are legal aid societies still providing counsel to indigents in criminal cases?

Mr. HARTMAN. Well, they are involved but usually they have a criminal division, a separate criminal division. And this criminal division perhaps contracts with the city or receives an LEAA grant and provides services. There are usually two separate branches and in New York City the legal aid society still handles criminal cases. It is the criminal division.

Mr. SEIBERLING. They do not have a public defender?

Mr. HARTMAN. No; the legal aid society contracts with the city and provides defense services. This is a trend, by the way. Many private community groups contract with the city or State for defender services

and that is a position which has been favored as a new trend because then you have an independent board of trustees supervising the operation instead of the judiciary, which avoids any conflicts of interest.

Mr. SEIBERLING. Judge Lombard, when he was in private practice—I was in the same firm as he—felt that legal aid provided more independence to the defense counsel than a public defender system. Of course we didn't have the greatly expanded system we are getting now. What is your reaction to that?

Mr. HARTMAN. Well, I use the term "defender" advisedly, rather than specify between public defender and private defender. Actually, in Illinois we ran a private defender service, because a private group, a nonprofit corporation, received a $2 million grant from LEAA to conduct defender business. That is a trend.

For example: in Detroit there is an organization that receives money for that. In Cleveland there is a legal aid and defender society. And in New York, and so on. I would say that the mode of providing defender services could be private as well as public. The mode of providing defender services could be private and this would be, in fact, desirable in many cases, because then you have an independence from the court system.

Mr. SEIBERLING. I think the point you made in your statement that the law should make it clear that LEAA funds can be used to hire nonprofit defenders is a good one.

And I think we ought to take that into consideration.

I have no further questions.

[The prepared statements of Mr. Jones and Mr. Hartman follow:]

STATEMENT OF FRANK N. JONES, EXECUTIVE DIRECTOR OF THE NATIONAL LEGAL AID AND DEFENDER ASSOCIATION AND MARSHALL J. HARTMAN, DIRECTOR OF DEFENDER SERVICES FOR THE NATIONAL LEGAL AID AND DEFENDER ASSOCIATION

Mr. Chairman and members of the Subcommittee, my name is Frank N. Jones. I am Executive Director of the National Legal Aid and Defender Association. Appearing with me today is Marshall J. Hartman, Director of Defender Services for NLADA.

The purpose of this statement today is to place before this Subcommittee the views of the National Legal Aid and Defender Association with respect to the legislative proposals relating to the Law Enforcement Assistance Administration and specifically the proposed "Law Enforcement Revenue Sharing Act of 1973".

NLADA was formed in 1911 and presently counts as members about 1,000 legal assistance offices including some 300 public and private defender offices and assigned counsel programs engaged in the defense of the indigent accused. It is a national non-profit corporation whose primary purpose is ensure equal justice for the poor in both civil and criminal cases. It provides technical assistance to the over 6,000 legal assistance lawyers involved throughout the United States in providing representation to the poor. It also assists local communities in setting up Defender and legal assistance offices and evaluates programs to ensure that they meet high standards. NLADA's Board of Directors and its committees, both civil and defender, are composed of leaders of the Bar and community from every section of this country.

We are especially pleased to appear here today before the Subcommittee to express our views about LEAA and the proposed Law Enforcement Revenue-Sharing Act of 1973 inasmuch as our staff has just completed a year long study of LEAA as it relates to the defense of the indigent. The study, entitled *The Dollars and Sense of Justice*, traces the legislative history of the LEAA Act and in so doing points up the failure of Congress to make any mention of the defense function or defenders in the original legislation.

The study then traces the development of LEAA from 1969 to date and analyzes the funding patterns of the agency with respect to the court function generally and to defenders in particular. The study highlights the fact that defenders

received less than 1% of all LEAA monies during the first three years of the agency's existence. It attributes this paucity of funding to the defense function directly to the omission of the word "defenders" from the enabling legislation. The study then concludes with specific recommendations and proposals for amendments to the Act. We would like to append a copy of the study to today's testimony for the record.

The defender movement in this country is relatively new. It began to blossom only ten years ago with the advent of the U.S. Supreme Court's decision in *Gideon v. Wainwright*. Prior to that decision there were relatively few public defender programs in the country. Since under prior Supreme Court decisions only felons accused of a capital offense were entitled to counsel, there was no need for an organized defender system. Individual court-appointed counsel could handle the caseload. However, in 1963 the U.S. Supreme Court held in *Gideon* that the Sixth Amendment to the Constitution was obligatory upon the states and that every felon was entitled to counsel. This obligated the states to provide counsel for roughly 200,000 felony defendants last year alone who were financially unable to afford counsel.

That figure, however, pales into insignificance when compared with the awesome challenge to the states now presented by the decision last year by the U.S. Supreme Court in *Argersinger v. Hamlin*. That case held that no defendant in this country could be imprisoned without the assistance of counsel. Last year there were 350,000 felonies in this country. There were over 6 million misdemeanors. The indigent accused account for approximately 50 to 60% of the nation's caseload in the courts. That means that counsel for those financially unable to afford it may have to be provided at public expense in over three million cases next year alone. Preliminary data from the National Defender Survey, which we are presently conducting pursuant to an LEAA grant, reveals the dimensions of this task. Over 50% of the judges surveyed stated that, prior to *Argersinger*, they did not provide counsel in all cases in which *Argersinger* now requires representation. Almost 40% of the judges complained of the lack of funds to finance the provision of counsel required by *Argersinger*, while close to half of the judges felt that their county was financially incapable of meeting the *Argersinger* mandate. Field studies conducted by the Survey staff revealed that in many jurisdictions, judges are simply not incarcerating misdemeanor defendants because of the inability to provide counsel for them. For a discussion generally of the impact of the *Argersinger* decision see "Help for the Indigent Accused: The Effect of *Argersinger*, Goldberg & Hartman, N.L.A.D.A. Briefcase, vol. XXX, No. 6, July, 1972."

In response to the *Argersinger* problem many states have begun to reexamine their defender systems and evaluate their capabilities. Missouri, Kentucky, Vermont, and Nevada have set up statewide defender systems in the past year alone, bringing the total of states employing this method to well over 25% of the total for the country. Alabama requested that LEAA assist them in setting up a defender system to meet the challenge of *Argersinger*, and in Virginia, with LEAA support, a study was conducted and three pilot defender offices were set up. Today there are only 450 organized defender and assigned counsel systems in operation. That is no longer adequate to meet the challenge of *Argersinger*; a defender program is needed in every locality.

In addition to representation at the trial stage, the Supreme Court has interpreted the Sixth Amendment to require the representation of defendants at every critical stage of the prosecution. The high court has held that a lawyer is necessary at preliminary hearings (*Coleman* v. *Alabama*), during pre-indictment interrogations (*Escobedo* v. *Illinois*, *Miranda* v. *Arizona*), in juvenile court (*In re Gault*), at post-indictment lineups (*Wade* and *Gilbert*, *Kirby* v. *Illinois*), on appeal (*Douglas* v. *California*), and at probation revocation hearings (*Mempa* v. *Rhay*).

However, current thinking on the part of experts in the criminal justice field envisages a broader and more remedial role for the organized defender system in addition to appearances in the courtroom and at formal hearings. Studies indicate that current approaches toward the offender—lengthy incarceration in institutions offering little in the way of rehabilitation and transition back into society—merely serve to reinforce criminal modes of behavior. The defender office must begin to play a greater role in both pretrial diversion and release programs and in post-trial programs for alternatives to incarceration. The American Bar Association's minimum standards on *Sentencing Alternatives and*

Procedures, Standard 5.3(f) state that "The duties of the defense attorney with respect to each specific sentence should include the following steps: (i) The attorney should familiarize himself with all of the sentencing alternatives that are available for the offense of which his client has been convicted and with community and other facilities which may be of assistance in a plan for meeting the needs of the defendant. Such preparation should also include familiarization with the practical consequences of different sentences, and with the normal pattern of sentences for the offense involved." (Approved Draft, 1968)

There is an excellent program currently operating in the Seattle-King County Public Defender's Office utilizing ex-offenders and others to involve the defendant in a program suited to his needs from the moment of arrest through the trial stage. The first correctional alternatives program was funded by LEAA in the Santa Clara County Public Defender's Office. This program, which has served as a model for other jurisdictions wishing to establish a full-service public defender program, utilized social workers and other professionals as well as para-professionals to aid in developing avenues which would return the offender to a useful role in society.

The commentary to the *ABA Standards Relating to Sentencing Alternatives and Procedures* states that, "Often institutionalization will result in little more than education of the offender in more sophisticated methods of engaging in criminal conduct, and certainly a great deal less than a realistic program of rehabilitation. Particularly in the case of first offenders, there is a much greater chance in most cases of avoiding a subsequent offense by helping the offender adjust to society than by removing him from it." (Approved Draft, 1968 at p. 72–3.) In addition, the relative high cost to society of incarceration as compared with the cost to society of funding a defender program to design alternative programs for the offender militates in favor of diverting more of our resources in this direction.

LEAA has, notwithstanding the limitations of the legislation, contributed to the growth of defender services in this country. For example, in 1969, the Illinois Law Enforcement Commission, a State Planning Agency of LEAA in Illinois, awarded $10,000 to the Illinois Public Defender Association to conduct a study to determine the needs of indigent defendants throughout Illinois. As a result of that study, the Illinois Public Defender Association applied for and received a grant of over $2,000,000 to set up a statewide defender system in Illinois. Just a few months ago that statewide defender system was enacted into law by the Illinois State Legislature. The program has processed over 1,000 appeals in the last two years, has set up a regional circuit-riding pilot defender program in Cairo, Illinois and 7 surrounding counties, has published a monthly newsletter of criminal cases, has engaged in an extensive law school intern program involving over 100 students a year, has sponsored seminars and training programs for defenders and published a training manual with the cooperation of the Illinois Institute of Continuing Legal Education. That is an example of the kinds of things which have been accomplished with LEAA seed money. LEAA provided the initial funds and the state legislature will now fund the continuation of the program. In California the Criminal Justice Council has allocated funds to set up two training programs per year for the California public defenders. One, an orientation program for new defenders and the second, advanced training week-long seminar for the experienced defender. There are over 600 public defenders in the state of California alone. In Philadelphia, the public defender has received funds to improve his program, to allow his lawyers to be better prepared for court and thus to avoid court delay. In New Jersey the public defender system received over half a million dollars of state funds. In Portland, Oregon, LEAA set up the public defender office in Multnomah County. And we could give countless other examples of public defender offices that were aided by LEAA funds. In addition, we are presently conducting, pursuant to an LEAA grant, a National Defender Survey so that we can, for the first time in this country, assess the needs of indigent defendants and capabilities of the criminal justice system with respect to meeting the challenge of Gideon and Argersinger as mandated by the 6th Amendment to the U.S. Constitution.

Allocations for defender services in the comprehensive plans of the nation's LEAA State Planning Agencies totalled $5,951,775 for fiscal 1972. For fiscal year 1973, $10,358,760 has been allocated for defender services in 28 states alone. This figure, of course, does not reflect actual expenditures of funds, but projects

funds which are contemplated by the comprehensive plans in those 28 states. For fiscal years 1969–1971 we have more accurate figures regarding actual expenditures by LEAA.

Those figures indicate that not every state in the Union felt its responsibility to fund the defender or defense function. Actual expenditures of LEAA to defenders over the first three years of the agency's existence totalled less than 1% of LEAA funds for that period. (See Chapter 3, Dollars and Sense of Justice, 1973.)

Part of the responsibility for this state of affairs must lie with the Congress in its failure to mention the words "defender" or "defense function" or "defense of the indigent" in the original legislation setting up the Law Enforcement Assistance Administration. Because of that omission some members of State planning agency boards and staff as well took the position that defenders were not meant to be funded out of LEAA monies and refused to recognize that defenders were part of law enforcement or even the criminal justice system. Congress can rectify that omission today in the new legislation by making it clear to the states that defenders can be funded out of LEAA monies. This can be accomplished by writing defenders into the act.

PART F: DEFINITIONS

The first specific section of the Act that we would like to discuss therefore is the section on definitions in Section 601. The problem we face is that the term "defenders" or "defense function" is not in the proposed legislation.

The term most often used in the Act is "Law Enforcement." In Section 601 Law Enforcement is defined, but in delineating the activities embraced by that term, defense of the indigent accused of crime is omitted.

There can be no question at this late date but that the defense is a significant component of the criminal justice system. Chief Justice Burger in his address to the National Defender Conference of 1969 stated,

"We should view a court—a criminal court—as a court having three parts. We analogized it to a stool, but since that was too much in the vernacular, in our report it appears as a tripod. . . . The three legs in this analogy are: the judge, the prosecutor, and the defense counsel." (At page 42, Report of Proceedings of the National Defender Conference.)

Similarly, the National Advisory Commission on Criminal Justice Standards and Goals characterized it this way,

"The public defender is an important component of the criminal justice system, comparable to the prosecutor and the chief judge of the highest trial court of the jurisdiction." (Working Papers Ct. 174, 1973)

Some will suggest that it is sufficient in the definition of law enforcement to refer to the activities of courts and "related agencies" to justify grants to defenders but we have three years of experience trying to live with the last legislation which did not clearly spell out that defenders were to be considered part of law enforcement for the purposes of this act. During the first three years of LEAA's existence as we have pointed out in our study, Defenders received less than 1% of the funds allocated through bloc grants and discretionary funds.

It is only recently that defenders have begun to receive a more adequate allocation of LEAA funds. This is in part due to the fact that Jerris Leonard and the Courts Division sponsored conferences for State Planning Agency Court specialists and invited staff of NLADA and defenders from the field to attend these conferences, thus raising the consciousness of the states to the problems and needs of Defenders. Now the proposed bill seeks to allow the states to spend 85% of the fund without restraint. Thus the influence of the Washington Administrative staff and the regional offices will be weakened, and at the very least it is imperative that Congress make crystal clear its legislative intent that defenders be funded under this act. Therefore, we seek inclusion of the activity pertaining to the defense of the indigent accused as one of those activities defined under the umbrella of "law enforcement".

PART C: SECTION 303(b)

Similarly, under Section 303(b) relating to the description of a comprehensive plan there is no requirement that the defense function or the activity of defending the indigent accused be included befor a state plan is considered compre-

hensive. Although the states have primary responsibility for determining the greatest needs in their own localities, to allow a state to beef up the police, or the prosecution, or the judiciary, without increasing or improving or providing an adequate defense counterpart is to bring chaos to the criminal justice system of that state or to deny fundamental due process to those financially unable to afford counsel in that state. The criminal justice system is like a funnel. To expand parts of it, while leaving one part intact is to cause a stricture or blockage at a key point. No person may now be imprisoned without the assistance of counsel today. That is the law. Therefore to keep the flow of defendants moving from arrest to detention to adjudication to disposition to release, counsel must be provided at every stage of the criminal justice process. The Standards of the National Advisory Commission on Criminal Justice Standards and Goals provide that: "Public representation should be made available to eligible defendants, in all criminal cases at their request . . . beginning at the time the individual either is arrested or is requested to participate in an investigation that has focused upon him as a likely suspect. The representation should continue during trial court proceedings and through the exhaustion of all avenues of relief from conviction." (Working papers Ct–167)

Restrict this flow and the entire system becomes backlogged, detention facilities become jammed, courtrooms cannot operate. It was not uncommon for example in Cook County, Illinois to see four or five judges waiting for a public defender to come into their courtroom so that they could proceed with their court call. The initial saving in public defender salaries was more than offset by the time expended by court personnel, bailiffs, judges, clerks, and witnesses, waiting for the lone defender assigned to cover the six courtrooms of the Juvenile Court. Allowing a state to file a "comprehensive" plan that did not include the defense of the indigent accused would be a contradiction in terms. We ask the Congress however to insure that Congressional guidelines are clear, and that the states should be informed in the legislation of the Congressional intent to include the defender function in its definition of a comprehensive state plan, both in paragraph m of Section 601 and also in Section 303 where comprehensive state plans are discussed. We suggest that the words "prosecution" and "defense" be added to Section 303 where it provides that a state plan should "thoroughly address improved court programs and practice throughout the state."

PART C: SECTION 301(b)

As in Part F and Sec. 303(b), Sec. 301(b) omits any mention of the defense function. The proposed administration bill closely tracks the existing legislation in its list of the purposes for which grants may be provided. Now that the legislatively imposed expiration date for the original statute has come, however, it would be appropriate to re-examine the content of those provisions rather than to simply add on provisions to the old legislation while adopting by vote the existing provisions. Some examples of a new format for rewriting this part of the legislation are S. 3050, introduced in January of 1972 and Title II of S. 3492, introduced in April of 1972. These bills, while directed specifically to the problem of urban crime reduction, would serve as a model for the revision of the haphazard listing of types of programs under Part C of the existing legislation. Under this model, a comprehensive plan would have to contain programs for the three components of the Criminal Justice System: police, courts and corrections. Within each of the three topics there would be a non-exclusive list of projects which could be funded. The list of projects in these two bills appears to be an excellent starting point.

On October 20, 1971, LEAA Administrator Jerris Leonard announced the creation of a National Advisory Commission on Criminal Justice Standards and Goals. The Commission, headed by Governor Russell Peterson, was charged with setting national goals, performance standards and priorities for improving the nation's criminal justice system. Commission members, members of the various Commission task forces, and Commission staff included some of the most talented and knowledgeable individuals in the criminal justice system. On January 23–26 of this year, the Commission reported its findings in a National Conference on Criminal Justice held in Washington, D.C. While the recommendations of that Commission were not intended to be mandatory upon the states, Congress would be ill-advised not to make use of the expertise of this

Commission in drafting the proposed legislation. The four priorities spelled out in the Summary Report on Courts are as follows:

1. Speed and efficiency in the court process;
2. Upgrading Prosecution and Defense Performance;
3. Upgrading the Caliber of the Judiciary; and
4. Non-Adversary Disposition.

Thus, it would seem advisable to spell out in the legislation that grants would be awarded in the courts area for projects dealing with these four goals.

However, should Congress decide to retain the existing content and structure of Section 301(b) we would recommend that a paragraph be inserted to provide for the establishment and improvement of defender systems, including the recruitment, training, and education of defenders and paraprofessional support personnel, technical assistance to and evaluation of programs, and development of multi-county and statewide defender systems.

SECTION 306(a)

Our study of LEAA revealed that during the first three years of the operation of LEAA, the entire courts function received only 6% of the monies from state block grants (See chapter 3, *Dollars and Sense of Justice*). In a recent speech, Attorney General Kleindienst suggested that "It is our hope that the states will continue to enlarge their interests in LEAA projects for court reform and that such projects can be increased to at least 15% and perhaps as much as 20% of total LEAA block grants." (Address of the Honorable Richard Kleindienst, Attorney General of the United States, before the National Association of Attorney Generals, Lake Tahoe, Nevada, June 27, 1972 at p. 10.)

And in fact, we have just been informed by officials of LEAA that expenditures in the court area for fiscal 1973 will be up to 16%.

In Section 306(a) of the Administration Bill, the proposal of the Attorney General has not been implemented, as only 30% of the revenue sharing funds would be reserved in the states for statewide programs in the areas of correction, courts and higher education. As Mr. Kleindienst noted, in his testimony before this subcommittee, "This approximates the percentages currently reserved" for these functions.

Under current levels corrections already receives 20% of block grant funds under Part E of the old legislation alone. Assuming that higher education will utilize some of the 30% received for corrections, courts, and higher education, the court funding will not reach the levels advocated by the Attorney General and former administrator of LEAA. We are generally opposed to the pass through provision contained in Section 306(a) and stated our opposition to it in the conclusions and recommendations section of our study of NLADA at p. 25. We feel that it forces the state to carve up unnecessarily funds which might be better used on a state level or in areas of highest need in an arbitrary manner. But even if the pass through requirement is maintained, it should be modified to 50%.

Allowing 50% of the funds to be used for corrections, courts, and higher education might force a reordering of the priorities of LEAA. But that is indicated. The Attorney General himself stated that in the early years of LEAA perhaps too great an investment was made in hardware. Riot control was an early priority. But those needs have been largely met in the infancy of LEAA.

SECTION 304

The next topic we would like to touch on is who may apply for grants under this legislation. In Section 306(2) discussing the discretionary grant program it is clear that the attorney general may in his discretion make funds available to non-profit organizations. However in Section 304 relating to the 85% of funds going to the states, the language allows the State governments to receive applications for financial assistance from the "heads of State agencies, the chief executive officers of units of local government, and other applicants." We suggest that the term "other applicants" be clarified to specifically include non-profit organizations. Otherwise, you will have some states awarding grants to non-profit corporations and others interpreting the section to mean they cannot. The importance of this to defenders and other community groups cannot be overemphasized. One of the common modes of defender organizations authorized by the

Criminal Justice Act (Title 18,3001 et seq.) is the community defender organization. ABA standards suggest that a defender system with an independent board of directors is preferable to a system where the defender is supervised by the Judiciary. (ABA Standards for Providing Defense Services, Standard 1.4) The largest grant ever awarded to Defenders under the LEAA program was awarded to the Illinois Public Defender Association, which is a not-for-profit Illinois corporation. Similarly in Detroit the defender function is handled by the Detroit Legal Aid and Defender Association, and in Philadelphia, Cleveland, New York, and many other smaller localities, by non-profit associations. Therefore to restrict non-profit defender organizations from receiving LEAA funds from the 85% share allocated to the states would be a severe setback to the defender function.

DECLARATIONS AND PURPOSE

In the Declarations and Purpose Preamble to the Act, we believe it essential to add as one of the purposes of the Act, the strengthening of the criminal justice system in this country. The emphasis on reducing and preventing crime and delinquency is a more precise reflection of a specific goal of the LEAA program; however it neglects the fact that the fundamental goal of the American system is justice. Merely to reduce and prevent crime without an eye to improving the quality of justice, to me would seem unfortunate and counter productive. There are methods for crime reduction which would be contrary to the Constitution. Certainly LEAA does not contemplate doing that: however, there is an opportunity for LEAA, in the American tradition, to reduce crime and yet at the same time, improve the quality of justice. That I think should be LEAA's mission, and as such it ought to be reflected in the Declarations and Purpose clause. An excellent model for a more reasoned approach would be the statement of declarations and purpose in S. 3050 which we mentioned earlier.

PART B: STATE PLANNING PROCESS, SECTION 203(5)

The proposed administration bill, in section 203(5), provides that the state shall "provide for the expenditure of amounts received under special revenue sharing in accordance with the laws and procedures applicable to the expenditure of its own revenues." This provision may create problems for jurisdictions in which revenues may not be expended without legislative appropriation procedures. Amounts granted under special revenue sharing would have to await the convening of state legislative bodies and thus programs would face long delays. This oversight in the drafting of the legislation could be remedied by altering the words "applicable to the expenditure of its own revenues" to "applicable to the expenditure of its own *appropriations*."

Section 201—Like the statement of Declarations and Purpose, which we mentioned earlier, this section should be changed to reflect congressional concern for the entire criminal justice system. Thus, it should be revised to provide, "It is the purpose of this part to encourage States and units of general local government to prepare and adopt comprehensive law enforcement plans based on their evaluation of State and local problems of law enforcement *and criminal justice*."

PART B: SECTION 204

Section 204 does away with the requirement for prior approval of state comprehensive plans by LEAA before receipt of special revenue sharing funds by the state. While we are not altogether sure as to the meaning of the term "special revenue sharing," we are aware of the problems that have plagued LEAA as a result of a lack of clear guidelines and direction to state planning agencies. In the 12th report from the Committee on Government Operations entitled "Block Grant Programs of LEAA." LEAA was criticized for failure to provide leadership to state and local governments so as to enable them to find new ways to reduce crime and improve the operations of the systems of criminal justice.

Insofar as this bill purports merely to allow the Attorney General of the United States enough power to voice his objections to a state plan for the expenditure of millions of taxpayer dollars in the Federal Register, it does not meet the mandate of the Monagan committee report and may aggravate an existing problem instead of eliminating it.

Under present practice, when a state prepares a comprehensive state plan, it must be approved by the appropriate regional office of LEAA. That practice should

continue. One of the strengths of our country from its very inception has been the checks and balances system. Where a state may seek to deprive one component of the criminal justice system of its needed share, perhaps due to state politics, or under-representation of the particular component on the policy board of the state planning agency, there was a review by another agency.

At a meeting of the National Center for State Courts in Denver this past year I had the privilege of attending a session where not one but two chief justices of state courts complained that they were not getting their fair share of funds under their state's comprehensive plan. They were advised to appeal to the regional office on the theory that the plan did not meet LEAA standards and guidelines in that it was not truly comprehensive in nature. This check will now be absent, and although the influence of the Attorney General is great, substitution of the power to withhold funds until a state plan meets LEAA standards for the power merely to voice objections in the Federal Register as provided for in Section 204(a) is frankly ludicrous.

We suggest that even under the special revenue sharing provisions of this act that the Attorney General of the U.S. through the LEAA regions and his LEAA administrator's office in Washington be given the responsibility of prior approval of state comprehensive plans before funds are released. LEAA can be cognizant of the special problems existent in each state, but this will provide a guarantee that the experience gained by LEAA over the last four years will not be lost and will provide a check and balance for the states before they receive federal funds.

There are some states that have excellent defender systems. NLADA recently had occasion to review the statewide defender programs in three states. One of those states was Alaska which provides almost a million dollars annually toward its defender system. There are some states however, which, to this day, 10 years after Gideon, still do not have defender systems and expect the local bar to fulfill the mandate of both *Gideon* and *Argersinger* on a voluntary basis.

It is our fear that these states will not allocate funds received under the special revenue sharing provisions of this proposed legislation for the defense of the indigent accused unless they are directed to do so by LEAA before they receive the funds. What is to change their historical pattern and failure to provide these needed services, mandated by the Federal Constitution in the Sixth Amendment. Only national guidelines which can be enforced apart from an announcement in the Federal Register will force these states to meet their constitutional obligations. Nor are these fears only found in the defender area. I think that corrections and courts generally face the same fears.

LEAA must set clear guidelines for the general expenditure of funds allocated to the states. Courts should receive in our view 20–25% of the funds. Defenders and prosecutors ought to receive at least one-third of county funds or at least 7 to 8% of each.

Therefore, it is our position that LEAA should review the state plans prior to release of funds to the states as under the present system, and that this review should not be abolished as is contemplated under the proposed bill.

EDUCATION AND TRAINING

In addition, we suggest that provisions for Law Enforcement Education Program (LEEP) funds be modified. This program was provided for in Section 406 of the existing legislation, and has been placed in section 301(b)(12) of the proposed administration bill. Law students willing to guarantee at least two years of service in the criminal justice system should be included under LEEP funds whether they enter programs of training as prosecutors, defenders, criminal justice planners or other criminal justice personnel. In the past it has not been clear whether students attending law schools would be covered under LEEP funds.

Secondly, we suggest that assistance not be limited to institutions of higher education solely, but that the language of paragraph (12) be broadened to include Defender Colleges, Prosecutor Colleges and short courses, and Colleges for the Judiciary. At present there are a number of such institutions supplying professional continuing legal education and orientation to judges, an excellent school for prosecutors, and hopefully a new Defender college soon to be launched. It would be valuable to allow assistance for these institutions out of funds allocated under this section, instead of the limited funds available for discretionary grants which is now being utilized by these institutions. Thus, the wording of

proposed 301(b)(12) ought to be changed to read, "the establishment of programs of academic educational assistance through contracts with institutions of higher education *and institutes for training in criminal justice such as colleges for prosecution, for defense, and for the judiciary* for grants or loans to persons enrolled in undergraduate or graduate progams in areas related to law enforcement, *criminal law, and the administration of justice.*"

SECTION 404(3)

The next topic we would like to discuss in the legislation is the training of defense investigators. Section 404(3) provides training for law enforcement personnel. As the National Advisory Commission on Criminal Justice Standards and Goals notes, "Defense investigation at the earliest possible stage has become a routine expectation in most sophisticated judicial arenas." (Working papers, Ct. 168, 1973.)

NLADA proposed standards provide that an investigator is needed for every three lawyers to properly handle a criminal case. The investigator should be familiar with forensic sciences such as fingerprints, hair and blood analysis, photography, recording devices for witnesses, audio-visual aids, interrogation techniques, etc. However, as a matter of fact, by and large the defense investigator has little opportunity to learn these skills, and thus the indigent defendant is armed only with his lawyer before the vast forces of the state. We feel that Sec. 404(3) should be broadened to include investigators who work in public defender offices, so that the defender will have parity with his counterpart, the prosecutor.

In conclusion, we would like to thank you again for giving us the opportunity to appear before the committee and for your consideration and patience in listening to our view. However, we feel that this is perhaps the most important legislation now facing the Congress in the sense that our criminal justice system is on trial. What is America, if not a country noted for its fair procedures. Our traditions reflect due process and protection of the individual from the awesome power of the state. Congress has declared a war on crime. But that crime cannot be fought without observing the rules of our society as formulated in our Constitution and laid down by our founding fathers. It is this respect for due process and the rights of minorities, the disadvantaged, the financially unable that distinguishes our society from others. This bill which pumps millions of dollars into the police and prosecution must provide dollars for the defense of the indigent accused.

That is the hallmark of our American system.

Help For The Indigent Accused: The Effect Of Argersinger

By Nancy E. Goldberg and Marshall J. Hartman



NANCY NORRIS

Due to the Supreme Court's decision in **Argersinger,** the country will require a massive transfusion of defenders. The authors of this article propose that this demand be met by establishing an independent national commission similar to the LEAA National Advisory Commission on Griminal Justice Standards and Goals, which would coordinate the establishment and expansion of defender programs throughout the United States.

Mandates of the Court and Constitution to Provide Counsel to Accused Indigents

During the last ten years, the Supreme Court has attempted to implement the mandates of the Fifth and Sixth Amendments by handing down a number of decisions affecting the rights of indigent defendants. As a result of the Court's determination to provide equal justice to the indigent accused, the number of defender lawyers needed has vastly increased. The decisions in *Gideon v. Wainwright* and *Douglas v. California* led to the requirement that all those accused of a felony were entitled to counsel at trial and on appeal. *Escobedo* and *Miranda,* which followed, required that counsel be provided to indigents during pre-indictment interrogations and that the accused must be informed of his right to remain silent and to have counsel provided before making any statement to authorities once suspicion had focused upon him. In 1967, the Supreme Court decided *In re Gault, Wade* and *Gilbert,* and *Mempa v. Rhay,* thus recognizing that the right to counsel applied to juveniles as well as adults, to indicted defendants appearing in line-ups, and to parolees at parole revocation hearings. In 1970, the Court determined in *Coleman v. Alabama* that preliminary hearings were also a critical stage of the prosecution which required the provision of counsel.

Most recently, the Supreme Court's efforts to ensure representation to the indigent accused culminated in a momentous decision which will alter the face of the Criminal Justice System in the United States for years to come. The Court held that,

> Absent a knowing and intelligent waiver, no person may be imprisoned

> for any offense whether classified as petty, misdemeanor, or felony, unless he was represented by counsel at his trial.
>
> *Argersinger v. Hamlin, June 12, 1972*

There were no dissents to the Supreme Court's holding that the Sixth Amendment right to counsel applies to misdemeanors as well as felony cases. However, Justice Brennan filed a concurring opinion, while Justices Burger and Powell each wrote separate opinions, concurring in the result.

The question raised in *Argersinger* was whether the right to counsel held to be obligatory upon the states in *Gideon* was applicable to misdemeanors. In oral argument, much of the debate centered upon whether counsel should only be provided where the offense charged entailed a maximum penalty of more than six months imprisonment, or in all cases where the offense entailed a possible deprivation of liberty. Nevertheless, the Court, in holding that counsel must be provided in misdemeanor cases, did not relate the requirement of counsel to the prospective term of imprisonment prescribed by statute. Instead, the Court, in a decision by Justice Douglas, held that counsel must be provided only in cases where the court eventually decides to commit the defendant to jail. Distinguishing the right to counsel from the right to a trial by jury which has been construed as limited to charges entailing a maximum penalty of more than six months, the Court stated,

> We reject, therefore, the premise that since prosecutions for crimes punishable by imprisonment for less than six months may be tried without a jury, they may always be tried without a lawyer.

The Court stopped short of requiring that counsel be provided to any misdemeanant charged with an offense punishable by deprivation of liberty, noting,

> The run of misdemeanors will not be affected by today's ruling. But in those that end up in the actual deprivation of a person's liberty, the accused will receive the 'benefit of the guiding hand of counsel' so necessary when one's life is in jeopardy.

The Court described how the new system would operate in these terms:

> Under the rule we announce today, every judge will know when the trial of a misdemeanor starts that no imprisonment may be imposed, even though local law permits it, unless the accused is represented by counsel. He will have a measure of the seriousness and gravity of the offense and therefore know when to name a lawyer to represent the accused before the trial starts.

Chief Justice Burger, concurring in the result, thought that the practical result of the decision would be that, in each case, "the trial judge and the prosecution will have to engage in a predictive evaluation . . . to determine whether there is a significant likelihood that, if the defendant is convicted, the trial judge will sentence him to a jail term." Justice Powell, in his separate opinion, expressed the fear that, "judges will be tempted to arbitrarily divide petty offenses into two categories—those for which sentences of imprisonment may be imposed and those in which no such sentence will be given regardless of the statutory authorization."

Two results are likely to flow from the decision in *Argersinger.* One will be the decriminalization of some offenses and the downgrading of others so that jail sentences will no longer be a possibility. The reason for this salutary effect is that the U.S. Supreme Court has made it very expensive to put a person in jail. Whereas, prior to *Argersinger,* one only had to compute the cost of the institution versus the cost of alternative rehabilitation programs, one must now add into the computer the cost of counsel.

Lest one think that the cost of counsel is a one-time charge, the Court has expanded the right to counsel to include representation from the time of arrest to the time of release. This includes police station appearances, preliminary hearings, trials, appeals, post conviction proceedings and state and federal habeas corpus proceedings as well. It is true that *Argersinger* itself only speaks of right to counsel at trial but, in *Mayer v. City of Chicago* decided this same term, the U.S. Supreme Court allowed free transcripts on appeal for misdemeanor cases, so the requirements that counsel be provided in misdemeanor cases on appeal cannot be far behind. Compare *Griffin v. Illinois,* which allowed free transcripts in indigent felony cases, with *Gideon v. Wainwright* and *Douglas v. California.*

The logical result of the cost factor in processing criminal cases is for the legislatures to remove the *possibility* of jail sentence from any number of minor crimes so that counsel will *not* be required. Examples of this type of offense might include traffic offenses, which could be reduced to fine only sanctions. Public intoxication, prostitution, obscenity, and some forms of disorderly conduct might be others.

By the same token, this decision might induce state legislatures to reconsider whether certain forms of sexual practices, abortion, gambling, prostitution, and possession of marijuana, might be legalized and taken out of the Criminal Justice System entirely. Norval Morris and Gordon Hawkins point out in the "Honest Politician's Guide to Crime Control," University of Chicago Press, 1970, the overreach of the criminal law. By trying to penalize citizens for proscribed moral behavior we divert massive resources of police, courts, and corrections away from those street crimes and forcible felonies which every citizen would want to prevent.

The second consequence of the *Argersinger* decision will be the requirement of counsel in all cases where the statute provides for a possibility of incarceration. This will necessitate a massive transfusion of defenders into the Criminal Justice System. It is very difficult for a judge to know in advance of trial whether he might be sending a defendant to jail. Since under our law the trial judge is not supposed to know anything about the case in advance, how could he make the predictive judgment required by *Argersinger* as to whether or not the defendant would go to jail and therefore require the services of a lawyer? As for the State Attorney's informing the court, that too is impracticable. That would be a red flag that the defendant had a record or was otherwise a bad

actor and is impermissible under our law. Therefore, as a practical matter, what is most likely to occur is that lawyers will be required in every case where there is a *possibility* of jail sentence under the existing criminal law statute.

The Task of Implementing *Argersinger*

According to the President's Commission on Law Enforcement and the Administration of Justice, which surveyed the needs of the Criminal Justice System in 1967, approximately fifty percent of all criminal defendants were indigent and required the services of appointed counsel. Today, this figure has climbed to approximately 60 percent. Providing 60% of criminal defendants in the state and local courts with effective representation by counsel will require a vast expenditure of resources. According to the President's 1967 Commission report,

> If representation for these defendants is performed entirely by full-time defenders, between 4,200 and 6,300 lawyers would be required. If it were assumed that an average yearly allocation per defender of between $20,000 and $25,000 would provide adequate salary for the defender, the financial needs would fall somewhere between $84 million and $158 million per year.
>
> "Task Force Report: The Courts" at 57.

The Commission found that, at the time of its report, the states were contributing approximately $17 million a year as compared with the $84 to $158 million needed to supply counsel to the indigent accused. The Supreme Court noted in *Argersinger* (footnote 4) that there were annually at least 5 million misdemeanor cases and 350,000 felony cases in our nation's courts. Those figures, which were taken from a 1964 study by Lee Silverstein, are undoubtedly much larger today, perhaps approaching 8 million.

In order to determine what steps will be needed to implement the mandate of *Argersinger*, some analysis is needed of current practices in the various states. The most pressing need exists in states which have previously lacked any requirement that counsel be provided in misdemeanors carrying a maximum penalty of one year in prison. To date, the states of Alaska, Kansas, Louisiana, Missouri, Nebraska, Ohio, South Carolina, Virginia, and Washington have not required by law that counsel be provided in misdemeanor cases. In Pennsylvania and Iowa, counsel was required only for "indictable misdemeanors" punishable by up to one year in prison. A 1970 ruling by the Arizona Supreme Court limited the public defender to felony representation. Moreover, in the states of Maine, Montana and Rhode Island the appointment of counsel has been discretionary with the Court. In Arkansas, counsel was required to be provided in "some" misdemeanors, while in Alabama the right to counsel has been available only when the court determined that a "serious crime" was involved. In ten states, the "six months" rule has prevailed. Thus, there has been no requirement that counsel be provided where the offense was punishable by less than six months imprisonment in Colorado, Florida, Idaho, Maryland, Nevada, New Jersey, New Mexico, North Carolina, Utah, and Wisconsin. The state of Michigan guaranteed the right to counsel for offenses punishable by more than 3 months in prison, while in Hawaii, counsel was guaranteed where the potential penalty was more than 60 days in jail. While Illinois law has accorded indigents accused of misdemeanors the right to request counsel where the offense charged was punishable by incarceration, the courts were not required to inform defendants of their right to appointed counsel.

In its *amicus* brief to the Supreme Court in the *Argersinger* case, NLADA pointed out that, while a number of states have been required by law to provide counsel for defendants in all offenses punishable by incarceration, even in many of those states counsel was not regularly provided. Many states had few defender offices to provide counsel in misdemeanor cases, and attorneys, particularly in rural areas, found that the compensation being provided did not constitute a sufficient incentive to accept assignment to criminal cases.

Thus, implementation of the decision will be difficult. For example, public defender legislation was passed last April in Missouri based on the supposition that counsel would only be provided in felony cases. Moreover, the legislature failed to appropriate any funds for either public defenders or appointed counsel. In some states where appointed lawyers are reimbursed out of special funds, these funds are already depleted.

Standards for an Effective Delivery System

The recommended system for the delivery of defense services to the indigent accused is an organized, statewide system manned by full-time public defenders. This is the best system for ensuring: a) professionalism and expertise, b) cost savings, c) adequate supervision and training, d) a sufficient number of lawyers to meet the need, e) freedom from political control and zealous advocacy of the client's interests, and f) reduction, and eventual elimination, of court backlog. Such a system has recently been recommended by the Virginia State Bar and a committee of the Kansas Bar Association after making detailed comparative studies. (See Goodell, "Effective Assistance of Counsel in Criminal Cases: Public Defender or Assigned Counsel," 1970 Kan. S.B.J. 339; "A Study of the Defense of Indigents in Virginia and the Feasibility of a Public Defender System," Report of the Board of Governors, Criminal Law Section, Virginia State Bar, to the Governor and the General Assembly of Virginia.)

As the Kansas Bar study noted, the average cost for each felony case handled under the Colorado state-wide defender system was $108.39 as compared with $486.09 for each case handled by appointed counsel. In North Carolina, information taken from quarterly reports which were submitted to the Administrative Office of the Courts showed that two districts utilizing an assigned counsel system had costs of $185.60 and

$176.60 per case, while two districts utilizing public defender offices had costs of $103.10 and $94.40 per case. In New Jersey assigned counsel averaged $282 per case, as compared with $165 per case for public defenders. Similarly, statistics show that the cost in Cook County, Illinois is $250 per case for assigned counsel as compared with $95 for public defenders, while the cost in Rhode Island is $130 per case for assigned counsel as compared with $80 for public defenders. In the long run, a public defender system is also more economical because public defenders can be restricted to a set salary, while appointed counsel may achieve a higher salary for handling the same number of cases.

At the present time, fourteen states have passed state-wide defender legislation. Of these 14 states, about half have acquired a state-wide system within the last few year. Eighteen additional states still operate on a primarily assigned counsel system. Eight other states have legislation which would permit funding of defender programs by counties, but have established only four or fewer defender offices.

A public defender should be no less independent or zealous in safeguarding his client's interests than privately retained attorneys. Canon 5 of the American Bar Association's Code of Professional Responsibility requires that

> The professional judgment of a lawyer should be exercised, within the bounds of the law, solely for the benefit of his client and free of compromising influences and loyalties. Neither his personal interests, the interests of other clients, nor the desires of third persons should be permitted to dilute his loyalty to (his) client.

Attorneys, especially those in less populous areas who maintain a general private practice while allocating a portion of their time to representing indigent defendants, face the potential conflict of loss of clients as a result of the zealous advocacy of an unpopular client. Noting that assigned counsel systems have generally been governed directly by the courts or indirectly by them through an appointed administrator, the American Bar Association's Minimum Standards recommends that the plan should be insulated from politics by establishing an independent governing board. [See Commentary to Standard 1.4, American Bar Association Project on Minimum Standards for Criminal Justice, Standards Relating to Providing Defense Services (Approved Draft, 1968).] Standard 1.4 provides,

> The plan should be designed to guarantee the integrity of the relationship between lawyer and client. The plan and the lawyers serving under it should be free from political influence and should be subject to judicial supervision only in the same manner and to the same extent as are lawyers in private practice. . . .

In "The Challenge of Crime in a Free Society" (1967), the President's Commission pointed out that one of the disadvantages of the appointed counsel system was,

> the appointment of counsel by the judge from among lawyers he happens to know or who happen to be in the courtroom. This leads to an unfair allocation of cases and sometimes, when assigned counsel receive compensation from the state, it is seriously abused.

An attorney whose appointment depends upon the judge's favor will be less apt to file motions on behalf of his client which may take up the time of the court; his zealousness on behalf of his client may be molded by his desire for future appointments. Thus, a public defender program, which can be directed by an independent board, is the best solution to ensure zealous representation, freedom from political influence, and avoidance of conflict of interest.

The Virginia Bar study notes that,

> The whole adversary process depends for its validity on the accused's ability to challenge the state, thus putting it to its burden of proof beyond a reasonable doubt, which in turn requires that the prosecution scrutinize its procedures and its evidence to determine if it has a proper case that can be established according to the law.

One of the advantages to be gained from a public defender system is the expertise which can be quickly developed by attorneys in a criminal law specialty. Due to the complexity of rapidly changing criminal laws and court decisions, only a criminal lawyer can provide the professionalism necessary to put the state to prove its proper case by providing a rigorous defense. Lawyers for the poor should be as professionally competent as lawyers for those able to pay. Moreover, only competent defense attorneys can put into practice the full measure of protections required by the Sixth Amendment, the rest of the Bill of Rights, and Supreme Court decisions which, in the absence of competent counsel, are mere "paper" freedoms. A second rationale for preferring full-time professionals is that, even where appointed counsel is engaged in the practice of criminal law in his private practice, there is a temptation to devote more time to the case of a "paying" client than to that of a court-appointed client where the compensation may be only $10 or $15 per hour.

A related concern is the supervision and training that can be provided to defenders under a full-time defender program. New staff attorneys entering defender offices are forced to undergo training programs, while there is no assurance that appointed counsel will be adequately trained. Moreover, a properly run public defender office may operate on the incentive system. Thus, raises in salary and rank may be offered to defenders who achieve excellence. This free enterprise system does not operate in the same way in the case of appointed counsel who generally receive only a set hourly fee from the court.

One of the greatest problems hampering the Criminal Justice System today is court backlog. Moreover, the addition of more police, better communications and police training are likely to result in more arrests. Unless the courts are similarly staffed and improved, county jail and detention centers will become crowded past the bursting point with persons awaiting trial. Attorneys who are inadequately trained contribute to court congestion by requiring a series of continuances. Moreover, the ready availability of lawyers under a public defender system allows trial dates to be set by the court. Inadequate counsel fail to raise constitutional issues at the trial level, thus leading to unnecessary appeals and habeas corpus petitions

which place a further burden upon the courts. Properly trained public defenders, on the other hand, if provided in sufficient numbers, would, by their professionalism, ease the burden of courts and help to provide the speedy justice envisioned by the authors of the Sixth Amendment.

Finally, one of the concerns voiced by the Supreme Court justices in *Argersinger* was the availability of a sufficient number of lawyers to process both felony and misdemeanor cases. In the view of the President's 1967 Task Force on Courts, part of the problem stems from the public image of the criminal lawyer. The Task Force recommended that, "much can be done to improve the . . . public image of defense counsel. Opportunities are available through the establishment of systems for representation of defendants who are unable to retain counsel. . ." [See "Task Force: The Courts" at 38 (1967).] Part of the answer lies in economic incentives. The ABA Minimum Standards Relating to Providing Defense Services (Approved Draft, 1968), Standard 3.1 provides,

> The defender and staff should be compensated at a rate commensurate with their experience and skill, sufficient to attract career personnel, and comparable to that provided for their counterparts in prosecutorial offices.

By the establishment of organized defender systems throughout the country, the professionalism and excellence of the programs will improve the image of the American criminal lawyer and attract more young lawyers, who are now entering the profession in unprecedented numbers, to the practice of criminal law.

The State-Wide System: Public Defenders and Assigned Counsel in Rural Areas

It is important to note that the establishment of organized state-wide public defender systems will not eliminate the need for competent assigned counsel. Assigned counsel will continue to be necessary in cases where there are co-defendants or where the attorneys in a given program may have a conflict of interest.

The question must be asked: is a full-time public defender system adaptable to the situation in rural counties with low caseloads? This problem has been solved in Illinois by the Illinois Defender Project which provides several attorneys to ride circuit over a seven-county area. This experiment, funded by a grant from LEAA to the Illinois Public Defender Association, has proved successful in that defenders are always available when needed. These defenders are able to maintain their expertise in the criminal law on a full-time basis and are able to avoid possible conflicts such as losing private clients who may be disturbed by their attorney's representation of unpopular defendants. Moreover, there is less resistance on the part of the private bar to defenders in rural areas, as the income derived from appointed counsel cases is less apt to compete with income derived from the general practice of law.

The importance of establishing a state-wide system is that equal representation by effective counsel is thereby provided for both rural and urban defendants, regardless of the county's finances or political makeup. This fact accounts for the increasing trend toward state-wide systems which are now provided by legislation in Alaska, Colorado, Delaware, Florida, Hawaii, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, Nevada, New Jersey, Rhode Island, and Vermont. State-wide legislation is also being seriously considered in a number of other jurisdictions. Moreover, state-wide defenders are provided on the appellate level in Illinois, Michigan, Oregon and Wisconsin.

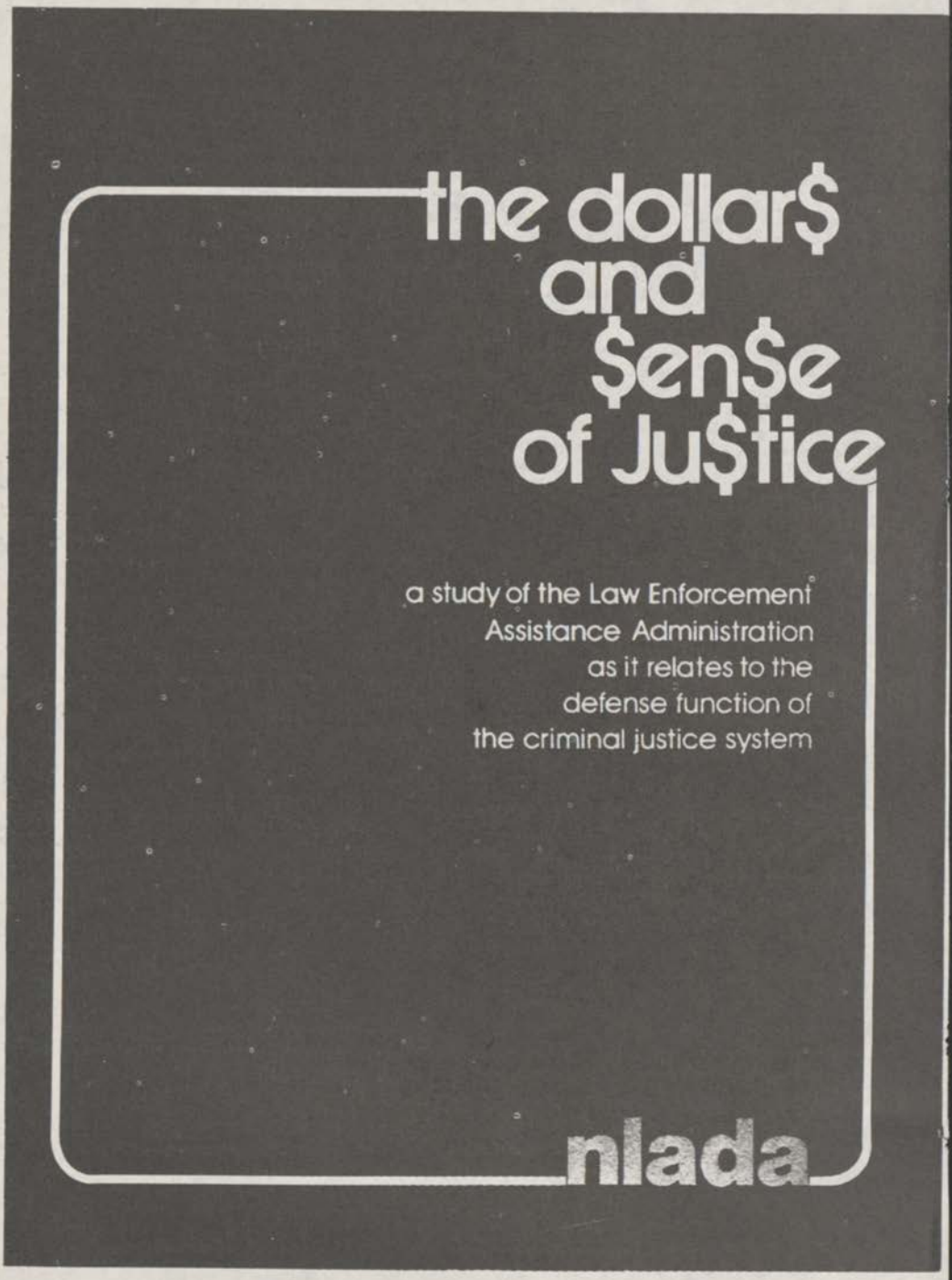
The National Defender Commission And the Necessity for Federal Funding

The argument for state-wide public defender systems does not, however, imply that defender systems should be fully funded by the states. The funding of defender services can no longer be considered solely a state responsibility, now that the states must implement the requirements, not only of their own state codes, but of the Federal Constitution as well. In order to provide the expanded scope of representation required by the Supreme Court's mandates in accordance with the ethics and standards of the legal profession, federal funds will be needed.

We propose therefore the establishment of an independent National Defender Commission, patterned after the National Advisory Commission on Criminal Justice Standards and Goals, which was established in 1971 by the Law Enforcement Assistance Administration to propose standards for the Criminal Justice System. The new commission would coordinate the establishment and expansion of defender programs throughout the United States, much as the National Defender Project of NLADA did after the decision in *Gideon*, but on a more comprehensive scale.

LEAA funds are presently available only for pilot projects, however, and, thus, are short-term. More permanent funding by the federal government will eventually have to be provided either through this commission or through a separate federal agency. No longer can the hard-pressed states and the heroic efforts of voluntary or partially compensated lawyers do the job alone. Nor is it fair to continue to impose such heavy burdens upon the practicing bar. The massive amount of resources that will be required to achieve these professionals standards and to comply with the pronouncements of the U.S. Supreme Court must be forthcoming from the federal government as well. A more permanent solution for more effective federal participation might lie in the development of a federally funded state criminal justice act, modeled after the Criminal Justice Act of 1964, as amended in 1970, which would assist the states in according the same services to those accused of crime in our state courts as are enjoyed by defendants in our federal courts. The rights of state court defendants are just as precious as those of federal defendants.

Only if the federal government will pay its fair share to meet the challenge of *Argersinger* will the doctrine of equal justice for all truly be implemented in these United States.


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a study of the Law Enforcement Assistance Administration as it relates to the defense function of the criminal justice system

This study was conducted under the guidance and direction of Frank N. Jones, Executive Director of NLADA, and Marshall J. Hartman, National Director of NLADA for Defender Services. It was prepared and written by Beth Lynch and Nancy E. Goldberg of the NLADA staff.

nlada

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foreword

RATION JUSTICE? Of course we do and sometimes proudly, as if by depriving those we fear and despise most of rights, denying them fundamental fairness, showing our cunning to be greater than theirs and crowding them in pitiless, dehumanizing prisons, we will enhance our safety or wrest peace of mind from the gnawing hatred and paralyzing fright we suffer.

This is one of those rare, narrowly focused, specific studies that measures the commitment to justice and the rule of law of those with power. Commitment is sadly wanting. There may be an implication of hostility to the very concepts. Equal justice and the rule of law can come later; now we will use naked force, violence and segregation to have our way—and our revenge.

Most will agree that financial assistance and guidance is the major contribution that the national government can make within a federal concept which reserves police powers to the states and the people to improve systems, or non-systems of criminal justice. This was President Johnson's assumption when he sought creation of a federal funding program to reduce crime and improve the criminal justice system. Decades of neglect could be overcome only by intensive research, comprehensive innovative planning and the systematic delivery of new resources.

And so we began, first with a small pilot program in September, 1965. The original Law Enforcement Assistance Administration was never funded above $7.5 million annually but it provided an initial experience, framework and staff for the massive assistance program created by the Omnibus Crime Control Act of 1968.

From the beginning key Senators and Representatives manifested opposition to funding public defender offices and providing the indigent accused with counsel. Unable to obtain express authorization from the Congress in the Omnibus Crime Control Act to fund the defense, guidelines promulgated by LEAA in November 1968 interpreted the term "law enforcement" to include the defense of criminal cases. In 1970, efforts to incorporate specific reference to defender offices in Amendments to the Omnibus Crime Control Act ended in failure. Congress favored billions for police power, but not one cent for defense.

The elemental justice, not to mention Constitutional right, involved in the Supreme Court's *Clarence Earl Gideon* guarantee of the assistance of counsel for the poor did not concern the representatives of the people. Their purpose was to strengthen the "peace forces" for the battle with the "criminal forces" in our society.

Hopefully, administrators, knowledgeable in the needs of the systems of criminal justice and insulated from the political demagoguery that distorted Congressional judgment, would have done better. These hopes, too, were dashed. The police proved the early favorite, and, within police grants, expenditures for hardware were highest. A House Subcommittee of the Committee on Government Operations, chaired by former Representative John Monagan of Connecticut, reported that "tens of millions of block grant dollars have been spent on helicopters, airplanes, automobiles, fire control centers, police radio equipment, electronic surveillance equipment and a range of other hardware items."

Inefficiency and indirection were even more characteristic of the block grant program. Months after the close of federal fiscal year 1971, fewer than one out of four dollars for all action grants—desperately needed funds—had been spent. Meanwhile, hundreds of thousands of the poor accused of crime, their liberty on the line, were without counsel and thousands of others were inadequately represented. Thus was our vision and zeal.

For half of its first two years of existence, LEAA was without a director and for months only one associate director of the original enervating triumvirate of three directors was on duty. That single associate director openly opposed federal priorities, believing somehow that 40,000 police jurisdictions could best determine how federal tax money should be spent in a nationwide effort to improve our systems of criminal justice. Indeed, the General Counsel for the House Judiciary Committee, Ben Zelenko, pointed out that two of the administrators in the spring of 1970 had testified "that setting priorities is not a matter for LEAA but entirely up to the states to determine." The result was a greatly increased fire power for our paramilitary civil police.

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When the dollars were finally counted for the critical first three years of the program, we see that the funds going for the provision of defense in criminal cases were insignificant when compared to other elements within the system of criminal justice and compared to need; they could not meet the budget of the New York City Legal Aid Society. Some states made no provision for defender programs in the Comprehensive State Plans during the first three years of the program. Funds allocated for all court activities were less than 9% of the total and defense allocations were less than 1%.

The major source of funds under the Act was allocated through state block grants. During fiscal years 1969, 1970 and 1971, total block grant allocations exceeded $550 million. Of these funds, only $5.6 million, or approximately 1%, was directed toward the defense.

The second source of funds available was granted in the discretion of LEAA at the federal level and presumably reflected LEAA's priorities and judgment. From a total of $106 million, LEAA allocated $2.7 million to the courts, $2.3 million to prosecutors, and only $176,584 to the defense during the three-year period. Thus, the total court function, including courts, prosecution and defense, received only 5.3% of discretionary funds, of which defenders received less than two/tenths of one percent.

The third and smallest source of funds passes through the National Institute for Law Enforcement and Criminal Justice. The National Institute, which was designed to be the most innovative of the three funding sources, allocated only 3% to the prosecutorial function and 1.5% to the defense—of a total of almost $18 million over the three year period.

Thus, not only did the states, through the block grant program, fail to provide adequately for the defense and the court area, but the administration of LEAA itself gave short shift to courts, prosecution and defense funding in its discretionary funding program and through the National Institute.

In 1972, the Supreme Court expanded the right of the poor to equal justice by requiring the provision of defense counsel in misdemeanor cases in its critically needed *Argersinger* decision. Fulfilling these Constitutional rights with their vast human, social and moral significance, will realistically cost hundreds of millions of dollars.

At the same time that the Supreme Court recognized the need to improve the quality of American justice by providing counsel to all indigent defendants facing the prospect of incarceration, LEAA, the single agency having the greatest power to implement these rights, had placed its priorities elsewhere. Jerris Leonard, the Administrator of LEAA, stated during the Monagan Committee hearings, "Everything we do is aimed at reaching our great and single goal, the goal that Congress set for us: The reduction of crime in the United States."

Can it be that malfunctions in one part of the system do not affect others? Can the perenially underfunded courts, prosecution and defense manage enormous new caseloads created by the infusion of massive new funding into the police function? Is it possible that substantial and permanent improvement in the quality of criminal justice and reduction of crime can be achieved without intensive research, comprehensive planning, careful coordination and clear priorities? There is no way—not in our mass, urban, technologically advanced society. If we are to live in peace and security, we must strive to perfect a system assuring freedom, equality and justice. It will not come by chance. The attitudes and actions of those with power in government raise the question whether we as Americans want justice. If we do, a far more effective effort to direct experience and reason to the process will be required, and, most important, an understanding of human nature tells us we will live with crime and inequality until we have a passion for justice.

This valuable documentation illuminates the struggle to secure funds for the defense of the poor accused of crime and shows how little we have cared for justice. In addition to recording history, we must understand its recommendations for those who would encourage America to continue its quest for equal justice under law.

RAMSEY CLARK

preface

"America's system of criminal justice is overcrowded, overworked, undermanned, underfinanced, and very often misunderstood," noted the President's Commission on Law Enforcement and the Administration of Justice in 1967, but it warned that, "to lament the increase of crime and at the same time to starve the agencies of law enforcement and justice is to whistle in the wind." As Attorney General Richard G. Kleindienst noted in a recent speech, it was in response to this warning by the President's Commission that the Law Enforcement Assistance Administration was created. From an initial budget of $63 million in fiscal year 1969, LEAA funding for the current fiscal year has climbed to $850 million. Congress has appropriated over $2.3 billion to date for this federal assistance program.

This massive funding program affords, for the first time in this Nation's history, a vehicle for badly needed reform of our criminal justice system. Hopefully, such reform will combine speed and effectiveness with the justice and fairness that is inherent in our constitutional form of government.

Some of the shortcomings of our present system were pointed out by Attorney General Richard G. Kleindienst, speaking before the National Conference of State Legislative Leaders on December 8, 1972. Referring to the current crisis in the urban criminal courts, he urged,

> Let us face up to the fact that in some of our largest cities the bulk of the criminal cases are not brought to trial because if they were, the court system would collapse under the caseload; rather, defendants are encouraged to plead guilty to a lesser charge—often a misdemeanor instead of a felony—in order to get them off the docket. . . .

In his speech, the Attorney General suggested that, as part of an agenda for mutual action by the state and federal governments, we should complete the task of providing public defenders "for all Americans who may need them."

The task of providing counsel to all needy defendants was begun in 1963 when the U.S. Supreme Court in *Gideon v. Wainwright* held that the Sixth Amendment right to counsel applied to indigent defendants in state as well as federal courts. Since *Gideon*, the high court has also ruled that counsel must also be provided to the accused prior to police interrogation, to minors in delinquency proceedings, at post-indictment lineups, at preliminary hearings, on appeal, and at probation revocation hearings. Most recently, the Court, recognizing the need for procedural fairness in the local courts having the most contact with American citizens, declared that hereafter, "no person may be imprisoned for any offense whether petty, misdemeanor, or felony, unless he was represented by counsel at his trial." (*Argersinger v. Hamlin*, 92 S. Ct. 2006 (1972))

However, the Supreme Court's pronouncements defining the obligations of the states to provide counsel have been marked by cultural lag. Counsel has not been provided at critical stages of the prosecution due to the lack of manpower and resources to implement the Court's mandates. Most states still lack organized defender systems and rely on random court appointment of counsel who may not enter the case until the trial level. Moreover, in many areas, defense of the poor is a matter of charitable contributions of attorney services rather than a "system."

At one time, a system of *noblesse oblige* on the part of private attorneys may have sufficed. However, approximately 60% of all defendants facing trial in this country today cannot afford to retain private counsel. Given the annual statistics or approximately half a million felony cases and 5 to 8 million misdemeanors in this nation's courts, the volume of cases requires an organized system of well-trained defenders.

On May 4, 1969, a three-day meeting entitled "The National Defender Conference" was held in Washington, D.C.. That conference was sponsored by the Department of Justice and the American Bar Association and presented by the National Defender Project of the National Legal Aid and Defender Association. Speaking before the conference, Chief Justice Warren E. Burger noted, "It is particularly significant that the organized defender approach is gaining momentum. In a reasonably short time, I would think, this will be the prevailing mode of representation in this country." The prediction of Chief Justice Burger, made in 1969, has come one step closer to realization with the recommendation of the National

Advisory Commission on Criminal Justice Standards and Goals that the services of a full-time public defender organization, supplemented by the private bar, should be available in each jurisdiction.

As Attorney General Kleindeinst reaffirmed in his recent speech, the funding of defender services can no longer be considered solely a state responsibility. Federal assistance must be provided now that the states must comply not only with their own state codes, but with the mandates of the Federal Constitution as well. Even an organized defender system, if hampered by lack of resources and excessive caseloads, cannot provide effective assistance of counsel. A massive transfusion of state and federal funds will be necessary to meet the constitutional standard that the type of justice a person gets should not depend upon the size of his pocketbook.

While defender funding was a low priority during the first three years of the LEAA program, the present administration of LEAA has begun to respond to the critical need for trained defense counsel to ease court backlog and ensure fairness in court proceedings. Jerris Leonard, testifying before the House Committee on Government Operations in 1971, stated that defender programs "ought to be funded out of block grants. If they fund it out of block grants, we applaud that effort because we believe there must be equal justice; there has got to be a defender capability." On August 9, 1972, Mr. Leonard issued an *LEAA Bulletin* stating,

> The *Argersinger* decision requires most states to supply legal representation immediately to substantial, additional numbers of indigent defendants. In some states, the decision has placed the criminal justice system in a state of grave financial crisis that may necessitate fast action on emergency programs. Where this is so, all LEAA and SPA personnel are urged to cooperate in expediting such programs.

The following report contains an analysis of the Law Enforcement Assistance Administration and Title I of the Omnibus Crime Control and Safe Streets Act of 1968, the statutory authority for LEAA, with regard to funding of the court function and particularly the defense of the indigent criminally accused. The first chapter of the report provides a general description of the funding agency and the manner in which the LEAA program has been implemented since its inception. Chapter II contains a legislative history of the Act, beginning with the 1965 precursor of the 1968 Act. This chapter describes the original administration bill, its metamorphosis during congressional hearings and later amendments, and examines the current controversies over the legislation. Chapter III provides a detailed examination of the funding history of LEAA from the beginning of fiscal year 1969 through September, 1971, with reference to the court function.

The criminal justice system may be compared to a triangle, the three sides being police, corrections and courts. The following report examines the legislation and funding patterns of LEAA to determine whether, in fact, the third side of the triangle representing the court function, and in particular, the defender component, has been adequately funded under this multi-billion dollar program. It further deals with the question of what factors were responsible for the funding patterns which have existed under the LEAA. The report concludes with specific recommendations and guidelines for making LEAA responsive to the defense function.

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chapter one

an overview

Since its inception, the Law Enforcement Assistance Administration, with its unique program and funding patterns, has created controversy. LEAA was created in 1968 under Title I of the Omnibus Crime Control and Safe Streets Act as the federal agency within the Department of Justice responsible for a nationwide coordinated effort to prevent and control crime and delinquency. The Act, as amended by the Omnibus Crime Control Act of 1970, directs LEAA "To assist state and local governments in strengthening and improving law enforcement at every level by national assistance."

Unlike most federal assistance programs, the responsibility for allocating the bulk of the funds was delegated to the states under the reasoning that crime was essentially a state and local problem. These funds were distributed to the states in the form of block grants which were to be expended by State Planning Agencies (SPAs) that had been formed to meet the requirements of the Act. The allocation of the remainder of the funds lay with the federal agency headed by a three-man group, irreverently dubbed "the troika," consisting of an administrator and two associate administrators. No major policy decisions could be made by the administrator without the concurrence of his two associates.

When Congress made its first appropriation to the LEAA in July of 1968, the states were as yet unaware of the nature and extent of this new federal assistance program. The executive offices of the 50 states, Washington, D.C., and the four commonwealths of the United States had to be notified of the Omnibus Act, the requirements therein for federal assistance, and the availability of block grants for each state for improvement of law enforcement.

Before the states had begun to respond to the mandates of the Act and prior to the time that the first administrators took office in LEAA, state leaders were advised that approximately $4 million was immediately available for projects dealing with the prevention, detection, and control of riots and other violent civil disorders. All that was necessary to receive an LEAA grant was for a governor to draft a budget and project narrative of special civil disorder and riot control projects within his state. By August, 1968, 40 governors had fulfilled this requirement and a total of almost $4 million was awarded immediately. Although the Act required that the LEAA administration make grants only to those states which submitted a Comprehensive State Plan through their SPAs, these first grants were facilitated by reason of a special section in the Act which waived such requirements for the funding of riot control projects prior to September of 1968.

While the states were distributing these funds to hundreds of police departments throughout the country, the chief executives of the 55 jurisdictions organized and developed SPAs. To assist the states in the early formation of the SPAs, LEAA released 20% of the planning funds to 48 of the states in the fall of 1968. The remainder of the planning funds were awarded to the states in January of 1969.

IMPLEMENTATION OF THE ACT DURING 1969

Planning grants.

By January, 1969, all the states had established the SPAs as either new agencies of the state or as extensions of existing planning agencies. During the next few months, the SPAs oper-

ated under tremendous pressure due to planning and funding deadlines and an inadequate and inexperienced staff.

A flat sum of $100,000 in planning funds was immediately allocated to each of the 55 SPAs. Each SPA received a supplementary amount of planning funds proportionate to its population.

The planning funds were to be used to develop Comprehensive State Plans which would form the blueprint for program implementation in each fiscal year, with long range plans for the prevention and control of crime and delinquency. The Annual action portion of the Comprehensive State Plans was to describe in full all projected programs which fell within the 11 functional categories delineated by LEAA: (1) Upgrading law enforcement personnel; (2) Prevention of crime; (3) Juvenile delinquency; (4) Detection and apprehension of criminals; (5) Prosecution, courts, and law reform; (6) Corrections and rehabilitation; (7) Organized crime; (8) Community relations; (9) Riots and civil disorders; (10) Construction; and (11) Research and development. By June 30, 1969, all 55 SPA Plans were approved, and the action grants were made available to the SPAs.

Action grants

It was soon apparent to many police departments that federal money, with few restrictions on its use, was easily available from the federal government. Thus, police departments throughout the country which had received initial appropriations for riot control in August of 1968 were already geared up to apply for additional funds from the SPAs. Police departments were in a very advantageous position, since they could easily comply with the one-third limitation on personnel costs set by the Congress as well with the requirement that a certain percentage of matching funds be furnished by the grantee. This situation existed because the police could request "hardware" such as automobiles, helicopters and communications equipment, in addition to asking for more men on the force. Thus, in the first year of spending, the SPAs allocated roughly 60% of their action funds to the police.

Role of the SPAs

The SPAs were required to submit their first Comprehensive Plans to LEAA by June 1, 1969. To assist the SPAs in meeting this deadline, LEAA altered many of the guidelines for the Comprehensive Plans and required only a detailed account of the annual action plans. Another deadline to be met by the SPAs was the pass-through requirement. Under the Act, 40% of the planning funds distributed to SPAs had to be made available to units of local government for their input into the Comprehensive State Plan. Since the SPAs themselves were in an organizational stage, they were not really in a position to organize local planning agencies for the implementation of this requirement. As a result, the planning funds were distributed in a piecemeal manner to existing municipal and county planning agencies, and, in some instances, to police departments.

Staffing handicaps added to the problems of the SPAs during the early months of 1969. The SPAs were unable to obtain qualified people to staff their offices since there was no corps of "criminal justice experts." Therefore, professional staff was recruited from the police, the legal profession, probation officers, social workers, and computer technologists, regardless of planning experience.

The deadlines for planning and spending and the lack of expertise on the part of the SPA staffs contributed to the development of comprehensive plans which lacked innovative approaches to the prevention and control of crime and delinquency. Over 60% of the programs developed in the 1969 Plans were for police-related activity.

Hindered by an inadequate staff, the SPAs acted as mere conduits for grants throughout the first year of operation. They remained immersed in the planning process and the awarding of initial action grants. Although it was intended that they would develop innovative approaches to the problems of crime, the SPAs were in fact nothing other than umbrella agencies for the LEAA federal assistance program.

IMPLEMENTATION OF THE ACT DURING 1970

The formation of local planning agencies.

In early 1970 the Urban Coalition published the first study of LEAA and thereby focused national attention on this new federal assistance program. The study's major criticism of LEAA was that the block grant approach to federal funding favored rural interests and, therefore, the large urban areas that reflect the highest percentage of the crime rate were not obtaining a proportional share of the LEAA funds. Prior to 1970, many large areas had been obtaining discretionary grants directly from LEAA; discretionary grants could be obtained without going through the SPAs. Thus, one reaction to the U.C. study was a recommendation that the Omnibus Act be amended to increase the proportion of discretionary funds.

In response to this criticsm, SPAs attempted to organize their urban areas into regional/local planning agencies to expedite the receipt of funds. In addition, they joined with HUD's Model Cities program to implement inner city crime prevention programs.

Operation of the LEAA funding program in 1970.

LEAA's budget for 1970 was more than four times greater than that of 1969. The block grants to the SPAs were eleven times greater than in 1969. This increase in funding allowed the SPAs to broaden their scope of program planning into other areas of the criminal justice system and funnel more funds into the high crime urban areas. Programs dealing with bail reform, alternatives to incarceration, judicial training, work release and drug abuse were incorporated into the SPA 1970 Plans.

Even though there was an influx of broadly based applications, police pro-

grams maintained their priority in 1970. In the Comprehensive Plans for that year, 51% of the program priorities were for projects related to the police. The SPAs thought it necessary to fund equipment and training for the police so that the police would be more amenable to accepting innovative projects in delinquency and narcotics prevention and rehabilitation within their jurisdictions. This reasoning prevailed since frequently the supporting endorsement from the chief of police was required when a community-based project within its jurisdiction was under consideration for funding.

The SPAs spent 1970 awarding over 10,000 grants, developing a sophisticated planning process, establishing an intricate network of grant review, and attempting to formulate standards for criminal justice systems with scant guidance from the administration of LEAA in Washington[1]. The volume of subgrants within the states rendered the SPAs incapable of performing adequate audits and evaluations of funded programs. The development of Comprehensive Plans either became secondary to grant processing or were contracted out to a consulting firm.[2] Moreover, in most states, there were no funds or staff allocated for evaluating the effectiveness of the programs funded, nor were there audits to determine precisely how the funds were spent.[3] Thus, the SPAs looked to LEAA for more technical assistance and guidance for meeting the mandates of the Act and the administrative guidelines of LEAA.

Meanwhile, the administrator of LEAA resigned. The "troika" administration had not worked. At a time when decision making was crucial, the three-man administration made it virtually impossible to make policy decisions.

Legislative changes in the program.

After the resignation of LEAA's administrator, the agency was run by the two associate administrators. In the meantime, Congress amended the Omnibus Crime Control Act, thereby greatly altering the provisions of the 1968 Act.

The amended Act vested all administrative power in the administrator and provided that all other duties and powers were to be exercised by the administrator with the concurrence of only one associate administrator. Those who wanted to retain the old troika system and those who wanted to abolish it compromised on this modified version of the troika system.

Certain fiscal policies were altered and the alterations were welcomed by the states. Prior to the enactment of the 1970 Amendments, the federal contribution to the cost of each program was 60%, while the state had to provide the other 40%. However, under the 1970 Amendments, the federal share for block and discretionary grants was raised from 60% to 75%. In addition, the one-third limitation on personnel costs which had provided a stumbling block for non-police funding was removed and made applicable only to police and regular law enforcement personnel. In addition, LEAA was given authority to waive the 40% pass-through requirement for planning funds where that requirement was inconsistent with the development of the Comprehensive State Plans. However, major cities and counties were to receive an ample portion of the planning funds to develop comprehensive plans for the state's Plans.

Other fiscal provisions were enacted that were more stringent and limiting upon the states and the subgrantees, particularly when the subgrantees were private agencies. Whereas under the 1968 provisions the local match for a program could be "soft" match, starting in July of 1972, 40% of the local match, or 10% of the total cost of the grant, had to be in hard cash rather than in donated goods and services. And whereas under the 1968 provisions 75% of all block action grant funds had to be reallocated to local units of government, beginning in fiscal 1973 the states were required to pass through only that percentage of action funds equaling their expenditure for law enforcement purposes during the previous fiscal year.

Two other amendments were attempts to provide broader representation and participation in the LEAA program. One amendment required that representation on the SPAs and the regional and local planning agencies must include representatives of public agencies maintaining crime control or reduction programs. Other language inserted in the Act required that each Comprehensive Plan indicate that adequate funds be provided to areas characterized by high crime and high law enforcement activity.

Until the amendments were passed, there were no legislative or administrative requirements that a certain portion of LEAA funds be allocated for a particular program area. However, Part E of the 1970 Amendments required that at least 20% of the amount allocated for the usual block grants be set aside for construction and improvement of correctional programs. Of the money appropriated for Part E, 50% was to supplement the state's block grants and the other 50% was reserved for discretionary grants.

IMPLEMENTATION OF THE ACT DURING 1971

1971 began with substantive changes in the LEAA programs and a new administrator under the modified troika system. In March, the new administrator appointed a special task force to determine the kind of program and organizational structure needed by LEAA to carry out the mandates of the new Omnibus Act of 1970. In response to criticism of LEAA, the administrator set out to reorganize the entire LEAA program.

One of the major criticisms of the program was that LEAA was failing to provide either adequate technical assistance to the states or sufficient control over the expenditure of funds. To meet these needs, the task force report called for the creation of three additional regional offices and the doubling of the regional staff. As a result of the reorganization, the responsibility for final approval of virtually all discretionary grant applications was delegated to the regions.

Responding to criticism about the lack of adequate fiscal controls over

the more than 50,000 grants awarded by LEAA, the administrator promised to hire 40 additional federal auditors to go into the states for an in-depth audit of all subgrants. And, to assist the states in performing their own audits, LEAA conducted several training sessions for state auditors to increase their auditing expertise.

In response to accusations that LEAA money was being spent without regard to goals or standards, on October 20, 1971, the administrator appointed a special Advisory Commission on Criminal Justice Standards and Goals. Charged with the task of formulating specific goals and standards for all segments of the criminal justice system, the police, the courts and corrections, the Commission's function was to assist the states and local units of government in determining their priorities and needs. One and a half million dollars was appropriated for the work of the Commission which was to be completed in the summer of 1972.

LEAA was accused of not having any noticeable effect on the crime rate and on the administration of justice. To counter this, the LEAA administrator stated that the philosophical purpose of LEAA would be changed from improving the criminal justice system to reducing crime and delinquency in the United States. Toward this end, LEAA announced the High Impact Program. This program was to be a federal, state and local effort to reduce the crime rate in burglaries and stranger-to-stranger crimes by 5% in the first two years and by 20% in the following five years. One hundred and sixty million dollars was appropriated for use in eight "impact cities," which were selected by LEAA from the 49 cities with populations of between 250,000 and 1,000,000 persons. Block grants would continue to flow to the states, but all discretionary and general purpose funds would be concentrated in the High Impact Program.

While all this activity was occurring on the national level, the SPAs received their 1971 block grant appropriations, which totalled more than twice that of the 1970 appropriations. The 1971 block grants gave the SPAs a 100% increase in their funding capabilities. Although LEAA had instituted numerous administrative fiscal and procedural changes in the program, the SPAs were still planning for and funding programs without any regard to what they were to accomplish and whether or not they would work. No substantive changes in program priorities occurred; the SPAs allocated in 1971 45% of their action grants to the police and related enforcement activity.

By the end of 1971, the cumulative total of funds appropriated to LEAA was $860 million and the total number of subgrant awards was over 50,000. The SPAs had been awarded $550,426,382 in block action grants and an additional $66 million in planning grants.

chapter two

legislative history

This chapter contains a study of the Omnibus Crime Control Act of 1970 and its legislative history with regard to the funding of the court function and, in particular, criminal defense services for the indigent accused. It traces the legislation from the time President Johnson, in pursuing his "war on crime," established the President's Commission on Law Enforcement and Administration of Justice and pushed through his experimental program embodied in the Law Enforcement Assistance Act of 1965. The President's Task Force findings, the legislation sponsored by the Johnson administration in 1967, the views of Congress, and testimony of groups and individuals are examined in an attempt to uncover that elusive quantity, "legislative intent." The controversial 1971 hearings of a House subcommittee and current attempts to amend the legislation, which may provide an indication of the future course of LEAA, are also discussed.

Two facts should be noted: (a) criminal defense services have been funded, to some extent, both under the 1968 and the 1970 Acts, and (b) there is no language under either piece of legislation that explicitly provides for defender funding.

During 1969-71 the defense function has received less than 1% of the LEAA funding. The debate that took place during testimony on the House and Senate crime bills concerning defender funding continues to rage. Are defenders to remain the stepchild of the LEAA, or must the Congressional mandate be altered to provide the defense function with a proper allocation of federal funds?

There is a continuing necessity to examine this question as the need for defense funding becomes increasingly evident. Federal appropriations for criminal justice have increased annually. From the $10 million appropriation initially proposed in 1965, the annual budget for criminal justice expenditures by LEAA has climbed to $850 million for fiscal year 1973.

Until 1970 the only priorities imposed by the Act concerning allocation of LEAA funds by the States were related to the police—and, to a lesser extent, prosecution-functions; i.e., the States were required to give precedence to grant proposals for combatting organized crime and controlling riots. In 1970, amendments to the Act created a new priority; Part E was added which explicitly designated that 20% of LEAA funding be allocated for corrections. It has been suggested that, since the defense function is not adequately included in the existing legislation, a new Part F might accomplish for the defense function what Part E has effected for corrections. Such a change would, of course,

help to remedy some of the inequities in the legislation, which has become a vehicle for "law enforcement" rather than "criminal justice" in its journey through the legislature. However, as this report will attempt to show, the entire scheme set up by Title I is deeply flawed.

THE LAW ENFORCEMENT ASSISTANCE ACT OF 1965

The Law Enforcement Assistance Act of 1965 was a facet of President Johnson's "war on crime;" the Act was to implement a three-year experimental program of providing federal funds to encourage innovation in State and local criminal justice systems. The language in the 1965 Act, which gave the granting authority to the Attorney General, was sufficiently broad to include court and defender programs. For example, the Attorney General was authorized, under Sections 2 and 3 of the Act, to provide grants "for the purpose of improving the quality of State and local law enforcement and correctional personnel" and "for the purpose of improving the capabilities, techniques, and practices of State and local agencies engaged in law enforcement, (and) the administration of the criminal laws." In practice, however, expenditures for the defense function for fiscal years 1966 and 1967 were negligible.[4]

THE PRESIDENT'S CRIME COMMISSION

The 1965 Act was intended to pave the way for further reforms. In order to determine what the priorities should be, President Johnson in 1965 established the Commission on Law Enforcement and Administration of Justice to study the problems of the criminal justice system in the United States and to make recommendations for improving the system. In February of 1967 the Commission reported to the President on its 18-month study of crime in the United States. More than 200 specific recommendations were made by the Commission, ranging from federal action to programs for State and local governments. The recommendations, entitled "A National Strategy," urged that the federal program be administered by the Justice Department and be addressed to eight major areas of need. Those eight areas were: State and local planning; education and training of criminal justice personnel; surveys and advisory services concerning organization and operation of criminal justice agencies; development of coordinated national information systems; development of a limited number of demonstration programs in agencies of justice; scientific and technological research and development; institutes for research and training personnel; and grants-in-aid for operational innovations.

Among the recommendations were a number for specific reforms in the area of criminal defense services. Some of the Commission's suggestions in this area were: a) that defense counsel be provided in courts now lacking them; b) that early provision of counsel for indigents be extended; c) that State-financed, coordinated assigned counsel or defender systems be instituted, and d) that training programs for defense counsel be expanded.[5] As will be shown, these proposals, although incorporated in previous versions of the legislation, were not included in the final Act which reached the President's desk for signature.

PROPOSED SAFE STREETS AND CRIME CONTROL ACT OF 1967

THE ORIGINAL LEGISLATION PROPOSED BY THE ADMINISTRATION

General purpose to be served by the Act

The Safe Streets and Crime Control Act of 1967 was proposed by President Johnson in his January 10, 1967, State of the Union Message and his February 6, 1968, special message on crime. The intent of its drafters was plainly laid down in the preamble:

> to promote the general welfare by improving law enforcement and the administration of criminal justice. . . . It is the purpose of this Act to increase the personal safety of the people by reducing the incidence of crime; to stimulate the allocation of new resources and the development of new resources and the development of technological advances and other innovations for preventing crime; to increase the efficiency and fairness of law enforcement and criminal justice through improved manpower, training, organization, and equipment; and to encourage coordination in planning, operations, and research by law enforcement and criminal justice agencies throughout the Nation.

Both the House and Senate Committees on the Judiciary noted in the bills they reported out of committee,[6] that their intent was to implement the recommendations of the President's Commission. However, the bill which eventually reached the President's desk for signature was a far cry from the bill proposed in 1967 which had embodied the Commission's recommendations.

Intent to provide for defender funding

The original adminstration bills, S.917 and H.R. 5037, contained a broad grant of authority for the Attorney General to provide funds "for new approaches and improvements in law enforcement and criminal justice." The phrase "law enforcement and criminal justice" was defined in the House and Senate bills as "all activities pertaining to crime prevention or the enforcement and administration of the criminal law including, but not limited to, activities involving police, prosecution *or defense of criminal cases,* courts, probation, corrections and parole." (emphasis added)

The purposes for which grants might be authorized included: "manpower, including the recruitment, education and training of all types of law enforcement and criminal justice personnel," (Sec. 201(d)); "management and organization, including the organization, administration, and coordination of law enforcement and criminal justice personnel" (Sec. 201(d)); and

"operations and facilities for increasing the capability and fairness of law enforcement and criminal justice" (Sec. 201(3)). In addition, the Attorney General under the 1967 bill was empowered to "make grants to, or enter into contracts with . . . public agencies or private organizations to conduct research, demonstrations, or special projects which he determines will be of regional or national importance or will make a significant contribution to the improvement of law enforcement and criminal justice" (Sec. 302).

The administration bill, which had been conceived by the Justice Department during Ramsey Clark's tenure, clearly expressed the intent to follow the Commission's recommendations to provide various forms of defender funding. Funding for the recruitment, education, training, organization, administration, and coordination of personnel was to extend to "criminal justice" as well as to "law enforcement" personnel. And clearly, the definition of "law enforcement and criminal justice" included defender funding.

CONGRESSIONAL RESPONSE AND AMENDMENTS TO H.R. 5037 AND S.917

Changes reported by the House with respect to defense funding

The provisions setting forth acceptable action grant projects remained basically the same when the House Committee on the Judiciary reported H.R. 5037 on July 17, 1967. However, the definition of "law enforcement and criminal justice" in Title V of the bill was changed to read, "all activities . . . including, but not limited to, activities involving police, prosecution of criminal cases, courts, probation, corrections, and parole." The words, "or defense of," which had followed the word "prosecution" in the original bill, had been deleted by the Committee. Thus, the defense function was essentially written out of the criminal justice system by implication, as the explicit reference to prosecution was left intact in the Section.

Changes in the bill which were effected on the House floor

Debate on the House floor served to further alter the original plan to implement the recommendations of the President's Commission. On August 8, 1967, the bill which had been reported out of the House Committee on the Judiciary was debated on the House floor. Among the amendments offered on the floor that day was one sponsored by Congressman MacGregor which specified that the "highest priority" under Titles I and II be given "detection, prevention, and control of riots and violent civil disorders, and of organized crime."[7] This amendment passed, thereby earmarking federal funds for organized crime control and riot control; these were the only Congressional directives to the States which were invested with the primary responsibility for dispensing federal funds to improve the criminal justice system.

Another similar amendment offered by Congressman Cramer was also passed that day. Pursuant to this amendment, Title III of the bill, which had related solely to providing funds for research, demonstration, and special projects grants, also established priorities for funding organized crime and riot control.

The Cramer amendment, however, unlike the MacGregor amendment, did not appear in the final bill.

The debate on the House floor that day was indicative of the conflicting views of the Members about the priorities to be placed upon such items as the defense function. Congressman Brock Adams placed the following comments in the *Congressional Record*:

> Modern criminal law requires representation of every defendant. When this is left to the tiny numbers of available local criminal lawyers, or to the hastily recruited inexperienced, court-appointed non-criminal lawyers, the result is appalling. In some cases, lawyers drag cases on to trial because they'll get a higher fee. In others, green civil lawyers will demand an unnecessary trial because they feel guilt-bound to provide the offender, though guilty as sin, with a defense. The answer is a public defender system of experienced criminal trial lawyers for the indigent. This can produce more rational decisions as to whether a factual "issue" exists which must be tried.

On the other hand, Congressman Rivers expressed a very different view of the criminal justice system's priorities when he commented:

> I do know that our courts and our national leadership has placed too much emphasis on minority rights without regard to the fact that society collectively also has rights. Too much emphasis has been placed on society's responsibility to the individual without regard to the individual's responsibility to society. . . . I am charging the officials at Justice with ignoring their responsibility to society and to the American people in order not to offend certain minority groups.[8]

The reference in Congressman Rivers' comments to "the officials at Justice" was clear. This rebuke was directed at the stewardship of Ramsey Clark in the Justice Department.

By the end of the day, the House had passed the bill by an overwhelming vote after rewriting it on the floor. The bill which had been reported out of the Judiciary Committee was transformed by an amendment adding another $25 million for controlling riots and organized crime. A far more crucial amendment, however, was also tacked on. This Republican-backed amendment transferred most of the control over authorized funds from the Attorney General to the State Governors. This was the beginning of the block grant concept.

Senate Subcommittee reaction to the administration bill

The hearings on May 9 of the Senate Committee on the Judiciary's Subcommittee on Criminal Laws and Procedures revealed that the Committee's chairman, Senator McClellan, had a strong bias against providing federal funding for the defense of indigents. The following exchange of the Senator and Attorney General Ramsey Clark clearly revealed the Chairman's position:

Mr. Clark. We would encourage the seven specific areas of activity that Congress has—would instruct by enactment of this section, that we encourage, which are set forth on page 8, to top two lines of page 9. We would encourage—if you would like me to either read or paraphrase them I can do it. But I think they speak for themselves.

Senator McClellan. That is what you mean—you encourage these seven items that are outlined here on page 8 of the bill?

Mr. Clark. That is correct. Going over to the top of page 9.

Senator McClellan. I see. *Are grants to be made under this law to improve or establish public defender systems?*

Mr. Clark. *I think grants could be made under this law to either improve or establish public defender systems; yes.*

Senator McClellan. *Would you approve grants to provide for investigative and technical services for the defendants in criminal cases? I mean, could that be included in assistance in a plan for a public defender system?*

Mr. Clark. If a State agency or local government came forward with a plan that embodied that, there is nothing to prohibit its consideration.

Senator McClellan. *How about to train defense counsel.* If they came forth with a plan for that, to train a number of lawyers as public defenders, would that be eligible for a grant?

Mr. Clark. If someone applied for it, it would not be prohibited under this bill. I might say —

Mr. McClellan. Well, it would be eligible.

Mr. Clark. It would be eligible. Under the Law Enforcement Assistance Act, our grants to date have been for the training of prosecutors rather than defense attorneys.

Senator McClellan. That is not defense. I can appreciate you might want to train, just like you do policemen, better personnel, more competent personnel on the side of law enforcement. But we are now confronted, as you know, with Supreme Court decisions which make it necessary, as I interpret those decisions, for the State of the country or the municipality, to provide counsel for anyone at the time they are taken into custodial detention—if they ask for it. If they interpret them, the State or the prosecuting authority, accusing authority, must provide that person in custodial detention with counsel.

Now, it is contemplated under this bill that in order to meet that requirement, we will make eligible for grants municipalities, States, or other entities that submit plans to train defense counsel and provide an investigative service for those accused of crime, and so forth.

Is that contemplated under this act? If not so contemplated, does the act authorize and permit it?

Mr. Clark. The act does authorize and permit it. If a criminal justice agency involved in the court system came in and applied for funds for that purpose, it would be eligible for consideration.

Senator McClellan. *Well, I am sure you are going to have a lot of agencies insisting that such plans be submitted, and the Government will now go into the business of providing defense counsel on the same scale it provides a prosecuting attorney, and also providing investigators for those accused of crime, for technical experts, and so forth—on an equal basis of what is provided to the prosecution.*

Do you foresee that?

Mr. Clark. I doubt that that would be a major item for application, Mr. Chairman.

Senator McClellan. *Can't you foresee the pressure and demands for such plans since they will be eligible?*

Mr. Clark. *I think the pressures and the priorities are the same, whether there is a Federal program or not.*

Senator McClellan. You think what?

Mr. Clark. I say I think the pressures and the priorities on jurisdictions are the same, whether there is a Federal program of assistance or not.

Senator McClellan. The pressure may be the same. But here they will have a source of getting results, a direct avenue to the authority to provide what they demand.

Mr. Clark. If that is their item of highest priority, that would be something that —

Senator McClellan. Well, it would not have to be the highest priority.

Mr. Clark. That would be their judgment if they put it in.

Senator McClellan. It would be one of their requests.

Mr. Clark. They still have got to match up to—at least up to 40 percent, they still have to make their 5-percent increased investment.

Senator McClellan. I understand. I am just illustrating where we are in this law enforcement business. Now, we are reaching the point, moving swiftly in that direction, where the public, the taxpayers, have got to provide for the complete defense of anyone apprehended or accused of crime from the time he is taken into custodial detention, all the way through appeals to courts, to the top if he insists on doing it. We are moving in that direction. *And I think this act is going to give impetus to it, and stimulate a greater demand and more pressures than we have ever known in this direction. I hope I am wrong about it. But I foresee that we are providing the means and the opportunity here for such a development.*

Do you want to comment on that, and suggest how badly I am in error?

Mr. Clark. I will just make two comments, Mr. Chairman. The same potential has existed under the Law Enforcement Assistance Act. The applications that we have had in this area have been for training prosecutors rather than for training defense counsel.

Senator McClellan. That is what has happened in the past. In the past you did not have to provide them a lawyer the minute they were arrested, either. There are a lot of things in the past that do not hold valid today. And that is the point I am making.

Mr. Clark. That is this year and last year. It is not tomorrow, that is true. On the other hand, it may be that we have a great need in this area, and if we do, it is best that we prepare to meet it, I guess.

Senator McClellan. Well, let us talk about it, let us get it spread out here, and let everybody know what this is leading to and say so. That is all I am trying to do. Let us look this proposal right in the face, and evaluate it, and analyze it, and try to know where we are going from here.

Mr. Clark. *That would certainly be a very tiny part of the total picture. The major purpose of this bill is to improve the quality of law enforcement.*

Senator McClellan. I wish I could agree with you on that. But I do not have any assurance of that from present trends. I am afraid it is not going to be just a tiny part. *I am afraid it is going to become—and I am sincere—a major part of it, and that very soon. I hope I am wrong.* And I hope you are right. But anyway, I just wanted to emphasize that point.9 (Emphasis added.)

The statement by Ramsey Clark, one of the authors and supporters of the original administration bill, that defense funding was to be a "very tiny part of the total picture," shows how the administration was forced to compromise its original position in an attempt to push the bill through a divided Congress. The weakening of Ramsey Clark's position with regard to defense funding was further demonstrated by his written responses to

Senator McClellan's questions. In response to the question, "how much do you contemplate using 'in defense of criminal cases,' " Mr. Clark stated:

> I do not expect large amounts of money to be requested for this purpose. This is only one of a multiplicity of competing needs that the local governments will seek funds for and the likelihood is that it will tend to be very low on their scale of priorities. In any event, the amount of funds possibly involved will be small compared to funds likely to be sought for police equipment, police training, etc.. On the other hand, the Bill does take a comprehensive approach to law enforcement and criminal justice problems, and an applicant could apply for money for such a purpose.

Thus, in spite of the mandate of the President's Commission that defense counsel's role be broadened and extended, the problem of receiving support to implement that mandate from the Senate Judiciary Committee proved to be insurmountable. The opposition of that committee proved to be, in large part, responsible for the failure to include specific provisions for funding the defense function in the text of the final bill.

Changes reported by the Senate with respect to defense funding

While the language of the bill as reported out of the House Committee on the Judiciary was similar to the broad language contained in the original bill, the Senate Committee on the Judiciary reported out a quite different bill on April 29, 1968. A number of provisions reflected the change in emphasis. For example, the phrase "law enforcement and criminal justice," which ran throughout the original bill, was narrowed to simply "law enforcement." This emphasis on the enforcement of law rather than upon the concept of criminal justice was further reflected in a new provision authorizing funding for the recruiting and training of prosecutors to combat organized crime.[10]

The new definition provision served to further narrow the range of activities included within the scope of the Act. While the House Report had included within the definition of "law enforcement and criminal justice" such functions as courts, probation, corrections and parole, the Senate version further narrowed the definition of "law enforcement" to read "all activities pertaining to crime prevention or reduction and enforcement of the criminal law." (As will be noted later, the activities enumerated in the original definition were reinstated by the 1970 amendments.)

Incorporated in S. 917 as reported out of committee was the MacGregor amendment restated in these terms: "In making grants under this part, the Administration shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection and control of organized crime and of riots and other violent civil disorders."[11] On the other hand, the Cramer amendment, previously approved on the House floor, which would have provided for similar priorities in the portion of the bill relating to special grants for research and training was excluded from the Senate report.

Thus, in the Senate report, the emphasis was placed on the funding of the police function for the purposes of combatting organized crime and controlling riots. This narrow emphasis on the funding of the police function was later to result in the enactment of Part E of the 1970 amendments which created a separate emphasis for the funding of correctional facilities.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT of 1968

LEGISLATION

Final passage of the Act by Congress came on June 6, 1968, after the House agreed to accept the Senate's version of the bill.[12] The Omnibus Crime Control and Safe Streets Act, PL 90-351, which became law on June 19, 1968, was a far cry from the proposed Safe Streets and Crime Control Act of 1967 which President Johnson and the Justice Department had supported. The final version contained several titles which were intended to reverse some of the Supreme Court's decisions dealing with constitutional issues such as the admissibility of confessions and information obtained by electronic surveillance. These titles, while not the subject of this report, should be noted for the frame of reference into which the LEAA grant provisions were incorporated. When the final bill was renumbered, all provisions relating to grants were contained in Title I.[13] (Thus, all references to the Act in the remainder of this report will apply to Title I.)

The order of the provisions remained the same as in the Safe Streets bill of 1967. Part B dealt with planning grants; Part C, with grants for law enforcement purposes ("action" grants); Part D, with grants for training, education, research, demonstration, and special projects; and Part E, with the administration provisions. Part F provided the definitions. The major change in the Act was the shift from the administration's conception of a program administered by the Justice Department to a scheme whereby the bulk of federal funds for the program were to be administered by the states.

The final version of H.R. 5037 omitted the provisions for grants which would lead to "increasing the capability and fairness of law enforcement and criminal justice, including the processing, disposition, and rehabilitation of offenders." Also gone was the provision authorizing funding for "the organization, administration, and coordination of law enforcement and criminal justice agencies and functions." These two provisions would have provided a basis for the establishment of defender services in areas lacking them, as well as for the improvement of such services where they did exist.

In place of those provisions were new ones such as the Senate Committee's proposal for grants to police and prosecuting personnel for combating organized crime (Sec. 301(b)(5)). Another new section provided for "the organization, education, and

training of regular law enforcement officers, special law enforcement units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment" (Sec. 301(b) (6)). A third new section allowed for additional funds for community service officers to assist regular state and local police (Sec. 301(b)(7)). In addition, the final version retained the Senate report's narrow definition of law enforcement. As the definition failed to refer to either the court or correctional functions of the Criminal Justice system, LEAA's subsequent emphasis on funding for the police function is understandable.

As a further emphasis on police, Title I contained Rep. MacGregor's priority statement for the funding of riot control and organized crime fighting. These two categories remained the only federal statutory directives in the mammoth funding plan which otherwise left the decision-making to the states under the block grant system. As shall be seen, further inroads were made upon the block grant system of allowing the states to determine priorities when the 1970 amendments established an additional categorical directive.

In addition to those sections referring to police and activities clearly within the police function, the sections' restricting funding favored police department applicants. Section 301(d), which required that no more than one-third of any grant may be expended for personnel, provided a barrier for the funding of defender offices whose major expenses are salaries for attorneys, investigators, and secretaries. Section 301(c), which mandated a 40% match of local funds, hampered the initiation or improvement of defender services, particularly where the applicants were non-governmental agencies and therefore lacked a reliable source for matching funds. Furthermore, Section 303(2), requiring that 75% of all SPA funds be passed through to "units of general local government," discriminated against defenders. First, defender offices, even where publicly funded, were not considered units of government. Second, where a defender program was conducted on a statewide basis, the 75% of state funds which was passed through to the cities was not available for those programs. This restriction was particularly regrettable in view of the trend toward statewide defender systems.

Thus, Part C which established action grants became a vehicle for providing funding primarily for the police. There was very little room for interpreting Part C to provide funds for the establishment or improvement of defense services.

Part D, which was devoted to programs for research, training and education, was similarly restricted. Section 404 provided for training programs for "state police or highway patrol, police of a unit of local government, sheriffs and their deputies." Section 406 provided for payments to institutions of higher education for loans . . . with special consideration to police or correctional personnel."

In sum, Title I of the 1968 Act provided two types of funding for programs in the criminal justice area: Part C "action grant" funds, which were to be allocated by the State Planning Agencies, and Part D funds for training, research and demonstration projects, which would be administered through the LEAA administration in Washington, D.C.. The provisions in both Part C and Part D of the Act were laden with requirements that funds be directed towards the police and prosecution functions. Moreover, Part C, under which the bulk of LEAA funds were to be disbursed, contained the mandate that special emphasis should be given to projects dealing with organized crime and riot control.

GUIDELINES

The Law Enforcement Assistance Administration, which was established by the 1968 Act, published in November of 1968 a "Guide for State Planning Agency Grants under the Omnibus Crime Control and Safe Streets Act of 1968." These guidelines were promulgated pursuant to the authority granted in Part E, Sec. 501 of the Act, which stated.

> The Administration is authorized, after appropriate consultation with representatives of States and units of general local government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purposes of this title.

What these guidelines accomplished was, in effect, to rewrite Parts C and D with respect to the nature of the projects that could be funded. More specifically, the guidelines clarified and expanded the definition of "law enforcement" provided in Section 601 of the Act. Title I itself merely provided that "law enforcement" includes "all activities pertaining to crime prevention or reduction and enforcement of the criminal law." The guidelines expanded that definition to include "the prevention, detection and investigation of crime, the apprehension of offenders, the prosecution and *defense of criminal cases*, the trial, conviction and sentencing of defendants, and the correction and rehabilitation of convicted persons, including imprisonment, probation, parole and treatment. *Where reference is hereafter made in the Guide to courts, this will include prosecution and defender systems as well.*" (Emphasis added.)

Another publication which adds a gloss to the 1968 Act, although it was marked "for draft use only," is the Justice Department's "Application Guide for State Planning Agency Grants under Title I, Part B of the Omnibus Crime Control and Safe Streets Act of 1968." This draft guide was published prior to the November, 1968, SPA guide. Under the heading "Objective of the Program" the manual states that law enforcement as defined in the Act encompasses "police, prosecution, *defense*, court and correctional activities as well as general crime prevention and control programs." (Emphasis added.) The purpose of this guide was to provide assistance to the State Planning Agencies during the period before the LEAA became operative.

Thus, the guidelines developed by Attorney General Ramsey Clark's staff in the Justice Department redefined the statutory definition of "law enforcement" to include defender services. Without the impetus provided by the tentative "Application Guide" it is doubtful that there would have been any funding for defender services under the 1968 provisions.

THE 1970 AMENDMENTS

DEVELOPMENTS LEADING TO REFORM

Appropriations under the 1968 Act were set to expire on June 30, 1970. Prior to the expiration of appropriations, hearings were set in the House and Senate to air suggestions for changing the direction of Title I.

Criticism of the 1968 Act in Congressional hearings

One of the recurrent complaints in hearings on amending the 1968 Act was the overemphasis on the funding of police. A study by the Urban Coalition Action Council, based on an examination of 12 states, confirmed that police programs clearly dominated the first year of grants. According to the Urban Coalition, "This, in part, reflects the fact that Title I as presently written, particularly Section 301(b)(7), suggesting appropriate action grants, focuses almost exclusively on the police."[14] Moreover, the Coalition noted that in the twelve states expenditures on court reform constituted 7.5%; such expenditures gave great emphasis to studies of court procedures and with some money going to building up prosecution and defense resources. According to the Coalition, this 7.5% was higher than the national average, as at least 35% of all 54 plans had no court programs.

During Judiciary Committee hearings on amending the Act, Edward T. Anderson of the Friends Committee on National Legislation, stated, "Much more attention must be given across the Nation to pretrial justice, bail procedures, counsel for indigents, and so forth."[15] James N. O'Connor, Administrator of the Law and Justice Planning Office in the state of Washington, testified that:

> The broad objectives set forth by the President's Crime Commission should be kept in mind when considering appropriate action to prevent crime and improve law enforcement. The scope of these objectives, which I have attached as Appendix A to my testimony, is immense, ranging from assuring all persons of a stake in American life, to the reduction of criminal opportunities and improvement of personnel, equipment and techniques of the total criminal justice system. The work of the President's Crime Commission has obtained and held the respect of the entire law enforcement field, and it should be given full consideration in the implementation of our national policy.[16]

The recommendations attached to Mr. O'Connor's testimony included the following:

> The system of criminal justice must attract more people and better people—police, prosecutors, judges, defense attorneys, probation and parole officers, and corrections officials with more knowledge, expertise, initiative, and integrity.

As in the House Committee hearings on the 1967 bill, a certain amount of hostility to funding defenders was exhibited in the Senate Committee hearings on the 1970 amendments. During Governor Ogilvie's testimony, he noted that the Illinois Law Enforcement Commission had awarded a grant to the Illinois Public Defender Association to establish a statewide public defender project. Governor Ogilvie's statement was followed by this exchange:

> Mr. McCulloch. Might I interrupt you there. Has this system of public defenders been generally approved by the people of Illinois and particularly by the Bar Associations all over the State?
>
> Governor Ogilvie. Especially by the bar associations, because it takes a great load off the organized bar. They don't have to provide the service as a charity which has been the case for many years. Now we will have full-time lawyers who are heavily involved in the matters of criminal defense.
>
> Mr. McCulloch. Do you receive any complaints from the taxpayers about the cost that falls upon the law-abiding citizen to carry on this work?
>
> Governor Ogilvie. Nothing that has particularly come to my attention.[17]

Among the groups suggesting reforms was the Advisory Commission on Intergovernmental Relations; it issued a report, "Making the Safe Streets Act Work—An Intergovernmental Challenge." One of the Commission's recommendations, which was proposed during the 1970 hearings before the Subcommittee on Economy in Government of the Joint Economic Committee, was the following: "The Commission recommends that each State establish and finance a statewide system for defense of the indigent, making either a public defender or coordinated counsel service readily available to every area of the state."

Suggestions and proposed legislation to alter the 1968 Act

Among the deficiencies seen in the 1968 Act was the lack of sufficient funds being directed to courts and corrections. Thus, during testimony before the House Subcommittee on March 7, 1970, Congressman Brock Adams proposed that Section 301(b)(2) be amended to place special emphasis on providing grants for "correctional officers, probation and parole officers, prosecutors, *public defender personnel*, court administrators, and related personnel." (Emphasis added.) This suggestion was immediately countered by Committee Counsel Zelenko who commented, "You are assuming that LEAA can impose conditions on a grantee, to assure compliance with such statutory language in order to guarantee that Federal funds go into these specified areas? . . . I ask that question because two of the present administrators of the LEAA have testified before the House Appropriations Subcommittee that setting priorities is not a matter for LEAA but entirely up to the States to determine."[18]

Among those suggesting that the "police bias" in funding be remedied was Congressman Jonathan Bingham, who recommended that measures such as those suggested in legislation spon-

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sored by Congressman Mikva and others to that end be carefully considered.[19] Two bills sponsored by Congressman Mikva, H.R. 15907 and H.R. 16795, as well as an identical bill, H.R. 17115, later introduced by Congressman Charles Wilson, would have altered Section 301(b)(2) to include within the permissible action grant projects:

> The recruiting and training of police personnel, criminal justice personnel (including judges, prosecutors, *public defenders*, bailiffs, marshals, and court administrative and management officials), and corrections personnel (including probation and parole supervisors, and vocational rehabilitation, medical, psychiatric, counseling, and educational personnel for prisons and correctional institutions). (Emphasis added.)

These three bills, which specified public defender programs among those to be funded out of SPA grants, defined "law enforcement" to read "all activities pertaining to the administration of criminal justice including police efforts to prevent crime and to apprehend violators of the criminal law, activities of the criminal courts and related agencies, activities of corrections, probation, and parole authorities, and activities of other rehabilitative and social service agencies which relate to the administration of criminal justice." [20] Under that definition of law enforcement, public defenders would presumably fall within the category of "criminal courts and related agencies." These bills were referred to the Committee on the Judiciary on February 16, April 7, and April 20 of 1970 respectively.

Another bill, H.R. 16401, also covered defenders under the umbrella heading "criminal courts and related agencies." It provided for the establishment of a State Criminal Justice Assistance Center, which would be authorized to make grants for "additional manpower for State and local courts, including positions for judges, prosecutors and *public defenders*, bailiffs, marshals, and court administrative, management and supportive personnel." (Emphasis added.)[21] H.R. 16401 was referred to the Committee on the Judiciary on March 11, 1970.

H.R. 17825 was the amendment to Title I which was eventually passed in 1970. After the House had passed the bill, Senator Edward Kennedy proposed an amendment to H.R. 17825 which would have added the title, "Urban Crime Amendment of 1970." Under that title, allowable projects to be funded would have included, "provision of full-time staff in prosecutor or defender agencies, whether through use of city personnel or reimbursement of State, county, or private agencies."

All attempts, however, to incorporate specific references to defender funding in the LEAA legislation ended in failure. The result of the 1970 amendments was, as will be seen, the introduction of a certain amount of flexibility into the bill which had previously been lacking and the addition of a new Part E specifically providing grants for correctional institutions and facilities.

CHANGES MADE BY THE 1970 AMENDMENTS

House action

One day prior to passage of H.R. 17825, the bill was debated on the House floor. The House version of Section 601(a) defining law enforcement read as follows: " 'Law enforcement' means all activities pertaining to the administration of criminal justice, including, but not limited to, police efforts to prevent crime and to apprehend criminals, activities of the criminal courts and related agencies, and activities of corrections, probation, and parole authorities." The new definition of law enforcement was almost identical to the definition suggested in H.R. 15907, H.R. 16795 and H.R. 17115, the bills which spelled out the funding of public defenders.

Congressman Poff, during debate on the House floor, commented, with respect to this provision:

> The present act, in Section 601(a), defines "law enforcement" to include "all activities pertaining to crime prevention or reduction and enforcement of the criminal law." The committee amended the definition to include "all activities pertaining to the administration of criminal justice, including, but not limited to, police efforts to prevent crime and to apprehend criminals, activities of the criminal courts and related agencies, and activities of corrections, probation, and parole authorities."
>
> This revision, I am afraid, can be construed as a narrowing of the range of activities included within the scope of the act. The use of the term "administration of criminal justice," particularly in light of the examples included in the definition, seems to suggest that activities outside of the formal, official functions and processes of the police, the courts and correctional institutions and authorities are excluded from coverage. I wish to make it clear that I do not understand, and I do not think the committee understood, that the revision would narrow the scope of law enforcement related activities included within the scope of the old definition. Any number of non-official activities of persons other than law enforcement officials could be included so long as they relate to crime prevention and reduction.[22]

It is evident that, with the change in the definition of law enforcement in the 1970 amendments, a broader scope of funding activities was contemplated. Moreover, the funding of defense services fell well within the scope of that definition where it referred to "activities of the criminal courts and related agencies."

Another important change made in the 1968 Act by the House was to remove the one-third limitation on compensation for personnel other than police (Sec. 301(d)). The purpose of this amendment was to free grant monies in order that many agencies could be funded which otherwise would have been ineligible due to the fact that personnel, rather than hardware, constituted the bulk of their budget. This change indicated a willingness to direct more funds to non-police functions.

Senate committee action

During the summer of 1970, the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary held four days of

hearings on proposed amendments to the 1968 Act. At the conclusion of the hearings, the Subcommittee met in executive session and adopted an amended version of H.R. 17825. The bill which the Subcommittee adopted retained most of the changes made by the House to Title I of the Act. It retained, for example, in basic outline the amendment to permit greater use of grant funds for the compensation of personnel. It also retained a definition of law enforcement similar to that in the House version. This definition, like the definitions in H.R. 15907, H.R. 16795, H.R. 17115 and H.R. 16401 which had included public defenders among the substantive provisions, encompassed "courts . . . and related agencies."

In addition to old Section 301(b)(5), which provided in Part C for grants to train investigative and prosecuting personnel to combat organized crime and which was retained, the Senate Subcommittee added a new section, 408(a), under Part D. Under this new section, LEAA was authorized to establish a permanent training program for State and local organized crime prosecutors. Thus, the new Act was to include two specific provisions for training grant funds for prosecutors. No corresponding provisions, however, were added to provide training for defenders under the new Act.

Interpretation of the 1970 Act

The Senate Judiciary Committee's version was adopted by the Conference Committee and the Omnibus Crime Control Act of 1970, PL 91-644, was passed by both the House and Senate on December 17, 1970. The new Act gave greater emphasis to funding for local areas of high crime (Secs. 203(c), 303 and 301(b)(4)), to corrections (Part E and Part G, 301(b)(9)), to juvenile and narcotics problems (Secs. 301(b)(9) and 601(a)), and to training for prosecutors in dealing with organized crime prosecutions. These directives were placed in the Act notwithstanding the Congressional concern that the federal government leave the decision-making up to the governors. Thus, the legislation had become laced with Congressional directives, some of which, like the mandate for funding of corrections in Part E, established something similar to a categorical grant program. This new trend, which resulted from criticism of the funding under the 1968 provisions, contradicted the scheme which established the block grant concept.

As was indicated earlier, the 1968 version of Title I had effectively written out funding for defender services. The guidelines which were first drafted before LEAA became operative later were expanded to include defender funding under the theory that the 1968 Act was intended to implement the recommendations of the President's Crime Commission. Prior to the 1970 amendments, LEAA had, in fact, funded statewide appellate defender programs in several states and expended 1% of the block grant allocations for defender programs. The 1970 amendments, while they do not directly provide for grants to fund defense services or training projects for defenders, do tend to expand the range of projects which can be funded by LEAA.

In addition to adding a whole new Part E, Part D was expanded. A new Section 407 was added to authorize the Administration to "develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel. . . ." This section could be construed as very favorable to defenders, in contrast to the previous provisions in Part D which had required that training programs for law enforcement personnel be tied either to an institution of higher learning or to the FBI National Academy at Quantico, Virginia, and had provided that special consideration must be given to police or correctional personnel.

Another new section, (408), was also added; however, within it funds were earmarked for training attorneys engaged in the prosecution of organized crime. Due to the addition of this new section, prosecutors were assured of funding for training institutes, while defenders remained in the position of vying with police, corrections officials, and other court functions for training funds.

The amendment to Section 301(d) removing the one-third limitation on compensation for personnel, gave greater flexibility to the Act. Previously, new defender offices had had difficulty obtaining funding due to the fact that the major budget item of such offices was personnel salaries. Under the new amendment, the restriction that no more than one-third of any grant may be expended for compensation was made applicable only to police. Thus, some of the provisions which previously may have militated against defender funding have now been altered. The fact remains, however, that while funds have been directed toward police, corrections, and prosecutors under the Act, no corresponding directives were imposed to fund the court function as a whole, or the defense component in particular.

MONAGAN COMMITTEE HEARINGS AND FINDINGS

During the summer and fall of 1971, a subcommittee of the House Committee on Government Operations held hearings on the block grant programs of the LEAA. The report resulting from these hearings, which were conducted by Representative Monagan, pointed up a number of shortcomings in the administration of the action grants by the States over the three-year period of the block grant program.

The report pointed out that less than one out of four dollars of the combined total of $552 million action grant funds appropriated by Congress had actually been spent by the State Planning Agencies. Moreover, only 8 cents of the 1971 action block grant dollar had actually been disbursed. The remaining funds had been left to lie idle or accrue interest for the State treasuries.

According to the report, the great

majority of funds disbursed were spent for police hardware. The Committee noted, "tens of millions of block grant dollars have been spent on helicopters, airplanes, automobiles, fire control centers, police radio equipment, electronic surveillance equipment and a range of other hardware items.[23]

As will be shown in Chapter III, the court function has received a very small portion of LEAA funds as compared with the other two sides of the criminal justice triangle–police and corrections. As the House report observed, "The ultimate question is whether pouring of substantial Federal Funds into police hardware, much of which has not been objectively evaluated, at the expense of other segments of the criminal justice system is justifiable in light of the goal of the Safe Streets Act–a 'comprehensive' attack on crime."[24]

In the course of his testimony before the Monagan Committee, Jerris Leonard, the administrator of LEAA, commented on the goals of the federal funding program. He stated that "everything we do is aimed at reaching our great and single goal, the goal that Congress set for us: The reduction of crime in the United States."[25] He further stated that he would permit the states to fund "projects dealing with the cause of crime,"[26] such as juvenile delinquency or narcotics. With regard to defender funding, Mr. Leonard stated, "this is an ongoing type program that ought to be funded out of block grants. If they fund it out of block grants, we applaud that effort because we believe there must be equal justice, there has got to be a defender capability."[27]

chapter three

funding patterns for courts, prosecution & defense

This chapter will explain the funding history of LEAA with regard to court related programs and specifically the funding history of defender programs. The period of funding to be included in the study is from the beginning of fiscal year 1969 through fiscal year 1971. All three granting systems will be reviewed–the block grants, the discretionary grants and the National Institute grants.

The funding figures for discretionary and Institute grants were obtained from the LEAA *Annual Reports* for fiscal years 1969 and 1970. The figures for fiscal 1971 were obtained from the *Annual Report for 1971* listing all discretionary and Institute grants. The figures for all three fiscal years were machine tabulated.

No accurate figures on the expenditure of state block grants were available. Even though the block grants account for the largest expenditure of LEAA monies, no up-to-date central listing of programs funded through block grants is compiled by LEAA. Financially, LEAA keeps an accounting of block grant expenditures through the use of quarterly reports, which must be filed by each state planning agency. These forms, LEAA-OLEP156, were closely examined for accurate information on the funding patterns of SPA's, but, because of the lack of uniform reporting, it was not possible to derive meaningful financial data on how much and for what purpose SPA's block grants have been spent. Therefore, 55 questionnaires requesting information on the total amount of funds expended for the courts–including the prosecution and defense–were sent to the SPA's. Twenty-seven of these questionnaires were returned.

Since no definite statements can be made on SPA subgrant expenditures, the figures that are usually cited by LEAA reflect what the SPA's have allocated, not expended, for program categories developed in their comprehensive plans. LEAA awards block action grants to the SPA's on the basis of the programs in the state plans and apportions that money according to the 11 functional categories of the plans. Using the figures from the functional categories in the plan, each SPA is able to state how much money it has allocated for the police, courts and corrections.

The functional category of *Courts, Prosecution and Law Reform* was used as the primary source of information for SPA allocations during each fiscal year. If a court related project was planned in another functional category, it was tabulated into the total allocation. For instance, the functional category of *Upgrading Law Enforcement Personnel or Juvenile Delinquency* may contain projects for training of juvenile judges and juvenile defenders, and if so, they are included in the total figures cited for court, prosecution and defender allocations.

All the figures for block grant allocations were obtained from the LEAA *Annual Reports* and the individual SPA Comprehensive Plans.

The LEAA appropriations for fiscal years 1969, 1970, and 1971 are presented on the following pages. These federal appropriations grew considerably throughout these years, and have been surpassed in 1972 by a budget of $698,919,000 and a 1973 budget request of $850 million. The allocation of the block grants has reached over $550 million in the last three years. The discretionary and Institute grants over the last three years have totaled over $123 million. According to the data presented below, the court function in the criminal justice system and specifically its major components, the judiciary, the prosecution and the defense, have been a low priority in the allocation of these funds and will continue to be second rate functions of the criminal justice system unless special legislative or administrative directives are issued to provide for the distribution of LEAA funds according to the areas of critical need.

BLOCK GRANT ALLOCATIONS

The block grants to the states account for the largest expenditure by LEAA and are the basic method of funding of the Omnibus Crime Control and Safe Streets Act of 1968, as amended in 1970. Approximately $550 million has been awarded to the states for block grants over the last three fiscal years. As has been explained, it cannot be determined at this time how the states have spent these funds. Block grant spending will be discussed primarily as anticipated expenditures for each fiscal year; in addition, the results of the 29 questionnaires received from the SPA's will be presented and interpreted.

1969 was the first year of block grant awards to the states. Prior to the receipt of these block grants, the states had already received a grant for the development of riot control and civil disorders programs. Since this first grant from LEAA was in reality earmarked for the police, it was natural that state officials would plan to use their 1969 block grants similarly. And, in fact, during 1969, the states allocated roughly 60% of their block grants for the police function; this figure includes the special riot control and civil disorder funds.

The SPA's received $25 million in block action grants in 1969. As can be seen in the chart below only 5.7% of the action money was allocated for programs' relating to the court function, including the prosecution and the defense. The chart indicates that in 1969 the prosecution received 1% of all action funds and the defense received .9%.

1969 BLOCK GRANTS

FY	1969	% of total allocation	% of court allocation
Total Action Grant	$25,054,382		
Courts, Prosecution and Law Reform	1,443,888	5.7%	
Prosecution	276,759	1%	19%
Defense	225,166	.9%	16%
Other Court	941,963	3.7%	65%

Sixteen states in 1969 made no provision for any type of court funding. Of those states that did allocate a portion of their block grants to the courts, 32 made no provision for the prosecution and 42 made no provision for the defense.

The 1970 appropriation for block action grants was $182 million; this figure represents a 600% increase over 1969. Regardless of this tremendous increase in funding, the SPA's allocated only 6% of their funds for programs relating to the court function.

The chart which follows indicates that of the $12 million allocated for court programs, 15% was for prosecution programs and 12% was for defender programs. Altogether, the prosecution received .6% and the defense received .5% of the total available block action grants.

1970 BLOCK GRANTS

FY	1970	%of total allocation	% of court allocation
Total Action Grants	$182,750,000		
Courts, Prosecution and Law Reform	12,500,000	6%	N/A
Prosecution	1,875,000	.6%	15%
Defense	1,500,000	.5%	12%
Court Management	4,625,000	2%	37%
Training, Bail and Code Reform	4,500,000	2%	36%

In 1971, the court allocation for block action grants increased by 3%. The SPA's were awarded $342 million in block grants of which $34 million, or 9.6%, was allocated to court related programs.

1971 BLOCK GRANT ALLOCATIONS

Total Federal Grant	$342,622,000
1. Court Organization and Management	$ 16,300,223
2. Code Revision	1,078,209
3. Bail Reform	804,818
4. Training	2,547,601
5. Community Relations	742,000
6. Construction	1,361,175
7. Information Systems	729,614
8. Intern Programs	433,000
9. Prosecutors	4,163,495
10. Defenders	3,952,256
11. Miscellaneous	1,843,527
Total Court Programs	$ 33,955,918

Percentages:

	% of total allocation	% of court allocation
All court programs	9.6%	N/A
Court Management and Organization	4.6%	49%
Code Revision	2.9%	3%
Bail Reform	.23%	2.4%
Training	.58%	7.1%
Community Relations	.21%	2.3%
Miscellaneous	.27%	6.3%
Construction	.27%	4.2%
Information Systems	.21%	2.2%
Intern Programs	.12%	1.3%
Prosecutors	1.1%	12.1%
Defenders	.9%	11.1%

The chart above illustrates the various types of programs planned for fiscal 1971 for the functional category of *Courts, Prosecution and Law Reform*. As can be seen, new types of programs were introduced in 1971.

Specifically, the new intern programs accounted for 1.3% of the total action grant allocations of the SPA's. Roughly one half of the intern programs were for placement of law students in prosecutors' offices and the other half for defenders' offices.

The percentage of court funds for the defense and prosecution were

somewhat lower than in 1970–11% and 12% respectively. However, the allocation for the above-mentioned intern programs should be considered for both the defense and prosecution, thereby making the actual allocation for the prosecution and the defense greater.

All court programs received approximately 9.6% of the total 1971 action grant allocation. Excluding the student intern programs, the prosecution received 1.1% of the total 1971 action grant allocation and the defense received .9% of the total allocation.

Although the figures presented for 1969, 1970 and 1971 block grants do not reflect the actual expenditure of block grants they do indicate the general direction and the scope of funding for court programs in relation to the total funds available through the SPA's.

The first of the following charts is a compilation of the court block grant allocations for these three fiscal years. From it one can see that overall the SPA's have allocated 8.7% of their total block action grants for court programs during the first three years of LEAA. During these years, as can be seen from the second chart, the SPA's allocated 1.09% for prosecution programs and .9% for defense programs. Within the court program area, the prosecution received 13.2% of the allocation and the defense, 11.8%.

PERCENTAGES OF TOTAL ALLOCATIONS, 1969, 1970, 1971

%	of total funds	of court funds
Courts, Prosecution & Law Reform	8.7%	N/A
Prosecutors	1.09%	13.2%
Defenders	.9%	11.8%
Other Courts	6.03%	75%

Clearly, the courts, one of the major components of the criminal justice system, consistently have been ranked lowest in priority by the SPA's throughout the last three years of operation.

BLOCK GRANT EXPENDITURES

There are no conclusive figures on the amount of block action grants expended for court related activity. An attempt was made to gather as much expenditure information as possible from a survey sent to all the SPA's. Twenty-seven surveys have been returned and the results are presented on the following pages.

The expenditure figures which will be given do not represent the federal share of action grant expenditures. Sixty percent of the expenditures in 1969 and 1970 are of federal funds and 75% of the expenditures in 1971 are of federal funds. The figures in Charts I and II which represent the total amount of block action, subgrant awards, including the 40% matching contribution in 1969 and 1970 and the 25% matching contribution in 1971. The fiscal quarterly reports, Form 156, do not differentiate the federal share of program costs from the matching contribution. In each such report to the LEAA, the SPA's list the total amount of the grant award and simultaneously indicate the state–local minimum cost contribution ratio. In order to determine the figure for the federal share of each grant award, the total cost of the program is multiplied by 75%.

Even though the charts are incomplete, the available statistics show a pattern of expenditures that reflect a low priority given to defender programs.

From Chart I, it is seen that defender funding has not increased through 1969, 1970 and 1971 in proportion to prosecution funding. This disparity is reflected in the overall totals, as well as in state totals, such as New Jersey's where there was no funding throughout the three fiscal years. Florida, Georgia and Oklahoma are other such states. In Texas there was a $620,646 expenditure for prosecution programs and $27,214 for defender programs.

Chart II (on page 35) indicates what each SPA allocated for court, prosecution and defender programs in the 1971 Comprehensive Plan and what each SPA actually spent for those programs during 1971.

From the totals in Chart II, it appears that there is no correlation between what is allocated for a program area and what is actually spent within that program area. In 1971 the prosecutors were allocated $2.7 million, yet roughly $3 million has been spent for prosecutor programs. The reverse is true for defenders. In 1971 the defenders were allocated $2.3 million in action grants, yet only $1.2 million has been expended.

The same trend occurs state by state. If the prosecution is receiving more funding than what has been allocated to it, the supplementary funds must be transferred from some other program category. If the defense

LEAA BLOCK GRANT ALLOCATIONS*

FY	1969	1970	1971	Total
Total Block Grant	$25,054,382	$182,750,000	$342,622,000	$550,426,382
Courts, Prosecution & Law Reform	1,443,888	12,500,000	33,955,918	47,899,806
Prosecutors	276,759	1,875,000	4,163,495	6,315,254
Defenders	225,166	1,500,000	3,952,256	5,677,422
Other Courts	941,963	9,125,000	25,840,167	35,907,130

*LEAA published "LEAA and the Courts" in December of 1972. This paper looks at the total funding in the last two fiscal years (1971, 1972) for courts programs supported by the State Planning Agencies. The funding figures cited are as follows: "Court organization and management received a total of $17,447,132 in FY 1971 and $18,894,085 in FY 1972. Bail reform funding in FY 1971 was $1,792,647 and $2,135,376 in FY 1972. Training programs were funded in the amount of $2,853,002 in FY 1971 and $8,849,769 in FY 1972. Prosecutor services received $3,704,925 in FY 1971 and $7,024,768 in FY 1972. Defender services were supported with $4,012,806 during FY 1971 and $5,951,021 during FY 1972. Code revision was funded in the amount of $1,165,021 during FY 1971 and $1,254,715 during FY 1972. Alternatives to prosecution programs received $550,000 in FY 1971 and $2,131,184 during FY 1972. Court construction projects were provided with a total of $1,402,845 in FY 1971 and $2,622,162 in FY 1972. Legal intern programs received $1,025,700 for FY 1971 and $970,080 for FY 1972."

CHART I

STATE	1969 Total Expenditures All	1969 Total Expenditures Court	1969 Prosecutor Program	1969 Defender Program	1970 Total Expenditures All	1970 Total Expenditures Courts	1970 Prosecutor Program	1970 Defender Program	1971 Total Expenditures All	1971 Total Expenditures Court	1971 Prosecutor Program	1971 Defender Program
Alaska	100,000	2,200	2,200	0	500,000	29,154	2,500	5,540	750,000	64,938	9,772	25,900
Arkansas	232,639	595	0	0	1,846,703	52,033	0	0	3,820,281	173,831	0	46,650
California	2,351,610	189,850	0	0	17,287,000	622,584	0	0	24,986,385	586,406	20,000	88,146
Colorado	364,000	15,000	5,000	0	1,700,000	14,899	10,530	2,464	3,567,000	315,000	127,248	17,122
Connecticut	N/A	7,200	8,000	6,000	N/A	69,250	0	0	N/A	73,623	109,577	
Florida	737,035	16,800	0	0	5,597,000	58,485	30,000	0	11,166,000	265,816	103,167	55,167
Georgia	N/A	3,000	0	0	N/A	106,403	47,037	30,000	N/A	467,288	205,722	65,151
Guam	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Hawaii	100,000	1,884	1,884	0	768,900	59,820	33,000	20,000	1,379,000	76,800	45,000	30,000
Indiana	N/A	N/A	N/A	12,000	N/A	N/A	N/A	0	N/A	N/A	N/A	100,000
Kansas	N/A	4,926	N/A	0	N/A	200,828	N/A	0	N/A	371,120	N/A	71,492
Maryland	451,095	20,651	8,155	0	3,349,000	593,504	254,641	51,516	6,485,000	1,446,508	690,407	314,785
Michigan	N/A	120,000	27,000	45,000	N/A	585,107	33,740	247,000	N/A	1,360	376,070	235,781
New Hampshire	N/A	N/A	6,213	0	N/A	N/A	25,775	0	N/A	99,745	23,089	15,000
New Jersey	860,241	95,067	95,067	0	6,372,000	513,177	150,000	0	11,870,000	543,000	321,000	0
Nevada	N/A	2,000	1,000	0	N/A	65,000	10,000	45,000	N/A	45,000	5,000	35,000
North Carolina	554,443	135,684	76,634	0	4,625,000	167,413	99,767	0	8,305,000	596,795	423,325	0
North Dakota	100,000	7,053	0	0	595,119	56,853	13,100	18,000	747,106	44,432	16,000	0
Ohio	1,263,390	50,792	5,000	0	9,510,495	589,813	44,834	53,053	11,476,549	3,251,930	289,533	261,900
Oklahoma	305,660	18,000	7,500	0	1,943,000	143,341	63,000	35,000	3,108,000	455,700	183,760	36,410
Pennsylvania	N/A	125,000	0	10,000	N/A	1,572,001	277,232	350,883	N/A	921,237	49,154	0
Puerto Rico	330,310	85,000	60,000	0	2,454,000	374,388	58,122	75,000	4,828,000	699,440	127,843	100,000
Rhode Island	110,680	0	0	0	900,000	60,000	25,000	0	1,699,000	288,257	45,257	30,000
Texas	N/A	16,500	6,500	0	N/A	965,810	680,490	0	N/A	1,468,679	620,646	27,214
Virginia	553,039	31,200	0	0	4,060,500	338,038	135,926	13,867	3,641,080	450,000	65,000	3,000
Wisconsin	N/A	14,000	0	0	N/A	187,000	97,000	56,000	N/A	691,000	218,000	279,000
Wyoming	N/A	3,072	3,072	0	N/A	22,201	4,373	0	N/A	26,479	10,209	0
TOTAL	8,414,142	968,474	313,225	73,000	55,971,317	7,447,132	2,096,067	1,003,333	97,828,401	13,424,384	4,084,479	1,837,718

is receiving less funding than what has been allocated to it, the residual funds will either remain dormant or they will be shifted to another program category. What could occur, since the SPA's have until FY 1973 to expend their funds, is that specific defender programs will be developed and seek funding from residual funds.

The main reason for printing these charts, as incomplete as they are, is to illustrate the intricacies of block grant allocations and the mystery and inconsistencies surrounding their expenditure. Neither LEAA nor the SPA's possess accurate information on block grant expenditures. It can accurately be said that no information exists on how the SPA's have spent the $550 million awarded to them in block action grants over the last three fiscal years.

DISCRETIONARY GRANTS

During fiscal year 1969, LEAA awarded $4.2 million in discretionary grants. Many of these grants were for projects begun under the Law Enforcement Assistance Act of 1965 and were merely continuations of grants from the Office of Law Enforcement Programs. Eleven of these grants were to the nation's 11 largest cities for special prevention programs, and others were made to the smallest states as supplementary action grants.

1969 DISCRETIONARY GRANTS

Total Amount Awarded	**$4.2 million**
Total amount awarded for court programs	$148,267
Prosecutor programs	$148,267

Percentages:	Court Programs	Prosecutor Programs
% of total grants	2.3%	2.3%
% of court grants	N/A	100.0%

Because of this apparent commitment to existing grants, the courts received a relatively small portion of 1969 discretionary funds. As the above chart indicates, the courts received only 2.3% of total discretionary funds. This figure represents two grants, both for the prosecution.

In 1970, LEAA awarded a total of $32 million in discretionary grants,

CHART II

1971

STATE	Court Prosecution and Law Reform Allocation	Allocation for Prosecutor Program	Allocation for Defender Programs	Actual Expenditure for Prosecutor Program	Actual Expenditure for Defender Programs	75% of Defender Program Expenditures
Alaska	114,400	4,000	1,700	9,772	25,900	19,425.00
Arkansas	391,850	0	75,000	0	46,650	34,987.50
California	3,907,450	63,750	93,750	20,000	88,146	66,109.50
Colorado	315,000	125,000	-	127,248	17,122	12,841.50
Connecticut	402,719	0	6,000	109,577	0	-
Florida	978,628	121,333	0	103,167	55,167	41,375.25
Georgia	664,659	205,722	65,151	205,722	65,151	48,863.25
Guam	0	0	0	0	0	-
Hawaii	102,000	15,000	0	21,000	20,000	15,000.00
Indiana	947,000	330,000	130,000	N/A	100,000	75,000.00
Kansas	311,200	56,000	0	N/A	71,492	53,619.00
Maryland	1,209,000	240,000	449,000	690,407	314,785	236,088.75
Michigan	1,500,000	250,000	375,000	376,070	235,781	176,835.75
New Hampshire	110,000	15,000	0	23,089	15,000	11,250.00
New Jersey	493,000	0	0	321,000	0	-
Nevada	45,000	0	35,000	5,000	71,152	53,364.00
North Carolina	591,000	59,375	139,948	423,325	0	-
North Dakota	113,000	33,000	33,000	16,000	0	-
Ohio	1,454,000	82,000	250,000	289,533	261,900	196,425.00
Oklahoma	540,000	30,000	200,000	183,760	36,410	27,307.50
Pennsylvania	2,645,448	0	0	49,154	0	-
Puerto Rico	538,000	123,000	100,000	127,543	100,000	15,000.00
Rhode Island	120,000	0	0	45,257	30,000	22,500.00
Texas	2,469,000	850,000	200,000	620,646	27,214	20,410.50
Virginia	450,000	0	100,000	65,000	3,000	2,250.00
Wisconsin	691,000	150,000	100,000	218,000	279,100	2,093.25
Wyoming	39,000	0	0	10,209	0	-
TOTAL	21,142,354	2,753,180	2,353,549	4,060,479	1,628,089	1,221,066.75

roughly eight times the amount it awarded in 1969.

The chart which follows indicates that of this $32 million, the court function received $1.3 million, or approximately 3% of all discretionary grants.

As can be seen below, nationally the prosecution received 1.6% and the defense .2% of the total discretionary funds. The 1.4% for other court related projects includes judicial training, court management studies, bail reform and criminal code revision.

1970

DISCRETIONARY GRANT AWARDS

Total amount awarded	$31,999,760
Total amount for Courts, Prosecution & Law Reform	1,316,935
Court related programs	626,236
Prosecutor programs	683,365
Defender programs	7,334

Percentages	of total grants	of court grants
Total Courts	3%	N/A
Court Related	1.4%	47.5%
Prosecution	1.6%	52.0%
Defense	.2%	.5%

A large discrepancy is seen in funding of the prosecution and defense when the total amount of discretionary funds awarded to courts is broken down into the major sub-programs. The chart above shows that the defense received only .5% of the funds. This .5% represents one discretionary grant for 1970, whereas the prosecution's 52% represents 12 grants.

During 1971, LEAA awarded $70 million in discretionary grants. As can be seen from the chart below, $4.1 million was awarded for court programs. 1971 discretionary grants provided roughly 5.7% of the total discretionary funds for court programs. (See second chart which follows.)

1971
DISCRETIONARY GRANT AWARDS

Total amount of awards	$70,000,000
Total amount of Courts, Prosecution & Law Reform	4,160,935
Total court related program	2,128,351
Total combined prosecutor/defender	300,182
Total prosecutor programs	1,563,152
Total defender programs	169,250

PERCENTAGES:

%	of total awards	of court awards
Total court's area awards	5.7%	N/A
court related	3.0%	53%
prosecution	2.2%	35.3%
defense	.24%	4.2%
combined prosecutor/defense	.5%	7.5%

Disparity in the distribution of court funds is shown on the chart for 1971 awards. The prosecution received 35.3% of the court funds and the judiciary and court related projects received 53% of the funds. The defense received only 4.2% of the total court funds, in the form of six small grants totaling $169,250.

Added to the chart is a new discretionary program, combined Prosecutor/Defense Programs. This program includes eight law student intern programs which provide law students to both prosecutor and defender offices. Since these programs account for 7.5% of all the court programs, they were computed separately, but they should be considered as part of the prosecutor or defender funding.

During 1971, nationwide the prosecution received 2.2% of the total discretionary funds and the defense received .24%.

The cumulative totals of LEAA discretionary funding for 1969, 1970 and 1971 are given in the chart below.

As indicated in the following chart, LEAA awarded $106 million in discretionary grants during these years. Of that total, court programs have received $5.6 million, or 5.3% of the total discretionary funds. Within the court programs, the prosecution has received 42% of the funds; the judiciary and related projects have received 49%; the defender/prosecutor intern programs have received 5.3%; and the defense has received 3.2%.

FY	% of total grants	% of court grants
Courts, Prosecution & Law Reform	5.3%	N/A
Prosecutors	2.2%	42.4%
Defenders	.16%	3.2%
Other Courts	2.5%	49.1%
Defender/Prosecutor Intern	.3%	5.3%

On the national level, the judiciary and related court projects have received 2.5% of all discretionary funds during fiscal years 1969 to 1971. The prosecution has received 2.2% and the defense has received .16% of all discretionary funds.

NATIONAL INSTITUTE GRANTS

Although National Institute grants constitute the smallest portion of LEAA grants, these grants are important as indicators of program priorities and as directives for future spending.

In 1969, the Institute awarded a total of $2.9 million for projects' dealing with innovative crime control techniques, equipment, and special research projects. The charts below indicate that $328,014, or 11%, was awarded for the courts; the prosecution received one grant in the amount of $68,254, or 21% of the court money. The defense received $18,844 for three special research projects, or about 5% of the total court money. The remaining $246,328 was awarded for special court related research projects. Of all Institute grants, the prosecutors received 2.3% and the defenders .6% of the total expenditures.

1969
NATIONAL INSTITUTE GRANTS

Total Amount Awarded	$2,900,000
Total amount awarded for court programs	328,014
Court related programs	246,328
Prosecutor programs	68,254
Defender programs	18,844

%	of total grants	of courts grants
Total Courts	11%	N/A
Court Related	8.1%	74.0%
Prosecutors	2.3%	21.0%
Defenders	.6%	5.0%

In 1970, the National Institute awarded $7.5 million in grants. As the charts below indicate, $1.6 million of these funds were awarded for court related projects, or approximately 21% of all Institute funds. Of the court program funds, the prosecution received 18.3% and the defense received 15.7%. Nationally, the prosecution received 3.8% of all Institute grants and the defenders received 3.3%.

1970
NATIONAL INSTITUTE GRANTS

Total Amount Awarded	$7,500,000
Total amount for courts, prosecution & law reform	1,601,125
Court related programs	1,068,834
Prosecution programs	290,000
Defender programs	252,291

PERCENTAGES:

%	of total grants	of courts grants
Total Courts	21%	N/A
Court Related	14%	66%
Prosecution	3.8%	18.3%
Defense	3.3%	15.7%

The 1971 grant awards by the National Institute totaled $7.3 million.

LEAA DISCRETIONARY GRANT AWARDS

FY	1969	1970	1971	TOTAL
Total Funds	$4,151,941	$31,999,000	$70,000,000	$106,150,941
Courts Prosecution & Law Reform	148,267	1,316,935	4,160,935	5,626,137
Prosecutors	148,267	683,365	1,563,152	2,394,784
Defenders	–	7,334	169,250	176,584
Other Courts	–	626,236	2,128,351	2,754,587
Prosecutor, Defender Intern	–	–	300,182	300,182

Although the total expenditures were roughly the same as in 1970, the awards for court programs fell to $918,716, or to 12% of the total grants.

The following charts indicate the very low priority of the defense in relationship to all other court programs. There was one grant to the defense in 1971, representing .3% of all court grants. Nationally, the defense received .03% of all Institute grants. The prosecution received 2.5% of all 1971 Institute funds and 22.3% of all Institute funds spent for court programs.

1971
NATIONAL INSTITUTE GRANTS

Total amount of awards	$7,330,425
Total amount awarded for courts, prosecution and law reform	918,716
court related programs	712,332
prosecutor programs	203,384
defender programs	3,000

%	of total grant	of court grants
total all court grants	12%	N/A
court related	8.9%	77.4%
prosecution	2.5%	22.3%
defense	.03%	.3%

The chart below gives the cumulative expenditures of the National Institute for fiscal years 1969, 1970, and 1971.

NATIONAL INSTITUTE GRANTS

FY	1969	1970	1971	TOTAL
Total Funds	$2,900,000	$7,500,000	$7,330,425	$17,730,425
Courts, Prosecution & Law Reform	328,014	1,601,125	918,716	2,847,855
Prosecutors	68,254	290,000	203,384	561,638
Defenders	18,844	252,291	3,000	274,135
Other Courts	240,916	1,058,834	712,332	2,012,082

%	of total grants	of court grants
Courts, prosecution and law reform	15%	N/A
Prosecutors	3%	19.7%
Defenders	1.5%	9.3%
Other Courts	11%	71%

Over the three year period, court programs received approximately 15% of all Institute funds. However, of that amount, the prosecution received 19.7% and the defense received 9.3%. On the national level, the prosecution received 3% of the Institute grants and the defense received 1.5%.

In sum, the Law Enforcement Assistance Administration, through its state planning agencies and national programs, awarded over $859 million in grants during the fiscal years 1969, 1970, and 1971. These funds have been directed toward the needs of state and local criminal justice agencies —the police, the courts and corrections.

During the first three years of operation, 1969 through 1971, the state planning agencies allocated $47.8 million in block grants for court, prosecution and defense projects. The defense was allocated approximately $5.6 million of these court funds, or .9% of all available state block grants.

During these same years, LEAA awarded, through discretionary and National Institute grants, over $8.4 million to the courts, prosecution and defense. Defense services were supported through these national grants with $331,568 during fiscal years 1970, and 1971 there being no national grants to the defense during 1969. This defender funding represents 4% of all court program funding and .16% of all LEAA funding through discretionary and National Institute grants during fiscal years 1969, 1970 and 1971.

conclusions & recommendations

Griffin v. Illinois, 351 U.S. 12, 19 (1956), established the now familiar principle that, "There can be no equal justice when the kind of trial a man gets depends on the amount of money he has." In 1967, the President's Commission on Law Enforcement and the Administration of Justice urged speedy action to implement its suggestions that criminal defendants be provided with counsel in "cases classified as misdemeanors as well as those classified as felonies." In *Argersinger v. Hamlin*, 92 Sup. Ct. 2006 (1972), the Supreme Court held that counsel must be provided for any defendant facing a jail sentence. The President's Commission further recommended that, "Each state should finance assigned counsel and defender systems on a regular and statewide basis." These recommendations were re-echoed when, in 1970, the Advisory Commission on Intergovernmental Relations proposed that "each state establish and finance a statewide system for defense of the indigent, making either a public defender or coordinated counsel service readily available to every area of the state."

Recently the Nixon Administration established the National Advisory Commission on Criminal Justice Standards and Goals to make recommendations to the LEAA after an 18-month study period. This Commission's findings will again stress the need for organized defender services on a statewide basis.

However, an analysis of the legislative history and funding patterns of LEAA, the only agency with the capacity to respond to these mandates, shows that there has been a failure to implement the decisions of the Supreme Court and the recommendations of the Presidents's advisory commissions.

This report has examined the legislation creating the LEAA and the implementation of the funding programs in relation to court programs and defender services. The conclusions of this study were based upon an in depth analysis of three major sources:

1) A state-by-state analysis of LEAA block grants during the last three years comparing funding for defender programs with court programs and with total grant allocations;

2) A study of discretionary grant awards over the last three years; and

3) An analysis of the grants awarded by the National Institute.

In addition, an effort was made to determine the intent of Congress in establishing LEAA by an analysis of the legislation leading to the 1968 Act, by reviewing the impact of the 1970 Amendments, and by examining the plethora of legislative bills, hearings and debates related to the Act.

The study's findings and LEAA's statistics, demonstrate that defenders have received less than 1% of the funds allocated by LEAA in the war against crime. In general, defenders have received the lowest priority in program planning and funding over the last three fiscal years for several reasons: (1) There are no specific provisions in the Act regarding defender funding; (2) there have been no clear guidelines and standards promulgated by the LEAA Administration for the allocation of funds to defender services; (3) the priorities and funding restrictions stated in the Act militate against defender funding; and (4) some states have failed to include defender programs in their comprehensive plans.

It is clear from an analysis of the legislation that defender services were written out of the final version of the Omnibus Crime Control and Safe Streets Act of 1968. Discussion and debate during hearings and on both the House and Senate floors prior to the passage of the bill indicate that defender services were not to be a high priority in LEAA funding. Although court activities were defined in the early LEAA guidelines as including the defense of the accused, no corresponding program priorities were developed to fully spell out the scope of court planning and funding that should occur. As a result, the states relied upon their own interpretation of the Act and used their discretion in expending the bulk of LEAA appropriations, namely, the block grants. Lacking an LEAA directive that funds be provided in the defender area, the states virtually ignored the needs of the indigent accused.

However, with the enactment of the 1970 Amendments, a broader interpretation of the term "courts" was introduced by including related agencies of the courts within the purview of the LEAA funding. Thus, the present legislation does allow, by implication, for the inclusion of defender services in the development of program planning and funding by both the State Planning Agencies and the LEAA regional offices. Nevertheless, neither the LEAA Administration nor the State Planning Agencies have promulgated specific guidelines requiring the provision of funding for defender services.

An excellent illustration of LEAA's reluctance to provide for defense services was a recent interview with a director of one of the LEAA State Planning Agencies. When asked about the goal of Title I, he stated that while improving the criminal justice system was the goal under Charles Rogovin and Ramsey Clark, it was no longer

considered the purpose of LEAA. He pointed to Jerris Leonard's comments published in the *National Journal* in which Mr. Leonard had stated, "Let's forget this nonsense about improving the criminal justice system. Let's concentrate on crime–specific programs and we'll find that the criminal justice system will improve at the same time." The state planner evidently interpreted this statement as a directive to allocate most of the funds under his control to the police function. Moreover, it was his view that providing accused persons with defense services would not contribute to the overall reduction in crime.

His view was in stark contrast to that expressed by Attorney General John N. Mitchell in his farewell statement on March 1, 1972, in which he noted with regard to LEAA;

> We knew that crime was not simply a police problem, but that court delay and miserable prison conditions also were contributing factors, so an increasing amount of Federal law enforcement assistance was channeled into court improvement and prison reform.

The President's Commission on Law Enforcement and the Administration of Justice estimated that there are at least 5 million misdemeanor cases per year and at least 350,000 felony cases. Of this number, at least half of the defendants are indigent and require the services of a public defender or court appointed counsel.

This study has indicated that under the present legislation and administration, the courts have received less than 11% of all the grants awarded by LEAA and the State Planning Agencies. If this trend continues, the courts will become so congested that the rest of the criminal justice system will be unable to operate. More police, better communications and police training are likely to result in more arrests. Unless the courts are similarly staffed and improved, county jail and detention centers will become crowded past the bursting point with persons awaiting trial.

Under the present conditions, overworked judges, prosecutors, and defenders are not able to dispense justice, the very cornerstone of our American society. For in the last analysis, it is the courts which must determine which of those arrested must face trial, which of those tried are to be acquitted, and which of those convicted must be incarcerated. Probation, parole, police and prison officials all depend upon the courts as the ultimate arbitrator. If the courts are not functioning, then the whole system will break down.

Appropriations for Title I are set to expire after June of 1973 unless Congress acts to extend them. Experience, with the implementation of the Act has spurred attempts to amend the legislation so that new mandates can be set for future funding.

Currently, legislation is under consideration that has been introduced by Senators Saxbe, Jackson, Mathias, and Javits. Under one proposal, S. 3050, one-third of urban crime reduction funds would be allocated to the court function, with a third going to each of the other components of the criminal justice system, i.e., to corrections and police.

Funding for defense counsel is explicity included in all of these bills. S. 3669 specifically refers to the funding of training programs for defense counsel, while S. 400, S. 3492 and S. 3050 provide for increasing the number of lawyers engaged in defending criminal cases.

Adequate funding for the training of defenders and for the improvement and expansion of defender services must be provided. A proper allocation of funds would be effected by modifying the existing statute, with its built-in priorities, by drafting amendments which are more closely geared to the present needs of the criminal justice system. To that end, several suggestions are presented below.

PROPOSED PART F OF THE OMNIBUS CRIME CONTROL ACT

NLADA recommends the creation of a new Part F directed toward the improvement of courts, prosecution and defense services. NLADA further recommends that Part F provide that 20% of LEAA funds be allocated under this part and that 7% of LEAA funds be allocated for the establishment, training and expansion of defender services.

The 1970 Amendments required that a separate portion of LEAA funds be set aside for corrections under the new Part E of the Act. On the basis of this study, NLADA recommends that a new Part F be created to insure that the court function of the criminal justice system receive at least 20% of all LEAA funds.

Since the block grant approach to funding in the Omnibus Act does not readily allow the issuance of mandates to the states on how to spend their action grants, it is necessary to introduce an amendment to the Act that will provide for funds in addition to the block grants. Modeled after the Part E amendment that provided for additional funding for correctional programs, Part F would authorize the release of funds for the improvement of court systems, including the prosecution and defense of criminal cases. These new funds would be at least 20% of the total funds allocated for regular action grants and would be distributed to the areas of the most critical need.

These funds should not be restricted by matching requirements, such as those stated in Sections 301(c), 306(a)(2) and 455(a), as these restrictions all but preclude defenders from becoming grant recipients.

In addition, it is further recommended that a special provision be adopted that would provide for at least 7% of the total action grants to be allocated for the establishment, training and expansion of defenders and defender services. Without this special emphasis on such services, there is, again, no assurance that defenders would be funded under this program.

In addition to adding a Part F to the Act, NLADA recommends the following changes to Parts B and C and to Title I of the Omnibus Crime Control Act:

PROPOSED AMENDMENT TO PART B OF THE OMNIBUS CRIME CONTROL ACT

NLADA recommends that the composition of each state and regional planning commission board include at least one defender.

Section 203(a) of the Act provides that the state and regional planning commissions shall contain representatives of law enforcement agencies, units of general local government, and public agencies which maintain programs to reduce and control crime. It is recommended that each state and regional planning commission be required to include a defender on its board.

PROPOSED AMENDMENTS TO PART C OF THE OMNIBUS CRIME CONTROL ACT

NLADA recommends that the requirement that at least 40 per cent of any grantee's share be cash match be abolished.

Sections 301(c) and 306(a) (2) of the Act require that 40% of the local share be a cash match. This requirement discriminates against bar associations, community groups and privately-funded defender organizations, which, unlike police departments, are unable to obtain cash appropriations, but instead, whose resources are primarily personnel. It is recommended that the requirement of hard cash match be abolished.

NLADA recommends that the requirement that a high percentage of SPA funds be passed through to localities be modified to permit substantial funding of statewide programs.

Section 303(2) of the Act requires that a high percentage of SPA funds be passed through to localities. These pass-through provisions militate against statewide programs in the court area. The fractionalizing effect of breaking up the block grants by local area weakens the total impact of the block grant concept. Thus, it is recommended that the Act be modified to permit substantial discretion to the State Planning Agencies to fund programs which will benefit the state as a whole, such as statewide defender agencies or statewide training programs for defenders.

NLADA recommends that the requirement that "pass-through" funds which are presently "available to units of general local government" be broadened to include grantees other than governmental units.

Section 303(2) of the Act requires that funds which are "passed-through" the State Planning Agencies to localities be distributed to "units of general local government." This requirement results in an allocation of most funds to police departments, as neither defenders nor prosecutors are "units of general local government." And in light of the movement towards multi-county and statewide defender systems, it is recommended that this requirement be altered in such a way that these grants may be made to components of the criminal justice system, regardless of whether they are general units of government, nonprofit organizations, or subdivisons of government.

NLADA recommends that the priorities for action grants be altered to eliminate the emphasis on projects for the control of riots.

Section 307(a) is the priority section governing all funds distributed to the State Planning Agencies in the form of block "action" grants. Under the mandate of that section, special emphasis must be given to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders. This section was enacted in the midst of the public outrage that accompanied civil disorders occurring during the late 1960's. Since that time, police departments have spent a large portion of the block grant funds allocated under Part C for riot control equipment. This section should be revised in light of current conditions which call for the elimination of priorities for expenditures on riot control and more funding in the critical courts area. It is recommended that this priority section be altered to eliminate special emphasis on riot control projects.

PROPOSED AMENDMENTS TO PART D OF THE OMNIBUS CRIME CONTROL ACT

NLADA recommends that Law Enforcement Education Program (LEEP) funds be made available to persons working or intending to work in the criminal justice system without special priority for any single component of the criminal justice system.

Section 406 of the Act provides for contracts or grants to institutions of higher learning for educational purposes. These grants are presently available for the training of persons "in areas related to law enforcement or suitable for persons employed in law enforcement *with special consideration to police or correctional personnel.*" (Emphasis added.) Given the notion of the criminal justice system as a triangle composed of police, corrections, and courts, the priority for training of police and correctional personnel creates an imbalance. As the President's Commission on Law Enforcement and the Administration of Justice pointed out, the courts area is badly in need of more highly trained professional personnel. It is recommended that this section be amended to give broader participation to defenders and future defenders in training programs conducted by institutions of higher learning.

NLADA recommends that funds for regional and national training programs, workshops and seminars be made available to non-profit organizations for the training of all criminal justice personnel.

Section 407 of the Act, unlike Section 406, is directed toward the training of persons who are seeking training which is not part of a degree program in an institution of higher learning. Section 407 authorizes the Administration to distribute funds "to develop and support regional and national training programs, workshops, and seminars." While these funds may be available for the training of defenders, the statute is not explicit on this point. Under Section 407, these funds may be used "to instruct State and local law enforcement personnel in improved methods of crime preven-

tion and reduction and enforcement of the criminal law." Moreover, this provision does not speak to the question of what types of organizations are eligible to be grantees for training program funds. Regional and national training programs for defenders are most likely to be conducted by state and national defenders associations which are not governmental agencies, but rather non-profit organizations. In light of these ambiguities in the statute, it is recommended that the statute be amended to provide that grants may be made under Section 407 to non-profit organizations for the purpose of training criminal justice personnel, including those engaged in courts, prosecution and defense activities.

NLADA recommends that a new section 409 be added to the Act to provide special funding for the training and education of lawyers who defend the indigent accused.

Section 404 presently provides for training grants for law enforcement personnel to be conducted by the FBI and Section 408 provides for training programs for prosecuting attorneys. It is recommended that a Section 409 be added to provide similar training for those attorneys engaged in the defense of indigent defendants.

In addition to amending the existing legislation, NLADA recommends that clear administrative guidelines be promulgated by the LEAA Administration.

PROMULGATION OF GUIDELINES

NLADA recommends that clear guidelines be promulgated to the State Planning Agencies requiring a 20% allocation for the court function, of which one-third would be allocated to defender services.

To date, LEAA has failed to promulgate clear guidelines for the funding of defender services. As a result, during the first three years of the block grant program, some State Planning Agencies made no provision for defender programs in their Comprehensive State Plans.

The following table provides a summary of LEAA overall allocations for the court function.

PERCENTAGES OF TOTAL ALLOCATIONS (FY 1969, 1970, 1971)

	Block Grants	Discretionary Grants	National Institute
Total, Courts, Prosecutor & Defender	8.7%	5.3%	15%
Courts	6.03%	2.5%	11%
Prosecutor	1.09%	2.2%	3%
Defender	.9%	.16%	1.5%

It is clear that the lack of guidelines for the funding of defender services has contributed to the failure of substantial funds being directed to this component. It is recommended that guidelines be promulgated which would require the State Planning Agencies to allocate 20% of their funds to court programs of which one-third, or roughly 7% of the total of their action grants, would go to programs for the defender component.

NEW DIRECTIONS

LEAA has paved the way by introducing the concept of federal funding for the criminal justice system. The LEAA program marks the first time in history that federal monies have been used to improve the quality of justice in the state courts, and may lay to rest the notion that the states must bear the entire burden of providing equal justice for all.

By its nature, however, LEAA is only a pilot program. Under the present scheme, LEAA funds programs for a short period of time with the understanding that the State, county or local funding agency will take over if the programs are successful. Thus, the short-term, ephemeral nature of LEAA grants has discouraged localities from making a long-term commitment to establishing defender programs. Moreover, the nature of the program discourages talented lawyers from accepting positions as defenders in LEAA-funded offices because of the uncertainty of future employment.

The LEAA program has been in operation for a full four years. What is needed at this time is for federal funding to take a new direction, to enter into a second stage. Instead of a program geared toward experimentation with short term, innovative projects, the experience of the past four years must be utilized to establish permanent programs with a high standard of excellence. This goal may only be accomplished if long-term federal funding is provided.

Recent Supreme Court decisions have required modifications in the way states may deal with the criminally accused. These decisions, since they are based upon the mandates of the U.S. Constitution, call for the Federal Government to pay part of the cost of implementing these federal directives.

What is needed is a new program, such as a permanent national defender commission, or a modification of LEAA philosophy and orientation, to permit the funding with federal monies of programs to improve the criminal justice system, particularly in the area of courts and defender services, on a long-term basis.

footnotes

1. Charles Rogovin, who served as Administrator of LEAA from March, 1969, to June, 1970, testified in hearings before the House of Representatives on October 5, 1971, that, "although Congress has appropriated $860 million so far, there have been no priorities and no clear policies other than congressional direction to emphasize organized crime and civil disturbance programs."

2. The following exchange regarding the consulting firm which has prepared the Comprehensive State Plans for a number of states took place during the 1971 hearings before a subcommittee of the House Committee on Government Operations:

> Mr. St. Germain. "Tell me this. On Ernst and Ernst you stated, in reply to the question from Mr. Fascell, that they prepared the comprehensive plan for the statewide plan."
>
> Mr. Greeman. "Yes."
>
> Mr. St. Germain. "And they did this by coordinating—is it your eight regional plans?"
>
> Mr. Greeman. "Yes."
>
> Mr. St. Germain. "And then it was brought out that Ernst and Ernst also prepares the regional plans in some regions . . . This seems curious to me. In other words, the firm that prepared some regional plans, you know those regions that employ Ernst and Ernst to advise them, plan and consult for them, are in pretty good shape, aren't they, because the statewide plan is going to be reviewed by the firm that proposed the plans in one, two, three and four regions? . . . Working for Ernst and Ernst would be better than being in Congress salarywise."

3. In response to a letter from the Administrator of LEAA to all governors requesting reports of audits of block grant expenditures for fiscal years 1969, 1970 and 1971, the Executive Director of the Louisiana SPA wrote,

> this additional workload is impossible within the personnel and money made available under the Part B appropriations to the state level agency. . . . We can accomplish your request only by supplementing our internal efforts with [an] outside contract audit at an estimated cost of $15,000. Unless funds in this amount are made available this month from LEAA, Louisiana cannot honor your request for September audit, nor can it accomplish this request in fiscal year 1972.

4. See "Report to the President and the Congress on Activities Under the Law Enforcement Assistance Act of 1965," Senate Hearings (1967) at 388.

5. *The Challenge of Crime in a Free Society*, pp. 129, 150-151, 296-297 (1967).

6. House Report No. 488, pp. 8-10; Senate Report No. 1097, pp. 30-36.

7. 113 Cong. Rec. 21820; 1967 Cong. Quart. 1505.

8. 113 Cong. Rec. 21832.

9. Senate Hearings (1967) at pp. 824-826.

10. See Senate Report No. 1097, Sec. 302 (5).

11. See Senate Report No. 1097, Sec. 304.

12. See House Report No. 1524; 1968 Cong. Quart. 1434.

13. For an excellent discussion of the entire 1968 Act, see Harris, Richard, *The Feat of Crime* (1969).

14. House Hearings (1970) at p. 730.

15. *Ibid.* at 781.

16. *Supra*, n. 18 at p. 575.

17. *Supra*, n. 18 at p. 94.

18. *Supra*, n. 18 at p. 506.

19. *Supra*, n. 18 at p. 803.

20. Section 601 (a) of H.R. 15907, H.R. 16795 and H.R. 17115.

21. H.R. 16401, s 451 (b) (5) (A).

22. 166 Cong. Rec. No. 108, H6138.

23. U.S. Congress, House of Representatives, Block Grant Programs of the Law Enforcement Assistance Administration, House of Representatives, Block Grant Programs of the Law Enforcement Assistance Administration, House Report No. 92-1072 at 17.

24. *Ibid.* at 18.

25. *Supra*, n. 8 at 667.

26. *Supra*, n. 8 at 662.

27. *Supra*, n. 8 at 690.

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appendix

ORGANIZATION OF LEAA AND STATE PLANNING AGENCIES

The Omnibus Act describes very broadly the internal administrative structure of the LEAA and the SPAs. It was clear from the legislation that there was to be a federal agency, directly responsible to the U.S. Attorney General, to coordinate the entire program. State Planning Agencies were designated in the Act as the administrators of the federal block grants. There are no other provisions in the Act that mandate the creation of other administrative agencies, although reference is made to local units of government participating in the planning process and to the directive that their participation be representative of their jurisdictions (Section 203(a)).

The federal agency responsible for the implementation of the Omnibus Act is the Law Enforcement Assistance Administration (LEAA), an agency of the U.S. Department of Justice. In addition, there are ten regional LEAA offices. On the state level, there are 55 planning agencies; these include the District of Columbia, Puerto Rico, American Samoa, the Virgin Islands and Guam. There are also over 450 local planning agencies.

LEAA prior to the reorganization

According to the Act, LEAA was to have an Office of Administration, consisting of one administrator and two associate administrators. This office is the executive arm of LEAA; it exercises all administrative powers, including the appointment and supervision of personnel. The administrator, prior to the reorganization of LEAA, had to obtain the concurrence of both administrators for all policy decisions. Inter-office organizational, budgetary and managerial procedures were the responsibility of the management administrator.

Four other offices were created for the administration of the program and for the awarding of grants; the Office of Law Enforcement Programs, the Office of Academic Assistance, the National Criminal Justice Statistics and Information Center, and the National Institute of Law Enforcement and Criminal Justice.

The Office of Law Enforcement Programs (OLEP) provided technical assistance to the states and assisted in the development of the states' comprehensive plans. OLEP had divisions of police, courts, civil disorders, and corrections, each staffed with experts in the respective fields. OLEP set up seven regional offices to provide technical assistance and supervision.

The Office of Academic Assistance was created in response to Section 406 of the Omnibus Act to administer the Law Enforcement Education Program (LEEP). LEEP provided funds to colleges and universities for academic assistance to college students pursuing careers in law enforcement.

The National Criminal Justice Statistics and Information Center was created to allow for in-house research projects, gather criminal justice statistics and data, and provide technical assistance to states in the development of statewide and regional information systems.

The National Institute of Law Enforcement and Criminal Justice was created to "provide and promote education, training, research and development for the purpose of improving law enforcement and developing new methods for the prevention and reduction of crime, and the detection and apprehension of criminals." (Section 401). The Institute was composed of four subdivisions and five centers where criminal justice experts developed and promoted innovative research.

LEAA after the reorganization

The above described organization of LEAA was operational until April 1, 1971, when the newly designated administrator carried out a massive reorganization of LEAA. This reorganization basically decentralized the decision making process and shifted the final authority for grant approval to the regional offices. Three new regional offices were created, making a total of ten. On the federal level, the office of the administration remained intact, although the 1970 Amendments had abolished the old troika system allowing the administrator greater flexibility by requiring the concurrence of only one of his associates.

The rest of LEAA was streamlined into eight offices of the Administration. Five of these are: Audit, Inspection and Review, General Counsel, Civil Rights Compliance, and Public Information and Congressional Review. The three remaining offices are line function offices, responsible for the administration of the program and the allocation of federal funds. They are the Office of Criminal Justice Assistance, the National Institute of Law Enforcement and Criminal Justice, and the Office of Operations Support.

The Office of Criminal Justice Assistance (OCJA) replaced the Office of Law Enforcement Programs. OCJA administers all planning and action block grants and discretionary grant programs. It reviews grant applications and provides technical assistance to the states. Since the reorganization, final grant approval for all grants is the responsibility of the 10 regional offices. The Law Enforcement Education Program (LEEP) is incorporated into OCJA. Much of the authority in

awarding academic assistance grants has been given to the regional offices.

The National Institute was restructured to increase its research capabilities and to encourage the transfer of information from the Institute to the criminal justice field. The Institute centers were consolidated to facilitate an interdisciplinary approach to research projects. The functions of the National Criminal Justice Statistics and Information Center were transferred to the Institute.

The Office of Operations Support was created to coordinate all budget and accounting matters, to evaluate administrative performance and efficiency, and to monitor on a nationwide basis the flow of LEAA funds. This office was also given the responsibility of determining the grant awards' compliance with LEAA policy and of performing post-award processing of all LEAA grants.

The charts on the following pages outline the structure of LEAA and the interrelationship between it and the regional offices, the State Planning Agencies, and the Local Planning Agencies.

Organization of the State Planning Agencies

Section 201 of the Omnibus Act authorizes the creation of State Planning Agencies (SPAs) and delineates the responsibilities of each SPA. In general, each SPA is required to define, develop and coordinate programs and establish priorities for the improvement of law enforcement throughout the state. To accomplish these directives, the Act authorizes the chief executive of each state to create a SPA, subject to his jurisdiction. The only legislative mandate relating to the organization of the SPAs was that each SPA be representative of law enforcement agencies, local units of government and public agencies involved in the reduction and control of crime. The requirement of representation of public agencies was added to the Act with the 1970 Amendments.

Although each SPA is unique, there are nevertheless definite patterns of organization common to all 55 SPAs. Each SPA has a policy board which has the responsibility for receiving, approving and overseeing state planning, implementation, priorities, and subgrants to local units of government and all other planning agency functions. Members of the policy boards generally serve in honorarium. They determine their own operating procedures, bylaws, and policy decisions. Members include representatives from law enforcement agencies, the courts, the prosecution, the defense, corrective and rehabilitative programs, public offices, local units of government, and public and private agencies. To assist these boards, the states have formed special advisory boards, standing committees and task forces.

The professional staff of the SPAs are also representative of the various components of the criminal justice system, courts, corrections, and police. Fiscal management, auditing and review are an integral part of the staff duties. Staff sizes range from 10 to over 40. The SPA staffs are responsible for drafting the comprehensive plans, developing and reviewing funding proposals, monitoring sub-grants, maintaining fiscal control over grant applications, and providing technical assistance to the professionals in the field.

Since the Act required that each SPA pass on 40% of its planning funds to units of local government so that they could participate in the planning process, most states have formed regional or local planning agencies to assist in the planning and funding processes. These local planning agencies also consist of policy boards and back-up staffs. Since crime is considered to be a local problem, most SPAs rely heavily upon their local agencies for guidance in planning and developing program priorities. At the present time there are over 450 such local planning agencies.

The Planning Process

The SPAs are required by Section 203 of the Act to develop comprehensive plans for the improvement of law enforcement thorughout their states. These plans form the blueprint for program implementation and must be approved in each fiscal year by LEAA before the SPAs receive awards of action funds. Development of specific priorities and long range objectives occurs on the local, state, regional and federal levels.

Although the SPAs determine specific programs and funding priorities, guidelines for the structure and content of comprehensive plans are detailed and restrictive. Each comprehensive plan must include one section describing the current state of the criminal justice system. Plans must present a forecast of program priorities and costs for five consecutive years and a plan must be included detailing all anticipated expenditures for the coming fiscal year. A project by project description of program priorities must also be given. In addition, each plan must describe the policy board structure of the SPA, its planning operation, its grant review process, and its relationship to other governmental agencies.

The annual action plan is probably the most important component of the comprehensive plans, for in this section the SPAs must describe in full all projects they intend to implement in the coming fiscal year. LEAA has prescribed 11 functional categories under which programs may be designed. They are: (1) upgrading law enforcement personnel; (2) prevention of crime; (3) juvenile delinquency; (4) detection and apprehension of criminals; (5) prosecution, courts and law reform; (6) correction and rehabilitation; (7) organized crime; (8) community relations; (9) riots and civil disorders; (10) construction; and (11) research and development. For all proposed programs, the SPAs must explain the nature of the program and the amount of funding needed to implement it, and detail information on the sub-grantee, the recipient of the funds.

Comprehensive plans must be submitted to LEAA in December of each fiscal year. Each SPA must design planning schedules to meet this deadline. Most of the SPAs require their local planning agencies to submit plans for their jurisdictions utilizing the same format prescribed for the state

plans. Because of this uniformity in plans SPAs can readily synthesize local plans into comprehensive state plans.

Since the planning process is an ongoing function of SPAs, most of them have full-time planners on their staffs to direct the formation of the comprehensive plans. Usually these planners call upon the entire staff of the SPAs for help with their task. Many SPAs on the other hand, employ professional consulting firms to develop their plans.

TYPES OF GRANTS

Block Grants

The Office of Criminal Justice Assistance administers the bulk of LEAA money, in fact, roughly 80% of the total budget. Of the funds apportioned to OCJA, 85% must be allocated to the State Planning Agencies as block grants. The remaining 15% of funds are used for discretionary grants.

The block grants are awarded to each SPA on the basis of the state's population and consist of: (1) Planning grants for the maintenance of the SPAs and the local planning agencies and the development of comprehensive plans; and (2) action grants to implement the programs.

For all block action grants awarded to the SPAs, 75% of the funds must be reallocated to units of local government, with the remaining 25% available for state governments, universities, or private social service agencies. Following the enactment of the 1970 Amendments, the federal contribution to the total cost of action grants awarded by the SPAs is 75%. For the first two years of the program the funding had been 60% federal. Starting in fiscal 1973, the 25% non-federal share has had to be a 10% actual cash contribution, the remaining 15% being an in-kind contribution. Prior to the recent amendment which stipulates that there be no limitation on the percentage of personnel costs in the federal contribution except for police and regular law enforcement personnel, the states were limited to allocating only 33% of the federal funds for personnel costs.

Beginning in fiscal year 1973, the states will be required to provide one-fourth of the non-federal funds for local programs funded through the pass through portion, or the required 75%, of block grants. The states are further required to pass through the 75% of block grants to local units of government on the basis of the local governmental units' previous expenditures for law enforcement activities.

The SPAs have two full fiscal years to expend their block grants. If they fail to do so, or if LEAA determines that the state does not require the funds, the block grants may be reallocated to other states. If a state fails to have its comprehensive plan approved, LEAA may reallocate the block grant action funds in the form of discretionary grants and make them available to that state.

Discretionary Grants

Fifteen percent of the funds available through the Office of Criminal Justice Assistance (OCJA) are used for discretionary grants. These discretionary grants are awarded, at the discretion of OCJA, for highly innovative programs that have a national focus.

The federal share of funding for discretionary grants is 75%, with an amended salary limitation provision identical to that of the block grants. Discretionary grants are awarded only to states or local units of government. The 10% "hard" cash match applicable to block grants also applies to discretionary grants.

Other Grants

The National Institute of Law Enforcement and Criminal Justice awards discretionary funds to a wide range of research grants, contracts, fellowships, demonstration programs, and national service functions. Grants of this type provide 100% of the cost of the program.

The Office of Criminal Justice Assistance awards funds to colleges and universities, which in turn give grants and loans to law enforcement professionals and individuals interested in criminal justice careers. Known as the Law Enforcement Education Program (LEEP), these grants, which provide funds for tuition and books, forgive the loan when the student remains in a law enforcement career for a certain period of time.

Funding Procedures

There are three types of grants available to the interested applicant. They are block grants, discretionary grants and National Institute grants.

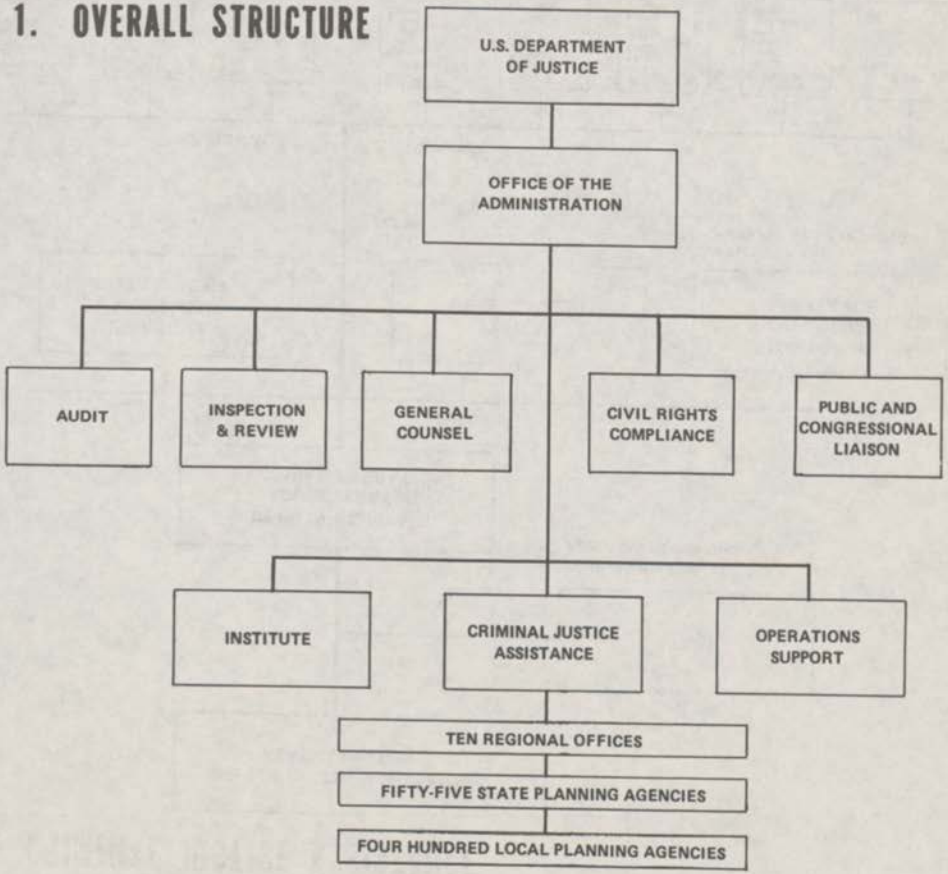
To obtain block grant funds, a grant application is developed and then reviewed by the local planning agency. The local agencies, as miniature SPAs, filter the application through the staff, advisory committees, task forces, policy boards before sending it to the SPA.

The SPAs have an intricate grant processing procedure, which may take up to eight months before final action on a grant. In order to insure that an application complies with LEAA guidelines and with the comprehensive plan, an individual grant passes through the SPA staff, advisory boards, standing committees, and task forces for review and for recommendations on action. If the application is rejected at any point it must be resubmitted and the whole process begun again. The policy board of the SPA has final authority over all state block sub-grants.

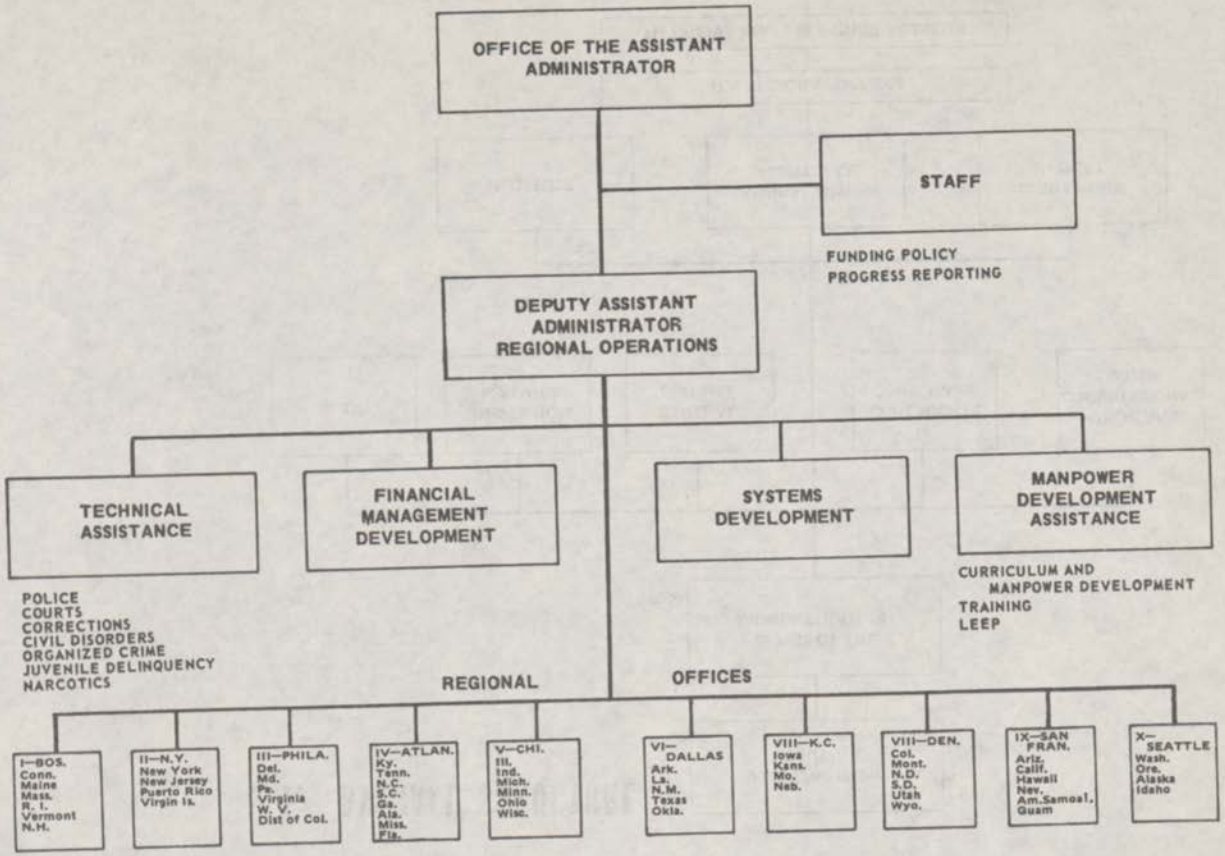
Application procedures for discretionary grants vary, since the regional office has final authority for approval. Such applications must obtain prior approval from the SPA so that the grant conforms with the comprehensive plan. Prior to the reorganization in 1971, a discretionary grant would pass from the SPA to the region and then to LEAA for final approval. However, at the present time the regional office makes final decisions on discretionary grants. Unlike discretionary grants, applications to the National Institute are reviewed and approved by LEAA in Washington, D.C..

In both the discretionary and Institute grants, the SPA is the nominal applicant and the actual project applicant is the sub-grantee. This procedure is in keeping with the original intent of the program and requires the states to monitor the project and assume financial responsibility for administering the grant.

1. OVERALL STRUCTURE

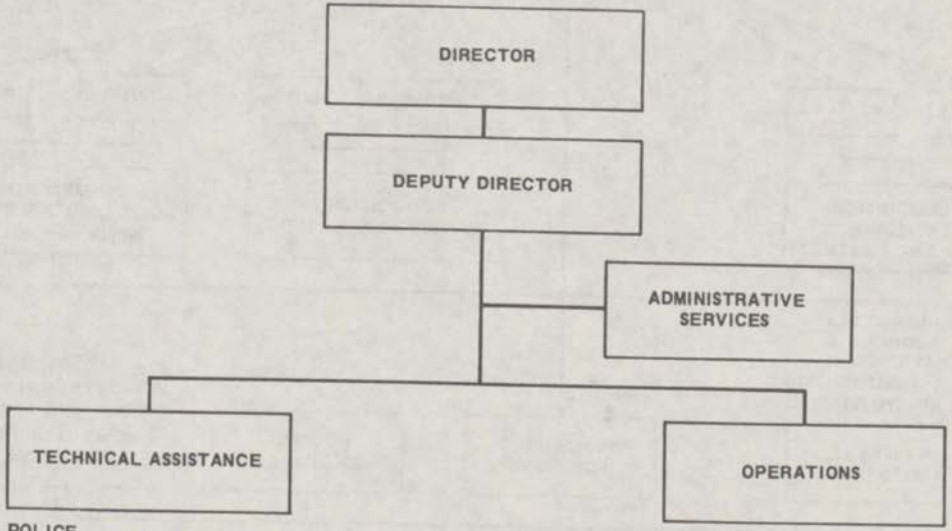


2. OFFICE OF CRIMINAL JUSTICE ASSISTANCE



3. REGIONAL OFFICE

STAFF: 20 – 29



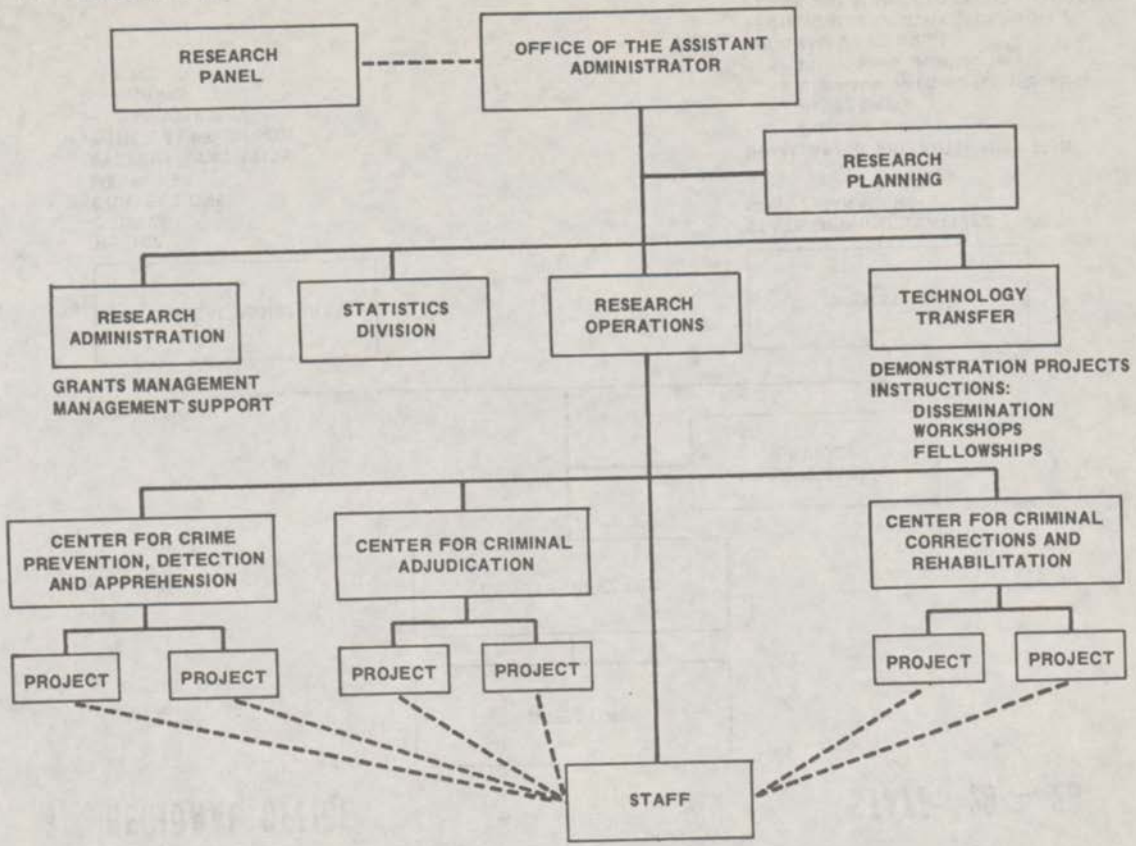
POLICE
COURTS
CORRECTIONS
MANPOWER
SYSTEMS, STATISTICS
OTHER AS REQUIRED:
- NARCOTICS
- INDIANS
- ETC.

STATE REPRESENTATIVES
GRANT MANAGERS

FINAL APPROVAL AUTHORITY FOR
- a. Planning grants
- b. Action grants
- c. Discretionary grants (as allocated)
- d. LEEP funds (as allocated)

PROGRAM MONITORING
TECHNICAL ASSISTANCE CAPACITY
EXPANDED ADMINISTRATIVE AUTHORITY

4. INSTITUTE


RESEARCH PANEL
OFFICE OF THE ASSISTANT ADMINISTRATOR
RESEARCH PLANNING
RESEARCH ADMINISTRATION
GRANTS MANAGEMENT
MANAGEMENT SUPPORT
STATISTICS DIVISION
RESEARCH OPERATIONS
TECHNOLOGY TRANSFER
DEMONSTRATION PROJECTS
INSTRUCTIONS:
DISSEMINATION
WORKSHOPS
FELLOWSHIPS
CENTER FOR CRIME PREVENTION, DETECTION AND APPREHENSION
CENTER FOR CRIMINAL ADJUDICATION
CENTER FOR CRIMINAL CORRECTIONS AND REHABILITATION
PROJECT
PROJECT
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STAFF

Mr. FLOWERS. Thank you very much, Mr. Hartman.

Mr. Phillips, thank you very much. We will submit other questions to you gentlemen and ask for written answers.

Mr. SEIBERLING. Could I ask Mr. Phillips one question?

Mr. Phillips, could you take the stand again? I was not able to ask of you what I wanted to in the time that you were here.

Mr. FLOWERS. We have a warning that we have about 10 minutes to get over there to vote.

Mr. SEIBERLING [presiding]. Are you familiar with the bill that has been introduced to provide for a form of special revenue sharing of LEAA funds to major urban crime areas?

Mr. PHILLIPS. Yes, I am.

Mr. SEIBERLING. The idea behind that bill was that, even before the administration came in with its bill, we wanted to bypass the redtape at the National and State level, and get the urban share of the funds down to these cities fast where it could do some good.

If you had had that system in effect prior to the time that you had submitted your plan, which led to the pressure on you to resign, wouldn't that have solved your problem?

Mr. PHILLIPS. I am sure it would have, Congressman, especially if there were the proper kinds of guidelines that were so set up with those funds coming down, to be spent in a proper kind of fashion.

I think this has been the problem.

Mr. SEIBERLING. But funds would have gone to the the Law Enforcement Council for the Newark urban area and they would have set up their own guidelines.

Mr. PHILLIPS. Right. Then the guidelines were already established but here again, I think that Congress still has the responsibility, though, to set up some kind of guidelines. Just by sending those funds directly to the mayor of a city is not, in fact, going to assure Congress or the people that Congress is intending to benefit from those funds.

We are not going to insure them the opportunity to derive everything that they can get from it so you have got to, along with that money, set up a proper kind of guideline, because the mayors are looking for that leadership from you, as well as the Federal agencies, as well as the State agencies.

Mr. SEIBERLING. Thank you very much. I guess I have to leave for the floor of the House.

The committee is now adjourned until 10 a.m. tomorrow, at which time we will hear an additional witness regarding LEAA.

[Whereupon, at 3:50 p.m., the hearing was recessed until 10 o'clock, Thursday, April 5, 1973.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

THURSDAY, APRIL 5, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2141, Rayburn House Office Building, Hon. Peter W. Rodino, Jr. [chairman] presiding.

Present: Representatives Rodino, Hutchinson, McClory, Sandman, Jordan, and Mezvinsky.

Also present: Daniel L. Cohen, counsel; and Franklin G. Polk, associate counsel.

Chairman RODINO. The committee will come to order.

Our witness this morning is the Honorable Robert W. Kastenmeier, the distinguished chairman of Subcommittee No. 3 of the Committee on the Judiciary. We are most anxious to hear from our friend from Wisconsin, who has a deep interest in this legislation and who has followed this matter of law enforcement assistance in depth in his own subcommittee as it bears peripherally on the very important work he has been doing in corrections.

Mr. Kastenmeier, I know you have a very detailed prepared statement, and you may summarize it if you wish or proceed with it entirely. Either way, we will be pleased to include your full testimony in the record. We are delighted to have you here.

TESTIMONY OF HON. ROBERT W. KASTENMEIER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

Mr. KASTENMEIER. Thank you, Mr. Chairman. I will proceed with my statement. I appreciate this opportunity to testify regarding the extension of authorization for the Law Enforcement Assistance Administration. My concerns regarding LEAA of course extend to much of that which LEAA does, as well as to much of that which it should do—but does not do. But my purpose in appearing here today is to discuss this agency and the legislation before you in the context of their involvement with corrections.

As you know, Subcommittee No. 3 of the House Committee on the Judiciary, which I am privileged to chair, has been engaged for almost 2 years in an extensive examination of corrections. To that end, we have devoted some 30 days to hearings, developing a record exceeding 4,100 pages.

These hearings have taken us around the country to San Francisco; Madison, Wis.; Boston, Chicago, and Detroit. In the course of our

endeavors, we have visited correctional institutions in seven States, including Federal penitentiaries, State prisons, county and city jails, and halfway houses.

Much of our attention has been directed to the general issues of corrections. By "general," I mean those issues which are not uniquely characteristic of any one State or system but rather those which cross all geographical boundaries—matters such as prisoners' rights, rehabilitation programs, correctional personnel concerns, adequacy of legal assistance, overcrowding, discrimination against ex-offenders, and racism in penal institutions.

At the risk of perhaps exceeding my role in speaking for all the members of Subcommittee No. 3—as it was constituted in the 92d Congress—but without much fear of misstating what I perceive to be the shared views of all of us, I would say that, by and large, corrections in America is a dismal failure.

Happily, that observation is not a lonely call in the wilderness, so to speak. In 1967, President Johnson's Commission on Law Enforcement and Administration of Justice had this to say about corrections in America:

> For a great many offenders, then, corrections does not correct. Indeed, experts are increasingly coming to feel that the conditions under which many offenders are handled, particularly in institutions, are often a positive detriment to rehabilitation.
>
> Life in many institutions is at best barren and futile, at worst unspeakably brutal and degrading. To be sure the offenders in such institutions are incapacitated from committing further crimes while serving their sentences, but the conditions in which they live are the poorest possible preparation for their successful reentry into society, and often merely reinforce in them a pattern of manipulation or destructiveness.

More recently, President Nixon termed our prisons "colleges for crime." And Chief Justice Burger has described our penal and correctional institutions and processes as "the most neglected phase of our system of criminal justice in America."

Thus far, the Federal role in bringing an end to this state of affairs has not been an overwhelming one. For too long, lack of concern, lack of direction, and lack of funds have been the rules governing the Federal role. However, in 1970 a significant step was taken by the enactment of part E of the Omnibus Crime Control and Safe Streets Act. Codified as sections 3750 through 3750(d) of title 42, the purpose of part E is, in the words of section 3750:

> To encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices.

I would note that the administration deserves considerable commendation for its support of part E when it was being considered, and thus its abolition in the administration proposal before you is all the more disheartening.

The funding for part E is provided in 42 U.S.C. 3768, where it is provided that an amount equal to 20 percent of the amount appropriated for part C shall be available for part E. Part C is the original grant program created by the Safe Streets Act and provides grants for law enforcement purposes, one of which, I would note, is corrections.

Thus, Congress not only demonstrated its desire that corrections be federally funded through the part C grant program, but further em-

phasized its concern by establishing a separate source of funds over and above that available under part C.

One of the major bills before you is H.R. 5613, the Law Enforcement Revenue Sharing Act of 1973. This is the administration proposal, as you of course know. I regard this bill as a serious diminution of the already too modest Federal role in corrections reform. For that reason, I urge its rejection.

A good deal of my subsequent discussion will focus on specific sections of the Law Enforcement Revenue Sharing Act of 1973. I want to make clear, however, that my concentration on this bill is born of necessity, since it is obviously a prominent item which must be addressed, I assume, by your subcommittee, Mr. Chairman.

My suggestions for changes in it are not meant to imply that, with these changes, I would regard the bill as completely satisfactory. Rather, they are offered in light of the possibility that this will be the legislation which the subcommittee reports. I only make that surmise.

Let me first briefly review the structure of H.R. 5613 as it applies to corrections. Section 301(b) authorizes the Attorney General to make special revenue-sharing payments and other forms of financial assistance to the States for several general categories of endeavors encompassed within the rubric "law enforcement purposes." Those endeavors concerning corrections are designated in subsections (4) and (9) of section 301(b).

Subsection (4) includes within "law enforcement purposes," "constructing buildings or other physical facilities which would fulfill or implement the purpose of this section, including local correctional facilities * * *"

Subsection (9) includes within such purposes the following:

> The development and operation of community based delinquent prevention and correctional programs, emphasizing diagnostic services, halfway house and other community based rehabilitation centers for initial preconviction or post-conviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential repeat youthful offenders . . .

Section 303 of H.R. 5613 speaks to the comprehensive State plans which are required and provides, in subsection (b), that the plan:

> Shall include a long-range all-inclusive program for the correctional institutions and facilities in the State and the improvement of correctional programs throughout the State. Such programs must adequately reflect national and State standards for all functions of the correctional and court systems . . .

Section 306 of H.R. 5613 concerns fund distribution and provides that 30 percent of the revenue-sharing payments received by a State may be used for one or more of four purposes, of which one is "local or State adult and juvenile correctional programs. . . ."

Finally, section 401(3) provides for research involving corrections.

FUNDING

Existing law provides, in 42 U.S.C. 3768, that there is to be allocated for the purposes of part E—the specific corrections component of the Omnibus Crime and Control and Safe Streets Act—an amount not less than 20 percent of the amount allocated for part C, which provides

for law enforcement grants, including, by the way, corrections activities.

The administration proposal provides, in section 306, for 85 percent of LEAA funds to be special revenue-sharing payments. Of this amount, 70 percent is subject to a passthrough formula. The remaining 30 percent is available for four activities, one of which is corrections.

I must confess to finding these percentage formulations confusing; for the purposes of simplicity, I would like to present them in terms of actual dollar computations.

Under existing law, if $1 billion is appropriated for a given fiscal year, at least one-sixth of that amount, or $166 million, must be allocated to part E. This, of course, does not preclude the States from using some, or all, of their part C funds for corrections, also. But, at a minimum, $166 million must go to corrections.

Under the proposed distributions provided by H.R. 5613, a $1 billion appropriation would mean that $850 million would be available for special revenue-sharing payments, the other $150 million being the funding remaining discretionary with LEAA. Of this $850 million, 70 percent, or $595 million, would be subject to the passthrough formula, leaving $255 million immune from it. This $255 million would be allocable to four areas: Corrections, court programs, technical assistance, and law enforcement education.

There is no requirement, however, that any of the $255 million be allocated to corrections. Instead, it might be devoted solely to the other three areas. Thus, unlike existing law, which assures significant funding for corrections, there is no assurance in the administration bill that corrections will be funded.

Of course, the $595 million subjected to the passthrough may produce some funding of corrections programs, either by the local units of government or by the States with that amount left over after the passthrough has occurred. But this does not improve on the present situation, since under existing law there would be $800-million-plus available under part C, less 15 percent allocable to discretionary grants, or a total of $709 million for law enforcement purposes, which includes corrections.

Obviously, the funding mechanism proposed by H.R. 5613 opens the way to significant erosion of the Federal effort at corrections reform. There could well be less money available than previously, and there is clearly less assurance that the States will direct the moneys they receive to corrections.

Thus, I would suggest section 306(a)(1)(A) should be amended as follows:

At line 12, on page 14, change the term "70" to "60."

At lines 16–19, on page 14, delete all after the semicolon and substitute the following:

> The remaining 40 percent shall be used by the State as follows: 80 percent of the 40 percent for local or State adult and juvenile correctional programs, and the remaining 20 percent of the 40 percent for court programs, technical assistance, and law enforcement education.

The consequence of these changes would be, first, to assure that funding would be devoted to corrections; and, second, to assure that a significant amount of funding would, in fact, occur.

Using my hypothetical figures, the language I propose would mean, on the basis of a $1 billion appropriation for LEAA, that $252 million would be allocated to corrections, this amount being 80 percent of the 40 percent immune from the passthrough, the 40 percent constituting, in dollar figures, $340 million, and 80 percent thereof amounting to $252 million.

STATE PLAN REQUIREMENTS

A second component of this erosion of the Federal corrections effort reposes in the relaxation of criteria for the State plans. Under present law, 42 U.S.C. 3750b sets up a list of criteria for corrections endeavors by the States. LEAA is authorized to make a grant to a State planning agency only if the application incorporated in the State plan comports with these criteria.

Under the administration proposal, however, it is merely provided in section 301(b) that the Attorney General is authorized to make special revenue-sharing payments and other forms of financial assistance to States for law enforcement purposes, and then a list of what falls within such "purposes" is provided, including some references to corrections activities.

While to some extent this list replicates existing law (42 U.S.C. 3750b(4)) the crucial distinction lies in the fact that the administration proposal does not make them a condition precedent to receipt of LEAA grants.

Rather, the condition precedent that is established is written in very general language in section 303(b), which provides that the comprehensive State plan "shall include a long-range all-inclusive program for the construction, acquisition, or renovation of correction institutions and facilities in the State and the improvement of correctional programs and practices throughout the State." Following this is language providing that "such programs must adequately reflect national and State standards * * * ."

Thus, the already too loose language of existing law regarding guidelines for corrections grants is made even more vague and consequently less directive in terms of State action.

While reference to "standards" is made, there is no articulation of which standards, or who identifies them, or how they are implemented, or who enforces them. This is not for lack of standards already extant, I can assure you. An excellent set of guidelines is provided, for example, by the National Advisory Commission on Criminal Justice Standards and Goals, an LEAA-funded enterprise which just completed its work this past January.

Similarly, the United Nations standards for prisoners are available and have, in fact, already been adopted by the State of Pennsylvania. The American Correctional Association has issued standards for corrections, and so, too, has the National Council on Crime and Delinquency.

I applaud the sentiment for having standards guide the utilization of Federal funds in the corrections area. I would suggest that H.R. 5613 would be very much improved by adopting any one of the above as minimum guidelines rather than standing as is, with the vague and largely useless reference to standards now provided. And these minimum guidelines should be made a condition precedent to LEAA funding.

DELETIONS FROM EXISTING LAWS

Presently, 42 U.S.C. 3750b establishes a list of criteria which must be included in the State plan as a condition precedent to receiving part E funding, which is the funding specifically allocable to corrections and which was provided by the 1970 amendments to the Omnibus Crime Control and Safe Streets Act.

Nine requirements are set, with specific attention directed to the construction, acquisition, and renovation of facilities; the improvement of programs and practices throughout the State; the development of community-based correctional facilities and programs; advanced techniques in the design of institutions and facilities; the sharing of correctional institutions on a regional basis; advanced personnel standards and programs; and projects and programs to improve the recruiting, organization, training, and education of correctional personnel.

As noted previously, the conditions precedent to receipt of special revenue-sharing payments as provided in the Law Enforcement Revenue Sharing Act of 1973 are much more general. The more specific language which is provided appears in a listing of those activities which are included within the meaning of "law enforcement purposes" in section 301, and these activities do not constitute conditions precedent.

Moreover, even this more specific language of section 301 retreats from that embodied within existing law, notwithstanding that the burden of compliance by the States has been lifted, and thus there would appear to be little need, even from the point of view of the drafters of the administration proposal, to weaken this language.

More specifically, section 301(b)(9) of H.R. 5613 largely replicates existing 42 U.S.C. 3750b(4). However, the language providing for "community-oriented programs for the supervision of parolees" is deleted. In fact, specific reference to parole is absent throughout the administration proposal.

In addition, there is no analog in the administration proposal for three of the nine criteria provided in existing law—subsections (5), (6), and (7) of 42 U.S.C. 3750b. These read as follows:

(5) provides for advanced techniques in the design of institutions and facilities;

(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices.

I think the deletion of this language and that referring to parole is a mistake and this language should be retained.

NEW ELEMENTS ADDED BY THE ADMINISTRATION PROPOSALS

In addition to deletions and to alterations in funding with respect to existing law which the administration proposal provides, this proposal also embodies some additional troubling changes.

Behavioral research

Section 401(3) provides for the carrying out of programs of "behavioral research" for the purposes of providing "more accurate in-

formation on the causes of crime and the effectiveness of various means of preventing crime and to evaluate the success of correction procedures * * *."

While attention to research in the area of corrections is welcome, it is already provided in other subsections of section 401. Thus, as I read subsection (3), its primary reason for being is the particularized reference to "behavioral research." And this reference is troubling, because it suggests affirmative Government support of and involvement in such techniques as psychosurgery, behavior modification through psychological means, and behavioral alteration through the administering of drugs.

I think such programs raise profound issues of individual liberty and certainly are not such as should be reposed in the hands of those whose chief interest is law enforcement. If we are to pursue investigation of behavioral modification and alteration methodologies, we should do so only under the most carefully circumscribed standards. These are absent in section 401(3) of H.R. 5613.

Moreover, at the risk of taking a "know-nothing" posture, I would suggest that the behavior modification approaches which have been pursued and are being pursued—most notably in the California corrections system and now in the START program at the Federal Springfield medical facility—are more likely to result in extended incarceration, dressed up under the rhetoric of rehabilitation and treatment, than they are likely to produce benefits.

Finally, I would suggest that there is at least some currency given the idea that behavior modification programs are basically racist in nature, their genesis being the subduing of minority group expressions of pride and culture.

I think subsection (3) of section 401 should be deleted and the subsequent subsections renumbered accordingly. Authority already exists for behavioral research in other agencies, such as the National Institute of Mental Health's Center for Studies of Crime and Delinquency. Thus, the authority vested in subsection (3) is surplusage at best and conceivably dangerous at worst.

Diversion programs

I would also call attention to section 301(b)(9). This is in large measure a replication of existing 42 U.S.C. 3750b(4), and it establishes some of the components of the corrections activities which may be engaged in by the States. However, in two respects section 301(b)(9) departs from existing law so as to affect offender diversion programs.

The existing law speaks of the State plan's providing satisfactory emphasis on "the development and operation of community-based corrections facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders and first offenders, and community-oriented programs for the supervision of parolees."

Section 301(b)(9) changes the words "preadjudication and postadjudication" to "initial preconviction or postconviction." This change is harmful since it limits utilization of diversion programs, which are becoming an increasingly important component of the corrections process—and an increasingly valuable one. Those diversion programs now

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in operation exhibit a recidivism rate far lower than do more traditional corrections programs.

One element in these programs is deferral of prosecution with good performance in the diversion program permanently quieting the prosecution. Yet the language of section 301(b)(9) ties the program to the issue of conviction—a potential conflict with the manner in which these programs are operating.

In addition, section 301(b)(9) speaks of "initial" preconviction or postconviction referral. While there may be some ambiguity here, my reading of this is that a community-based program open to second offenders would not fall within the statutory language. I think this is a serious mistake: First offenders do often offer the best hope for restoration to a law-abiding life, but certainly there is no good reason to give up hope on men, and women, and youths with more than one crime on their record.

Thus, I would recommend the following changes in section 301(b)(9) of H.R. 5613:

In line 11, on page 10, delete the word "initial."

In line 11, on page 10, delete the words "preconviction or postconviction" and substitute in their stead "preadjudication or postadjudication."

Exclusion of potential youthful offenders

Another change in existing law also reposes in section 301(b)(9) of the administration bill. Reference is there made to the development and operation of "community service centers for the guidance and supervision of potential repeat youthful offenders."

Existing law, in 42 U.S.C. 3750b(4), also directs attention, although not in the same language, to youthful offenders. However, nothing in existing law limits applicability to "repeat" youthful offenders, while the administration proposal appears to cut out from eligibility youths who may be on the road to crime but have not yet arrived. I think such an exclusion is most misplaced. These are the people upon whom we should be concentrating much more attention than we already do. Certainly, it is inappropriate to follow the course the administration proposal embodies.

Thus, the word "repeat," in line 15, at page 10, should be deleted.

The administration proposal is a retreat, not a step forward. I realize, of course, that this characterization of the Law Enforcement Revenue Sharing Act of 1973 as "a retreat" is a subjective one and one not shared by the administration. I have no neat and concise means by which to make my case, there being no word or line in the administration legislation which I can first point to critically and then easily suggest alternative language for. Nevertheless, I think the argument is a critical one, particularly with regard to corrections.

The Attorney General, in testifying earlier before this subcommittee, was quite sanguine in his view of State initiative and State control. Unfortunately, I think the facts belie his optimism. While it is undoubtedly true that in some States vigorous and progressive Governors have lead in the movement for reform—Gov. Pat Lucey of my own State, for example, and Governor Sargent in Massachusetts—the more usual posture on the part of the States has been far less enlightened.

Without meaning to single out any one State administration, I would have to say that most State systems continue to breed boredom, discontent, and further criminality. They nurture their sad products with a diet of meaningless programs, excessively long incarceration, severe deprivation of basic rights of American citizens, and sometimes even brutality.

Let me perhaps digress here and point out that until the middle 1960's the courts, both State and Federal, almost unanimously maintained what is known as the "hands-off" doctrine. They would not intrude into the operations of correctional institutions. In just 6 or 7 years, however, the courts have virtually turned 180 degrees and are involved in the operation of these institutions to such an extent that some courts have virtually gone so far as to appoint receivers to run the institutions in question, no longer content to rely upon old-line personnel to institute court-ordered changes.

This dramatic increase in court involvement is largely due to one simple fact: Local governments have applauded reform in public and continued their old dismal ways in private. Certainly, then, to suppose that the States and counties and cities are going to do with revenue sharing dollars what they have resisted hitherto is to engage in very expensive wishful thinking.

Granted, we are told that, after all, these are the taxpayers' dollars we are spending and therefore they should be spent by the taxpayers. That argument, it seems to me, is equally valid as to the $70 billion, or whatever, spent by the Defense Department, yet I hear no one urging special revenue sharing for defense in order that the taxpayer may have a voice in how his taxes are spent.

Moreover, the Congress is the representative of the taxpayer, properly lodged with the responsibility to assure proper utilization of Federal moneys, and thereby the taxpayer's voice is indeed heard.

We are also told that law enforcement is a State matter. Without queston, that is an appropriate argument. Yet certainly in an age when movement across State lines is an everyday occurrence for hundreds of thousands, if not millions, of persons daily, it would be foolhardy to suggest there is no Federal interest in what State X does to embitter its criminal offenders locked up in its prisons, since tomorrow an embittered man or woman may walk out of State X's prison and across the line into State Y.

More importantly, the Congress does have a role it simply cannot abdicate—the responsibility for the enforcement of the Federal Constitution. And if anyone is in doubt that Federal constitutional rights are violated daily in State institutions, he or she ought to start reading the court decisions as they come down each week from our Federal district and circuit courts.

At least as to corrections—which is the banner under which I am appearing here today—I urge rejection of H.R. 5613. I realize I have spent considerable time discussing changes in that bill; I have done so in contemplation of the possibility of the subcommittee's favorably reporting out this legislation. However, I think the best course is its rejection.

At a minimum, I would urge the subcommittee to retain part E as it now exists. I think its criteria are far more responsive to the needs in corrections and far more responsible because of that than is the vague language provided by H.R. 5613 in section 306.

In addition, I would urge the subcommittee to retain the funding approach currently employed whereby a fixed percentage of LEAA dollars must be allocated to corrections. This is in counterposition to the formula proposed by H.R. 5613, which leaves corrections to contend with three other areas of law enforcement for a piece of the dollar pie.

Alterations of part E

Notwithstanding my support for the retention of part E, I offer this support with some qualification. I do not think that part E is itself completely satisfactory.

In an effort to assess what, in fact, the Law Enforcement Assistance Administration has been doing in the field of corrections. I requested the General Accounting Office last fall to undertake a study in this area. Five States were selected for particular analysis. This study, entitled "Funding of Corrections and Pretrial Diversion Projects by the Law Enforcement Assistance Administration," was officially released by the Comptroller General yesterday. A copy is attached to the statement which each of you has before you, and I should like to request that this study be included in the record of these hearings.

Chairman RODINO. Without objection, it is so ordered.

[The document referred to follows:]

[Testimony resumes on p. 666.]

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., April 4, 1973.

B-171019.

Hon. ROBERT W. KASTENMEIER,
Chairman, Subcommittee No. 3,
Committee on the Judiciary, House of Representatives

DEAR MR. CHAIRMAN: By letter dated October 16, 1972, you requested information on corrections and pretrial diversion projects funded by grants from the Law Enforcement Assistance Administration (LEAA), Department of Justice. During subsequent meetings our representatives agreed to obtain nationwide information from records available at LEAA headquarters and to update this information for five States.

We visited State Planning Agencies[1] (SPAs) in California, Illinois, Massachusetts, Texas, and Virginia. We obtained information from LEAA's Grant Management Information System (GMIS) printout on corrections and pretrial diversion projects for which grants had been awarded as of March 31, 1972, from funds appropriated to LEAA from fiscal years 1970 through 1972. We then updated the information in the printout to December 31, 1972; compared some of the information with SPA records; and expanded upon the information, when necessary. We did not verify the information in the SPA records.

We summarized information on the status of the corrections and pretrial diversion projects in the five States. (See app. VIII.)

We summarized information obtained from the GMIS printout for the 50 other SPAs. The information pertained to correction's projects for which grants had been awarded as of March 31, 1972, from funds appropriated to LEAA from fiscal years 1969 through 1972.

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[1] Agencies set up in the 50 States, American Samoa, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands to administer the grant programs.

GMIS is a computerized system which contains information on block action grants awarded by SPAs; discretionary action grants awarded by LEAA; and grants and contracts awarded by the National Institute for Law Enforcement and Criminal Justice, which is LEAA's research and development arm. The system is still in the developmental stage, and the information has not been verified by LEAA or SPAs.

IDENTIFYING PROJECTS

The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3701), does not define the term "corrections," nor has LEAA defined it. The States therefore have determined which projects to report as corrections projects.

Because of the lack of uniform criteria, we developed the following criteria, with assistance from LEAA, and used the criteria to identify corrections projects in the five States we visited.

1. An activity related to juveniles or adults whose cases have been processed through the courts, including probation or confinement in an institution, halfway house, group home, etc. A day-care center would be included if attendance was mandatory.
2. A project which offers services to persons following their release from incarceration. These services include rehabilitation, vocational training or assistance, and temporary housing.
3. A project which concerns persons confined in county jails either while serving sentences or while awaiting trial.
4. Miscellaneous projects, such as:

Detoxification centers which divert the alcoholic from jail.

Followup assistance to attempt to divert the alcoholic from the "revolving door" cycle.

Programs to treat offenders with drug addiction problems.

The projects that we identified as corrections were reported under several categories. One State, for example, reported the fiscal year 1971 corrections projects under the following categories: juvenile delinquency, community-based correctional services, personnel development, correctional administration and statutory law reform, adult correctional services, drugs/alcohol, and resources and management. Not all the projects listed in these categories were corrections.

Because corrections projects are reported under various categories, as determined by each State, LEAA cannot readily provide information to the Congress on the types of corrections projects funded or the amount of expenditures incurred.

Pretrial diversion projects are not a major area in LEAA's reporting system. As a result a pretrial diversion project may be reported under the categories of juvenile delinquency, courts, or corrections, as determined by the State. Therefore we developed criteria, with the assistance of LEAA, to identify pretrial diversion projects.

For consistency we defined a pretrial diversion project as one designed to permit a judge to offer a person acknowledging guilt of the offense charged the opportunity to perform a prescribed task or to undergo physical or psychological treatment or therapy for a period of time in lieu of standing trial. The task assigned the offender can be to attend a designated school or facility or to serve as a volunteer in a program designated by the judge. If the judge is satisfied with the offender's performance, the charges generally will be dropped and there will be no record of the offense. If the judge is not satisfied with the offender's performance, the offender can be tried for the initial offense.

BLOCK ACTION GRANT ACTIVITIES IN THE FIVE STATES

LEAA allocates block action grant funds to States according to their respective populations. SPAs award grants on the basis of applications.

We identified the corrections projects listed on the GMIS printout for the five States. We also reviewed all applications processed by SPAs in those five States to identify and document correction projects not listed on the GMIS printout. We then classified the corrections projects as research, planning, probation, and parole; educational programs for offenders; vocational training or assistance for offenders; medical programs for offenders; legal assistance to offenders; facili-

ties; or assistance to corrections administration. In addition, we obtained information on pretrial diversion projects. We also identified projects that aided corrections as well as other elements of the criminal justice system. When a project had impact on several categories, we classified it in the category on which it had the greatest impact.

The projects that met our criteria for corrections projects and those that partially met the criteria but were not considered corrections projects were discussed with SPA employees involved in the corrections area. We changed a classification when the SPA employees determined that it was inappropriate on the basis of their knowledge of the project.

Many of the projects which were coded by GMIS as correction projects but which did not meet our criteria for corrections were projects dealing with juveniles and drug abusers. These projects did not meet our criteria because, according to SPA employees, most persons served by the projects were participating voluntarily and not to fulfill a requirement established by the courts or probation officers.

Information on the projects in the five States we visited is presented in appendixes I through VIII. A general discussion of the various categories of projects follows.

Research

Projects in the research category generally were for studies that:

—Sought to improve methods of carrying out current activities.

—Sought to develop innovative techniques to replace or assist current activities.

—Obtained and analyzed information on new activities to evaluate the results.

Many projects classified under other categories contained provisions for collecting and analyzing data on the projects. The amount applicable to the research portion of those projects is not included under this category.

Planning

The types of projects accounted for in the planning category vary significantly, possibly because of varying views of SPAs as to what type of planning can be done with block action grant funds. Projects in the five States involved the following types of planning:

—Design and specifications for proposed construction.

—Realignment of existing staffs to improve services.

—Development of performance standards for corrections personnel or for the training of such personnel.

—Development of regional or State-wide plans to improve the correction system.

Probation and parole

Projects classified in the probation and parole category generally involved work with offender not confined to jails or institutions. Some of these projects involved assistance to offenders during their last few weeks or months of confinement. The levels and types of activities carried out under probation and parole projects varied significantly among the States.

In California the projects were generally for continuing or expanding the scope of activities funded by SPA in the previous year. In Texas the projects were generally for initial probation activities within a county or a number of counties. Illinois was funding very few probation activities, apparently because of few requests for such funding.

The age group served by the projects also varied among the States. Using each State's distinction between juveniles and adults, the number of projects aiding juveniles, adults, or both for the 3-year period reviewed were as follows:

State	Juveniles	Adults	Both	Total
California	16	25	26	67
Illinois	7	8	7	22
Massachusetts	25	12	3	40
Texas	42	34	26	102
Virginia	33	4	4	41

Many of the projects involved volunteer assistance. For example, 11 projects funded by Illinois and 16 projects funded by Massachusetts were volunteer assistance projects.

Educational program for offenders

Projects accounted for in the category of educational program for offenders generally involved formal educational activities ranging from elementary to college credit courses. Some courses were conducted by professional instructors and others by volunteers or corrections personnel.

Several of the projects included in this category called for the establishment of library facilities for inmates. The funds to be used for the library facilities are not shown separately because the facilities are generally only a minor part of the total project. Many of the projects included plans for both educational and vocational training or assistance to inmates, but SPA personnel considered the major impact of the projects to be educational.

We determined that, of 30 educational projects (funded at $1,773,535) in the five States, 27 (funded at $1,369,005) were for the benefit of inmates in institutions. Of the 27 projects, 3 (funded at $102,632) were specifically for juveniles.

Vocational training or assistance to offenders

Projects included in the category of vocational training or assistance to offenders were those that

—Offered vocational training to offenders;

—Assisted offenders in obtaining vocational training from other sources; and

—Aided offenders in locating jobs while on probation, after release from confinement, or as a work-release project.

Medical programs for offenders

Projects accounted for in the category of medical programs for offenders provided medical, dental, psychiatric, or psychological services to offenders.

Legal assistance to offenders

Projects accounted for in the category of legal assistance to offenders offered legal services to offenders after their court appearances. Projects establishing public defender activities without indicating that posttrial services would be involved were not classified as corrections projects.

Facilities

Projects included in the facilities category were those that centered around the facility, including:

—Constructing or renovating correctional facilities.

—Renting or leasing of live-in community-based facilities, such as halfway houses, detoxification centers, or group homes, that are generally operated by nonprofit organizations. Although these facilities may offer some medical, psychiatric, or general counseling services to the offenders, the major purpose of the grant is to provide the facility.

—Constructing or renovating facilities to provide reception and diagnostic services for offenders either held for trial or under sentence of the courts.

The number and dollar amount of grants awarded for renovating facilities were not significant in any of the five States we visited. Construction funds were generally awarded for constructing county jails or State institutions. The States awarding grants for constructing county jails were California, two grants totaling $1,241,474; Illinois, six grants totaling $4,437,024; and Virginia, 19 grants totaling $1,777,167. Illinois awarded the only other significant construction grants—two totaling $2,000,000 for constructing State institutions.

Assistance to corrections administration

Projects accounted for as assistance to corrections administration generally involved assistance for the administration of county jails and correctional institutions. The grants provided for:

—Additional staff;

—Staff training;

—Volunteer assistance in providing services to offenders; and

—Improved facilities, equipment, and standards and procedures that would directly benefit corrections personnel.

Pretrial diversion

We identified 15 pretrial diversion projects in the five States we visited; 10 were in California. Many projects in the five States offered services to juveniles following their first contact with the police or juvenile authorities. However, indications were that these juveniles were not charged with any offenses as a result of their contact with the authorities and that their participation in the projects was not court imposed. Therefore we did not classify these projects as pretrial diversion projects.

Projects with some benefits to corrections area

Several projects funded by some of the five States affected a number of criminal justice areas, including corrections. The amount that would benefit the corrections area was not readily determinable, and we did not develop the information.

The projects included development of computerized information systems; construction of criminal justice centers housing police, court, and jail facilities; and the construction of a facility for the training of law enforcement personnel.

The dollar amounts of grants awarded by each State for projects that specifically mentioned the corrections area as receiving some benefit follow.

	State awards from funds allocated in fiscal years—		
	1970	1971	1972
California	$2,039,972	$1,246,320	$1,428,078
Illinois	402,500	229,988	170,469
Massachusetts			
Texas	1,253,460	457,021	1,110,544
Virginia	123,363	25,335	

Projects not funded by States

All five States had denied some applicants' requests for funding of some corrections projects. Some projects were not funded because they were not consistent with the State's plan for that year. In some States, applications could be withdrawn prior to the final decisions on the proposals. Also, in one State an application, if denied without prejudice, could be resubmitted and approved at a later date. Generally, the States did not consider these three actions to be denials of funding. The following tabulation shows more projects than the States consider as having been denied funding because it includes some projects that were not funded for the above reasons.

	Number of projects not funded	
	Total	Corrections
California	325	61
Illinois	208	8
Massachusetts	[1] 122	22
Texas	[1] 180	10
Virginia	85	6

[1] Approximate number. These States did not maintain summaries on nonfunded projects.

DISCRETIONARY ACTION GRANT ACTIVITIES IN THE FIVE STATES

We did the same type of updating, verification, and classification for corrections projects funded from LEAA's discretionary grant funds that we did for those funded from LEAA's block action grant funds.

Information on the discretionary grant funding for corrections projects is presented separately as appendix VII, because discretionary grants are awarded by LEAA on the basis of project applications submitted by State or local units of government, whereas block grants are awarded by SPAs.

COMMENTS ON COMPLETENESS AND ACCURACY OF GMIS INFORMATION

The information on the GMIS printout was generally obtained from the SPA grant folders. The grant folders in Massachusetts did not contain complete

descriptions of the financial details, and thus the GMIS printout was incomplete. Therefore we did not use the printout; we obtained our information for Massachusetts by correlating the SPA grant folders with its financial records.

For the other four States, we verified the dollar amounts of the LEAA grants shown on the printout. For a few projects in these States, the dollar amounts of the LEAA grants, as shown on the GMIS printout, were in error. We did not develop any information on the percent of probable error in our nationwide information.

Also, for these four States, about 87 percent of the projects that we had classified as corrections projects, for which grants had been awarded as of March 31, 1972, were listed on the GMIS printout.

INFORMATION ON BLOCK ACTION GRANTS FOR SPA'S WE DID NOT VISIT

We also used the GMIS printout to obtain information for the 50 SPAs that we did not visit. The GMIS information had not been verified by LEAA or SPAs. The GMIS printout listed 26,937 block action grant projects for the 50 SPAs. Information on 3,232 of these projects is presented as appendix IX.

We selected all block action grant projects listed in the printout as parole, probation, correctional institutional, or community-based corrections projects. Because GMIS permits at least 10 different areas to be cited for one project, many of the grants we selected involved a combination of areas including 1 or more of the 4 areas that we consider correctional.

In working with the GMIS printout for the five States we visited, we found that some projects coded as community-based corrections projects did not meet our criteria for corrections. Therefore we are probably overstating the amount of funds applied to the corrections area by the 50 other SPAs by including all projects coded as community-based corrections projects. Because of time limitations and because of the lack of sufficient detail in the printout, we did not review the information on the individual projects selected to eliminate those projects not in the corrections area. Also project purposes sometimes change when the project becomes a reality and, in the five States we visited, these changes caused SPA personnel who were familiar with the project to revise some of our classifications. Since we could not visit each SPA to verify our classifications, we did not reclassify any projects for the 50 SPAs.

Fiscal year funds allocated to SPAs can be awarded in following fiscal years. Appendix IX shows, for each SPA, the percent of each year's allocated funds that had been awarded as of March 31, 1972. This information was obtained from reports submitted to LEAA by SPAs; we did not verify the accuracy of the reported information. Also some SPAs' reports were not available at LEAA headquarters.

INFORMATION ON DISCRETIONARY AND NATIONAL INSTITUTE GRANTS

Appendixes X and XI contain information on the discretionary grants awarded to the 50 SPAs we did not visit and grants and contracts awarded by the National Institute from fiscal year 1969 through 1972 appropriated funds.

After March 31, 1972, the National Institute had awarded very few grants from funds for fiscal years 1969 through 1972 to the five States we visited. Therefore we did not prepare a separate schedule for the five States.

COMPLETENESS OF FUNDING INFORMATION PRESENTED

We are presenting information only on LEAA funds awarded for corrections projects, although several other sources of funds are available for the type of activities involved. The other sources of funds—other Federal programs, State and local governments, and contributions—may be assisting some corrections areas more than others. LEAA funds may be compensating for the imbalance of funding from the other sources.

We do not plan to distribute this letter further unless you agree or publicly announce its contents.

Sincerely yours,

PAUL G. DEMBLING,
Acting Comptroller General
of the United States.

APPENDIX I

BLOC ACTION GRANTS ALLOCATED TO THE STATE OF CALIFORNIA AND STATE AWARDS FOR CORRECTIONS AND PRETRAIL DIVERSION PROJECTS AS OF DEC. 31, 1972

	Fiscal year—		
	1970	1971	1972
Status of funds appropriated:			
Funds allocated	$17,287,000	$35,920,000	$44,781,000
Funds awarded	16,946,641	34,930,361	23,052,326
Percent of allocated funds awarded	98	97	51
State awards for:			
Corrective projects:			
Research	$175,955	$278,946	$51,000
Planning		219,657	101,928
Probation and parole	377,645	4,270,858	1,063,752
Educational programs, offenders		43,000	
Vocational training or assistance, offender	71,535	254,504	
Medical programs, offenders		433,749	1,723,297
Legal assistance, offenders		25,246	
Facilities	1,557,532	804,228	163,467
Assistance to corrections administration	32,867	720,454	31,764
Total	2,215,534	7,050,642	3,135,208
Percent of funds awarded to corrections projects	13	20	14
Pretrial diversion projects	$208,901	$218,584	$320,823

APPENDIX II

BLOC ACTION GRANTS ALLOCATED TO THE STATE OF ILLINOIS AND STATE AWARDS FOR CORRECTIONS AND PRETRIAL DIVERSION PROJECTS AS OF DEC. 31, 1972

	Fiscal year—		
	1970	1971	1972
Status of funds appropriated:			
Funds allocated	$9,877,000	$21,600,000	$24,943,000
Funds awarded	9,866,600	19,941,366	20,566,915
Percent of allocated funds awarded	99.9	92	82
State awards for:			
Corrections projects:			
Research	$27,577	$41,826	$55,790
Planning	6,243	247,658	382,681
Probation and parole	28,000	622,744	688,010
Educational programs, offenders		616,241	150,000
Vocational training or assistance, offenders	94,206	443,037	750,426
Medical programs, offenders		298,152	248,702
Legal assistance, offenders			
Facilities	1,610,752	4,015,985	2,801,244
Assistance to corrections administration	108,792	911,309	83,786
Total	1,875,570	7,196,952	5,160,639
Percent of funds awarded to corrections projects	19	36	25
Pretrial diversion projects			128,414

APPENDIX III

BLOC ACTION GRANTS ALLOCATED TO THE STATE OF MASSACHUSETTS AND STATE AWARDS FOR CORRECTIONS AND PRETRIAL DIVERSIONS PROJECTS AS OF DEC. 31, 1972

	Fiscal year—		
	1970	1971	1972
Status of funds appropriated:			
Funds allocated	$4,902,000	$10,804,000	$12,768,000
Funds awarded	4,902,000	9,518,803	8,648,332
Percent of allocated funds awarded	100	88	68
State awards for:			
Corrections projects:			
Research			
Planning		$650,000	$465,000
Probation and parole	$276,770	811,026	1,281,879
Educational programs, offenders	70,135	307,066	117,000
Vocational training or assistance, offenders	124,345	523,951	469,377
Medical programs, offenders	30,000	20,000	
Legal assistance, offenders			
Facilities	200,000	910,000	1,015,882
Assistance to corrections administration	367,123	56,196	
Total	1,068,373	3,278,239	3,349,138
Percent of funds awarded to corrections projects	21	34	39
Pretrial diversion projects			

APPENDIX IV

BLOC ACTION GRANTS ALLOCATED TO THE STATE OF TEXAS AND STATE AWARDS FOR CORRECTIONS AND PRETRIAL DIVERSION PROJECTS AS OF DEC. 31, 1972

	Fiscal year—		
	1970	1971	1972
Status of funds appropriated:			
Funds allocated	$9,926,000	$20,751,000	$25,129,000
Funds awarded	9,547,627	19,953,202	18,359,320
Percent of allocated funds awarded	96	96	73
State awards for:			
Corrections Projects:			
Research		$365,630	
Planning			$431,671
Probation and parole	$784,474	1,146,459	2,529,312
Educational programs, offenders		260,652	36,830
Vocational training or assistance, offenders	116,227	202,908	25,845
Medical program, offenders		402,539	
Legal assistance, offenders		214,270	133,197
Facilities	361,680	730,396	223,841
Assistance to corrections administration		122,112	138,909
Total	1,262,381	3,444,966	3,519,605
Percent of funds awarded to corrections projects	13	17	19
Pretrial diversion projects			99,285

APPENDIX V

BLOC ACTION GRANTS ALLOCATED TO THE STATE OF VIRGINIA AND STATE AWARDS FOR CORRECTIONS AND PRETRIAL DIVERSION PROJECTS AS OF DEC. 31, 1972

	Fiscal year—		
	1970	1971	1972
Status of funds appropriated:			
Funds allocated	$4,150,000	$8,536,000	$10,433,000
Funds awarded	4,114,774	7,743,365	2,923,509
Percent of allocated funds awarded	99	87	28
State awards for:			
Corrections projects:			
Research	$33,673		$14,138
Planning	50,000	$50,000	17,500
Probation and parole	205,300	679,015	40,000
Educational programs, offenders		158,427	14,184
Vocational training or assistance, offenders		196,717	20,654
Medical programs, offenders	5,040	114,962	50,000
Legal assistance, offenders			
Facilities	663,939	2,234,887	137,746
Assistance to corrections administration	144,259	515,713	140,448
Total	1,102,211	3,950,396	434,670
Percent of funds awarded to corrections projects	27	51	15
Pretrial diversion projects	22,723	44,370	

APPENDIX VI

PERCENT OF FISCAL YEARS 1970–72 FUNDS AWARDED FOR INDIVIDUAL CORRECTIONS CATEGORIES AS OF DEC. 31, 1972

	California	Illinois	Massachusetts	Texas	Virginia
Research	4.1	0.9	0	4.5	0.9
Planning	2.6	4.5	14.5	5.2	2.2
Probation and parole	46.1	9.4	30.8	54.2	16.8
Educational programs—Offenders	.4	5.4	6.4	3.6	3.1
Vocational training or assistance—Offenders	2.6	9.0	14.5	4.2	4.0
Medical programs—Offenders	17.3	3.8	.7	4.9	3.1
Legal assistance—Offenders	.2			4.2	
Facilities	20.4	59.2	27.6	16.0	55.3
Assistance to corrections administration	6.3	7.8	5.5	3.2	14.6
Total	100.0	100.0	100.0	100.0	100.0

APPENDIX VII

DISCRETIONARY ACTION GRANTS AWARDED TO THE 5 STATES FOR CORRECTIONS AND PRETRIAL DIVERSION PROJECTS FOR FISCAL YEARS 1970–72 AS OF DEC. 31, 1972

	California	Illinois	Massachusetts	Texas	Virginia	Total
Research	$13,325					$13,325
Planning	96,950	$72,875			$107,405	277,230
Probation and parole	502,084	573,289	$817,744	$34,885	346,398	2,274,400
Educational programs—Offenders		264,138				264,138
Vocational training or assistance—Offenders	300,000	653,028	420,579		196,310	1,569,917
Medical programs—Offenders				94,756		94,756
Legal assistance—Offenders				470,455		840,811
Facilities	134,736	52,500	183,120			
Assistance to corrections administration	7,500	224,981	118,993		13,500	364,974
Pretrial diversion				21,732		21,732
Total	1,054,595	1,840,811	1,540,436	621,828	663,613	5,721,283

Note: This appendix does not include certain 1971 discretionary funds available for corrections projects which were allocated to the SPA's to be awarded in accordance with their plans approved by LEAA. Because these funds were handled in accordance with the bloc action grant procedures, we have included the funds in the bloc action grant appendixes.

APPENDIX VIII

STATUS OF CORRECTIONS AND PRETRIAL DIVERSION PROJECTS FUNDED IN THE 5 STATES AS OF SEPT. 30, 1972

State and fiscal year	Number of projects funded	Number of projects reporting expenditures	Number of completed projects [1]
California:			
1970	47	40	30
1971	89	69	13
1972	18	4	----
Illinois:			
1970	17	17	12
1971	47	31	6
1972	46	14	----
Massachusetts:			
1970	24	24	24
1971	46	40	24
1972	33	18	3
Texas:			
1970	20	20	19
1971	89	78	34
1972	68	34	1
Virginia:			
1970	52	52	45
1971	105	80	26
1972	14	1	----

[1] A project was considered complete if the grantee reported project expenditures of at least 90 percent of the project award amount as of Sept. 30, 1972.

APPENDIX IX

BLOC ACTION GRANTS AWARDED BY THE 50 SPA'S FOR CORRECTIONS PROJECTS FROM FISCAL YEARS 1969-72 FUNDS AS OF MAR. 31, 1972

State and fiscal year	Probation	Parole	Correctional institution	Community-based corrections	Total	Percent of awarded funds awarded to corrections projects	Percent of allocated funds awarded
Alabama:							
1969			$9,160	----	$9,160	2	100
1970	$6,706	$31,417	215,202	$66,044	319,369	11	94
1971	118,249	----	97,638	185,125	401,012	8	77
1972	----	----	----	----	----	----	(1)
Total	124,955	31,417	322,000	251,169	729,541	----	----
Alaska:							
1969	75,519	----	----	----	75,519	75	100
1970	43,344	----	31,059	56,017	130,420	26	100
1971	205,770	----	83,000	74,258	363,028	35	100
1972	----	13,334	----	----	13,334	19	7
Total	324,633	13,334	114,059	130,275	582,301	----	----
Arizona:							
1969	37,200	----	13,130	10,920	61,250	31	98
1970	50,938	51,100	247,608	51,481	401,127	27	99
1971	99,100	----	675,305	111,871	886,276	26	87
1972	232,761	----	174,138	99,650	506,549	----	(1)
Total	419,999	51,100	1,110,181	273,922	1,855,202	----	----
Arkansas:							
1969	7,584	14,143	----	----	21,727	9	96
1970	45,270	----	252,813	46,980	345,063	20	96
1971	36,981	36,400	89,818	293,484	456,683	16	60
1972	84,107	42,000	----	205,151	331,258	39	20
Total	173,942	92,543	342,631	545,615	1,154,731	----	----
Colorado:							
1969	3,180	24,161	5,898	8,277	41,516	21	81
1970	23,032	838	252,769	235,655	512,294	27	100
1971	171,888	24,000	418,422	524,107	1,138,417	32	88
1972	----	----	31,348	437,056	468,404	32	30
Total	198,100	48,999	708,437	1,205,095	2,160,631	----	----

APPENDIX IX—Continued

BLOC ACTION GRANTS AWARDED BY THE 50 SPA'S FOR CORRECTIONS PROJECTS FROM FISCAL YEARS 1969-72 FUNDS AS OF MAR. 31, 1972—Continued

State and fiscal year	Probation	Parole	Correctional institution	Community-based corrections	Total	Percent of awarded funds awarded to corrections projects	Percent of allocated funds awarded
Connecticut:							
1969			$33,520		$33,520	9	100
1970	$85,980	$11,100	142,573	$308,394	548,047	20	100
1971	121,704	30,688	304,523	1,998,855	2,455,770	54	82
1972							(1)
Total	207,684	41,788	480,616	2,307,249	3,037,337		
Delaware:							
1969							100
1970	600		20,168	39,900	60,668	12	96
1971			180,342	111,706	220,048	15	99
1972							(1)
Total	600		128,510	151,606	280,716		
District of Columbia:							
1969			7,279		7,279	7	98
1970	20,651		137,496	87,213	245,360	31	100
1971			225,726	402,506	628,232	41	100
1972			412,873		412,873	47	48
Total	20,651		783,374	489,719	1,293,744		
Florida:							
1969			80,738	25,000	105,738	14	100
1970	93,815		479,077	948,781	1,521,673	29	94
1971	784,181	376,635	179,009	1,842,209	3,182,034	50	51
1972			840,000	240,000	1,080,000	89	8
Total	877,996	376,635	1,578,824	3,055,990	5,889,445		
Georgia:							
1969			33,388		33,388	6	100
1970							(1)
1971	450,467	7,500	1,096,190	81,560	1,636,717	22	90
1972	372,821		653,748		1,026,569	53	19
Total	823,288	7,500	1,783,326	81,560	2,696,674		
Hawaii:							
1969							100
1970	8,348	1,228	182,918	215,342	407,836	56	93
1971	6,500	6,000	62,940	61,512	136,952	35	26
1972							(1)
Total	14,848	7,228	245,858	276,854	544,788		
Idaho:							
1969			7,566		7,566	8	100
1970	11,570	96,641	68,124		176,335	26	95
1971	94,517	27,807	302,375	174,190	598,889	47	65
1972	27,351		176,577	30,875	234,803	26	52
Total	133,438	124,488	554,642	205,065	1,017,593		
Indiana:							
1969	8,257		45,092	14,068	67,417	12	94
1970	93,020		354,365	953,291	1,400,676	31	98
1971	362,829		688,921	1,101,840	2,153,590	30	73
1972	17,665		118,370	50,123	186,158	14	11
Total	481,771		1,206,748	2,119,322	3,807,841		
Iowa:							
1969			21,000	33,738	54,738	17	97
1970	12,000		141,511	364,859	518,370	20	100
1971	65,544		622,006	480,911	1,168,461	25	99
1972	13,862		55,549	718,767	788,178	68	18
Total	91,406		840,066	1,598,275	2,529,747		

See footnotes at end of table.

APPENDIX IX—Continued

BLOC ACTION GRANTS AWARDED BY THE 50 SPA'S FOR CORRECTIONS PROJECTS FROM FISCAL YEARS 1969-72 FUNDS AS OF MAR. 31, 1972—Continued

State and fiscal year	Probation	Parole	Correctional institution	Community-based corrections	Total	Percent of awarded funds awarded to corrections projects	Percent of allocated funds awarded
Kansas:							
1969	$28,850	$30,000	$6,978	$21,920	$87,748	34	94
1970	102,834	58,112	168,516	353,408	682,870	33	99
1971	360,459	66,290	361,344	191,244	979,337	32	74
1972	50,000		113,929		163,929	22	15
Total	542,143	154,402	650,767	566,572	1,913,884		
Kentucky:							
1969			40,077	70,838	110,915	28	100
1970	93,626		292,562	182,012	568,200	20	100
1971	553,635		560,997	425,722	1,540,354	34	74
1972			450,000		450,000	38	17
Total	647,261		1,343,636	678,572	2,669,469		
Louisiana:							
1969			29,286	17,160	46,446	10	100
1970	75,760		379,401	279,112	734,273	22	99
1971	393,807		1,972,570	313,560	2,679,937	43	86
1972	53,659		1,046,856	295,955	1,396,470	37	47
Total	523,226		1,428,113	905,787	4,857,126		
Maine:							
1969	3,000		10,761		13,761	12	99
1970	4,293		57,481		61,774	6	97
1971	79,043		374,291	71,891	525,225	29	92
1972			27,982	8,147	36,129	5	34
Total	86,336		470,415	80,038	636,889		
Maryland:							
1969			19,796	17,696	37,492	8	99
1970			118,090	448,650	566,740	17	99
1971	19,811		43,102	1,404,990	1,467,903	20	94
1972							(1)
Total	19,811		180,988	1,871,336	2,072,135		
Michigan:							
1969	16,300				16,300	2	94
1970	62,834		331,809	1,316,437	1,711,080	23	96
1971	646,269		2,453,559	2,202,311	5,302,139	33	94
1972	41,600	72,000	1,259,349	1,706,770	3,079,719	65	24
Total	767,003	72,000	4,044,717	5,225,518	10,109,238		
Minnesota:							
1969			33,045	27,203	60,248	14	98
1970	82,408		212,034	276,737	571,179	17	98
1971	185,630		536,565	837,126	1,559,321	23	95
1972	79,423		1,692,376	415,846	2,187,645	74	35
Total	347,461		2,474,020	1,556,912	4,378,393		
Mississippi:							
1969			19,215		19,215	7	100
1970	61,335		143,303		204,658	10	99
1971	30,205		621,437	307,218	958,860	27	86
1972							(1)
Total	91,560		783,955	307,218	1,182,733		
Missouri:							
1969	48,844		94,781	29,000	172,625	31	100
1970	267,393		422,042	109,882	799,317	19	99
1971	468,665		1,996,335	1,248,896	3,713,896	45	86
1972	947,523		804,021	776,863	2,528,407	40	61
Total	1,732,425		3,317,179	2,164,641	7,214,245		

See footnotes at end of table.

APPENDIX IX—Continued

BLOC ACTION GRANTS AWARDED BY THE 50 SPA'S FOR CORRECTIONS PROJECTS FROM FISCAL YEARS 1969-72 FUNDS AS OF MAR. 31, 1972—Continued

State and fiscal year	Probation	Parole	Correctional institution	Community-based corrections	Total	Percent of awarded funds awarded to corrections projects	Percent of allocated funds awarded
Montana:							
1969	$7,442		$9,436		$16,878	17	100
1970	41,170	$2,678	50,150	$42,989	136,987	20	100
1971	72,420		74,584	245,282	392,286	32	75
1972		7,470	4,509	18,959	30,938	10	19
Total	121,032	10,148	138,679	307,230	577,089		
Nebraska:							
1969	225		6,011		6,236	4	98
1970	24,211		25,138	10,410	59,759	5	99
1971	158,643		378,965	91,652	629,260	25	91
1972				20,000	20,000	4	14
Total	183,079		410,114	122,062	715,255		
Nevada:							
1969			3,000		3,000	3	96
1970	10,702		34,608	900	46,210	10	91
1971	239,984	39,800	132,883	273,329	686,095	75	79
1972	5,233		35,954		41,187		(1)
Total	255,919	39,899	206,445	274,229	776,492		
New Hampshire:							99
1969							
1970	31,300	21,400	38,190	17,610	108,500	16	96
1971	86,282	1,000	131,761	119,931	338,974	26	84
1972	15,406		69,208	19,300	103,914	15	41
Total	132,988	22,400	239,159	156,841	551,388		
New Jersey:							
1969			93,039		93,039	11	100
1970	367,422	108,314	296,469	1,119,353	1,891,558	30	97
1971	78,458	66,129	858,300	2,723,936	3,726,823	41	68
1972							(1)
Total	445,880	174,443	1,247,808	3,843,289	5,711,420		
New Mexico:							
1969	7,308		650		7,958	7	98
1970	13,345		11,017	75,166	99,528	10	100
1971	52,959		136,686	26,942	216,587	13	71
1972							(1)
Total	73,612		148,353	102,108	324,073		
New York:							
1969	2,313,042	293,699	1,420,458	1,613,634	5,640,833	(2)	
1970	216,877		7,597,814	4,155,375	11,970,066	(2)	
1971	960,217	1,559,427		199,989	2,719,633	(2)	
1972			1,638,575		1,638,575	(2)	
Total	3,490,136	1,853,125	10,656,847	5,968,998	21,969,107		
North Carolina:							
1969				19,981	19,981	4	88
1970	132,213		137,162	89,640	359,015	8	100
1971	5,368		479,345	425,871	910,584	10	96
1972							2
Total	137,581		616,507	535,492	1,289,580		
North Dakota:							
1969			6,000		6,000	6	99
1970	9,222		38,065	129,834	177,121	29	99
1971			55,277	80,636	135,913	13	71
1972			4,865	16,000	20,865	4	32
Total	9,222		104,207	226,470	339,899		

See footnotes at end of table.

APPENDIX IX—Continued

BLOC ACTION GRANTS AWARDED BY THE 50 SPA'S FOR CORRECTIONS PROJECTS FROM FISCAL YEARS 1969-72 FUNDS AS OF MAR. 31, 1972—Continued

State and fiscal year	Probation	Parole	Correctional institution	Community-based corrections	Total	Percent of awarded funds awarded to corrections projects	Percent of allocated unds awarded
Ohio:							
1969			$135,923		$135,923		(1)
1970	$130,770	$164,792	1,597,076	$466,054	2,340,692		(1)
1971	471,433		2,053,581	1,957,171	4,482,185		(1)
1972							(1)
Total	602,203	164,792	3,768,580	2,423,225	6,958,800		
Oklahoma:							
1969	30,000		3,000		33,000	11	100
1970			275,300	362,782	638,082	29	95
1971	357,896	825	270,808	453,383	1,092,912	28	84
1972			347,000		347,000		(1)
Total	397,896	825	896,108	816,165	2,110,994		
Oregon:							
1969			7,500	9,494	16,994	7	100
1970	25,373		563,763	121,069	710,205	40	97
1971	34,843		709,614	589,626	1,334,083	42	84
1972	5,000		28,860	85,874	119,734		(1)
Total	65,216		1,309,737	806,063	2,181,016		
Pennsylvania:							
1969	39,958		108,357	18,538	166,853	12	99
1970	482,926		258,960	534,335	1,276,221	12	99
1971	569,376		1,123,820	730,713	2,423,909	20	53
1972	175,574				175,574	28	2
Total	1,267,834		1,491,137	1,283,586	4,042,557		
Rhode Island:							
1969	50,000				50,000	45	100
1970			62,474	118,270	180,744	20	100
1971	18,433		141,354	150,944	310,731	18	90
1972				102,444	102,444	15	31
Total	68,433		203,828	371,658	643,919		
South Carolina:							
1969	7,423		9,188		16,611	5	100
1970	13,140		272,947	20,789	306,876	13	100
1971	21,256		65,015	36,480	122,751	3	95
1972	8,850		45,511	64,950	119,311	4	49
Total	50,669		392,661	122,219	565,549		
South Dakota: [3]							
1969			5,048		5,048		
1970	4,252,259	120	8,214,098	20,743	12,487,220		
1971	12,027,558	728	264,211	2,551,350	14,843,847		
1972							
Total							
Tennessee:							
1969			91,966		91,966	19	100
1970	12,325		633,409	70,256	715,990	21	94
1971	749,333		953,665	209,520	1,912,518	30	90
1972							(1)
Total	761,658		1,679,040	279,776	2,720,474		
Utah:							
1969	21,673		5,285		26,958	22	98
1970	65,922	54,304	104,075	262,755	487,056	56	87
1971	53,410		33,871	152,273	239,554	14	89
1972	106,606		62,607	131,127	300,340	35	36
Total	247,611	54,304	205,838	546,155	1,053,908		

See footnotes at end of table.

APPENDIX IX—Continued

BLOC ACTION GRANTS AWARDED BY THE 50 SPA'S FOR CORRECTIONS PROJECTS FROM FISCAL YEARS 1969–72 FUNDS AS OF MAR. 31, 1972—Continued

State and fiscal year	Probation	Parole	Correctional institution	Community-based corrections	Total	Percent of awarded funds awarded to corrections projects	Percent of allocated funds awarded
Vermont:							
1969	$9,360	----	$12,157	----	$21,517	22	99
1970	38,956	----	33,764	$28,718	101,438	20	100
1971	14,106	----	136,026	41,095	191,227	24	86
1972	----	----	26,000	23,886	49,886	10	47
Total	62,422	----	207,947	93,699	364,068	----	----
Washington:							
1969	----	----	19,773	8,200	27,973	(1)	----
1970	60,851	20,180	231,626	449,970	762,627	(1)	----
1971	113,105	616,362	522,925	623,079	1,875,471	(1)	----
1972	286,423	102,661	657,760	739,404	1,786,248	(1)	----
Total	460,379	739,203	1,432,084	1,820,653	4,452,319	----	----
West Virginia:							
1969	----	----	19,472	2,306	21,778	10	98
1970	27,587	----	342,205	223,949	593,741	37	99
1971	27,076	----	278,997	134,123	440,196	20	65
1972	----	----	----	----	----	----	5
Total	54,663	----	640,674	360,378	1,055,715	----	----
Wisconsin:							
1969	28,386	----	14,000	3,933	46,319	9	99
1970	9,689	74,712	188,635	207,143	480,179	13	95
1971	1,113,736	----	712,154	525,797	2,351,687	32	90
1972	16,000	----	165,162	225,417	406,579	12	34
Total	1,167,611	74,712	1,079,951	962,290	3,284,764	----	----
Wyoming:							
1969	720	----	----	----	720	1	100
1970	4,500	----	25,225	50,000	79,725	16	100
1971	16,742	----	144,201	153,148	314,091	36	94
1972	----	----	----	----	----	----	(1)
Total	21,962	----	169,426	203,148	394,536	----	----
American Samoa—No awards reported.							
Guam:							
1969	----	----	----	20,000	20,000	50	100
1970	----	----	42,022	----	42,022	22	100
1971	----	----	139,531	----	139,531	56	86
1972	----	----	----	58,500	58,500	----	(1)
Total	----	----	181,553	78,500	260,053	----	----
Puerto Rico:							
1969	----	----	84,078	27,891	111,969	34	100
1970	83,200	69,639	78,438	995,686	1,226,963	50	99
1971	31,737	77,478	688,733	863,191	1,661,139	47	74
1972	----	----	----	----	----	----	4
Total	114,937	147,117	851,249	1,886,768	3,000,071	----	----

See footnotes at end of table.

APPENDIX IX—Continued

BLOC ACTION GRANTS AWARDED BY THE 50 SPA'S FOR CORRECTIONS PROJECTS FROM FISCAL YEARS 1969-72 FUNDS AS OF MAR. 31, 1972—Continued

State and fiscal year	Probation	Parole	Correctional institution	Community-based corrections	Total	Percent of awarded funds awarded to corrections projects	Percent of allocated funds award d
Virgin Islands:							
1969							100
1970	$5,000		$75,000	$10,000	$91,000	46	100
1971	20,000		90,000		110,000	44	91
1972							16
Total	26,000		165,000	10,000	201,000		

[1] No SPA prepared financial report available at LEAA headquarters.
[2] GMIS data incorrectly shows the SPA awards for corrections projects because the proper fiscal year funds could not be identified for all projects.
[3] Financial reports submitted by SPA indicate that the information for the State should be as follows:

South Dakota:							
1969			$5,048		$5,048	5	100
1970	$12,683	$120	94,287	$20,743	127,833	21	92
1971	10,830	728	264,211	93,377	369,146	39	77
1972							(1)
Total	23,513	848	363,546	114,120	502,027		

APPENDIX X

DISCRETIONARY GRANTS AWARDED TO 50 SPA'S FOR FISCAL YEARS 1969 THROUGH 1972 AS OF MAR. 31, 1972

State	Probation	Parole	Correctional institution	Community-based corrections	Total
Alabama	$480,114		$561,957	$229,049	$1,271,120
Alaska	73,742		224,580	163,970	462,292
Arizona	390,625		293,835	258,422	942,882
Arkansas			331,274	68,587	399,861
Colorado	215,000	$29,162	52,602	246,306	543,070
Connecticut	307,224		261,357	399,594	968,175
Delaware	19,440		60,092	427,730	507,262
District of Columbia		27,400	958,397	3,090,000	4,075,797
Florida	246,818		1,162,896	912,141	2,321,855
Georgia			507,367	322,114	829,481
Hawaii	8,000			149,775	157,775
Idaho	254,913		402,477	4,421	661,811
Indiana	185,243		326,509	86,095	597,847
Iowa	24,176		7,500	298,660	330,336
Kansas	266,272		242,489		508,761
Kentucky	146,998		522,086	293,216	962,300
Louisiana	416,220		330,040	610,561	1,356,821
Maine			327,067		327,067
Maryland	100,500		237,630	665,384	1,003,514
Michigan	302,448		691,907	931,377	1,925,732
Minnesota	228,359	138,637	25,000	50,735	442,731
Mississippi			1,098,750	250,000	1,348,750
Missouri	148,703		272,053	421,294	842,050
Montana		24,850		64,929	89,779
Nebraska			214,836	490,056	704,892
Nevada	45,380		108,983	100,000	254,363
New Hampshire			371,281	53,990	425,271
New Jersey			252,330	551,210	803,540
New Mexico	93,938	84,315	394,370	52,925	625,548
New York	327,994		529,878	1,348,846	2,206,718
North Carolina			538,153	597,101	1,135,254
North Dakota			8,000		8,000
Ohio	400,000	88,021	1,521,572	807,181	2,816,774
Oklahoma	300,000		340,000	288,131	928,131
Oregon	309,667		920,884	202,485	1,433,036
Pennsylvania	658,245		102,637	915,697	1,676,579
Rhode Island	8,760		331,450	81,673	421,883
South Carolina	247,592	87,923	1,070,499	364,433	1,770,447
South Dakota	118,839				118,839
Tennessee	250,000		441,147	375,371	1,066,518

APPENDIX X—Continued

DISCRETIONARY GRANTS AWARDED TO 50 SPA'S FOR FISCAL YEARS 1969 THROUGH 1972 AS OF MAR. 31, 1972

State	Probation	Parole	Correctional institution	Community-based corrections	Total
Utah	$84,000		$6,500	$255,003	$345,503
Vermont			6,500	126,832	133,332
Washington	111,850		400,030	259,547	771,427
West Virginia	325,000		257,338	49,000	631,338
Wisconsin	825,000			147,863	972,863
Wyoming				76,892	76,892
Puerto Rico		$50,000	8,000	139,145	207,145
Virgin Islands			743,375	20,000	763,375
Total	7,921,060	540,308	17,465,628	17,247,741	43,174,737

[1] GMIS did not contain any corrections projects for American Samoa and Guam.

APPENDIX XI

FUNDS AWARDED FOR CORRECTIONS PROJECTS BY THE NATIONAL INSTITUTE FOR LAW ENFORCEMENT AND CRIMINAL JUSTICE, FISCAL YEARS 1969 THROUGH 1972 AS OF MAR. 31, 1972

Fiscal year	Probation	Parole	Correctional institution	Community-based corrections	Total
1969	$68,353	$11,540	$117,222	$14,650	$211,765
1970	21,706		308,667	19,848	350,221
1971	349,060	236,727	629,641	327,510	1,542,938
1972	177,829	220,685	964,626	150,004	1,513,144
Total	616,948	468,952	2,020,156	512,012	3,618,068

Mr. KASTENMEIER. While the GAO study did not evaluate programs but rather was concerned with funding approaches, defects do appear in the current operation of LEAA. One defect which becomes clear is the failure of the Law Enforcement Assistance Administration to define the term "corrections." Obviously, this is a crucial definition, since part E funding, as provided in existing law (42 U.S.C. 3750), is for the purposes of "construction, acquisition, and renovation of correctional institutions and facilities, and the improvement of correctional programs and practices."

Moreover, inasmuch as part C funds are also available for corrections, although not specifically required to be used for such purposes, the same problem of lack of definition applies with equal force to part C. I would note, in passing, that the administration proposal is also silent on the definition of "corrections."

Because of this lack of definition, projects only peripherally involved with corrections are designated as such and thus made eligible for utilization of part E funds, to the detriment, I would suggest, of the needs of those which are legitimately denominated as corrections endeavors and as to which the Congress, by passage of part E, indicated its particular emphasis.

Another problem which appears in the GAO study is the failure by the States, or at least some of them, to in fact award the funds they receive as bloc grants. Thus, as of December 31, 1972, California had allocated only 51 percent of the fiscal year 1972 bloc grant funds received; in Virginia, the figure was 28 percent.

Compounding the problem of lack of utilization of funds is the fact that in some States, at least, corrections apparently is being underfunded, even by the measure of part E alone. Thus, in California, as of December 31, 1972, only 14 percent of the fiscal year 1972 bloc grants had been allocated to corrections; in Virginia, the figure is 15 percent.

I realize that this issue of funding is a most complex one, but I must dwell on it for a moment to further demonstrate the underfunding of corrections. As you know, part E specifically sets aside a certain percentage for corrections—approximately 16⅔ percent of the total appropriated for LEAA. But this is not the limit of available resources for corrections, since part C, the conduit of almost all of the remaining 83⅓ percent of LEAA funds, may also be used for corrections.

Thus, if only 14 percent of California's LEAA bloc grants—which is the sum of both part C and part E bloc grants—is being allocated to corrections, this means that no part C funds are being used at all. This, it appears to me, is in contravention of 42 U.S.C. 3750a(3), one of the criteria established for part E funding, which requires that the application incorporated in the State plan:

> Provides satisfactory assurances that the availability of funds under this subchapter shall not reduce the amount of funds under subchapter III of this chapter which a State would in the absence of funds under this subchapter, allocate for purposes of this part...

Rather than part E having accomplished an increase over and above what would have been funded under part C, it seems to have had the effect of removing part C as a source of funding for State and local corrections programs.

Now, to be fair, I want to point out that this situation—which exists in California and Virginia—is made somewhat hazy by virtue of the fact that these two States had not completed distribution of all their fiscal year 1972 funds, and thus the percentage figures could change once all distribution of bloc grants is completed. Moreover, in the three other States studied by GAO, this situation did not pertain, the distributions for corrections in fiscal year 1972 being 23 percent in Illinois, 38.7 percent in Massachusetts, and 19 percent in Texas.

In light of these apparent difficulties in getting LEAA funds to corrections programs, I would suggest to the subcommittee two steps it might take. First, facing the reality that the existence of part E probably will inevitably result in some diminution of funding of corrections through part C, the percentage figure of the amount allocable to part E, which is provided in 42 U.S.C. 3768, should be raised from 20 to 30 percent.

Second, the term "corrections" should be defined statutorily. One possible definition would be:

> Any program or activity which addresses the neeeds of individuals who have been processed through the courts for a criminal or quasi-criminal offense, whether or not convicted thereof, or as to whom such processing has been deferred or terminated by reason of participating in a program or activity designated as an appropriate alternative to such processing.

While this definition is not perfect, I believe it would adequately cover the programs ranging from pretrial diversion through probation, incarceration, and parole, to assistance to ex-offenders. It would also

cover such alternatives to the criminal process as drug addicts' rehabilitation center and alcoholics detoxification centers.

ADDITIONS TO PART E

As the chairman knows, inasmuch as he is a sponsor of this legislation, my subcommittee has before it the Parole Reorganization Act of 1973. Title II of this bill amends part E of the Omnibus Crime Control and Safe Streets Act by requiring the establishment of due process parole procedures as a condition precedent to receiving part E funds. I would of course be gratified to see this title engrafted onto the bill which this subcommittee reports out.

In addition, I think there are other criteria or guidelines which could well be added—for example, a requirement for the establishment of a code of prisoners' rights, such as that proposed by the National Council on Crime and Delinquency.

While I think the establishment of criteria of this nature would be a welcome improvement to part E, I recognize that pragmatically their addition to the legislation which the subcommittee will report out is a dubious exercise. I do not believe that they would be retained throughout the process of congressional consideration and, even if they did succeed in getting through this subcommittee, they would be stricken at some later point. This probably would be a harmful result and would make our work that much more difficult in achieving meaningful prison reform.

Thus, while I would suggest such action for the consideration of the subcommittee, and will of course be happy to assist in any way I can, I recognize the wisdom of deferring such action to a later date.

However, there is one provision which I would like to recommend for adoption, no matter the nature of the bill reported. This concerns the applicability of the Davis-Bacon Act to the Law Enforcement Assistance Administration. This act, sections 276 and the following of title 40 of the United States Code, required that the prevailing wage be paid to all individuals engaged in construction work to which the United States is a party by virtue of contract.

Notwithstanding the seemingly broad coverage of the Davis-Bacon Act, the Law Enforcement Assistance Administration takes the position that it does not apply to LEAA activities. By letter of March 28, 1973, Mr. Dean Pohlenz, Assistant Administrator of LEAA, has informed me:

> It is our understanding that the Davis-Bacon Act applies only to Federal construction authorized by legislation which incorporates the Davis-Bacon Act by reference. The Office of Management and Budget Circular No. A–102 of September 8, 1972, Attachment O, page 5, requires the inclusion of a provision for compliance with the Davis-Bacon Act in grant programs only "[w]hen required by the Federal grant program's] legislation . . ." Since LEAA's legislation does not incorporate the Davis-Bacon Act, we are of the opinion that it's regulations do not apply to construction projects using LEAA funds. This office has also contacted the Department of Labor and they concur with our conclusions . . .

The Davis-Bacon Act should apply to LEAA-funded activities, which do, pursuant to existing 42 U.S.C. 3750b, provide for grants to be made for the construction and renovation of correctional institu-

tions and facilities. A like provision concerning construction is included in H.R. 5613, in section 303(b).

My reason for urging applicability of the Davis-Bacon Act lies in the fact that there is currently being constructed in one Southwestern State, a center for continuing education in criminal justice. This institute is being built by the State Department of Corrections and will be operated by the department along with a State university.

The builders of this edifice are prison inmates, to whom have been allocated $140,000, figured at a pay rate of $4.07 per day for an 8-hour working day, for a 4-day work-week. This comes out to wages of 50 cents an hour, a rate of payment perhaps common in the sweatshops at the turn of the century but certainly unacceptable today.

In addition, I am informed that a State prison is also being built in the same State with inmate labor. The cost of the prison is figured at $2.5 million, but it is estimated that it would cost $8 million were the inmates paid the prevailing wage. Again, LEAA funding is involved.

I do not think that the Federal Government should be in a position of participating in this exploitation of inmate labor. If men confined in prisons are to be working on federally assisted projects, they should be paid the prevailing wage at least.

Moreover, I do not think the Federal Government should be in the position of funding projects which use cheap labor, creating an unmatchably competitive labor pool for workers in the free world.

Consequently, I recommend the inclusion of the following language in whatever legislation is reported by the subcommittee. This language, I would note, is analogous to section 1232b of title 20, which makes the Davis-Bacon Act applicable to construction projects assisted under Federal education programs. The language follows:

> All laborers and mechanics employed by contractors or subcontractors, or grantees on all construction and minor remodeling projects assisted under any applicable program shall be paid wages at rates not less than those prevailing on similar construction and minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 276c of Title 40.

CONCLUSION

In brief summary, I would urge rejection of the Law Enforcement Revenue Sharing Act of 1973. I further urge retention of part E, as amended by the suggested changes I have offered. I think this subcommittee, acting in accordance with these suggestions, will help to ensure a growing and more effective Federal role in the urgent area of corrections reform.

Chairman Rodino. Thank you, Mr. Kastenmeier. There is no question in my mind but that the experience that you, as chairman of your subcommittee, have brought to bear here this morning, is going to be of immense value to us as we consider this revenue-sharing proposal. I think your analyses are very sharp and cogently presented by your statement, and we are going to pay close attention to your recommendations.

I would like to ask several questions, Mr. Kastenmeier, that are rather specific. One, you mention the suggestion that Congress insure the applicability of the Davis-Bacon Act to LEAA projects. I, for one, believe, that this is certainly a valid question for consideration by this committee.

Would you happen to know if organized labor has taken a position concerning this problem, and then can you in some way give me your own comments as to LEAA's failure to have done anything in this area while, I know, Davis-Bacon is being applied to educational programs.

Mr. KASTENMEIER. Mr. Chairman, we have conducted, at staff level, inquiries with the AFL–CIO. While I don't think they have a public position, I am confident, from these discussions, as I understand them, that if the chairman were to direct an inquiry of the AFL–CIO, they would indicate their support for the recommendation I have made.

And the recommendation I make grows out of a need felt to accord prison labor what it is, in fact, entitled to. I think eventually the States, as well as the Federal Government, are going to have to pay individuals what they are worth.

One of the problems—this is sort of a social problem within corrections—is that the individuals involved, who are removed from their families, cannot even earn enough in prison to support them. While not all prisoners have families, nor would all prisoners feel deeply about supporting them, many do and would. The bar to their doing so is a significant preventative in maintaining family ties and a cohesive family unit.

I think eventually some realistic wage will have to be paid to all prison labor in America, and it ought to be paid. This is at the heart of my suggestion. In this one area, it seems indefensible that we continue to do as we have done in the past.

Chairman RODINO. You mention a situation where inmates are receiving the rate of 50 cents an hour on LEAA-funded projects. We don't know actually what wages the inmate really pockets out of this because room and board is taken out and so are taxes. Do you have any information as to pay rates generally for prisoners working in the prisons?

Mr. KASTENMEIER. It varies greatly from one jurisdiction to another. Fifty cents an hour is very high, may I say, compared to the levels at which some prisoners are compensated. In Delaware, for example, prisoners are paid 23 cents to 83 cents per day for compensation. In Arizona, it is as low as 2 cents an hour.

This situation is being upgraded in some States, and the thrust of my suggestion here is to insist that the Federal Government provide a standard which eventually, I think, if not duplicated, can be approached by the States.

Chairman RODINO. When you say, along those lines, that prisoners' rights is an issue in which the Federal Government has a proper interest, do you see a funding mechanism such as LEAA as a means of getting the States to recognize these rights by making enactment of prisoners' rights a condition precedent to the receipt of LEAA funds?

Mr. KASTENMEIER. Indeed, prisoners' rights are a very proper and

real concern. I think the bill before you makes it somewhat difficult because, while the bill does refer to standards, no one is given any authority under LEAA to set up the standards or enforce them. At least under existing law, LEAA can set "basic criteria" under section 3750c.

As I have suggested before, we are now finding out, through the courts, that prisoners' rights raise constitutional issues and, I think it is only a matter of a few years before Federal and State jurisdictions in one form or another will, willingly or by necessity, take fuller recognition of these rights.

Certainly this bill is an appropriate vehicle for that recognition, although it is not an easy question.

Chairman RODINO. You make reference to the GAO report which was requested by you. Does that study show any areas of corrections which seem to be underfunded?

Mr. KASTENMEIER. Yes; I think consistently the area of parole is underfunded. This is quite unfortunate. We know buildings have to be built, and that some of the tremendous investment made in corrections has tended to go into steel and concrete in the past, but we also know that nearly every prisoner does eventually leave prison, and a high percentage of these leave as parolees.

Particularly the first few months of freedom are a sensitive time because that is when the man or woman has to make a decision whether he or she is going to be able to go straight, so to speak. This is where the sort of parole program we have has to be most effective and most responsive to the needs of this individual, and this is the juncture at which society certainly has a great interest in terms of its own protection to insist that our parole programs and parole systems are as competent and effective as possible in meeting the needs of both the ex-offender and society. This is one area that is definitely underfunded, and I would hope that in the future we will see a greater effort made.

Chairman RODINO. Mr. Kastenmeier, I know that in your visits to the various States your primary inquiry was not specifically the utilization of LEAA funds, but did you, as a matter of fact, in the course of these visits, have an opportunity to raise the issue of the utilization of LEAA funds in the prison area?

Mr. KASTENMEIER. Yes, there were occasions, Mr. Chairman, when this did come up. I think in California, for example, the entire subcommittee was distressed to see and learn that a very sizable amount—some $700,000—was being devoted to a totally obsolete detention center, the Santa Rita Rehabilitation Center, which is something out of another generation. And we recently learned that they are in the process of building a totally new facility at a cost of some $10 million, added evidence that the earlier investment was wasted. This money was applied to something which was obsolete, which was virtually incapable of being improved. This was a jail with overhead ramps looking down on virtual "tiger cages," and it was one of the worst places we found.

There are a number of other areas where I think there is a good question as to whether the LEAA grants were appropriately made, or at least whether the judgment concerning them was the best that could be exercised under the circumstances. Certainly investments in things

which are already obsolete are the sort of things we could not condone.

But as you pointed out, investigation of LEAA was not our major purpose; it was very incidental to our visits to interest ourselves in LEAA. And many of the facilities, of course—Federal facilities and others—LEAA wasn't reaching at all. It was only certain local facilities we did mention.

Our feeling was, incidentally, that because of the high mobility of population; because the Federal Government uses local facilities—State and local facilities—for Federal prisoners and does have guidelines as to them in this context; and because of the constitutional rights involved, there is a Federal interest in State and local corrections, which have been, I think, in years past, largely left untended by the Federal Government. We are trying to redress this and give State and local corrections the sort of attention appropriate, I think, for the Congress, and part of our effort, a very small part, has concerned LEAA.

Chairman RODINO. Mr. Kastenmeier, are the changes you recommend in terms of percentages the minimal changes or minimal percentages you would like to see enacted or would you think any movement to increase corrections money would be helpful?

Mr. KASTENMEIER. I would not like to characterize them as "minimal"; I think they are appropriate. The emphasis has been just recently to devote a little more money—I am talking of recent historical processes in terms of criminal justice—to corrections.

My proposals and percentages reflect that slight upward curve in terms of our total investment in the belief that corrections has been more neglected than other aspects of criminal justice in the past, for obvious reasons. We now perceive—in light of recidivism, rates, if nothing else, that society's interest in corrections is urgent.

While I would commend the figures I have used, it would, I suppose, be possible to write some other formulation. Whatever that might be, I would hope it would represent an advance in terms of commitment on the part of the Congress in the field of corerctions.

Chairman RODINO. Thank you, Mr. Kastenmeier. Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Chairman. I am very happy to have the testimony of our colleagues on the full committee, Mr. Kastenmeier, this morning. I have only a couple of questions.

Do you agree with me, Mr. Kastenmeier, that, constitutionally, it would be permissible to require the labor of prison convicts without any payment at all?

Mr. KASTENMEIER. I am sure we proceeded that way; for example, in Texas there is no compensation whatsoever for inmate labor pay.

But I am less certain than I would have been a few years back.

Mr. HUTCHINSON. I invite your attention to the 13th amendment. It prohibits within the United States slavery and involuntary servitude "except as punishment for a crime." In view of the express exception, such a practice would seem permitted by the Constitution.

Mr. KASTENMEIER. I wouldn't argue the Constitution; it would be a matter of changing public policy. For example, we find other language in the Constitution which must have seemed precise at one time regarding cruel and unusual punishment, yet the meaning of this language is obviously being considered in a new light.

While I would not quarrel with your analysis, I have never defended payment of labor on constitutional grounds. I think as a matter of public policy it is a wiser course.

Mr. HUTCHINSON. My only other question, Mr. Kastenmeier, if you care to respond to it, is: In your view, what, if any, differences are there between the civil rights of those who are incarcerated in prisons for having been convicted of a crime and the civil rights of the rest of the citizens of the country? Do you think that convicted felons should, as a matter of public policy, have all of the civil rights except perhaps for the one limitation that they have to live in a prison?

Mr. KASTENMEIER. It is obvious they do not have, have not had, and will never have all the rights of other people. The first right they have lost, of course, is the right of freedom of movement. On the other hand, in the past, we have considered them in a class by themselves with regard to virtually any rights.

However, we have also considered that the only punishment, by and large, we should extract from them is denial of liberty. That is to say, I think we all agree today that no brutality ought to be imposed on a prisoner; and, furthermore, loss of certain other privileges and rights is unnecessary with respect to the prisoner's loss of freedom.

If there appears to be no relationship between the right denied and the needs of prison administration, it is a good question whether a prisoner can be denied this right. I suggest that the law is in transition now on that question—for example, on the issue of the right of communication by means of the mail. Can that letter be intercepted and, not for good cause, we will say, be censored or forbidden as far as delivery? Some of these formerly administrative questions are now appearing as legal questions in terms of deprivation of basic rights.

We are aware, of course, that inmates may not vote and ex-offenders are not necessarily restored, in many jurisdictions, to all of their former rights—those rights and privileges exercised by other citizens. I think, incidentally, we are moving away from that; we are moving toward actual restoration, particularly for ex-offenders. We find it in society's interest to do so, by and large. I would say the right to vote would be included in this.

Then there is the area of whether a prisoner has any rights with respect to adjudication settings in prison—does he have any due process rights; can you change his circumstances—such as imposing solitary confinement upon him for extended periods of time—without his having any access to some form of hearing? Of course, in the past, this has been denied him.

The courts are now wrestling with some of these questions and they are moving in the direction of concluding that a prisoner does have certain rights with denial of rights being appropriate only when such demand is absolutely essential in maintaining a state of separation from society.

It is clear, in the past, that prisoners have not had the civil rights of other citizens. It also seems to me to be clear today, in terms of the courts, reconsideration of any rights they might have, constitutionally or otherwise, that this situation is changing, and I think we are finding out they do have some rights unrecognized previously. This process of change, of course, does vary from jurisdiction to jurisdiction.

Mr. HUTCHINSON. Do you think that the Congress should make uniform throughout all the States such rights of prisoners as it thinks society should recognize?

Mr. KASTENMEIER. I think that that might be desirable. I am not sure I would legislatively proceed in that direction. The judgment would have to be made first whether there should be a code of prisoners' rights? If so—if you answer yes, and if you made it merely conform to what is existing law as handed down by judicial decision, even then there would be a substantial change in the statutes.

Then, the second question would be: Should it serve merely as a model for the States? If you rely exclusively or primarily on the constitution in setting out these rights, then such a code should apply to all people incarcerated, all citizens. If you do not, I suppose you could use a Federal model and urge the States to follow. As we well know, the LEAA could be an instrument for providing guides and sometimes mandates to the States in terms of what seems to us to be reasonable, minimal national policy.

Mr. HUTCHINSON. Thank you, Mr. Kastenmeier.

Chairman RODINO. Thank you, Mr. Hutchinson. Ms. Jordan.

Ms. JORDAN. Mr. Kastenmeier, when you refer to the problems of prisons in transition or in the process of changing, I think you are reflecting the confusion which exists in the minds of all citizens in this country as to just what role a prison ought to have in terms of the administration of justice.

I wonder if you could just state, as succinctly as you can, your own personal view of: Why prisons?

Mr. KASTENMEIER. That is a very difficult question. It is a good question, an honest question, and I might add parenthetically that many prison administrators cannot answer that question, at least as they interpret what society wants them to do.

I personally reject the notion of retribution as part of the reason for prisons. But I do think prisons, whether we always have them or whether, in due course, they will be replaced by something less dreadful, do serve certain functions. They serve, presumably, as a deterrent, they fail as a specific deterrent because we see people committing crimes time and again and returning to these dreadful institutions. But we think they will deter reasonable people from antisocial acts, thereby serving as a general deterrent.

I do think that as to certain offenders, prisons serve to take out dangerous offenders; they serve as a protection for society. Presently we do not have the capacity or capability of treating some intractable offenders differently or, if we do, we are not willing to make that sort of investment. So one of the purposes of prison is to remove from society, for society's own protection, some individuals who are, in fact, dangerous. As I say, we are not willing to try other means. And in some cases we have no other means of treating these individuals.

Rehabilitation has often been suggested as a reason for prisons, but those of us who study the effectiveness of this are not convinced that we would place this very high, if at all, on the list of purposes being served, as I see it. I would merely say others see rehabilitation as one of the reasons for prisons; that is, that prisons should rehabilitate, remold the individual, and release that individual as a better person, more compliant with the society he left in terms of its rules.

As I say, I would not hold that out as a justification, since there is little to suggest that rehabilitation exists. And I would not suggest—although some do—that we ought to enable society to punish people in order for society to feel good by revenging itself on individuals. Some people quite seriously suggest that there has to be such an outlet for society.

I suggested we still use prisons as a general deterrent and still use them as devices to take dangerous offenders out of society. Eventually, I think, we would probably treat them in certain types of mental hospitals and perhaps other institutional care which may not be the same as behavior modification but at least does something better with these individuals than prison would ever do for them.

Ms. JORDAN. Many of the more blatant grievances of prisoners come from those who are incarcerated in the State penal institutions. I am wondering how, if we were to write into this bill a component related to LEAA money for corrections, we would insure that the State administrators would spend the money in such a way as to really correct the massive institutional failures that now exist under State administration.

If we just say, "This is for corrections," how do we know the State administrations or even the State legislatures—hard-liners in the main who feel people ought to be locked up and be treated all the same and not individually—how will we see any dollars and cents getting into the corrections area in a way that will improve the system? Without some articulated standards, we won't get better prisons, will we?

Mr. KASTENMEIER. Yes; that is the point—we won't. This is my major objection to the administration formulation with respect to corrections. If anything, there is nothing more unevenly applied throughout the States than the State and local administration of prisons and corrections. Without some sort of very strong Federal guidance, if not absolute mandate, the money indeed may be misapplied, and you will have no assurance that any standards are being adhered to.

Ms. JORDAN. Thank you, Mr. Kastenmeier.

Chairman RODINO. Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman. I want to commend the gentleman for his work on prison reform. I had the privilege of accompanying him and our colleague, Mr. Railsback, when we visited the Illinois Penitentiary at Joliet and Statesville, where we witnessed some innovative programs, such as study release programs.

Having some familiarity with the Illinois situation, I was always impressed with the emphasis given to vocational training programs in the penitentiaries. I know they have a limited effect. Nevertheless, woodworking, furnituremaking, farming, and the other activities they carry on there all seem to be to be contributing a useful service to the inmates which enables some of them to be restored to a useful life.

I am concerned about what the effect would be on these industrial training programs if the Davis-Bacon Act were applied. Would the State have to abandon them? What would be the source of the additional funds for these activities if we required that the Davis-Bacon Act apply to the expenditure of LEAA funds?

Mr. KASTENMEIER. Actually, the suggestion I made is a bit modest. It goes only to LEAA-funded projects.

Mr. McCLORY. I always regarded the inclusion of the Davis-Bacon Act requirements in legislation to require that a union labor job be performed; in other words, if you consider that prevailing wages are going to be paid for nonunion work, it is a little unrealistic.

Consequently, what would be involved as far as prison labor is concerned? Would we have a union inside the prison that would organize the prisoners to vote, pay union dues, and maybe go on strike because of working conditions, or more seriously, because of grievances?

Mr. KASTENMEIER. I don't anticipate that, but I honestly don't know. Although, as you know, inmates throughout the country, in one way or another, are tending to organize more, not along trade lines but in terms of prisoners' rights. Many of these organizations, of course, are supported by the prison administration; others are not, and certainly it serves as a source of irritation or conflict between the administration and inmates. I don't see it in the case the gentleman cites.

Mr. McCLORY. I am convinced, as you are, that the corrections system is bad and that these institutions are the very ones where we develop criminals instead of rehabilitating them, and yet I am not clear in my own mind in what direction the corrections system should move.

Specifically, should we go all out on study release programs, should we authorize industrial concerns to establish plants within prison walls, things of that nature? Therefore, I have been supporting a measure which, I believe, Congressman Railsback is the principal sponsor of to establish a Prison Reform Commission which would study these various specifics and then recommend to us what direction we should move. Do you think there is some validity to that approach?

Mr. KASTENMEIER. I am not familiar with the details of that proposal, and I am not absolutely certain that that would need to be a first step—that is to say, whether we are not able to do it without that commission. I think it is worth exploring as a first step—whether we should set up such a commission. I don't have a firm view but would be happy to discuss it further with you or our colleague.

Mr. McCLORY. Thank you for your testimony.

Chairman RODINO. Mr. Mezvinsky.

Mr. MEZVINSKY. Thank you, Mr. Chairman. Mr. Kastenmeier, I was interested in your response to Ms. Jordan's question: Why prisons? This raises the whole question, of course, of alternatives to incarceration. As I understand the present options, a judge may either place a convicted person in prison or on probation. Have you, or has subcommittee 3, explored the possibility of a third option—the development of halfway houses prior to or instead of prison rather than the halfway houses we know now that operate after prison terms? Couldn't this be a means of focusing more on the rehabilitative functions of the system?

Mr. KASTENMEIER. Yes; and in some jurisdictions, while it is early to assess this, it is largely a model program, but it has been undertaken.

Speaking for myself and not necessarily the subcommittee, I regard it as having enormous possibilities. I think clearly the most innovative and progressive State systems are moving in the direction of having preinstitutional halfway houses. In fact, a halfway-in house and a halfway-out house are both well conceived, I think.

There has, as you know, been some mixed experience in some areas, such as the District of Columbia, which we hear about a great deal. I am not sure everyone considers some of the experiments a success. I would submit, as I did in my statement, that the opportunity to develop such programs is undercut by the language in the administration bill; and, therefore, I would recommend against that language, concerning offender diversion programs. This is clearly something we have to encourage and continue to experiment with as an alternative to prison.

Mr. MEZVINSKY. In view of the high rate of recidivism that does exist, I gather, if I understand your remarks, that you believe if we focus on a prisoners' bill of rights and focus on upgrading conditions so that prison laborers get more than a 2-cent-an-hour wage, that the role of corrections would be better suited to genuine rehabilitation.

Would that be the real thrust of a prisoner bill of rights and isn't this why prisoners are focusing in this area? If this is the case, do we have any examples or have any studies been done that would point this out—that with a meaningful bill of rights, with human conditions to work under, that recidivism would diminish rather than increase?

Mr. KASTENMEIER. Before my own subcommittee in the last 2 years, we have had considerable testimony on this case. It is somewhat difficult to prove statistically up to this point, but nontheless enhanced rights and conditions seem to be favored by most professionals in the field—I am not talking of prison administrators, some of whom agree and some of whom disagree, and for whom management of the institution is the sina qua non. For them, if you make management more difficult, they will oppose you on it.

If we tend to treat prisoners more humanely with a somewhat more enlightened view, with the view that they are going to return to the general community, then in fact, they will respond positively. If you treat them as animals and cause them to be further embittered, you will far more likely have another problem on your hands once they get out, as they will.

Then too, this stress on rights is a piece of the upgrading in terms of human rights that we have experienced since World War II and even before, in the early part of the century. In light of concern for reforming the Congress and other institutions, in light of the reform of general voting in the national community, the concern for reform of our prisons, so as to treat the individuals better with a higher expectancy of them as a result, seems to be consistent, I would say that in an historical context, I think it is inevitable that we treat people better in general, and among those people are those we have in institutions, whether penal or otherwise.

Mr. MEZVINSKY. Thank you.

Chairman RODINO. Mr. Sandman.

Mr. SANDMAN. Mr. Kastenmeier, I couldn't agree more that corrections is an integral part of law enforcement, and I think we should devote more resources to its improvement.

A couple of questions that come to my mind: In most every jurisdiction today there is a program that permits inmates, during the last 6 months of incarceration, to have, if it is available, outside employment with the hope that, when they leave, they may be able to go to

a job. In those areas, do you feel that that kind of employment should fall under the Davis-Bacon Act provisions?

Mr. KASTENMEIER. Only if it is in connection with an LEAA-funded program. As I say, my own recommendation is somewhat limited.

In other respects, I would think the employment should, to the extent possible, bring the individual a real wage. In Wisconsin, we used to call it a Huber Act type of activity, where you have the inmate working out and returning to incarceration in the institution at night in terms of his confinement. I think various jurisdictions are moving in the direction of making sure he gets more pay, and he should get it.

Mr. SANDMAN. In many jurisdictions, the wages are fed back into the prison system. For when the inmate is paid, the prison system then makes a deduction equal to what this inmate's overall cost to that institution is, and all of the rest is put into an account, from which he gets 50 percent when he leaves, the other 50 percent going to his family. Do you think that is a good arrangement, or should the whole amount be kept in escrow for the prisoner?

Mr. KASTENMEIER. I have no particular criticism of that arrangement. I think the argument has been used, even by reformers, that if the prisoner is being paid a real wage, then his pay should be offset by an appropriate amount paid by him for room and board.

Also I find no difficulty with some sort of support for his family. How that is handled, what formula, I wouldn't necessarily want to fix. That is to say, I think some flexibility, depending on the jurisdiction or depending on how it conforms to other support programs where the male wage earner is supporting his family in that jurisdiction, is desireable.

Mr. SANDMAN. As to the prisoner's rights in the institution, don't you feel a large part of the problem has to do with keeping the inmate occupied? If that is so, should a prisoner be allowed to refuse work that he is supposed to do to keep him occupied? Does he have the right to refuse to work?

Mr. KASTENMEIER. The practice in many prisons is, as you know, to permit them to decline to work. I am constrained to agree that he ought to be able to decline work. Of course, he would get no pay. I don't attribute the discontent to the fact that he wouldn't be working. I say that because I think, based on experience as far as riot causation, it would be my guess that those who have caused the riots are, by and large, very active in the prison, among prisoners, and, by and large, have come to leadership by some means or another and probably work and take full advantage of the institution's programs as well as anybody else.

Mr. SANDMAN. Do you think they have the right to decline to keep themselves busy? The most dangerous prisoner, I think we all agree, is the idle person.

Mr. KASTENMEIER. I am not an expert in this. My offhand feeling would be that he ought to have a right to decline, although he should be counseled as to the benefits of education or work in the prisons, and I think he ought to be encouraged.

I would think you would have a major problem if a great institution had no one working. But I think an individual might have the right not to work for one reason or another.

Mr. SANDMAN. One last question, on David-Bacon. Many States, including the one in which I live, have what is known as a State-use program, where one particular institution, for example, manufactures clothes which can be used only in the system, and another institution produces agricultural products, and so on. Each has a credit with the other. From this there is communal enjoyment. The pay the prisoner gets is very small, but it has worked very well.

If the Davis-Bacon Act were to apply here, it would seem that the whole system would fall. Would you recommend that?

Mr. KASTENMEIER. One must recall that Davis-Bacon applies only to construction and again, secondarily, would apply only to LEAA-assisted programs. That is why I earlier suggested that you would have to see the limitation of the application of Davis-Bacon.

Mr. SANDMAN. You don't recommend that the Davis-Bacon provision apply beyond the expenditure of LEAA money?

Mr. KASTENMEIER. That is all I am recommending here. I would defer the question, I guess, to my own subcommittee, whether prisoners should get a minimum wage or something else. We are not talking of Davis-Bacon prevailing; we are talking about minimum wage for prison labor. This, it seems to me, is a more general question that would apply to the cases you cite. As I say, we have not reached that question yet but it will be an issue—whether a minimum wage should apply.

Mr. SANDMAN. I do agree with everything you have said insofar as corrections is concerned; it would be wise to spend an increased amount for that. By that do I understand you to mean that you want most of that money spent on items like probation and parole officers and those who would follow up on an after-care program? Is that what you want?

Mr. KASTENMEIER. Yes.

Mr. SANDMAN. I agree with that.

Now, what percentage of this money do you feel should be available for capital construction?

Mr. KASTENMEIER. I must say to my friend, I don't have a definitive amount for capital construction. My feeling is that this, however, should be somewhat limited because, with concrete and mortar and steel, we can only do so much. This is not really where the basic question lies. Of course, the basic act already provides for construction, and we are interested in new institutions that are far more effective, providing a better environment to do better things so long as you have incarceration of people. This is a part of it, but I would not think that the Federal program ought to be loaded very heavily on the construction end of it.

Mr. SANDMAN. No other questions.

Chairman RODINO. Thank you, Mr. Sandman.

Mr. Kastenmeier, I personally want to thank you again very much for having come to this subcommittee with your testimony and sharing with us the experience that you have developed over the years in this area of corrections. I am sure your views will be useful to the committee in its deliberations.

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Mr. KASTENMEIER. Thank you.

Chairman RODINO. The Chair would like to announce that Mr. Milton Rector, who was scheduled to appear here for the National Council on Crime and Delinquency, is unable to do so for reasons beyond his control. We will be most happy, however to accommodate any written statement he may wish to submit for the record.

This concludes the formal schedule of hearings, but the Chair reserves the right to schedule any future witnesses it may deem to be important. The record will remain open for statements until April 19.

The hearing is now adjourned.

[Whereupon, at 11:40 a.m. the subcommittee adjourned, to reconvene at the call of the Chair.]

APPENDIXES

Appendix A

Remarks by Hon. A. F. Hawkins Before the House Judiciary Committee

Mr. Chairman, members of the Committee, as chairman of the House Equal Opportunities Subcommittee. I would like to discuss with you what I regard as a major failing of Title I of the Safe Streets Act and its administration by the Law Enforcement Assistance Administration. I am referring specifically to the failure of the LEAA to meet its affirmative obligation to insure that the funds it distributes not only do not tend to support racial and sex discrimination but also work to reduce it. This obligation stems from the Fifth and Fourteenth Amendments and is reflected in the policy underlying Title VI of the Civil Rights Act of 1964, an act which this committee authored.

The LEAA has presided over the disbursement of $1½ billion of federal funds to the Nation's criminal justice agencies during the period of its existence. Yet, it has given only cursory recognition to the massive civil rights problems involved in the distribution of these sums. The criminal justice system is the system that deals most directly, and, frequently, most harshly with the poor and minorities. It has been often documented that each phase of the criminal justice decision making process is easily subject to discriminatory judgment and that in fact, minorities are usually treated unfairly. Nowhere is discrimination more evident than in the area of employment. In a report by the United States Commission on Civil Rights, *By All The People . . . For All The People*, it was pointed out that police departments made one of the poorest showings among state and local employers as an employer of minorities. Indeed, the continued poor performance of state and local employers generally forced the Congress into extending the protections of Title VII of the 1964 Civil Rights Act to these employees. That the Congress was justified in this observation can be attested to by the number of complaints already before the EEOC.

Of course, the areas of discriminatory impact of the criminal justice system are broader than employment. But the problem of employment discrimination among the criminal justice agencies is the one I regard as the most serious.

It should be obvious that minority citizens cannot be expected to have respect for an institution in which they know they can never be employed, or, even if they are employed, in which they will never be permitted to rise through the ranks. Complicated civil rights problems abound in the area of law enforcement. However, I maintain that the key to solving a great many of them is in promoting equal employment. When employment of criminal justice agencies is truly reflective of the communities in which they operate, other problems will begin to resolve themselves.

The LEAA has two powerful weapons which could enable it to become a leader in the federal effort against discrimination. These are Title VI of the Civil Rights Act of 1964 and regulations promulgated pursuant to the general rule making authority of the Safe Streets Act.

Rather than welcoming its responsibilities and fully utilizing the tools available to it, the LEAA has only recently admitted that it had a civil rights responsibility. The LEAA program was in operation for almost two years before a civil rights compliance office was established or regulations issued to implement the Title VI mandate.

In July 1970, the office of Legal Counsel of the Department of Justice (then headed by William Rhenquist) issued a legal position letter attempting to justify the inaction of the previous two years by declaring that Title VI of the Civil Rights Act of 1964 was not applicable to employment practices of LEAA grantees and subgrantees. This position received scathing criticism from civil rights groups and from the Civil Rights Commission. On October 23, 1970, an additional opinion, from the Department of Justice's Office of Title VI, addressed to Jerris Leonard

in his capacity as Assistant Attorney General for the Civil Rights Division, argued forcefully—and apparently convincingly—that LEAA programs were indeed covered by Title VI. The LEAA acquiesced and promulgated regulations implementing the law.

In late 1970, the Office of Civil Rights Compliance was established. Its director, Herbert Rice, is still at the GS–15 grade level, a level below that of other LEAA program administrators; thereby building into the LEAA structure an obstacle to civil rights input in key agency policy decisions. The office itself appears to have been the stepchild of the agency. Its staff has only recently been increased from four to eight professionals and its impact on LEAA programs does not appear to be very great. Additional compliance personnel are planned, but even these staff increases, the Civil Rights Commission maintains, would be grossly inadequate.

In its recent report, *The Federal Civil Rights Enforcement Effort, A Reassessment*, the U.S. Commission on Civil Rights notes that the LEAA's civil rights compliance program has shown some signs of improvement. However, the Commission does not have much enthusiasm for the LEAA's programs. The Commission points out that the LEAA still does not appear to deal with complaints in an expeditious manner (more of this later) and has not performed any pre-award reviews although it has finally begun post-award reviews. But, the Commission notes that the adequacy of these reviews and of complaint investigation is unknown because the LEAA would not make reports of its investigations available to the Commission.

On December 31, 1970, the LEAA issued its equal employment regulations. On January 11, 1971, the Washington Post carried a story on these regulations pointing out that they "appear to have gone unnoticed when they were issued December 31." While one cannot attach too much importance to this, it seems strange that an agency about to embark on a major civil rights compliance effort (which was the course suggested by these regulations) would do so without public announcement.

Neither the regulations implementing Title VI nor those based on the agency's rulemaking authority provide for pre-award compliance reviews. When a review is undertaken, however, the regulations indicate a strong preference that a judicial proceeding rather than the more logical one of an administrative proceeding be used. The concern expressed in its regulations to the contrary, the agency has nevertheless funded a number of police and correctional agencies while legal proceedings were pending.

Ignoring what other agencies might regard as a golden opportunity, the LEAA has not required through its regulations that affirmative action plans, or other methods for achieving racial balance be implemented as a condition for receiving federal funds. The LEAA has defended this omission by quoting the Safe Streets Act's provision precluding the imposition of quotas. It has apparently eluded the agency that affirmative action programs can be established without the use of quotas. Furthermore the LEAA has generally ignored problems of sex discrimination. About a year ago it issued proposed rules forbidding sex discrimination but these were not formally promulgated until just this month.

In response to a series of questions on LEAA policy submitted by Senators Hart, Kennedy, and Bayh, Jerris Leonard stated that he considers "a cutoff of LEAA funds to be a last alternative to be resorted to only when I am satisfied that it is not feasible to pursue judicial remedies or some other means of achieving civil rights compliance that will permit funding to continue in the interim. * * * I do not favor wthholding of funding as a means of enforcing compliance."

Despite LEAA's declared preference for judicial remedies, it has not initiated a single action and has intervened in only a limited number of cases brought by private groups. As pointed out in a recently released report by the Lawyers Committee for Civil Rights, two of these interventions—*Morrow* v. *Crisler*, 4 FEP Cases 674 (D. Miss. 1971), and *Castro* v. *Beecher*, Civ. Action No. 70–1220 (W. D. Mass. 1971), were initiated ten months after the suits were begun and then only as a result of external pressure. In another suit—against the Alabama Highway Patrol—the Justice Department intervened only after receiving a court order to do so.

Now that the recent amendments to Title VII give the EEOC the preliminary jurisdiction over employees of state and local governments, one would expect that the LEAA would be cooperating with the EEOC to the fullest extent possible. Such is not the case however. A call to the EEOC revealed that the only consultation which they have had with the LEAA was several months ago on

the question of devising a reporting form which both agencies could use. These discussions did not lead to a mutual solution and the EEOC has not been contacted since.

As I mentioned earlier, the U.S. Civil Rights Commission has been especially critical of the LEAA's delays in resolving complaints. Let me give an example from our committee's experience.

In June of 1971, the Afro-American Patrolmens League of the city of Chicago filed a formal complaint with the LEAA charging the Chicago Police Department with purposefully and intentionally using personnel practices that discriminate against blacks and other minority group members. The charges alleged discriminatory treatment in the CPD's hiring practices and techniques, including the use of medical examinations; methods of promotion selection; efficiency ratings; disciplinary procedures; and assignments within the Department. In early 1972, the LEAA responded to this complaint by initiating a study of the CPD to determine the correctness of the allegations. The investigating team assigned to the job submitted its report in August 1972, substantiating all of the League's charges. On the basis of this report, the LEAA recommended action, but now, almost 9 months from the issuance of the report and one and a half years since the filing of the charges, the status of the Black policemen's complaints is essentially quo. The CPD has, according to Renault Robison, President of the League, in testimony before our committee last year, ignored the requests and recommendations of the LEAA.

Conversations several weeks ago with Mr. Herbert Rice, and Congressional Liaison officers, indicated that the LEAA's response to Chicago's action would go out in "weeks" and that I would be notified. When asked if the agency contemplated a shutoff of funds, my office was given a vague reply and told that these matters are very complex.

Mr. Robinson told me in a recent phone conversation that it was only with the greatest of effort that this organization got the LEAA to send an investigating team in the first place. Moreover, it was only as a result of continual pressure on the part of the League that the investigating team spent as much time and care on the report as it did. That such pressure was necessary to force the LEAA to do what it should have been doing all along says a good deal about the agency's commitment. It also does not make one optimistic that the LEAA will use its considerable powers to give the Black employees of the Chicago police force the remedy they deserve and to which the law says they are entitled.

I think it is noteworthy to point out here that of those investigations completed by the LEAA, the Chicago investigation report was the only one made available to the Civil Rights Commission or to my committee. I frankly fail to understand why these reports were not submitted so that an independent appraisal of their thoroughness could be made by the Commission, a body with a great deal of expertise in this area. I can only assume that their quality was embarrassingly low.

LEAA funds could be a powerful tool in the fight against discrimination, but the agency has been unwilling to move with any decisiveness. It has only reluctantly admitted its Title VI responsibilities and belatedly adopted other equal employment requirements. In the case of both sets of regulations, too much discretion is fested in the Administrator, in this case an Administrator who does not believe in the application of administrative remedies. Furthermore, there is a lack of clearly defined objective standards as to what constitutes a violation of the equal employment obligation.

For these reasons I would like to propose that the Safe Streets Act be amended. My proposal, which I am submitting for the record, parallels the language of Title VII, an Act who's antidiscrimination standards have become well defined. Rather than leaving enforcement solely up to the discretion of the Administrator of the LEAA, however, my suggested amendment would permit the EEOC to be a coenforcer of the policy of equal opportunity and permit it to sue in a federal district court for an order terminating federal funding to a grant recipient who is engaging in systemic discrimination. I would like to emphasize that funding could not, under my proposal, be terminated upon the finding of isolated abuses. What this amendment addresses itself to are patterns of systemic discrimination, such as discriminatory hiring practices, promotional practices, discipline, testing, etc.

I think it important that an agency other than the LEAA be empowered to enforce the equal employment obligations of LEAA grant recipients. To ask the

LEAA to continue as the sole judge of whether these obligations are fulfilled is to ask it to engage in a conflict of interest. The LEAA's prime consideration is insuring that funds are allocated and spent. This is as it should be. But when faced with a serious problem of discrimination, can we expect the LEAA not to be influenced by its prime function?

The EEOC is an agency whose understanding of equal employment matters is unquestioned. It has the expertise and personnel to deal with these complex problems.

I greatly appreciate the Committee's invitation to testify.

PROPOSED AMENDMENT TO TITLE ONE OF THE SAFE STREETS ACT (P.L. 90–351)

§ 523 (a) No law enforcement, correctional, or criminal justice agency which is a recipient of a grant or subgrant made pursuant to this Act or any other Act shall in its employment practices (1) fail or refuse to hire or discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or (2) limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(b) Notwithstanding any other provision of this Act, (1) it shall not be unlawful for a recipient to hire, employ, or transfer employees where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the recipient's activities.

(c) Notwithstanding any other provision of this Act, it shall not be an unlawful employment practice for a recipient to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by productivity or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex or national origin; nor shall it be unlawful for a recipient to give or act upon the results of any professionally developed ability test provided that such test, its administration or action upon the result does not discriminate because of race, color, religion, sex, or national origin.

§ 524(a) Whenever the Equal Employment Opportunity Commission has reasonable cause to believe that any recipient is engaged in a pattern or practice of resistance to the guarantees of equal employment opportunity provided in § 523 and that the pattern or practice is of such a nature and is intended to deny the ful exercise of the rights therein described, the Equal Employment Opportunity Commission may bring a civil action in an appropriate district court of the United States by (1) filing with it a complaint setting forth facts pertaining to such pattern or practice and requesting such relief, legal or equitable, including an order terminating all present grants and forbidding the creation of future grants until such pattern or practice has been eliminated, as the Commission deems appropriate.

(b) If the Court finds that a respondent is engaging in a pattern or practice of resistance to the guarantees of equal employment provided herein, the Court may grant such relief, legal or equitable, as it deems appropriate including an order terminating all present grants and forbidding the creation of future grants until such pattern or practice has been eliminated.

Appendix A.1

Statement of Dr. David J. Saari, Director, Center for the Administration of Justice, the American University, Washington, D.C.

Honorable Chairman, Committee Members, Ladies and Gentlemen: This is an opportunity to think of what Congress has done to fight crime in one of the most effective and permanent ways possible—to educate our in-service men and women and to educate our pre-service students through the LEEP Program. And, higher education (some 900 institutions) has responded to a tremendously pent-up desire for education on the part of policemen, correctional officers and court personnel. I totalled Congressional appropriations since 1965 and found that about $110 million has been appropriated for higher education *under* OLEA and LEAA. Most of it came in the last two fiscal years. To keep that figure of $110 million in perspective—we must remember that since 1965 State and local governments have spent $6 to $8 *Billion* a year just to keep the troops and prisoners fed, clothed, equipped and supervised in the crime fight. From 1965 to 1973—a period of 8 years—the expenditures at the local level have been $48 to $64 billion. (The reason for the range is that the U.S. Bureau of Census has only recently started its special analyses of such spending patterns in 1969.) If we say 8 years times $7 billion a year, then we see states and cities and counties spending $56 billion over the period 1965–1973.

The question to ask is this: *What has this expenditure of $56 Billion by state and local governments done to stimulate higher education for law enforcement personnel?*

One can say—*Not much* except in a few states—notably California where the state already spends for education in this field and has such a history. Otherwise—higher education has been relatively dormant since the beginning of this Nation in providing higher education for people who administer justice. With the exception of judges, prosecutors and defenders who are lawyers, the rest of the criminal justice participants tended over the course of our history to repre ent "blue-collar" socio-economic status. But, today this is changing. And the scope and pace of change is a direct result of a categorical grant program to provide specific stimulus both to students and educators—it is called the LEEP Program.

If a national policy and a national program can reach 126,000 people in a few years most of whom are working in the field of criminal justice, and it provides stimulus to over 900 educational institutions to develop relevant programs, then I would say the policy is a sound one and it should certainly be continued for the next few years subject to evaluation to improve it. I do not think this is the time to make any final decisions about the LEEP Program or about the relevance of higher education to specific crime reduction. This latter point can be stressed with a foolish example.

In D.C. there is a claim that crime is going down—at least some of the serious crime seems to be declining. Likewise, the causes for the reduction in crime are claimed to be:

1. D.C. Court Reorganization Act
2. Better street lighting
3. Methadone programs
4. Pre-trial release
5. Halfway houses
6. More judges
7. More police
8. Etc.

Who really knows cause and effect? All that we really know is that a combination of forces and improvements is probably having a desirable impact upon reported crime. The point here is that no one has given educated criminal justice officials credit. Maybe crime is going down because we have better educated personnel out there fighting crime. Maybe higher education could be given part of the credit. Maybe Congress itself should be given the credit because it had

the foresight to provide for higher education. This obviously, is a form of reasoning to justify LEEP which I am not making. But it could be made.

What is more important, perhaps most important, for every Congressman and Senator, is to realize the profound impact they are having every day upon this field through appropriation of educational funds. The "seed" has been planted by Congress. Men and women dedicated to the field or the new blood on campuses are turning seriously to this field called criminal justice. No longer is there a cry to keep the pigs off campus. I have seen so many individuals absolutely "turned-on" to the important questions on the administration of justice—from police agencies, correctional services, courts and both civilian and military units. This includes tough, old and young cops, young long hairs, and blacks and women. The diversity of our educational program at American University is something to experience first hand. These men and women are literally being transformed under our eyes. That is why I say unequivocally, Congress has planted a vital seed in these minds. Students at the Bachelor and Master levels are studying Constitutional Law, Evidence, Public Administration, Organization Theory, Concepts of Justice and Law, Criminology, Forensic Science, Social Deviance, etc. Knowledge of the humanities, law, social sciences and modern technology is blended in a new way.

Now—the next policy for Congress to consider is to give the seed of education time to germinate and grow under national stimulus. In several more years the impact of education in this field will be much clearer. People will be working in the field. Programs of education will have been completed by students. The seed will sprout, grow in height and strength and then be capable of taking care of itself. I do think the goal of self-reliant educational programs is worthy of being considered the ultimate achievement. But we are not there yet.

Perhaps another way to look at what Congress has done is to say that it has hastened the "process of professionalization" in the criminal justice field for the largest number of employees in the field—the police officer. But the others in the field who are experiencing the same impact include court executives and court staff, correctional managers and other staffs in both prison and community setting. The point overlooked quite often is that academic institutions must play a part in the process of professionalizing any occupational group. And here, Congress has made it financially viable for higher education to provide major input towards every occupation which serves the administration of justice in America.

My plea to Congress is quite simple. Please do not take away funds or National direction from higher education in the criminal justice field until you are reasonably certain that the seeds planted in every State's system of higher education and in private institutions of higher education will survive the fierce competition for funds within universities and colleges, and within the total family of occupations working for cities, counties and states. My national contacts lead me to believe that there is profound fear that if Congress lets up in its funding and National policy of promoting higher education for the Criminal Justice System—that we will fall backwards. Not because mayors, governors, county commissioners and university presidents do not care. No! and not because these men do not sense the importance of higher education for people in this field. The fear is based upon the necessary political process of sharing state and local funds among education, and dozens of other worthwhile programs paid for locally—such as street lighting and maintenance of streets, water systems, etc.

For at least the next approximately five years, the National priority should predominate. And, as we get closer to 1980 we can determine what to do next.

As is often said in a less formal way—keep up the good work! I would say the same to Congress—Please keep up the good work!

Appendix A.2

Statement of Position on "Omnibus Crime Control and Safe Streets Act of 1968" and Amendments From Nassau County Criminal Justice Coordinating Council, by Florence A. Carlsson, Coordinator

Mr. Chairman and members of subcommittee No. 5; before stating the position of Nassau County regarding the extension of the "Omnibus Crime Control and Safe Streets Act of 1968" and amendments let me first briefly state the unique position Nassau County holds within the State of New York.

The governmental structure of suburban Nassau County is composed of three towns, which are further subdivided into sixty-four villages, and two small cities, plus an overlapping network of fifty-seven independent school districts. It is predominantly residential middle and upper class suburban area.

In 1970, the population of the County was 1,422,905. A 9.4% increase in population over the decade of the sixties has made Nassau County one of the fastest growing areas in the nation.

First with reference to the proposal you have under consideration entitled "*Law Enforcement Revenue Sharing Act of 1973*", we offer the following comments:

1. We question the elimination of LEEP as a special program apart from other aspects of the criminal justice system. This program has been most effective in enabling members of the criminal justice system to upgrade their professional competence, particularly true in relationship to police training and graduate education for probation and parole personnel. While the modification would suggest that certain safeguards would be written in to insure that the State's needed educational funds be available—even this could cause an interruption due to the necessity for changes in the administration of this program which is only now beginning to function smoothly. We would like to see the LEEP Program remain intact as it is presently in operation and leave the operations in the areas where the police are working.

2. We laud the provision for a "No year" limit. Project are sometimes slow to start, for example, halfway houses. This occurs because we must educate the community, which is ultimately to the benefit of both the defendant and the public. Furthermore, the projects are worthy of intense evaluation, such as Operation Midway, which will require sometime to evaluate.

3. We are most pleased to see that open ended funding is authorized.

4. We are also pleased to note that a separate bill to insure security and privacy of criminal justice information systems will be submitted and we would hope that the Public Safety Officers Benefit Act of 1972 would receive favorable consideration by the Congress.

5. We noted that in the bill there is a proviso that the state will adequately take into account and will encourage local initiative and will provide for an appropriately balanced allocation of funds. The words "adequately", "encourage" and "appropriately" should be defined.

6. In another portion of the bill the statement is made that the state should consider statewide priorities—we would prefer this word to be "will."

7. Overall we feel that there should be sufficient safeguards to insure local control and to insure that the local governmental agencies who are charged with the final responsibilities of implementing the criminal justice system will have the input essential for the smooth operation of this program. It is true that the staff of L.E.A.A. recognized that a variable pass through formula will be needed for local support. We would like to see this formula together with the guidelines which will be used to implement it. At one point we noted that there is a recommendation for a flat one-third of the special revenue sharing payment to be available for "such" state level programs. Does the word "such" imply that it is possible to have more than one-third available for state programs thus depleting that available for local programs?

8. We also noted that it has been suggested that a state would develop a comprehensive plan, but that there would be no requirement for plan approval. We feel that there should be a comprehensive plan developed but that human nature being what it is the same care will not be given to a plan which does not require said approval.

Secondly, we support a continuation of the *existing "Omnibus Crime Control and Safe Streets Act of 1968,"* and amendments, and in this connection I wish to focus attention on the achievements of the program, so as to aid this subcommittee in properly evaluating the need for continuing the present legislation.

In Nassau County the grants have been effective in setting up strong and innovative anti-crime programs, which have had a distinct inpact on the reduction of crime. We urge that Federal Assistance be continued in order to permit the undertaking of other projects that will have an impact on improving the criminal justice system. Certainly, the federal funding has made it possible for Nassau County to operate programs that it otherwise would probably not be able to afford.

The Nassau County Police Department favors the continuation of federal assistance to law enforcement programs designed to improve public safety. The Department has benefited immensely by federal grants provided by the Law Enforcement Assistance Administration through the New York State Division of Criminal Justice Services.

As a result of the Law Enforcement Education Program, approximately 1,400 of our 3,600 sworn personnel are currently involved in college study leading to degrees, while 421 have already achieved degree status. As a result of fund availability encouraging higher education, the requirements for entry and promotion in the Department have been strengthened, requiring 2 years of college credits for qualification. Needless to say, better education has developed a more professional police officer with a keener awareness and sensitivity for human understanding and community problems.

One of its first projects, in which two Community Relations Booths were built and staffed by local community youths, has helped to bridge a gap in communications between law enforcement and minority groups that it fee's has been instrumental in avoiding confrontations that have erupted in other areas. This project has been continued at County expense since its funding expiration two years ago.

Because of rising property taxes, police communications lacked necessary expansion and modernization critically demanded for efficient police service by a community that has rapidly changed in character from suburban status by a population growth to 1½ million residents in a 300 square mile area. A grant of $595,000.00 accelerated the construction of a modernized police communications center that will encompass the adoption of Emergency Telephone Number 911, expand radio communications, and provide a more rapid, efficient response by the police to the public.

Additionally, experiments with paging units, bomb blankets, micro filming and laboratory equipment, sponsored by federal funding has resulted in the adoption and use of new systems that enhance the police service to the community. Lack of sufficient local financing would have relegated these necessary improvements to the far distant future.

Looking at our Court System the Federal grants provided under the Omnibus Crime Control and Safe Streets Act have benefited the Courts of Nassau County in recent years by providing the initial funds for two projects which otherwise might not have been started.

The first project is Operation Midway, a pre-trial rehabilitation program for you adult defendants operated by the Nassau County Probation Department in conjunction with the Nassau County Court. The initial results of this program of intensive individualized rehabilitation treatment have been very encouraging.

The second project is a Court Planner program under which Nassau County has received the services of a Court Planner whose task is to identify potential problem areas in the Courts' processing of criminal cases and to propose programs for improvement. His primary assistance has been in the implementation of a computerized County Court Felony Information System.

These two Federally-funded projects, by enhancing Court administration and by providing alternatives to traditional dispositions of criminal cases, have benefited the entire community.

In the area of probation, the programs operated by Probation Department have achieved great success. With the aid of L.E.A.A. funding the Probation Department carries on Operation Midway, which provides intensive rehabilitative services to offenders between the ages of 16 and 25 for a one year period after arraignment but before sentencing. If the probation period is successfully completed charges may be dismissed. Services provided by the program include vocational counseling and training, employment assistance, educational guidance and family counseling.

Another funded Probation Department program is called Probation Aides. This is a program employing community residents, ex-offenders and probationers as probation aides and has been highly successful.

In the area of the District Attorney or Public Prosecutor, the L.E.A.A. has lent substantial assistance in a number of specific ways. Perhaps the most important contribution of L.E.A.A. is to foster and finance pilot innovative projects, creating an atmosphere where experiments might take place. The information received from such programs is invaluable in aiding prosecutorial officers to adapt their programs and procedures to workable new methods. Especially important, of course, is the ability of prosecutorial officers to withstand the ever-increasing case load being placed upon them and the obvious need for new procedures and methods in this area.

At present time, L.E.A.A. has funded the National Center for Prosecutorial Management. This office, of course, will be a major element in managerial and procedural changes and methodology in the future. It can and is providing the kind of information necessary to both the large and small prosecutor's office to render that office more efficient in carrying out its public trust.

Indirectly, L.E.A.A. grants to police agencies in firstly, making those agencies more efficient, obviously aiding the prosecutor in performing his function, and secondly, in aiding in the education of individual police officers, make the qualify of law enforcement as a whole more responsive to the increasing demands made upon it in our modern society.

There are pending certain programs concerning a comprehensive data processing system designed to aid the police, the courts, the District Attorney's office, and rehabilitative agencies in the County which could be of valuable assistance in enabling those entities to fulfill the objectives of the Safe Streets Acts.

The prosecutor's office in Nassau County has not received any L.E.A.A. funds. Nevertheless, it is felt that it has been greatly helped by L.E.A.A.'s financing of other programs in the County and by its educational grants.

The Office of the District Attorney of Nassau County wholly supports the continuation of the L.E.A.A. program.

The Sheriff's Department also has benefited from L.E.A.A. funding to the extent of about $643,902 available to operate a Comprehensive Work Release Program at the Nassau County Jail. This will serve about 100 male inmates at any given time. A professional staff will operate a modular facility for housing the residents and will provide a broad range of educational, counseling and vocational services. Supportive services from County agencies will be available to assist in the training and rehabilitation of participants.

Perhaps we can best emphasize the validity of our position by showing the impact on crime in the Nassau County Police District through the statistics of the seven index crimes traditionally used by the FBI to assess the scope and seriousness of the crime problem in any given place. This shows a decrease of 8.5% arrived at as follows:

Crime	1971	1972	Percentage of change
Murder/nonnegligent manslaughter	23	21	−8.7
Forcible rape	24	28	+16.7
Robbery	668	591	−11.5
Aggravated assault	297	291	−2.0
Burglary	7,428	6,516	−12.3
Larceny, $50 and over	8,966	8,496	−5.2
Auto theft	4,457	4,062	−8.9
Grand total	21,863	20,005	8.5

In summation, the foregoing review of some of our programs in Nassau County exhibits measurable, positive results flowing from federal funding assistance and the aid should be continued if we are to pursue an effective crime and delinquency reduction program resulting in a lower crime rate. We therefore, urge upon this subcommittee that it recommend to the House Judiciary Committee that it actively support the passage by Congress of legislation that will continue the "Omnibus Crime Control and Safe Streets Act of 1968" and amendments.

U.S. DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION,
WASHINGTON, D.C.

Serious crime in the United States declined 3 percent in 1972, the first actual decrease in crime in 17 years, Attorney General Richard G. Kleindienst announced today.

The downturn in the volume of crime was disclosed in preliminary year-end statistics tabulated by the FBI and released today.

"This is a day that we have been looking forward to for many years," the Attorney General said. "It is an important milestone in the fight to reduce crime and is directly attributable to the strong efforts of law enforcement officers througout the nation to turn back the wave of crime that rolled upward in the 1960's."

During 1972, 94 major cities reported actual decreases in serious crime, Mr. Kleindienst said, compared with 53 cities in 1971, 22 cities in 1970, and 17 cities in 1969.

Nationally, serious crime declined 8 percent in the final quarter of the year, after registering a 1 percent increase through the first nine months of 1972.

The last measurable decrease in serious crime—2 percent—was recorded in 1955, according to FBI crime records.

The crime spiral peaked in 1968 when serious crime rose 17 percent above the previous year. In 1969 and 1970, serious crime increased 11 percent, while in 1971, the increase was 6 percent.

"We enter this new period with an acute awareness that crime is still unacceptably high," Mr. Kliendienst said. "We pledge to renew our determination and efforts to make our communities safer places in which to live."

The preliminary figures are contained in the FBI's Uniform Crime Reports, a collection of nationwide police statistics supplied voluntarily by local, county, and state law enforcement agencies. The figures were released today by FBI Acting Director L. Patrick Gray, III.

Violent crime increased by 1 percent in 1972, compared with a 9 percent increase the year before. Robberies, however, which make up the largest number of crimes in the violent category, showed a 4 percent decrease in 1972. Murder was up 4 percent in 1972, aggravated assault increased 6 percent, and forcible rape increased 11 percent over the previous year.

Property crime decreased 3 percent, compared with a 6 percent increase in 1971. Auto theft declined 7 percent, larceny $50 and over dropped 3 percent, and burglary was down 2 percent.

Cities over 100,000 population reported an average decrease of 7 percent in the volume of Crime Index offenses. Crime in suburban areas increased 2 percent, compared to an 11 percent increase in 1971, while crime in rural areas went up 4 percent compared to a 6 percent rise in the previous reporting period.

Serious crime in Washington, D.C., continued to decline. The 1972 decrease was 26.9 percent, compared with the 1971 decrease of 13 percent.

The Nation's capital registered fewer crimes in every category, except for a 16 percent increase in rape. Auto theft decreased 33 percent, burglary decreased 32 percent, robbery decreased 31 percent, larceny $50 and over decreased 18 percent, murder decreased 11 percent, and aggravated assault decreased 2 percent.

A copy of the preliminary crime figures for 1972 is attached. Final crime figures and crime rates per unit of population will be available in the detailed Uniform Crime Reports sheduled for release this summer.

Also attached is a list of the 94 major cities reporting crime decreases.

CITIES WITH DECREASE IN CRIME INDEX

(January–December, 1972 versus 1971)

Agency	*Index percent decrease*
Akron, Ohio	−9.5
Albany, New York	−23.8
Alexandria, Virginia	−2.1
Allentown, Pennsylvania	−15.4
Arlington, Virginia	−15.4
Austin, Texas	−3.7
Baltimore, Maryland	−6.5
Beaumont, Texas	−1.6
Berkeley, California	−2.7
Boston, Massachusetts	−8.8
Bridgeport, Connecticut	−14.6
Buffalo, New York	−6.7
Cambridge, Massachusetts	−7.7
Cedar Rapids, Iowa	−3.8
Charlotte, North Carolina	−11.8
Chicago, Illinois	−4.1
Cincinnati, Ohio	−5.0
Cleveland, Ohio	−11.3
Columbia, South Carolina	−16.6
Columbus, Georgia	−3.0
Columbus, Ohio	−9.5
Corpus Christi, Texas	−.8
Dallas, Texas	−2.6
Dearborn, Michigan	−8.8
Des Moines, Iowa	−9.1
Detroit, Michigan	−15.8
Duluth, Minnesota	−6.8
Elizabeth, New Jersey	−4.2
El Paso, Texas	−16.5
Erie, Pennsylvania	−.1
Evansville, Indiana	−13.4
Fall River, Massachusetts	−14.2
Fort Lauderdale, Florida	−4.2
Fort Worth, Texas	−5.6
Gary, Indiana	−3.7
Glendale, California	−5.8
Hammond, Indiana	−2.3
Hampton, Virginia	−6.9
Hartford, Connecticut	−19.8
Hialeah, Florida	−8.2
Hollywood, Florida	−7.5
Honolulu, Hawaii	−15.3
Huntsville, Alabama	−19.9
Indianapolis, Indiana	−16.0
Jacksonville, Florida	−4.9
Jersey City, New Jersey	−8.3
Kansas City, Missouri	−13.2
Lansing, Michigan	−6.3
Lexington, Kentucky	−6.5
Los Angeles, California	−3.8
Louisville, Kentucky	−11.3
Lubbock, Texas	−11.0
Macon, Georgia	−3.1
Miami, Florida	−9.9
Milwaukee, Wisconsin	−3.9
Mobile, Alabama	−15.2
Montgomery, Alabama	−3.2
Nashville, Tennessee	−18.0
Newark, New Jersey	−10.2
New Bedford, Massachusetts	−20.3
New Haven, Connecticut	−9.7

CITIES WITH DECREASE IN CRIME INDEX—Continued
(January–December, 1972 versus 1971)

	Index percent decrease
New Orleans, Louisiana	−15.2
New York, New York	−18.0
Norfolk, Virginia	−18.1
Oakland, California	−3.4
Orlando, Florida	−10.7
Parma, Ohio	−9.7
Pasadena, California	−1.6
Philadelphia, Pennsylvania	−4.5
Pittsburgh, Pennsylvania	−11.0
Portsmouth, Virginia	−2.0
Providence, Rhode Island	−13.5
Raleigh, North Carolina	−5.0
Richmond, Virginia	−11.8
Rochester, New York	−8.6
St. Louis, Missouri	−4.1
Salt Lake City, Utah	−10.0
San Francisco, California	−19.0
Savannah, Georgia	−13.8
Scranton, Pennsylvania	−27.0
Seattle, Washington	−3.8
Shreveport, Louisiana	−8.4
Spokane, Washington	−2.3
Stamford, Connecticut	−27.6
Syracuse, New York	−11.1
Topeka, Kansas	−15.2
Torrance, California	−5.2
Trenton, New Jersey	−7.7
Warren, Michigan	−2.8
Washington, D.C.	−26.9
Waterbury, Connecticut	−7.7
Wichita, Kansas	−.7
Yonkers, New York	−11.7
Youngstown, Ohio	−11.9

UNIFORM CRIME REPORTING

(1972 Preliminary Annual Release)

Crime in the United States, as measured by the Crime Index offenses, declined three percent during calendar year 1972 over 1971. The violent crime as a group increased one percent. Forcible rape was up eleven percent, aggravated assault six percent, and murder four percent, while the crime of robbery declined four percent. The property crimes of burglary, larceny $50 and over, and auto theft decreased three percent as a group. Auto theft decreased seven percent, larceny $50 and over three percent, and burglary two percent. Cities with 250,000 or more inhabitants reported an average decrease of eight percent in the volume of Crime Index offenses. Cities with over 100,000 inhabitants reported an average decrease of seven percent. The suburban areas surrounding large core cities reported an increase of two percent and the rural areas were up four percent (Table 1).

Geographically, the Western States reported a two percent rise in the volume of Crime Index offenses. The Southern States reported a decrease of two percent, the North Central States three percent, and the Northeastern States eight percent (Table 2).

TABLE 1.—CRIME INDEX TRENDS

Population group and area	Number of agencies	Population (in thousands)	Percent change, 1972 over 1971, offenses known to the police: Total	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny ($50 and over)	Auto theft
Total, all agencies	5,821	164,859	−3	+1	−3	+4	+11	−4	+6	−2	−3	−7
Cities over 25,000	841	89,497	−5	−1	−6	+4	+10	−5	+4	−4	−6	−9
Suburban area	2,295	52,857	+2	+13	+1	+11	+19	+9	+14	+2	+1	−1
Rural area	1,221	18,953	+4	+9	+4	−2	+1	+10	+11	+4	+5	−3
Over 1,000,000	6	18,805	−12	−4	−14	+4	+12	−9	+4	−11	−19	−14
500,000 to 1,000,000	21	13,728	−7	−6	−7	+2	+3	−10	−2	−6	−7	−11
250,000 to 500,000	31	10,788	−2	+2	−3	+4	+12	+3	−1	−1	−3	−4
100,000 to 250,000	93	13,418	−2	+3	−3	+5	+4	+2	+4	−2	−3	−5
50,000 to 100,000	240	16,937	+1	+9	----------	+8	+14	+7	+11	+1	----------	−2
25,000 to 50,000	450	15,822	+1	+13	----------	+3	+26	+8	+17	+2	−1	−2
10,000 to 25,000	1,104	17,636	+4	+9	+4	+4	+21	+10	+8	+4	+4	−1
Under 10,000	2,357	11,069	+4	+4	+5	−9	+19	+11	+2	+3	+6	+2

TABLE 2.—CRIME INDEX TRENDS BY GEOGRAPHIC REGION (1972 OVER 1971)

Region	Total	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny $50 and over	Auto theft
Northeastern States	−8	−1	−10	+6	+19	−8	+9	−8	−11	−10
North-central States	−3	−1	−3	−2	+7	−5	+5	−3	−1	−7
Southern States	−2	+1	−2	+4	+6	----------	+1	+1	−2	−8
Western States	+2	+7	+1	+11	+13	+3	+9	+3	----------	−3

TABLE 3.—CRIME INDEX TRENDS

[Percent change 1966–71, each year over previous year]

Years	Total	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny $50 and over	Auto theft
1967–1966	+16	+15	+16	+13	+8	+27	+8	+16	+16	17
1968–1967	+17	+19	+17	+14	+15	+30	+11	+13	+21	+18
1969–1968	+11	+11	+11	+7	+16	+13	+8	+6	+21	+12
1970–1969	+11	+12	+10	+8	+2	+17	+7	+10	+14	+5
1971–1970	+6	+9	+6	+10	+9	+10	+8	+8	+5	+1

TABLE 4.—OFFENSES KNOWN TO THE POLICE, 1971 AND 1972

[Cities over 100,000 population]

	Crime index total	Murder, non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking, or entering	Larceny, $50 and over	Auto theft
Akron, Ohio:								
1971	12,670	38	100	772	362	4,386	4,102	2,910
1972	11,472	31	105	758	400	4,136	3,608	2,434
Albany, N.Y.:								
1971	3,678	6	17	282	111	2,012	390	860
1972	2,803	6	17	223	97	1,377	445	638
Albuquerque, N. Mex.:								
1971	16,540	31	103	667	988	6,232	6,531	1,988
1972	17,475	23	154	857	1,159	7,023	6,554	1,705
Alexandria, Va.:								
1971	5,899	9	51	490	424	1,864	2,186	875
1972	5,777	17	30	435	483	1,861	2,309	642
Allentown, Pa.:								
1971	3,134	5	22	137	178	1,238	1,252	302
1972	2,652	4	17	162	106	1,036	986	341
Amarillo, Tex.:								
1971	4,129	9	18	91	174	1,664	1,752	421
1972	4,197	9	18	65	200	1,638	1,860	407
Anaheim, Calif.:								
1971	8,519	5	56	223	165	4,118	3,097	855
1972	9,772	14	78	249	321	4,661	3,589	860
Arlington, Va.:								
1971	5,127	7	45	245	101	1,468	2,431	830
1972	4,336	2	30	181	89	1,230	2,124	680
Atlanta, Ga.:								
1971	30,056	230	268	2,207	1,935	13,726	7,656	4,034
1972	33,213	255	256	3,074	2,143	14,676	8,659	4,150
Austin, Tex.:								
1971	8,307	27	66	372	1,119	4,334	1,336	1,053
1972	8,003	38	62	285	966	4,046	1,625	981
Baltimore, Md.:								
1971	54,449	323	537	9,480	6,556	18,481	10,134	8,938
1972	50,937	330	465	9,584	6,365	16,986	8,857	8,350
Baton Rouge, La.:								
1971	9,054	22	46	301	767	3,769	2,692	1,457
1972	10,486	21	74	411	948	4,535	3,190	1,307
Beaumont, Tex.:								
1971	4,042	20	6	207	617	1,886	1,018	288
1972	3,979	17	13	164	654	1,765	1,065	301
Berkeley, Calif.:								
1971	7,138	11	78	528	256	4,147	886	1,232
1972	6,946	10	104	567	251	3,896	1,080	1,038
Birmingham, Ala.:								
1971	14,152	82	98	465	1,470	4,857	4,286	2,894
1972	14,178	76	103	757	1,310	5,189	4,334	2,409
Boston, Mass.:								
1971	42,154	116	235	4,735	1,907	12,439	7,055	16,027
1972	38,763	104	262	5,037	2,015	10,173	5,609	15,563
Bridgeport, Conn.:								
1971	11,154	18	20	572	207	3,494	3,101	3,742
1972	9,525	18	13	512	155	2,720	2,995	3,112
Buffalo, N.Y.:								
1971	20,226	76	134	2,207	812	6,287	6,016	4,694
1972	18,881	62	176	1,991	712	6,156	5,390	4,394
Cambridge, Mass.:								
1971	7,177	5	42	355	243	1,978	1,315	3,239
1972	6,624	13	32	329	238	1,711	1,039	3,262
Camden, N.J.:								
1971	7,233	15	57	682	413	2,958	896	2,122
1972	8,157	26	48	695	551	3,457	1,102	2,278
Canton, Ohio:								
1971	3,902	11	15	327	137	1,265	1,582	565
1972	4,000	14	24	297	240	1,288	1,522	615
Cedar Rapids, Iowa:								
1971	1,932	5	10	34	15	683	842	343
1972	1,859	3	8	31	22	625	769	401
Charlotte, N.C.:								
1971	11,271	54	98	573	1,246	4,938	3,276	1,086
1972	9,945	60	78	603	1,172	4,324	2,811	897
Chattanooga, Tenn.:[1]								
1971								
1972	6,850	35	55	421	575	2,670	1,643	1,406
Chicago, Ill.:								
1971	126,854	824	1,549	24,012	11,285	38,385	15,593	35,206
1972	121,707	711	1,529	23,531	11,154	36,630	15,853	32,299

See footnote at end of table, p. 640.

TABLE 4.—OFFENSES KNOWN TO THE POLICE, 1971 AND 1972—Continued

[Cities over 100,000 population]

	Crime index total	Murder, non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny, $50 and over	Auto theft
Cincinnati, Ohio:								
1971	21,880	79	189	1,749	819	9,751	6,144	3,149
1972	20,783	69	239	1,733	761	9,729	5,272	2,980
Cleveland, Ohio:								
1971	46,295	270	428	5,987	2,004	11,780	5,971	19,855
1972	41,055	307	462	5,639	1,988	10,446	4,687	17,526
Colorado Springs, Colo.:								
1971	5,895	9	70	183	198	2,183	2,558	694
1972	6,879	18	103	342	209	2,633	2,751	823
Columbia, S.C.:								
1971	5,456	32	37	264	353	2,650	1,490	630
1972	4,551	17	48	149	288	2,347	1,130	572
Columbus, Ga.:								
1971	4,025	22	14	200	158	1,779	1,167	685
1972	3,906	29	22	245	182	1,808	969	651
Columbus, Ohio:								
1971	26,579	69	269	1,873	943	10,023	8,176	5,226
1972	24,049	59	292	1,464	890	9,641	7,647	4,056
Corpus Christi, Tex.:								
1971	9,653	33	59	256	872	3,970	3,355	1,108
1972	9,573	29	71	324	765	4,462	2,998	924
Dallas, Tex.:								
1971	46,400	207	585	2,861	5,282	18,322	12,229	6,914
1972	45,213	192	533	2,616	4,529	21,475	10,481	5,387
Dearborn, Mich.:								
1971	3,360	8	13	148	73	1,090	1,310	718
1972	3,066	6	7	175	55	1,009	1,109	705
Denver, Colo.:								
1971	37,706	82	434	2,167	2,050	15,228	10,657	7,088
1972	38,945	89	368	2,014	1,927	16,750	10,136	7,661
Des Moines, Iowa:								
1971	6,561	11	66	361	159	1,885	3,301	778
1972	5,961	14	44	277	98	1,920	2,848	760
Detroit, Mich.:								
1971	127,245	577	853	20,753	5,400	51,531	25,361	22,770
1972	107,199	601	818	17,170	6,120	42,563	19,405	20,522
Duluth, Minn.:								
1971	2,765	3	14	40	24	1,090	1,081	513
1972	2,578	2	13	68	29	1,120	948	398
Elizabeth N.J.:								
1971	5,530	10	28	475	314	2,067	1,113	1,523
1972	5,296	12	32	542	348	2,107	921	1,334
El Paso, Tex.:								
1971	13,074	16	75	398	588	7,621	2,240	2,136
1972	10,911	11	91	514	655	4,994	2,067	2,579
Erie, Pa.:								
1971	3,248	7	21	273	141	1,400	939	467
1972	3,246	11	26	325	137	1,500	763	484
Evansville, Ind.:								
1971	5,459	9	59	261	565	1,980	1,881	704
1972	4,726	8	54	187	599	1,471	1,970	437
Fall River, Mass.:								
1971	6,454	3	16	129	108	3,052	1,395	1,751
1972	5,535	8	11	203	149	2,321	1,356	1,487
Flint, Mich.:								
1971	11,068	33	81	635	1,258	4,214	3,517	1,330
1972	11,312	45	101	820	1,232	4,519	3,467	1,137
Fort Lauderdale, Fla.:								
1971	8,515	13	53	412	263	3,643	2,902	1,229
1972	8,155	28	61	385	260	3,712	2,694	1,015
Fort Wayne, Ind.:								
1971	7,383	6	46	343	102	2,391	3,876	619
1972	7,508	9	46	413	75	2,304	3,889	772
Fort Worth, Tex.:								
1971	13,948	102	88	917	549	6,615	2,816	2,861
1972	13,161	99	66	791	516	6,557	2,564	2,568
Fremont, Calif.:								
1971	3,936	1	26	56	98	1,942	1,370	443
1972	4,944	2	31	64	155	2,015	2,249	428
Fresno, Calif.:								
1971	11,568	19	35	386	226	4,562	4,152	2,188
1972	12,282	20	41	425	229	4,647	4,420	2,500
Garden Grove, Calif.:								
1971	5,504	3	29	153	113	2,044	2,765	397
1972	5,711	12	43	143	147	2,568	2,356	424

TABLE 4.—OFFENSES KNOWN TO THE POLICE, 1971 AND 1972—Continued

[Cities over 100,000 population]

	Crime index total	Murder, non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny, $50 and over	Auto theft
Gary, Ind.:								
1971	11,716	52	87	1,396	436	4,723	2,040	2,982
1972	11,284	81	90	1,253	519	4,673	1,909	2,759
Glendale, Calif.:								
1971	4,546	1	19	169	116	1,905	1,532	804
1972	4,283	5	11	108	98	1,851	1,530	680
Grand Rapids, Mich.:								
1971	6,663	17	71	262	510	3,601	1,610	592
1972	6,992	9	61	393	499	3,313	2,183	534
Greensboro, N.C.:								
1971	4,980	14	24	166	1,134	1,527	1,642	473
1972	5,563	17	40	270	1,239	1,822	1,714	461
Hammond, Ind.:								
1971	4,986	7	49	298	172	1,044	1,947	1,469
1972	4,872	8	28	271	146	1,285	2,160	974
Hampton, Va.:								
1971	2,698	6	20	78	120	1,232	1,004	238
1972	2,512	13	29	88	94	1,258	780	250
Hartford, Conn.:								
1971	8,225	23	40	574	662	2,507	1,777	2,642
1972	6,597	15	27	423	573	2,280	1,649	1,630
Hialeah, Fla.:								
1971	4,669	8	12	190	199	1,484	2,126	650
1972	4,287	5	17	178	214	1,221	1,943	709
Hollywood, Fla.:								
1971	5,686	2	23	232	249	2,204	2,105	871
1972	5,260	7	33	242	243	1,950	1,978	807
Honolulu, Hawaii:								
1971	24,530	31	124	715	381	9,599	9,426	4,254
1972	20,782	44	149	428	366	8,998	7,792	3,005
Houston, Tex.:								
1971	58,819	303	530	5,127	2,877	26,219	10,993	12,770
1972	60,366	294	483	5,117	2,169	29,411	11,801	11,091
Huntington Beach, Calif.:								
1971	4,933	7	47	83	156	1,867	2,349	424
1972	5,034	4	49	86	179	1,915	2,327	474
Huntsville, Ala.:								
1971	5,195	21	27	106	267	2,159	2,007	608
1972	4,160	4	32	103	236	1,542	1,718	525
Independence, Mo.:								
1971	2,018	4	15	50	155	868	713	213
1972	2,232	3	27	42	230	860	784	286
Indianapolis, Ind.:								
1971	22,874	60	264	2,109	927	9,480	5,537	4,497
1972	19,207	66	275	1,398	726	8,267	4,817	3,658
Jackson, Miss.:								
1971	4,635	29	68	185	280	1,998	1,435	640
1972	5,011	42	20	169	168	2,022	1,808	782
Jacksonville, Fla.:								
1971	24,171	82	254	1,264	1,941	12,035	6,048	2,547
1972	22,975	96	293	1,426	2,474	10,619	6,099	1,968
Jersey City, N.J.:								
1971	11,214	40	51	1,629	442	3,146	803	5,103
1972	10,281	47	67	1,373	464	2,865	925	4,540
Kansas City, Kans.:								
1971	7,330	34	85	461	572	3,618	923	1,637
1972	7,374	21	83	571	457	3,712	1,015	1,515
Kansas City, Mo.:								
1971	27,864	103	371	2,473	1,805	11,550	6,154	5,408
1972	24,188	71	344	2,092	1,961	9,472	6,327	3,921
Knoxville, Tenn.:[1]								
1971								
1972	5,044	20	18	182	254	2,242	787	1,541
Lansing, Mich.:								
1971	8,278	4	33	274	270	3,977	3,074	646
1972	7,759	7	46	422	299	3,405	2,843	737
Las Vegas, Nev.:								
1971	4,697	21	23	326	195	2,140	1,064	928
1972	5,139	29	47	389	145	2,312	1,293	924
Lexington, Ky.:								
1971	5,412	16	28	158	293	1,925	2,498	494
1972	5,059	19	29	206	208	1,809	2,318	470
Lincoln, Nebr.:								
1971	2,878	3	26	24	198	782	1,576	269
1972	3,195	5	17	49	238	912	1,720	254

See footnote at end of table, p. 640.

TABLE 4.—OFFENSES KNOWN TO THE POLICE, 1971 AND 1972—Continued

[Cities over 100,000 population]

	Crime index total	Murder, non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny, $50 and over	Auto theft
Little Rock, Ark.:								
1971	6,778	36	60	368	634	2,460	2,722	498
1972	7,056	25	61	434	662	2,757	2,588	529
Livonia, Mich.:								
1971	3,071	2	11	76	108	1,569	1,016	289
1972	3,215	1	17	81	108	1,606	1,068	334
Long Beach, Calif.:								
1971	17,084	31	130	1,480	697	7,223	4,071	3,452
1972	18,628	55	176	1,700	711	8,016	4,584	3,386
Los Angeles, Calif.:								
1971	183,867	427	2,062	14,147	14,674	74,812	41,506	36,239
1972	176,916	499	2,205	14,241	15,056	72,458	38,737	33,720
Louisville, Ky.:								
1971	17,567	84	85	1,453	527	5,035	4,804	5,579
1972	15,583	81	119	1,496	535	4,303	4,326	4,723
Lubbock, Tex.:								
1971	6,201	28	55	141	565	2,506	2,542	364
1972	5,521	31	44	103	459	2,169	2,359	356
Macon, Ga.:								
1971	5,996	20	31	299	211	2,653	1,758	1,024
1972	5,808	20	39	299	177	2,711	1,547	1,015
Madison, Wis.:								
1971	5,720	5	31	60	34	2,302	2,724	564
1972	5,864	3	55	83	24	2,466	2,552	681
Memphis, Tenn.:								
1971	23,697	91	273	1,151	1,528	10,498	7,126	3,030
1972	29,097	127	373	1,676	1,539	12,913	9,250	3,219
Miami, Fla.:								
1971	24,895	100	137	2,829	3,014	9,258	6,299	3,258
1972	22,429	78	99	2,555	2,656	8,294	5,949	2,798
Milwaukee, Wis.:								
1971	22,025	52	104	661	652	4,636	9,908	6,012
1972	21,162	56	87	748	694	4,981	9,202	5,394
Minneapolis, Minn.:								
1971	23,865	35	228	1,646	1,037	10,039	5,884	4,996
1972	24,294	39	308	1,908	1,358	10,495	4,960	5,226
Mobile, Ala.:								
1971	8,852	37	85	456	441	5,158	1,604	1,071
1972	7,508	26	81	360	443	4,299	1,537	762
Montgomery, Ala.:								
1971	4,458	34	40	211	99	1,715	1,821	538
1972	4,316	28	47	146	74	1,806	1,636	579
Nashville, Tenn.:								
1971	20,746	73	157	1,176	2,174	8,216	5,525	3,425
1972	17,017	68	104	1,097	1,616	6,569	4,877	2,686
Newark, N.J.:								
1971	34,762	131	312	5,529	2,641	13,466	5,754	6,929
1972	31,213	148	325	4,788	2,583	11,040	4,274	8,055
New Bedford, Mass.:								
1971	5,603	2	12	169	119	2,566	1,488	1,247
1972	4,468	3	21	214	150	1,926	1,130	1,024
New Haven, Conn.:								
1971	7,934	18	52	251	334	2,977	1,835	2,467
1972	7,166	9	47	248	327	2,332	1,718	2,485
New Orleans, La.:								
1971	35,375	116	325	3,391	2,109	10,705	10,381	8,348
1972	30,000	163	261	3,001	2,040	8,428	8,984	7,123
Newport News, Va.:								
1971	3,693	12	28	216	427	1,332	1,372	306
1972	4,277	22	28	238	538	1,465	1,530	456
New York, N.Y.:								
1971	529,447	1,466	2,415	88,994	33,865	181,331	124,752	96,624
1972	434,303	1,691	3,271	78,202	37,130	148,046	90,098	75,865
Norfolk, Va.:								
1971	13,939	35	122	821	1,229	4,912	5,217	1,603
1972	11,411	46	144	823	1,251	3,983	3,870	1,294
Oakland, Calif.:								
1971	25,664	89	220	2,932	1,224	14,311	1,493	5,395
1972	24,804	78	261	2,907	1,646	13,080	1,413	5,419
Oklahoma City, Okla.:								
1971	12,959	45	144	521	1,142	6,314	2,136	2,657
1972	13,201	43	133	671	787	7,220	1,629	2,718
Omaha, Nebr.:								
1971	11,408	24	122	482	1,085	3,706	3,097	2,892
1972	13,234	24	125	692	1,092	4,064	4,237	3,000

TABLE 4.—OFFENSES KNOWN TO THE POLICE, 1971 AND 1972—Continued

[Cities over 100,000 population]

	Crime index total	Murder, non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny, $50 and over	Auto theft
Orlando, Fla.:								
1971	6,127	21	30	301	989	2,389	1,941	456
1972	5,469	19	37	325	414	2,283	1,892	499
Parma, Ohio:								
1971	1,605	3	4	25	59	513	616	385
1972	1,449	----------	3	27	64	613	446	296
Pasadena, Calif.:								
1971	8,078	11	111	527	458	3,677	2,117	1,177
1972	7,949	18	89	524	386	3,765	1,673	1,494
Paterson, N.J.:								
1971	8,521	20	41	918	977	3,177	936	2,452
1972	9,453	23	23	1,110	1,018	3,657	1,097	2,525
Philadelphia, Pa.:								
1971	61,340	435	546	9,243	4,970	20,914	7,387	17,845
1972	58,584	413	588	9,710	4,603	21,182	6,048	16,040
Phoenix, Ariz.:								
1971	30,546	55	216	1,304	2,326	13,348	8,965	4,332
1972	33,365	83	256	1,292	2,643	15,359	9,621	4,111
Pittsburgh, Pa.:								
1971	26,467	65	279	2,556	1,910	9,489	5,636	6,532
1972	23,550	49	298	2,646	1,827	7,824	4,778	6,128
Portland, Oreg.:								
1972	26,459	15	144	1,797	1,127	10,794	8,845	3,737
1972	26,530	37	169	1,715	1,344	11,034	8,673	3,558
Portsmouth, Va.:								
1971	5,079	21	52	489	269	2,276	1,329	643
1972	4,978	23	48	487	360	2,286	1,006	768
Providence, R.I.:								
1971	11,977	12	21	625	525	4,176	894	5,724
1972	10,355	6	21	534	443	3,793	758	4,800
Raleigh, N.C.:								
1971	4,956	12	22	191	452	1,308	2,638	333
1972	4,707	25	31	135	583	1,446	2,085	402
Richmond, Va.:								
1971	15,306	72	131	1,286	786	6,191	4,143	2,697
1972	13,507	87	164	1,453	812	5,152	3,655	2,184
Riverside, Calif.:								
1971	8,713	14	63	255	465	4,036	3,056	824
1972	8,943	8	52	247	641	4,270	2,993	732
Rochester, N.Y.:								
1971	11,160	31	54	728	458	4,664	3,927	1,298
1972	10,196	29	55	726	389	4,651	3,001	1,345
Rockford, Ill.:								
1971	3,525	13	8	149	187	1,353	1,349	466
1972	3,825	9	27	128	229	1,645	1,328	459
Sacramento, Calif.:								
1971	13,410	33	84	783	565	5,509	3,745	2,691
1972	15,314	51	110	886	634	6,889	4,102	2,642
St. Louis, Mo.:								
1971	44,409	220	498	4,956	3,231	18,876	4,763	11,865
1972	42,580	205	512	4,844	3,216	17,577	4,947	11,279
St. Paul, Minn.:								
1971	14,417	20	79	892	498	5,919	3,998	3,011
1972	14,773	16	90	838	558	6,693	3,746	2,832
St. Petersburg, Fla.:								
1971	8,661	29	52	633	671	4,487	2,337	452
1972	9,578	21	60	652	580	5,231	2,566	468
Salt Lake City, Utah:								
1971	11,179	16	64	409	292	4,159	4,387	1,852
1972	10,057	12	79	446	350	3,935	4,035	1,200
San Antonio, Tex.:								
1971	26,703	96	217	911	2,091	10,579	8,008	4,801
1972	27,492	104	256	1,200	1,854	12,038	7,820	4,220
San Bernardino, Calif.:								
1971	7,204	7	34	400	278	3,040	2,391	1,054
1972	7,323	14	56	447	355	2,675	2,670	1,106
San Diego, Calif.:								
1971	25,495	37	142	1,106	806	8,670	11,050	3,684
1972	28,039	31	165	1,225	992	9,957	11,629	4,040
San Francisco, Calif.:								
1971	57,538	102	512	6,584	3,101	18,264	16,130	12,845
1972	46,620	81	505	4,573	2,665	14,519	13,201	11,076
San Jose, Calif.:								
1971	17,880	16	170	497	743	8,190	4,643	3,621
1972	20,230	27	173	687	822	9,603	4,738	4,180

See footnote at end of table, p. 640.

TABLE 4.—OFFENSES KNOWN TO THE POLICE, 1971 AND 1972—Continued

[Cities over 100,000 population]

	Crime index total	Murder, non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny, $50 and over	Auto theft
Santa Ana, Calif.:								
1971	6,716	4	83	276	282	3,719	1,508	844
1972	7,291	8	81	260	366	4,267	1,528	781
Savannah, Ga.:								
1971	7,109	22	86	393	414	3,372	2,106	716
1972	6,127	27	68	424	696	2,629	1,644	639
Scranton, Pa.:								
1971	2,237	1	7	68	144	795	770	452
1972	1,632	----------	9	37	162	609	568	247
Seattle, Wash.:								
1971	26,967	42	208	1,801	1,093	12,455	7,858	3,510
1972	25,952	42	278	1,564	949	11,339	8,340	3,440
Shreveport, La.:								
1971	5,472	40	25	186	585	2,595	1,272	769
1972	5,014	31	23	188	495	2,288	1,429	560
South Bend, Ind.:								
1971	4,793	17	26	463	132	1,843	1,466	846
1972	5,750	15	27	470	143	2,141	1,874	1,080
Spokane, Wash.:								
1971	5,977	9	18	181	168	2,645	2,208	748
1972	5,840	6	10	173	203	2,686	1,885	877
Springfield, Mass.:								
1971	10,273	12	10	407	325	4,358	2,011	3,150
1972	11,504	8	30	430	791	4,565	3,051	2,629
Springfield, Mo.:								
1971	3,963	4	5	64	77	1,831	1,665	317
1972	4,148	6	19	78	119	1,860	1,725	341
Stamford, Conn.:								
1971	3,815	1	16	150	91	2,331	522	704
1972	2,762	5	13	173	83	1,553	460	511
Stockton, Calif.:								
1971	7,546	20	34	474	256	3,452	1,973	1,337
1972	8,635	21	28	559	327	3,831	2,364	1,505
Syracuse, N.Y.:								
1971	6,869	5	38	528	284	2,968	2,382	664
1972	6,109	10	24	374	299	2,825	2,050	527
Tacoma, Wash.:								
1971	6,005	10	44	310	297	2,493	1,930	921
1972	6,226	12	47	325	315	2,571	2,207	749
Tampa, Fla.:								
1971	13,824	54	68	951	1,143	6,346	3,893	1,369
1972	14,699	62	77	996	1,138	6,713	4,145	1,568
Toledo, Ohio:								
1971	13,821	29	118	1,081	457	5,227	5,149	1,760
1972	14,703	34	131	1,180	500	5,327	6,093	1,438
Topeka, Kans.:								
1971	4,586	7	40	202	442	1,583	1,956	356
1972	3,889	9	41	144	347	1,421	1,721	206
Torrance, Calif.:								
1971	6,059	6	39	155	121	2,459	2,372	907
1972	5,744	2	32	214	145	2,017	2,398	936
Trenton, N.J.:								
1971	7,805	16	22	913	300	3,378	1,816	1,316
1972	7,204	21	34	912	548	2,957	1,240	1,492
Tucson, Ariz.:								
1971	8,465	19	91	383	465	3,704	2,450	1,353
1972	9,622	12	102	481	412	4,324	2,882	1,409
Tulsa, Okla.:								
1971	12,432	33	73	459	838	5,113	3,922	1,994
1972	12,611	31	118	463	831	5,334	4,242	1,592
Virginia Beach, Va.:								
1971	4,194	5	28	63	192	1,205	2,495	206
1972	4,368	5	31	71	174	1,419	2,394	274
Warren, Mich.:								
1971	5,874	2	37	241	199	1,902	2,644	849
1972	5,709	5	34	215	252	1,829	2,517	857
Washington, D.C.:								
1971	51,256	275	615	11,222	3,972	18,818	7,622	8,732
1972	37,446	245	714	7,751	3,897	12,801	6,217	5,821
Waterbury, Conn.:								
1971	3,887	5	10	175	128	1,499	960	1,110
1972	3,589	8	4	223	135	1,453	823	943
Wichita, Kans.:								
1971	10,689	14	57	374	400	4,388	3,829	1,627
1972	10,616	17	46	343	391	4,347	3,745	1,727
Winston-Salem, N.C.:								
1971	5,403	33	43	199	1,019	2,242	1,459	408
1972	5,679	33	40	230	1,129	2,379	1,358	510

TABLE 4.—OFFENSES KNOWN TO THE POLICE, 1971 AND 1972—Continued

[Cities over 100,000 population]

	Crime index total	Murder, non-negligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny, $50 and over	Auto theft
Worcester, Mass.:								
1971	12,559	12	33	452	207	5,110	2,356	4,389
1972	12,894	7	32	501	275	5,179	1,827	5,073
Yonkers, N.Y.:								
1971	7,252	11	9	485	196	2,507	2,287	1,757
1972	6,407	8	15	425	198	2,330	1,823	1,608
Youngstown, Ohio:								
1971	5,105	23	36	354	300	2,700	691	1,001
1972	4,497	27	34	369	333	2,071	530	1,133

‡ 1971 figures not comparable with 1972, and are not used in trend tabulations.

Note: All 1972 crime figures from reporting units are preliminary. Final figures and crime rates per unit of population are not available until the annual publication scheduled for release in the summer of 1973. Trends in this report are based on the volume of crime reported by comparable units. Agency report which are determined to be influenced by a change in reporting practices, for all or specific offenses, are removed from trend tables.

Appendix A.3

Statement to Subcommittee No. 5 of the House Judiciary Committee Concerning LEAA By Governor George C. Wallace

I am honored to speak in support of the Law Enforcement Assistance Administration.

Since its inception, LEAA has made many contributions toward helping us improve law enforcement in Alabama and providing assistance in our continuing battle against crime.

Perhaps most important is the realization by LEAA that crime is basically a local and state problem and must be dealt with at those levels.

LEAA has not only helped us in our fight against crime by offering funds and technical advice, but also in another important area: corrections.

I think that the best hope for us in trying to substantially reduce crime lies in the area of rehabilitation of the offender, trying to teach him new skills so that he can rejoin society as a person who has a sense of purpose in life and feels that he or she can make a meaningful contribution.

I want to tell you of two LEAA-funded programs in Alabama which focus on this critical area.

One is a Pilot Pre-release Program for male and female offenders and the other is a Pre-release Rehabilitation Program for Women Juvenile Delinquents.

The Alabama Board of Corrections, since February 1971, has been in the process of implementing the pre-release pilot program in Elmore, Alabama.

The board started this program after recognizing the need for an interim stage to facilitate and ameliorate the crucial transition of a released offender from institutional incarceration to freedom.

The program aims to provide a developmental program of work, education, recreation, visits, job interviews, and cultural experiences through a one to 12 month reorientation program created to assist the ex-offender to the "free-world" environment.

Since the beginning of the project, 166 persons have been admitted to this program. These offenders live in two minimum-custody facilities adjacent to the prison, leave daily to work in Montgomery or Elmore County, and return to the facility at night.

At the centers, the program participants are counselled on various aspects of living in the community and on assuming responsibility when they are freed. For example, bankers speak to the participants about money management.

Such information, of course, is reiterated, validated, and used by the participants in their daily lives. Advice about employer-employee relations assumes reality and meaningfulness in the participants' daily work.

As of January 1, 1973, eighty-five persons have been released to the community from the program. As of that date, no recidivism has occurred.

Additionally, the participants have jointly earned $169,445, 75 percent of which they retain and 25 percent of which the Board of Corrections uses to manage the program.

In both economic and correctional terms, the program is profitable.

LEAA has contributed $75,033 of the total project cost of $127,541.

The other project is the Huntsville Group Home for Girls which was created to achieve the pre-release rehabilitation of delinquent teen-age girls to reduce recidivism, and to develop more effective correctional programs.

By removing the teen-age female offender from the institutional environment of the Alabama State Training School for Girls at Chalkville, and placing her in a warm supportive, homelike atmosphere, the Huntsville Home offers an alternative to incarceration for the female juvenile delinquent.

The capacity of the home is six girls, the average stay is about six months, and 12 to 13 girls are admitted each year.

Life for the girls at the home is designed to be as normal as possible. The girls attend public and vocational training school and may belong to clubs and churches in the community.

Since 1968, 21 girls have graduated from the home and live in the community, independent of the institution and any further supervision.

To date, there has been no recidivism among these girls.

Nine girls, however, have been returned to the State Training Schools for minor infractions.

I think these two programs are typical of the kind of help that Alabama is receiving from the LEAA—help that I hope will continue to be available from this valuable agency over the coming years.

We have come a long way in several categories with LEAA help and I am sure that LEAA aid will enable us to make substantial progress in other areas as well.

Appendix A.4

Testimony of Gov. Francis W. Sargent on Law Enforcement Assistance Administration, March 14, 1973

When the Omnibus Crime Control and Safe Streets Act was first passed in 1968, it was looked upon by all of us in government as a unique opportunity to test out some of the coming concepts in revenue sharing; and it was looked upon by those in law enforcement as an opportunity to undertake some of the fundamental reforms that were necessary to reduce crime and improve the criminal justice system; and it was looked upon by still others, primarily those who believed in straight categorical grants, as an impending disaster under which rurally dominated and conservative state governments would utilize the funds to reinforce their existing systems in ignorance of the problems of our deeply troubled urban areas.

The Crime Control Program has proven to be more of the former, certainly, than the latter. It has demonstrated the potential value of revenue sharing. It has begun, but not completed many of the fundamental reforms needed in the criminal justice system; and it has not been ignorant of the plight of the cities.

While none of the extremes have been achieved—and I submit that this is not unexpected—enough has been achieved by this program to not only call for its continuation, but to point out to this Committee, to the Congress, and to the public that any radical changes in its approach and operation would set us in government and our criminal justice practitioners back several years in our reforms.

Let me give you some examples of accomplishments in Massachusetts. We have received approximately $30 million since 1968 and our 1973 Plan will provide $15 million additional. We have developed across the board improvements in our major cities and in our principal state criminal justice agencies.

We have established planning and coordination offices in our seven largest cities—which account for 24% of the state's population and 44.4% of its crime rate. In each of these cities we have new and imaginative delinquency prevention programs, court diversion programs, and police operation programs. We have cut down the number of offenders being sent to prison, where they only increased their criminal tendencies, and placed them in community-based programs where supportive services are offered. Our police departments have instituted impressive community service officer programs and in one city we have a team policing project. Both of these programs have significantly improved police community relations. As a result of these activities we now have, in these large urban areas, the potential to develop comprehensive and effective crime control programs.

At the state level, we have also made great strides. With the support of LEAA funds, our State Department of Youth Services has totally deinstitutionalized and placed all the youth in its custody into community programs. It now purchases services these youth needs—group and foster home care, vocational training, counselling and placement, tutorial, clinical—through public and private agencies. Not only has this reduced recidivism among these youth, it has also allowed us to reduce the annual budget of the Department from $12 million to $10 million.

The Department of Corrections, even while undergoing the turmoil that has characterized prisons in many states since Attica, has also moved forward to establish community-based alternatives to incarceration and substantially reduced its inmate population. Through the use of LEAA funds we have established a pre-release center, a classification program, five halfway houses, rules and procedures for inmates rights and grievances and supporting vocational training programs.

Within the courts of Massachusetts have been developed new administrative offices in the Supreme Court, Superior Court, and the District Courts modeled on the offices of the federal court system. This has enabled our courts, for the first time, to truly manage their operations and their caseloads. It has also enabled them to provide judicial education on a regular basis for all judges, dealing with

such important topics as sentencing, drugs, bail, and modernized criminal procedures. We have also revised our bail procedures and tested out a court administered money bail system, which we hope to adopt within all the courts this year.

We have also taken a major step to control and properly utilize the criminal offender record information maintained in the Commonwealth. Last year, under the leadership of our state planning agency, we submitted and got enacted legislation placing all such information under a Criminal History System Board and limited its utilization to only carefully selected agencies which have a real need for it. We have also converted the information to a form which will be placed on a computer so that it will be accessible to these agencies within seconds. At the same time, we have made sample provision for the protection of the security and privacy of this information.

We have also made substantial improvements in prosecution and defense services. We have undertaken a massive new prosecution program in our lower courts, in which nearly eighty additional assistant district attorneys handle all serious cases. Not only has this made the presentation of the state's case more professional and increased convictions, but it has reduced appeals to the Superior Court, cutting down our backlog. Defense services have also been changed through a program of decentralization, professionalization of management, and utilization of private bar resources.

These are but a few examples of what we have accomplished.

The key issue now is to maintain the momentum that we have established and to continue on essentially the same basis as we have been operating for the past several years.

This does not mean that this program is perfect or should not have some revisions. What it does mean, however, is that we should not make the mistake of major change in the philosophy of an Act which has now developed, through experience and error, into an example of a program in which at least Massachusetts has demonstrated its capability to respond to its crime problems and the crime problems of its cities, and I don't believe we are unique. A change now into a direct grant program to cities and towns would unde five years of planning, coordination, and program development which the criminal justice system and the public cannot afford.

While we have not yet seen the administration's exact proposals on Special Revenue Sharing for Law Enforcement, I heartily support this concept as I understand it. It allows for the meeting of the following 6 criteria which are crucial for LEAA's success in Massachusetts.

First, we should maintain the operation of our state planning agencies. Any changes in the Act should require that funding be at least at the level now supporting state planning agencies and regional and local planning agencies under Part B. Failure to make this provision would eliminate the key element to the program. Indeed, because of new administrative requirements more funds should be allocated to support auditing and other accountability positions.

At the same time, efforts should be made to reduce the paperwork requirements and to increase the planning and data collection requirements. The Congress ought to look carefully at the need for an annual comprehensive plan—which is probably not necessary—while still requiring the states and local communities to plan.

Second, the variable pass-through provisions which require that a minimum amount of funds be made available to local units should be kept sufficiently flexible to allow the states to establish some priorities of statewide significance and fully support them. For example, many of the major reforms I cited earlier were state operated programs. We have had difficulty in Massachusetts in keeping within the pass-through requirements because of the major changes we are making in state programs such as corrections, youth services, and courts.

Third, special requirements and minimum allocations should be avoided. There have been many proposals for special funds for corrections, for courts, or for police. If we are truly serious about local responsibility, we should depend on the state and local governments and people to determine priorities in their own areas. The only requirements that are appropriate are to have a balanced and comprehensive program.

Fourth, the Congress and the Administration should reduce the complexities of the matching requirements. The program began in 1968 with so-called "soft-match" of 40% except in cases of civil disorder and organized crime programs, which were 25%. It then changed to 25% "soft-match", and then to 10% "hard

match" and "6¼%" state buy-in. Without going into further detail, it is quite clear that the burden of coming up with funding, services, and other items to meet these complex requirements has been so great that grantees and program directors as well as SPA staff have had to spend an inordinate amount of time—time which should have been spent on program development and auditing—working out the figures for matching. The preferable approach would obviously be to eliminate the matching requirements, and this would be consistent with the revenue sharing concepts.

Fifth, I somewhat reluctantly propose, as a Governor with serious fiscal problems in meeting our state budgets, that the non-supplanting provision should be maintained. I do this because to allow supplanting would totally change the character of the program and would substantially reduce the possibilities of innovation, reform, and improvements which has characterized it during the past few years. The non-supplanting provision added to the requirements for planning have enabled us to move in new and improved directions to reduce crime and reform our criminal justice system. We need this stimulation to continue to act favorably.

Finally, I would urge the Congress to continue and expand the national scope research effort. While state and local agencies and governments can test our new concepts and demonstrate new techniques, there are many things that are so potentially expensive and so important to all our local efforts, that they should be undertaken by a national scope agency. Examples of this are in equipment development, evaluation techniques, high impact crime programs, and information system development.

Clearly, this is only a beginning. But we have made progress and will continue to make progress if we learn from our experience. I urge upon you favorable action on the LEAA program. I offer the Massachusetts' experience that it can work.

Appendix A.5

Statement of Dolph Briscoe, Governor of Texas, to Subcommittee No. 5, House Judiciary Committee

As Governor of Texas and chairman of the Texas Criminal Justice Council, I want to express my sincere appreciation for this opportunity to present this summary of how Texas and the Law Enforcement Assistance Administration are working together toward the common goal of reducing crime and delinquency.

I regret that I am unable to appear before the subcommittee, but the Texas Legislature is in session, and this prevents my attendance at the hearings.

More than 70 million dollars provided by the Omnibus Crime Control Act has been put to use in Texas. The effectiveness of this funding is evidenced by a declining crime rate. FBI Uniform Crime statistics indicated Texas to be the most populous of eight states to experience a crime rate decrease in 1971. This decrease was 0.3 percent. Texas Department of Public Safety statistics indicate a more startling decrease for 1972—a 6.0 percent decrease from 1971. These decreases are more impressive when it is noted that only increases have been noted since 1954. Specifically, percentage increases over each preceding year were noted as follows: 1968, 15.7 percent; 1969, 22.2 percent; 1970, 7.3 percent.

Colonel Wilson E. Speir, director of the Texas Department of Public Safety, says the decrease in the crime rate may be attributable to many factors, including improved law enforcement effectiveness resulting from training and education programs, increases in personnel and improvement of facilities. Improvements in other parts of the criminal justice system and a public awareness and concern also are noted as probable factors. I submit that these factors have been enhanced greatly, if not influenced directly, by the use of Omnibus Crime Control funds. These funds have enabled many capable and dedicated criminal justice officials throughout the state to multiply their efforts and their effect on the crime problem.

As important as the financial assistance has been, I feel the most lasting contribution to our state resulting from the Omnibus Crime Control Act has been the introduction of comprehensive criminal justice planning. Such planning makes possible an efficient and concerted effort by the entire criminal justice system. It has engendered closer local cooperation in attacking crime problems, and has ensured with increasing accuracy the most effective use of funds made available by the Act.

Following are some examples of the many LEAA-funded projects we believe are directly enhancing our capability to fight crime in Texas.

A foot patrol unit operating in the area of the highest and fastest-growing crime incidence in Fort Worth produced a 39 percent reduction of crime incidence in that area in two years. Fort Worth's police-community relations program, one of eight such projects funded in Texas and recognized as one of the best in the nation, greatly enhanced this crime reduction and reduced a high level of racial tension. A Fort Worth Police Department Drug Enforcement Section funded by the Criminal Justice Council is credited with substantially lowering illicit drug availability and thereby removing from the local market many drug abusers, most of whom resort to crime to support their habits.

Two other police-community relations projects in Austin and Waco have helped to lower the burglary rate for 1972 in their respective cities—32.5 percent in the target area in Austin and 6.0 percent in Waco—through citizen property marking.

San Antonio's Crime Task Force brought an 18 percent reduction in robberies and a 13 percent drop in burglaries during the first year of operation.

More than 1,300 persons have been arrested as a result of San Antonio's Crime-Stop project during its first two years of operation. The project encourages citizen reporting of offenses and suspicious circumstances and stimulates public awareness through a special information and education effort.

The Tyler Police Department, in less than a year, has turned a $23,541 grant into a 29.7 percent reduction in commercial burglaries and a 20 percent decrease in major crimes in Tyler. Responsible for the reduction is the CJC-funded crime-prevention project, aimed primarily at commercial burglaries. The project goal, calling for a 20 percent reduction in two years, was exceeded by almost 50 percent the first year.

A similar project in Midland, funded later, is yielding similar results.

The Dallas Police Department's First Offender Project, a counseling effort with juveniles, has reduced the recidivism rate to only eight percent among youth counseled, as compared to 48 percent for all first offenders.

The Dallas Police Service Expediter Unit has saved 38,650 patrol manhours in 21 months of operation through selective assignment of patrol units. The saving represents 13 officers' time for an eight-hour day for 365 days.

The Dallas helicopter project has achieved a response time of 2.6 minutes. More than 1,000 arrest assists are credited to it to date.

Presently, each of the state's 24 planning regions has access to a CJC-funded law enforcement officer training academy. The academies were established in response to new requirements for all Texas peace officers in 1971. Most of the nearly 20,000 Texas peace officers now have received basic, advanced, or specialized training, and Texas officers are eminently better qualified today to cope with the crime problem.

Ten regional crime laboratories have been established, and many other agency laboratories expanded and improved, toward the goal of having a laboratory within 100 miles of every police agency.

One of the most spectacular and unifying aids to law enforcement capability has been communication improvements. Before 1970 there were only 90 low-speed, manually operated police teletype terminals in the state. With funding and technical assistance from CJC, the entire system has been modernized. A computer-controlled switcher system was installed at Texas Department of Public Safety headquarters. Any terminal in the state can be accessed in seconds, where hours often were required before. There now are 311 terminals, each with the capability to communicate automatically with any other point in the system, as well as inquire of state and national computer-stored crime files. Crime records of the most active offenders were put on computer in 1972, accessible online by teletype.

A statewide law enforcement radio system also is being developed. All 20 regional planning councils have been funded for the conceptual design, and nine thus far for equipment purchase. The goal is to have all radio units within 30 miles of a teletype terminal at all times. With appropriate frequency allocation, radio congestion will be eliminated.

The teletype and radio systems are basic to the development and establishment of a Texas Criminal Justice Information System (TCJIS). Presently four computerized regional criminal justice information system are being developed and are in partial operation. Along with developing state agency systems, TCJIS is nearing realization.

Probation and rehabilitation services have been greatly expanded. Many courts now operate with increased efficiency. Correctional alternatives are being explored and perfected.

Typical of the many courts now operating with greater efficiency as a result of CJC block-grant action projects are those in Harris County (Houston). Projects in the Harris County district courts have resulted in a 23 percent increase in court dispositions, a 75 percent reduction in the time between arrest and trial, and a 25 percent decrease in the population in the Harris County Jail.

Through the personal bail bond and night magistrate projects funded by CJC in Bexar County (San Antonio), 4,443 persons were released from jail on their personal bonds during 1972. These projects are a part of the CJC program for developing alternatives to incarceration. They serve to reduce crowded conditions in the jail and to maintain the job and family ties of the accused. At the end of the year, 2,076 persons in Bexar County were at liberty under personal bond; 67 percent of them were gainfully employed.

Juvenile detention has been improved in several areas. One such facility was funded to serve Jefferson and Orange counties and to provide full diagnostic and treatment services. Of particular note is an education rehabilitation effort which vastly increased reading and math skills of detainees and probationers, whose learning disabilities in many instances had led to their dropping out of school and getting into trouble with the law.

Many of the projects described here perhaps have borne the most easily quantifiable results; with more than 1,400 projects having been funded in Texas with block-grant LEAA discretionary funds, the list could go on and on. Results obtained in four years of the program are reflected in the statistics. With the first task of the state planning agency (Criminal Justice Council) having been to develop a comprehensive approach to the crime problem, it is anticipated the results now evident will continue to accrue more rapidly as the effort progresses.

THE AMERICAN LEGION,
Washington, D.C., March 23, 1973.

Hon. PETER W. RODINO, Jr.,
Subcommittee No. 5, House Committee on Judiciary, Rayburn House Office Building, Washington, D.C.

DEAR CHAIRMAN RODINO: Enclosed is a copy of resolution 490 adopted by the National Convention of The American Legion last fall affirming the organization's support for the Law Enforcement Assistance Administration program.

I would appreciate your including this letter and resolution in the permanent record of the hearings now in progress on authorization legislation for this program.

Sincerely yours,

HERALD E. STRINGER,
Director National Legislative Commission.

APPENDIX A.6

54TH NATIONAL CONVENTION OF THE AMERICAN LEGION HELD IN CHICAGO, ILL., AUGUST 22–24, 1972

RESOLUTION NO. 490—AFFIRM SUPPORT FOR THE PROGRAM OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

WHEREAS, The Law Enforcement Assistance Administration has made notable accomplishments in its first three years, turning a nation-wide crime control proposal into reality; and

WHEREAS, LEAA has manifestly improved the spirit of cooperation between the various criminal justice disciplines in the common struggle to improve the administration of law and justice in America; and

WHEREAS, It is widely agreed that those who bear the responsibility for law enforcement at the state and local level are best qualified to identify their law enforcement problems, and to set the priorities and develop the means to solve these problems; and

WHEREAS, LEAA's efforts in making block grants to ease local problems have been a marked success and foreshadow equal benefits from proposed federal-state revenue sharing; now, therefore, be it

RESOLVED, by The American Legion in National Convention assembled in Chicago, Illinois, August 22–24, 1972, that we expressly affirm our confidence in LEAA and the Safe Streets Program and urge both the Congress of the United States and the nation's state and local governments to support LEAA in the interest of greater domestic security and a more efficient campaign to combat disorder and reduce crime.

APPENDIX A.7

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, Pa., March 28, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
U.S. House of Representatives, Washington, D.C.

DEAR MR. RODINO: I am writing you concerning the Federal Omnibus Crime Control and Safe Streets Act. In my opinion, and, I believe, in the opinion of most Pennsylvanians, this program to combat crime must be continued. We are gathering momentum in our offensive against crime in the Commonwealth—thanks in large measure to the Law Enforcement Assistance Administration program. The consequences of halting this momentum by failing to renew the federal program, or slowing it by crippling changes, would be tragic.

At the same time, I am a firm believer that the States must increase their share in criminal justice in terms of money, programs, and leadership.

Pennsylvania has done that under my administration and we propose to continue.

This week, for example, we are opening a new program to aid eight middle-sized municipalities identified by the Governor's Justice Commission as communities with a serious crime problem. Each will receive a special grant to start tackling their street crime problems in a systematic way. As for our two major cities, Philadelphia and Pittsburgh, they have already received approximately one-third and one-fourth of the federal LEAA funds available to local government.

Now, let us look at the record of crime and crime prevention in Pennsylvania. The latest FBI figures available to us (September 1972) on the five largest cities of the Commonwealth, Philadelphia, Pittsburgh, Erie, Scranton, and Allentown, show that we are holding our own. There are some improvements over 1971 in the crime rate, notably in Pittsburgh and Allentown, but by and large the incidents of murder, rape, assault, and robbery remain at or near the same levels as a year ago. In some categories they are inching higher. This is clearly unacceptable.

We have attempted to meet the menace of street crime by pumping large amounts of State funds into the criminal justice system. During the period from 1969–73, for example, the State budget for all programs to improve the justice system rose substantially. The chart below compares the State effort during this period with Federal aid.

	State funding (thousands)	*Federal funding (thousands)*
1969:	$56,335	$2,309
1970:	65,215	11,589
1971:	86,124	23,676
1972:	122,188	28,257
1973:	142,019	33,157

The figures above make my point clearly. LEAA funds are but a small amount compared to the overall State effort in the fight against crime. We believe, however, they give us an extra edge in what has often been a fight with the odds on the side of the street criminal, the drug traffikers, the leaders of organized crime, the criminal merchants. With LEAA funds we can finance projects that address specific crimes in specific localities—such as, for example, burglaries in the 3rd Police District of Philadelphia. We can place criminal justice planners in the major municipalities and counties to focus all aspects of the criminal justice system on crime reduction goals. We can strengthen our drug enforcement teams and organized crime task forces throughout the State. We can, in other words, jump beyond the support of normal State functions into projects and programs that may make our streets safer in the future. The choices before the Congress, as I understand it, are whether to continue the Omnibus Crime Control and Safe Streets Act of 1968 or to adopt the special revenue sharing proposal recently introduced by the Administration.

In Pennsylvania we feel the existing Act has served us well. We would like to see it continued indefinitely. The Catch 22 in special revenue sharing is the unknown volume of functions turned over to the State that have hitherto been performed by the Federal authorities. In this bill we are unsure what new and hidden State responsibilities may pop up to haunt us.

The LEAA program has been something of a whipping boy in Congress, but it should be remembered that it is a new program. Only in the last year or so have we gotten to the point where we are beginning to master the fine points of criminal justice planning and the Federal-State-Local relationships explicit in the original Act. Surely we would lose ground if we were to be plunged once more into the complexities of a new act with changed obligations and responsibilities all around. For these reasons, we remain strong supporters of continuing the life of the Omnibus Crime Control and Safe Streets Act as presently constituted.

Sincerely,

MILTON J. SHAPP, *Governor.*

APPENDIX A.8

CITY OF SAINT PAUL,
OFFICE OF THE MAYOR,
Saint Paul, Minn., March 26, 1973.

HON. PETER RODINO,
Chairman, House Judiciary No. 5,
House Office Building, Washington, D.C.

DEAR MR. RODINO: I would like to take this opportunity to comment on the bill, H.R. 5613, which is now before your Committee.

While I favor the Administration's attempt to have L.E.A.A.'s monies put into revenue sharing, I see some fatal flaws in this bill.

A statement that "the streets are still unsafe" is an accepted fact. As Mayor of the second highest crime area in the state of Minnesota, I am convinced that a meaningful reform of L.E.A.A. can be achieved only through an honest appraisal of where we now stand with the program.

Over the past four years, the L.E.A.A. program has gone from a mayor's simple request to the federal government, to a complicated. bureaucratic, unresponsive and frustrating process. The process which originally took six weeks for the city of Saint Paul, now takes 346 days. *Nearly one year from grant application to funding.* The infusion of federal monies has not increased the capabilities of fighting crime. The establishment of a state planning agency and other agencies has resulted in multiple review levels, delays, uncertainties, frequent rejection of priorities, and lack of continuity for the local units of government and their criminal justice agencies. There is also less accountability for spent federal funds, and inadequate amounts of safe street monies filtering through the red tape maze to the cities.

Federal funds have created more layers of government without giving them the operational responsibility for fighting crime. A burglary is committed in the city, not the region and not the state. The local police are responsible for apprehension, not the regional officials or the state planning agency.

It is and has been the responsibility of local elected officials for the war against crime. We are elected by the people and we are responsible to them. It is the local elected officials who in the last analysis are held accountable for their performance in bringing crime under control.

In light of these facts, the cities are reaching into their already stretched dollars to fight crime, rather than depend on federal dollars.

I would ask that you take these two proposals into consideration:

1. Support real revenue sharing. Through a formula based on crime rates and population, make block grant awards of planning and action monies to cities. With block grants, cities can be assured funding for their top priorities, reduce delays between applications and awards, and provide greater certainty in planning, thus have more impact on crime.

2. The major city and county should make a single application, based on a comprehensive local plan, to the state. The state should approve or disapprove the local plan in its totality. The criteria for approval should be whether the local plan is comprehensive in its approach to local priorities.

If decentralization is the underlying philosophy of revenue sharing, then let it truly be decentralized. The federal, state and regional roles must diminish. The local units must be allowed to plan and function unhindered by the red tape now surrounding L.E.A.A. money.

I want to thank you for your time and attention. I know the task before you is a tremendous one. I hope I was able to aid you with my comments. We are the ones affected by crime, and responsible for the control of crime.

Sincerely,

LAWRENCE D. COHEN, *Mayor.*

Appendix B

Anti-Crime Politics

(By Len Ackland)

Ben Bezoff, the Mayor's emissary, was introduced as the "strong hand" whose support has come from "behind the scenes." Bezoff was representing City Hall at the first anniversary meeting of the Denver Anti-Crime Council, appointed February 22, 1972, by Mayor William McNichols. After briefly praising the 16 members of the 28-member Council in attendance. Bezoff wryly noted, "The Mayor watches the attendance record. There are ordinarily not quite as many here as tonight." An average of 12 members attend the monthly meetings.

Letters have now gone out from the Mayor's office asking for resignations from those members of both the Anti-Crime Council and the five nine-member Task Forces who have been delinquent in attending meetings. Phase II of the community participation charade has begun.

But first, perhaps we should go back to the beginning—January 13, 1972, when Vice President Spiro Agnew announced Denver's selection as one of eight cities to receive some $20 million in federal funds from the Law Enforcement Assistance Administration (LEAA) for a "High Impact Anti-Crime Program." (When local matching funds are added in, the Program's grant total is $25 million.) Crime was the main selection criterion, and Denver had plenty of it.

Crime statistics show that from 1966 to 1971 burglaries in Denver increased 152 percent, more than double the rate nationwide; robberies shot up 210 percent; forcible rapes increased 168 percent; and aggravated assault went up 184 percent. These four stranger-to-stranger crimes occur most frequently of all violent crimes and are of most concern to the public. High Impact's stated goal is to reduce these specific crimes by five percent over a two-year period and 20 percent over five years, although the initial experimental program was funded only for 28 months.

"High Impact will revolutionize crime control," said LEAA Administrator Jerris Leonard following Agnew's announcement of the program. He added that the program would be "innovative, enlightened, tough and effective" and ended by calling it "a new partnership with our people."

Since the first projects funded under Denver's High Impact program got under way just last December, it is too early to tell whether or not the program will be "tough and effective" in meeting its own quantified goals. Many observers agree, however, that it is neither "innovative" nor "enlightened."

In fact, the taxpayers' $25 million is going to fuel a program which is little more than a funding mechanism for the traditional agencies of the criminal justice system—including the police department, courts and correctional institutions. Fully three-fourths of the 15 projects so far approved by the Denver Anti-Crime Council come from these agencies.

"High Impact would have met with a lot of community opposition, if it'd been known that the dollars would only go for suppressive measures," said one angry critic, voicing an opinion held by many who have watched the program develop. This source, like so many others, asked not to be identified—an indication of the true power of the anti-crime bureaucracy in Denver.

The direction High Impact is taking derives in part from the horrendous LEAA bureaucracy stretching from Washington to Denver. The criminal justice agencies have the resources and the red tape mentality which allow them to push their proposals through the bureaucratic maze, while community groups don't.

Also, the restrictive federal and local guidelines were designed to discriminate in favor of criminal justice agencies.

But most importantly, these agencies have the political clout to get their projects funded. For Denver's High Impact program boils down to a highly political game in which non-agency, community-based groups too seldom understand where the power resides and how to get to it.

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The public is unaware that the decisions being made now and the precedents being set could extend far beyond the 28-month life of the program. The professional eight-man Anti-Crime Council Staff "is" gearing to become the nucleus of the city's "superagency" once special revenue sharing for law enforcement comes about. Denver is getting its first look at the way Nixon's "New Federalism"—the shift of more program responsibility and control into the hands of state and local government—may work.

Created by the Omnibus Crime Control and Safe Streets Act of 1968 for the purpose of improving law enforcement agencies and the criminal justice system, LEAA has become the most visible law 'n' order arm of the Nixon Administration. During a time when social programs are under the knife, LEAA's budget is soaring. It rose from $63 million in 1969 to $850 million in fiscal 1973.

Eighty-five percent of LEAA money is awarded to states as "block" grants (based on population), and 15 percent is given in the form of "discretionary" grants. LEAA serves as the "cutting edge of the New Federalism," in the words of one high LEAA official.

The metaphor is most apt; LEAA funds have primarily gone to provide "hardware"—machine guns, helicopters, sophisticated communications equipment—to law enforcement agencies around the nation. Yet, and to the surprise of few, better crime suppression technology has not reduced our country's crime rate—the social and economic root causes remain untouched.

Even LEAA officials recognized that some new track had to be laid, if only to save its own bureaucratic life. In 1972, the High Impact Anti-Crime Program was presented as the experimental vehicle. The city governments of eight cities (Newark, Baltimore, Cleveland, Atlanta, St. Louis, Dallas, Portland and Denver) were given the ultimate responsibility to decide how the available LEAA funds would be allocated, although not without ample state and federal strings.

Also, the goal of reducing the four specific crimes of burglary, robbery, rape and assault by a quantified amount was called a new approach to crime reduction.

When the first rumors began circulating in late 1971 that Denver was being considered for High Impact, several community groups feared this was simply old vinegar in a new bottle. Some eight civic, religious and cultural groups joined together under the banner of "Citizens for Involvement in LEAA."

They had some leverage, since even the LEAA planning guidelines sent out to the Impact cities recognized the need for community participation: "If the Impact Program is to reduce crime in a city, it must have the active support and cooperation of as many members of the community as possible."

"We wanted input into the planning and project development," remembers Howard I. Rosenberg, director of the Legal Aid Society, who was active in the citizens group. "We asked to meet with the mayor, but were refused."

Despite the refusal, Mayor McNichols must have felt the need for some kind of community participation. On February 22, 1972, he announced his appointment of a 27-member Coordinating Council on Criminal Justice (soon simplified to Anti-Crime Council) and the appointment of five Task Forces of nine members each. The Anti-Crime Council was designated as the city's primary decision-making body on projects proposed for funding. One-third of the members were to be from criminal justice agencies, one-third "other professionals" and one-third from the community. It is chaired by Minoru Yasui, the energetic director of the mayor's Commission on Community Relations.

The make-up of the Anti-Crime Council was immediately challenged by the "Citizens for Involvement in LEAA." James Garcia, Director of Metro Denver Urban Coalition, charged that although nine of the members represented law enforcement agencies, most of the so-called "community members" only represented business and professional interests. "I'm talking about the Corky Gonzaleses and the Lauren Watsons when I speak of community members," said Garcia.

The Anti-Crime Council itself acknowledged this community under-representation in its first meeting on March 21, 1972. A motion was passed requesting the mayor to expand the Council by six to include young people, women and Indians. McNichols responded by appointing one additional member, Joe Locust of the American Indian Movement.

As the sparring over the composition of the Council continued, the mayor appointed a director and assistant director of what in fact has become the key decision-making body of the High Impact program—the professional Anti-Crime Council Staff.

Charles Denny Weller, a former Denver patrolman, was brought in from the American Justice Institute in Sacramento, California, to be staff director. His assistant is Anthony Pasciuto, formerly assistant dean of the School of Criminal Justice at the State University of New York at Albany. Weller in turn helped select the five criminal justice specialists which comprised his staff.

Again, there were misgivings by the citizens' group. "It seems strange," one woman commented, "that a supposedly local program only got two of its staff from Denver."

Until the staff began operating in mid-April and actually began accepting project ideas in June, the mainstay of the High Impact program was Minoru Yasui, director of the Commission on Community Relations and chairman of the Anti-Crime Council. Yasui was active in helping get the five Task Forces—on Courts, Corrections, Police and Community Relations, Youth Development, and Impact Neighborhoods—off the ground.

Statements by officials at this time indicated that High Impact would be very flexible. For example, Yasui was cited in the *Rocky Mountain News* of March 28, 1972, as saying that a portion of the $20 million in federal money "will definitely" be used for recreation purposes.

The "Citizens for Involvement in LEAA" faded away. "There was only so far we could push," explains Rosenberg of Legal Aid. "We attended meetings, but got turned off. If the mayor has control and refuses to meet with you it's hard to keep going."

Nevertheless, it appeared that a structure for some citizen participation existed. According to Sheldon Steinhauser, a member of the Anti-Crime Council, "The Council started with a great opportunity for citizen involvement. But the complexity of the application procedures eliminated organizations without resources. Thus, any kind of nontraditional projects were knocked out."

From last September up to March the Anti-Crime Council has approved all 15 projects which were presented to it following staff and Task Force review and comment. Yet, only five of those projects have been funded and are in operation while two have been held up in the state and federal review process and may not be funded.

In theory the whole process was to take 55 working days, but "trying to get the state and federal bureaucracies to speed up is like trying to move the unmovable," says Yasui.

These time delays don't have much effect on established agencies waiting for special projects to be funded, but it is just one way that non-agency, community based projects are hamstrung. Project guidelines are another.

The project proposal guidelines drawn up by the Anti-Crime Council Staff last May state, "The Denver Anti-Crime Program is designed to accommodate a maximum of community participation and contribution in reducing the incidence of crime in Denver yet operate within the guidelines set by both State and Federal government."

In practice, those guidelines are being interpreted in a way which minimizes community participation.

The two main guidelines are that projects be crime specific and have a state or city government agency as sponsor.

The crime specific requirement means that a project must have data to show that its success will achieve the overall High Impact goal of reducing at least one of the specific High Impact crimes by five percent over two years and 20 percent over five years.

Data is the name of the High Impact game. It may even become unmanageable, as stated, in the staff's draft "1973 Crime Reduction Plan." This document warns project applicants that "When the amounts of data become so large they become unmanageable, it is advisable to have included a discussion of the method of sampling that would be most appropriate for the given situation."

There can be a good deal of flexibility even within the guidelines, depending how they are interpreted. It is no secret that the same statistics can be used to promote contradictory arguments.

The sponsor requirement is often the most "glaring problem" for community groups, according to Phil Walker, the staff specialist for youth projects. The sponsor, which has purse-string control, must be an agency of state or local government. This means that groups must solicit support from government agencies and give up some autonomy in the process.

Yasui argues that this guideline is intended to provide for continuity in the program once the High Impact money runs out.

"Sure, continuity is the argument," counters one source. "But it really means control by the city."

The interpretation of the guidelines at the city level is a function of the Anti-Crime Council Staff. This function makes the staff, whose role on paper is to provide "policy review and guidance" for grant applicants, a central decision-making body. Instead of using its resources to help community groups get their projects through the bureaucratic jungle of High Impact, according to a source close to the staff, "Guidelines are being used as an excuse to block those projects."

The Westwood neighborhood in southwest Denver generally is regarded as one of the city's most volatile problem areas. Last summer the large, predominantly Chicano Westwood Housing Project, which is surrounded by older, single-family dwellings, became the scene of serious confrontations between youths and police. (See "Trouble in Westwood," *Capital Ledger*, September, 1972).

The draft of the High Impact "1973 Crime Reduction Plan," approved by the Anti-Crime Council at its February meeting and now undergoing state and federal LEAA review, describes Westwood as follows: "In general, Westwood reflects a number of physical and socio-economic factors that are problematic. Housing overcrowding, income levels, educational achievement, and unemployment are indicators of its urban-social problems. At the same time, Westwood is an area of serious residential burglary problems with Precinct 412 having in absolute numbers the most reported burglaries of any precinct in the city for the first six months of 1972." The Westwood Housing Project is located in that precinct.

The report concludes that the Westwood area is considered to be "one of the most serious burglary problem areas in the City of Denver."

There are also a large number of youths in the Project. Youth between 12 and 18 years old make up two-thirds of the Project's population. (Police Department arrest figures attribute 63 percent of all Denver burglaries to juveniles.)

One of the first programs approved by the Anti-Crime Council and the first to get its money and go into operation was the Special Crime Attack Team (SCAT) of the Denver Police Department. SCAT is a 33-man police unit which concentrates particularly on high-burglary areas. It presently operates in three Denver precincts, two in northeast Denver and Precinct 412 in Westwood.

Lt. Don Brannan, the sun-tanned and mustached director of SCAT, says his unit is using neighborhood search type techniques against burglary and will soon put into operation a SCAT helicopter which will pick up signals from strobe lights attached to burglar alarms. That particular "hardware" is being purchased for SCAT by the state LEAA money, and is not coming directly from High Impact funds.

As far as relations between SCAT and the Westwood community, Brannan says, "The general homeowner feels more secure. Younger people don't like us there, but respect us. I wouldn't say we're chums."

Brannan says Westwood burglary figures from February, 1973, compared with February, 1972, indicate a reduction of about 40 percent. High Impact analysts are now trying to assess whether this crime is actually being suppressed or simply being shifted into areas where SCAT is not conducting intensive operations.

Although Brannan claims he has no figures on the number of arrests, it is clear that SCAT is directing much of its efforts toward apprehension of suspected offenders.

Citizen complaints have been recently filed with the Police Department about SCAT officers investigating the incidents, and sources say an "invasion of privacy" suit may be filed.

Brannan admits that SCAT officers did take photographs and argues that this was necessary to identify "new faces" in the area.

While saying that in some ways the SCAT members hassle youths less than other officers in the area, one Westwood Housing Project resident described the constant police patrols of the four-block area as "making us feel like we're living in a concentration camp."

The SCAT project was supported by the Anti-Crime Council Staff and sailed through the Denver Anti-Crime Council, even receiving a supplement of $237,932 to make its total award a hefty $797,256—far and away the largest budget for any program yet approved. In addition, once it was approved by the Anti-Crime Council in September, it quickly went through the state and federal review process and received its money by December, a record time.

Another program directed toward the problems of Westwood, but aimed at prevention of crime by the youths rather than detection or apprehension, has not fared so well, however.

In August and September, at the same time the SCAT proposal was being polished up, members of several social service agencies in Westwood began working on a proposal to address the problems of the many youths in the Housing Project who were school drop-outs and at the same time unemployed and often un-employable. This project is called Westwood Youth Employment Service, or Westwood YES.

In September the group approached the Anti-Crime Staff for support and Phil Walker, a black who is the only minority group member of the staff, was assigned to help with the project proposal. "We had an outline and went over with the staff member all the necessary statistics and evaluation requirements," recalls Barbara Karr, an employee of the Denver Housing Authority and one of the Westwood YES proponents.

After talking with many of the youths and older residents of Westwood Housing Project, one of the biggest reasons for the high burglary rate in the area was traced to the high drop-out rate from school and the lack of jobs. So Westwood YES started planning a program which would provide part-time jobs through work-study programs with the nearby junior and senior high schools.

The Denver Housing Authority (DHA) agreed to sponsor the program, and some matching funds for the proposed $67,000 budget were committed by the DHA and the Department of Health and Hospitals.

In December Westwood YES proponents met with members of the Anti-Crime Council's Youth Task Force. "They supported us in so far as asking Phil Walker to put the proposal in final form for presentation," says Karr.

Then in January the group was told by the Anti-Crime Council Staff's assistant director that the new federal guidelines restricted funding to "suppressive programs," like SCAT and other law enforcement projects. There reportedly was no room for non-suppressive programs involving employment, education or welfare.

But after putting so much work into the proposal and knowing that this spring and summer promised to be very hot in the Housing Project, Westwood YES was not going to give up without a fight.

On March 14, the proposal proponents went to meet with the staff at the Anti-Crime Council offices at 1313 Tremont Place. This reporter was present. Originally scheduled to meet with Assistant Director Tony Paschiuto, at the last minute the group was told he would be busy.

A Westwood YES spokesman demanded that Pasciuto come in and explain what was going on. And this time the Westwood YES proponents carried some heavy weight behind their demands. In addition to the proponents were persons from several groups and agencies who in some way supported the proposal. They included representatives from the Chamber of Commerce, Juvenile Court, SCAT, the National Alliance of Businessmen, and Rep. Pat. Schroeder's office.

Pasciuto, stylishly dressed in a double breasted coat and puffing on a cigar, finally came into the packed conference room. After expressing surprise that anyone would want to see him, he settled in for what turned out to be a two-hour meeting.

"The ball game has changed since you all came in with the idea," Pasciuto started off. He first explained that now High Impact was aiming toward "large

projects with a large clientele," such as the Youth Services Bureau in Northeast Denver, which has been approved but not yet funded.

Pasciuto then proceeded to sketch out the present High Impact program on a briefing pad. He seemed to be preparing to tell the group why the program would not fit the guidelines.

Various participants said he was misrepresenting their program. At one point, when Pasciuto claimed that Westwood YES was not crime specific—meaning that it would not reduce a specific crime by five percent over two years—one person read figures showing how an employment program in Las Casitas-Sun Valley had reduced crime in that area.

"Everybody has different data," responded Pasciuto, "so I'm not going to deal with that now."

"Why?" retorted Maurice Valasquez. "We're dealing with yours."

When asked why the group had not initially been told there was little chance for them to be funded instead of letting them working along for several months, Pasciuto replied, "You're talking like there was a stagnant political situation over this period. The federal government right now is not taking an easy stand on law and order."

Pasciuto complained that there was too little staff to do all the work required. "My concern," he said, "is that I've rewritten three community projects since I've been here. That's not the job of the assistant director."

In the end, Pasciuto did go through the Westwood YES proposal page by page, giving suggestions on word changes and emphasis in the document which would allow it to meet the guidelines. "This is exactly the kind of technical assistance we've been asking for," one of the group told him.

After the meeting Pasciuto asked a couple of times that Pat Schroeder's representative, who had left earlier, be contacted so she doesn't carry a "wrong impression" to the Congresswoman.

Following the meeting some of the Westwood YES supporters felt that project had been rejected; others felt they were being put off to die on the vine but that it was worth the slim chance for success to keep reworking the proposal.

"This is the best session we've ever had," said one member of the group, "But if the proposal is ever funded it won't be on the merits of the program, but the result of political pressure."

Denny Weller and his Anti-Crime Council Staff are engaged in a precarious balancing act between several potentially contradictory interests from the federal down to the community level.

Release of federal funds for Denver's High Impact program comes on a project by project basis. Thus, any divergence from the hard line law and order policies of the Nixon Administration could cause the spigot to be turned off. It could also cost Weller his job.

Staff members point out that to date the directors of five of the eight High Impact cities have been fired and two staffs completely overhauled. Following one Anti-Crime Council meeting where community leaders and the "establishment" carried on a heated discussion, a staff member grumbled. "This is not going to become a damned Model Cities program. The Feds won't approve it."

Press accounts say the director of the Newark program was ousted by federally LEAA pressure because he was putting too much emphasis on social programs.

Those accounts don't tell the full story, according to Weller. The Newark direc-

tor was removed because the "criminal justice agencies in the city were being bypassed," Weller claims.

That certainly is not the case in Denver. The agencies here are being well taken care of. Twelve of the 15 projects so far approved by the Anti-Crime Council, or 85 percent of the $2.7 million of federal funds allocated to date, have gone to these agencies.

At the city level, Weller and the staff need to please the mayor. "The staff likes Denver," Weller says. "If we can show an honest track record without manipulating statistics, then the mayor will take a hard look at us. And if special revenue sharing passes, then it's possible that we'll stick around."

The public, for the most part, is not aware of the High Impact Anti-Crime program and how it's working. The daily papers carry stories about this or that meeting of the Anti-Crime Council or occasionally describe one of the projects, but to date they have failed to put it all in context.

The "Citizens for Involvement in LEAA" just gently drifted away. Community based groups coming to the Anti-Crime Council Staff for assistance generally find themselves either immediately discouraged or strung along for a while, without any results. Patience, however, is beginning to wear thin.

"We've been manipulated and mislead for months," complained one tired project proponent.

Kenneth W. Kindelsperger, dean of the University of Denver School of Social Work, has been working since last fall on a proposal which would enable students to work in housing projects around the city. "The Anti-Crime Council Staff is always encouraging," Kindelsperger comments. "But when it gets down to the proposal, there's always some tie-up.

"The critical power is the staff and whatever liaisons can be made with political people," he adds.

* * *

Supporters of the High Impact program always stress how Denver is unique among the eight cities with these programs because it has a 28-member Anti-Crime Council and five nine-member Task Forces. Seventy-three people all together . . . theoretically.

The Task Forces vary greatly in terms of member interest and activity. From March, 1972, to January, 1973, the most active Task Force (Corrections) met 45 times, while the Task Force on Courts met only seven times. In terms of decision-making it would not make much difference if the Task Forces never met. They have no teeth, as became clear when the Impact Neighborhoods Task Force tried to block a program presented to the Anti-Crime Council in September and were ignored.

The Anti-Crime Council has passed every one of the programs which have come to them from the staff, including one which had a pending legal suit by the Colorado Commission on Civil Rights against the proponent. It appears to be little more than a "rubber stamp."

If the current trend continues, the lion's share of the remaining $17 million in High Impact federal funds and more than $5 million in state and local funds will flow into the coffers of the city's law enforcement agencies, which deal with the symptoms rather than causes of crime. The Anti-Crime Council Staff may come up with data proving the successes of the program and gain a permanent place for itself as a "super-agency" under special revenue sharing funds for law enforcement. And the "community participation" called for at the outset of the High Impact Anti-Crime Program will remain rhetoric.

APPENDIX C

NATIONAL ASSOCIATION OF REGIONAL COUNCILS

GOALS FOR ACTION

Relevance, implementation and support. These are our regional council challenges. To assist us in meeting them I am recommending to the Board of Directors and staff that we develop relevant goals for cooperative action for regional councils. To accomplish this, I am proposing the establishment of seven task forces composed of policy and staff people from regional councils throughout the country. These task forces will examine several program areas and propose to the Board and membership specific goals for achievement.

—Thomas Bradley, President, National Association of Regional Councils, March 17, 1970

The regional council is the instrument created for local governments to solve the regional crisis, and our GOALS FOR ACTION give us a blueprint to follow. But we all know from hard experience that planning without implementation is a waste and a fraud. And so the by-word of the National Association of Regional Councils for this next year will be—Implementation. It shall be my recommendation to your newly elected Board of Directors that we have but one major policy for the coming year—the implementation of our GOALS FOR ACTION. I realize, as you do, that this implementation will not all occur in a single year, nor perhaps a single lifetime. But we must begin, and the nature of the regional crisis demands that we begin now.

—Francis B. Francois, President, National Association of Regional Councils, February 28, 1972

GOALS FOR ACTION

Adopted at the Sixth Annual Conference of Regional Councils
February 27-March 1, 1972, Portland, Oregon

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Introduction

At the Fourth Annual Conference of Regional Councils in March 1970, President Thomas Bradley set a major task for all of us—to establish goals and directions for the regional movement in the future. His message centered on this as a time for assessment, a time to determine where the regional movement has brought us, and a time for local officials to examine the effectiveness of regional councils as institutions to strengthen local government while meeting the needs of people.

To accomplish this task President Bradley and the Board of Directors established task forces in seven major areas: regional council organization and operations, intergovernmental operations, public safety, environmental quality, land use and transportation, rural community development, and human resources.

Members were appointed to the task forces from regional councils throughout the country. Initial meetings were held in conjunction with fall regional workshops in 1970-71. Representatives of various regional councils were asked to prepare papers suggesting goals in each task force area, and these papers were presented during Task Force Hearings at the Fifth Annual Conference of Regional Councils in March 1971. Following these hearings, several task forces communicated independently and developed draft policy statements for review by the Board of Directors.

The Board met for two days in September 1971 and carefully reviewed and discussed each of the draft statements. Their changes and suggestions were incorporated into an overall draft goals statement, which was submitted to the membership for review in January 1972. A hearing on the statement was held at the Sixth Annual Conference of Regional Councils in February. The following day amendments were proposed at the Annual Business Meeting, and the amended statement was adopted by the membership.

The purpose of the goals statement is to help regional councils, federal and state officials, and the public better understand what regional councils are and hope to be, and what they are trying to accomplish. The goals statement provides a broad framework for future development of the regional council movement. It provides a blueprint for action and policy development at the national, state and local level. For the first time regional councils as a group are in the position of positively presenting their views rather than reacting to the proposals of others.

The text of the goals statement is divided into eight parts to facilitate organization and discussion. The first part deals with organizational goals for regional councils, while the remaining portions deal with regional council program areas. It should be clearly understood, however, that the goals are all interrelated and must be integrated as a total coordinated regional council effort.

Definition of Key Terms

1. **Region:** A group of neighboring local communities whose residents are joined as a unit economically, socially and geographically but generally lack governmental unity.
2. **Regional Council:** A public organization encompassing a regional community; founded, sustained and tied directly to local governments through local and/or state government actions. Through communication, planning, policy-making, coordination and technical assistance, the council serves the local and state governments and the citizens in the region by dealing with issues and needs which cross city, county and in some instances state boundaries.
3. **Umbrella Agency:** A regional council that has the responsibility of developing areawide policies and plans and coordinating independent functional planning and operational agencies, for a broad range of areawide functional programs and jurisdictions, in assuring implementation of such policies and plans.
4. **Policy Planning-Coordinative Management:** A process at the federal, state, regional and local level that:
   - identifies and analyzes public problems and needs;
   - establishes goals to solve such problems and needs;
   - develops necessary preventive or corrective policies and programs together with implementing strategies to achieve the agreed on goals; and
   - coordinates independent functional planning and operational agencies and jurisdictions in developing and implementing their plans and/or programs in a manner consistent with adopted policies and programs.
5. **Program of Implementation:** An adopted statement to implement policies or goals for a specific public function or a series of interrelated functions which include: (1) fiscal planning and scheduling of capital improvements and other major expenditures, based on a determination of relative priorities, together with a definitive financing plan for all the projects and activities necessary for the implementation of such a plan; and (2) an agreement by all agencies to assume operational and other responsibilities necessary to fulfill the policy(s) and achieve the goals.
6. **Governmental Delivery System:** An agreed-to operational and/or regulatory agency or institutional agreement to implement public policy decisions.

Part I:
Organization and Relationships

Goal 1.01: *Local Commitment*

Local governments should establish, support and strengthen regional councils as a vehicle for joint action in dealing with their problems and challenges that cross boundary lines and must be dealt with in a larger, more realistic geographic setting.

DISCUSSION: Local governments' willingness to cooperate and work together cannot be forced with much hope of success. There must be a consensus and willingness to innovate to solve our regional challenges. In meeting growing functional responsibilities, increased pressures are being placed on regional councils to perform on controversial and sensitive issues. Performance is being measured in terms of positive actions or decisions. The organization and operation of regional councils have also become focal points for attention and discussion. Federal agencies, state legislatures, and individual elected officials have proposed changes in local government and regional organizations to make them more effective and responsive. These proposals have often been conflicting and divisive. Local government officials cannot just react to these proposals. They must take the leadership to evaluate regional council organization and assure that regional councils are responsive and effective. Local governments must increase their allocation of resources and interest to regional issues.

Goal 1.02: *Local Government Organization*

Membership in councils should consist, if possible, of all general purpose local governments or those which have significant impact on regional issues. The policy-making body of a council should be composed primarily of general purpose local government elected officials or their appointed representatives.

DISCUSSION: It should be clear that regional councils are organizations built on existing local government. Councils with this foundation serve local government by raising and acting on issues which must be dealt with by neighboring communities. There is a basic question as to whether regional council membership should continue on a voluntary basis or become mandatory. Regional council membership is a political decision, which must be faced in each region. As regional councils address more difficult issues, voluntary membership can prevent any capability to make split decisions and implement them. Local communities should be represented to the greatest extent practicable by those persons duly elected by or in some agreed to process, representative of the citizenry. This representation provides a direct linkage to local government and public accountability.

Goal 1.03: *Equitable Representation*

The voting system of a council's policy-making body should provide a method which ensures equitable representation.

DISCUSSION: Voting in an organization of local governments with varying populations is a difficult issue. There are proposals before many councils to adopt a "one man, one vote" voting system. Many smaller local governments may not cooperate if the large governments dominate the voting. On the other hand, larger local governments requiring greater regional action and providing greater regional financial support want more votes. Each region must wrestle with this issue to establish a balanced equitable voting system. Regional councils must also consider voting systems which will be reflective of current judicial decisions.

Goal 1.04: *Legal Status*

Councils organized within states should be established by general purpose local governments under state enabling laws and with legal status. Councils involving interstate areas should have special federal enabling legislation under which they may be organized.

DISCUSSION: The need for special Congressional attention to the legal problems of interstate areas is crucial. The interstate compact approach has not proven very successful because of the difficulty of obtaining agreement among several state legislatures.

Goal 1.05: *Policies and Coordination*

Regional councils should develop an umbrella policy planning-coordinative management system to resolve regional issues. This system should operate through a process of making policies, setting priorities, approving programs and projects, and devising means to implement decisions.

DISCUSSION: This process would strengthen local governments. This strength would come from the capability to make regional decisions and to implement those decisions, thus preventing federal or state actions or the creation of uncontrolled special districts and authorities.

Goal 1.06: *Intergovernmental Coordination*

Regional councils should also pursue an intergovernmental policy planning and coordinative management system linking regional councils, the states and the federal government.

DISCUSSION: Under the regional policy planning-coordinative management system, local governments

are linked to solve mutual problems and meet common interests. The local governments, in turn, are strengthened in their cooperative regional activities with a direct linkage to the state and federal government. This assures intergovernmental planning, coordination and communication. Coordination of this degree requires a level of detail which can be translated into state and local actions.

Goal 1.07: *Priority Programs*

Within their own framework of priorities, regional councils should concentrate on program efforts to:

- **Focus on human resource development, environmental quality, fiscal adequacy, and governmental delivery systems, as well as land use, transportation, public facilities, and community development.**
- **Provide technical assistance to member local governments upon request and undertake joint service programs where economies of scale can be realized through a regional approach (i.e. joint purchasing, cooperative training centers, etc.).**
- **Serve as the clearinghouse and data center for information of regional significance.**

Goal 1.08: *Regional Spokesman*

Regional councils should operate in the intergovernmental political system as a spokesman for local governments on regional issues to the governor and state legislature and to the President and Congress.

DISCUSSION: Increasingly, regional councils can serve local governments by serving as spokesmen for them on joint interests and concerns as a regional community.

Goal 1.09: *Policy Making*

The principal role of regional councils is to identify issues and needs and adopt a strategy to accomplish those needs. The council sets the regional policy and should have the power to see that others follow that policy or that supportive agencies are established to do the job. The principal thrust of regional councils should not be to serve as an operating agency.

DISCUSSION: There is strong consensus that regional councils should not become agencies which provide direct public services or facilities. The key reason for this goal is to enhance regional councils as policy makers and coordinators by preventing the diversion of their resources to actually operating public service programs. The regional council in this role can also bring under control regional special districts and authorities.

Goal 1.10: *Citizen Participation*

Regional councils should promote more wide-spread public understanding and discussion of regional issues and problems.

DISCUSSION: The relationship of the regional council to area citizens is complicated by the scale of the region, and the general lack of public comprehension about regional councils and their functions. A key question is whether the public should be directly involved in regional councils or through their member local governments. Councils can and should develop specific techniques either directly or through local governments to obtain citizen input on regional issues and policies. Techniques can include public hearings, community information sessions, issue-oriented advisory groups, and greater use of mass media. The federal government should not dictate the techniques to be used to gain or assure citizen involvement.

Goal 1.11: *Intergovernmental Funding*

Federal, state and local funding should be established to ensure adequate and continuing support of regional councils. Federal financial support should be both in general terms, to assist a cooperative locally defined policy planning-coordinative management system, and in specific functional high priority program areas. State and local funding should emphasize the support of policy planning-coordinative management activities, although specific projects or program interests should also be funded.

DISCUSSION: Regional councils must have intergovernmental funding support. This support is most essential for their policy planning-coordinative management activities. In the past funding has been to accomplish specific functional program or project planning.

Goal 1.12: *New Federal Funding*

The federal government should establish funding programs which are not related to any specific functional program or agency. Funds should be available to support a regional policy planning-coordinative management system.

DISCUSSION: This goal has highest priority if regional councils are to effectively coordinate federal functional programs. At this time there are no federal general support funds for regional councils, other than some HUD 701 planning assistance funds. Increas-

ingly, 701 funds are being tied to HUD functional program requirements. As councils are being called upon to perform increasing policy-making and coordinative functions, such as A-95 review and comprehensive planning, adequate funds must be provided to support their activities.

Goal 1.13: *Consistent Federal Policies*

The federal government should adopt a policy which recognizes a single regional council for each region to conduct regional planning, coordination and related activities as prescribed by various federal programs.

DISCUSSION: The myriad of guidelines and requirements of various federal departments and agencies confuse and dilute regional council efforts. Various federal agency criteria and requirements prescribing regional council organization and structure should be limited and consistent among federal agencies. Federal agencies should emphasize program performance rather than the organizational structures of regional councils.

Goal 1.14: *State Policies*

State governments should adopt a positive policy and program for the creation, development and nurture of regional councils. To this end, a stable and predictable source of revenue should be established for funding minimum levels of regional council staff and operations.

DISCUSSION: Experiences in several states clearly indicate that where state government is concerned and involved regional council activities flourish and prosper. State programs should include enabling legislation, funding support, state agency coordination, and preferential use of councils on regional matters affecting local governments.

Goal 1.15: *Uniform Regions*

States should define a uniform system of sub-state regions in cooperation with local governments and in consultation with appropriate federal agencies.

DISCUSSION: The problems of regional council boundaries are becoming critical in many areas and must be resolved before more meaningful program or project work can be accomplished within a "disputed" area. It is preferable that the delineation of boundaries be determined by each state in consultation with local officials; but in the absence of state action, guidelines should be established as a matter of consistent federal policy.

Goal 1.16: *Organizational Alternatives*

Federal, state and local policies should be flexible enough to accommodate local options for creative, multi-purpose regional organization.

DISCUSSION: While the membership may prefer regional councils composed primarily of local government elected officials, it does recognize the need for innovative and diverse regional council organizations. Some states, in cooperation with local government, have provided legislative approaches for the organization of regional councils. Such approaches, while different from the definition used in these policies, permit regional action on a representative, general-purpose basis, rather than through uncontrolled single purpose agencies. Local responses to special situations may result in alternative approaches to regional organization. Opportunity must be preserved for local initiative and autonomy to develop creative responses to the solution of problems of areawide planning, coordination and implementation. Whatever regional council organization is devised, it must be politically responsible and have effective relationships with local governments.

Part II:
Balanced Growth

Goal 2.01: *Growth Policy*

The federal government, in cooperation with states and regional councils (serving as the forum for local governments), should adopt national policies and an intergovernmental strategy for balanced growth, encompassing urban, suburban and rural areas, which provides a context for local and regional planning and programming.

DISCUSSION: The National Domestic Council should pursue a growth policy with overall domestic goals, policies and objectives addressing land use, transportation, rural and urban development, housing, recreation and open space, and environmental quality. A first step has been taken in this direction with the enactment of the Urban Growth and New Community Development Act of 1970 and the Agriculture Adjustment Act of 1970. These two acts set the stage for a balanced national growth policy which concerns both rural and urban development. A second step was taken with the release of the President's Report on Growth Policy in February 1971.

The tremendous migration of people from rural areas to large urban complexes has caused a substantial loss of financial and manpower resources in rural communities. In urban areas, the increased population has caused congestion, social unrest, and fragmentation of public policies and services. Neither the urban problem nor the rural problem can be resolved without a balanced growth policy and strategy which deals with both dimensions on a coordinated basis. Goal setting and intergovernmental implementation must result in planned, on-going domestic programs which will carry over from one national administration to its successors. These goals must be discussed and related to state and local governments in terms of priorities and the funds necessary not only to commence but to successfully conclude these programs.

Balanced growth policy must also address the growing disparity between functional programs tied to specific federal policies and grants. These programs often pursue a solution to the needs of that particular function without regard to the relationship of other public functions. For example, until recently, urban and rural ways could be constructed without any regard to their best utilization in terms of local goals and plans or the location of support facilities and urban growth.

Goal 2.02: *Definition of Areas*

The federal government should develop consistent definitions for rural, urban and metropolitan areas which apply to growth policy and federal programs.

DISCUSSION: Basic to the development of a national growth policy is a redefinition and consideration of our statistical terminology and concept of what is urban and what is rural. Many federal grant programs are tied to population criteria for rural and urban which are not consistent. This creates a problem since federal and state agencies and their grant programs cannot be made consistent with each other or used effectively as a means to implement a national balanced growth policy.

Goal 2.03: *Growth Policy Elements*

The basic elements of a national growth policy should include major functional programs such as land use, transportation, community and economic development, housing and environmental quality.

DISCUSSION: These functional areas should be the basis of growth policy and made to interact consistently with each other to achieve that policy. The functional programs must also be related to national goals and needs with performance standards and measurement criteria.

Goal 2.04: *Implementation*

The national growth policy should be formulated and implemented through an intergovernmental policy planning-coordinative management system.

DISCUSSION: Both the development and implementation of growth policy require interaction and consistency at federal, state, regional and local levels in both the private and public sectors.

Goal 2.05: *Growth and Land Use*

In tandem with national growth policies, the governors and state legislatures should establish a process to develop and carry out state growth and land use policies. This process should be based on local governments and their regional councils. The federal and state governments should provide adequate and specific funding for land use planning.

DISCUSSION: Land use planning cannot be effectively accomplished by a process imposed solely "from the top." Local and regional interests must be articulated and considered in the formulation of state plans. These interests should be represented through the elected officials of the local governments acting through their regional councils. The state presence in land use decision making will increase. Regional councils are the answer for local and state governments to effectively mesh their interests and technical capabilities in land use planning.

Goal 2.06: *Rural Area Needs*

State and federal policies and programs should provide flexibility so that the particular needs of a rural area council can be as fully met as those of an urban or metropolitan council. Program requirements should allow for different priorities between urban and rural councils constrained only by the broadest of policy objectives.

DISCUSSION: Coordinated federal and state planning and program administration must be established to take into account the difference between the functions and needs of metropolitan and nonmetropolitan councils. Rural communities should have an equal opportunity with urban areas to receive appropriate grants-in-aid. The particular types of problems facing rural areas include: (1) small populations spread over large areas causing diseconomies in providing facilities and services, (2) growing inadequacy of transportation facilities, (3) businesses and industries operated by absentee owners, (4) loss of leadership and manpower resources, (5) difficulty in obtaining credit resources, and (6) heavy burden on property taxes which becomes detrimental to community renewal and development.

Part III:
Transportation

Goal 3.01: *Regional Role*

The regional council's role in transportation should be to interrelate all modes of transportation in the most effective and economical manner to meet the needs of all citizens in the region.

DISCUSSION: Transportation is central to the quality growth of local communities and regions. The location of transportation facilities will significantly affect growth and the use of land resources. Transportation must be related to all other aspects of community development. Multi-modal planning and decisions encompass highways, mass transit, and air and water transport. A regional format for integrated multi-modal transportation planning is most realistic and logical.

Goal 3.02: *Multi-Modal Planning Funds*

New or integrated multi-modal transportation planning funds should be made available to regional councils.

DISCUSSION: Transportation funds are currently provided by specific mode. Very limited funds are available to relate modes. New or flexible funds could be in terms of a new appropriation or as a specific percentage of hardware funds for highways, mass transit, and airports.

Goal 3.03: *Policy Control*

Regional councils should have policy control over special transportation districts and authorities.

DISCUSSION: The growth of agencies whose only concern is providing a transportation facility causes serious problems for local governments in terms of balanced transportation and community growth. These special function agencies can frustrate all efforts at implementing local government agreed-to goals for community development.

Part IV:
Human Resources

Goal 4.01: *Priority Commitment*

Regional councils must commit substantially more leadership and resources to human resources programs; federal and state and even private financial support and incentive programs should be pursued to this end.

DISCUSSION: Regional councils have been involved in physical planning programs related to actual hardware development. Because of their initial fragile, voluntary nature, councils have tended to shy away from involvement in social planning or human resources programming and concentrate on less controversial issues such as water-sewer planning, pollution control, transportation, and land use. Physical programs have also been the major areas where federal planning and hardware funds are available. However, because of the increasing magnitude of this country's social problems, there is a greater urgency than ever for action in human resources areas.

The term human resource programming or planning is sometimes used as a euphemism for working with minority group problems. Human resource programming will require a major emphasis on minority group concerns, since these persons will have the greatest amount of human resource problems. In addition, however, human resource programming also means emphasizing other special problem groups such as the low income, the aged, the handicapped, and the young. Furthermore, this does not mean a total concentration on the problems of special groups. Effective programs for any of these groups will require working on a broad scale and the involvement of *all* people.

Goal 4.02: *Priorities*

Priority human resource program interests should include: education, manpower, housing, health, recreation/leisure time, and equal opportunity.

Goal 4.03: *Activities*

Regional councils, in defining their role and commitment, should consider their potential human resources programs and projects:

Education

- **Providing data on regional education needs.**
- **Encouraging regional educational organizations to work with and assist local and state organizations.**

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- Serving as a clearinghouse for local educational organizations in disseminating education information.
- Promoting close cooperation of all agencies involved in human resource programs.

Manpower

- Sponsoring job clearinghouses.
- Performing employment opportunity surveys.
- Promoting training programs.
- Developing job support projects such as child day care or job related transportation.
- Sponsoring evaluation activities of manpower programs.

Health

- Determining specific health service needs and resources.
- Proposing necessary services and facilities.
- Serving as a bridge between public and private health interests.
- Acting as liaison for local governments with other regional health planning groups.

Recreation/Leisure Time

- Providing data on regional recreation needs and resources.
- Proposing and/or sponsoring regional recreation facilities and programs (e.g. regional parks).

Equal Opportunity

- Identifying and discussing specific equal opportunity problems affecting or affected by local governments.
- Recommending measures to be taken by local governments to overcome those problems.
- Recommending specific region-wide action programs to bring about equal opportunity such as regional human relations councils, regional open housing statutes and enforcement programs, etc.

Goal 4.04: *Comprehensive Planning*

Human resource planning must interrelate with all other planning within a region. Regional councils should undertake human resources planning; federal and state governments should recognize regional councils as the preferred entity for human resource planning.

DISCUSSION: In the past it has been difficult for regional councils to receive planning and coordinative recognition in the human resources area from federal and state health and education agencies. Specific program examples of this difficulty have been in health planning (HEW) and manpower planning (Labor).

Part V: Housing

Goal 5.01: *Regional Strategy*

Housing requires a regional strategy, and regional councils should provide this leadership in the housing field. Councils should work with local government leaders to gain leadership commitment and decisions on housing challenges.

DISCUSSION: Housing and the housing development process must be viewed as an integral part of planning for the region as a whole. Housing plans and programs should be positively related to transportation plans, open space plans, water and sewerage plans, the provision of public facilities and health and social services, and to job opportunities. This mission will involve high visibility and the assumption of strong leadership in creating public understanding, appreciation, and acceptance of the need for resolving housing problems on a regional scale.

Goal 5.02: *Regional Council Preference*

Regional housing planning should be vested in existing regional organizations which are controlled by the elected officials of general purpose local governments, and not single purpose agencies. Regional councils should pursue state government enabling legislation to use regional councils as the appropriate agencies for housing planning and coordination.

DISCUSSION: The need for coordinated and more relevant metropolitan institutions to plan for and deliver housing is another crucial issue. The proliferation of local housing authorities and other housing planning and development agencies has not produced enough or, in some instances, sound housing to meet the needs. A coordinated process is essential. The relationship between the public and private housing sectors is an often neglected area of public policy and an important issue. Through the development and adoption of a regional housing development plan, the regional council (public sector) can coordinate activities of the private developer.

Goal 5.03: *Housing Activities*

Regional councils should develop a housing role which seriously considers these components:

- **Set housing policy and priorities in conjunction with local governments.**
- **Establish allocation process for low income housing, including a fair share distribution among local communities.**
- **Coordinate with other community development.**
- **Review and comment on proposed housing projects as they relate to implementation of adopted regional policies.**
- **Provide technical assistance to public and private agencies.**
- **Establish suitable operational agencies where needed.**
- **Serve as a clearinghouse on housing data.**
- **Serve as a catalyst for public and private agencies.**
- **Relate housing to public and private sector economic considerations such as private market feasibility.**
- **Promote local adoption of progressive zoning and construction performance codes.**
- **Evaluate aspects of all taxing policies on development and rehabilitation of housing.**

Goal 5.04: *Housing Dispersal*

It is essential to decentralize housing for low and moderate income people instead of concentrating it in the central cities and existing high density minority group communities.

DISCUSSION: Shifting patterns of population and land use are redistricting employment to suburban areas where housing production is not meeting the needs of the labor force. At the same time, there are equally critical needs for more low and moderate income housing in the central city areas. Since all types of housing are needed in the region, it is desirable to have a balance of housing opportunity among communities. No one community should bear more of a tax burden or receive more of a tax benefit than another. Therefore, it becomes an areawide problem to assure equitable and desirable housing development throughout the region.

Goal 5.05: *Affirmative Federal Policy*

Congress should adopt an affirmative federal housing policy which promotes and supports economic as well as racial integration in new housing developments.

DISCUSSION: The current federal housing policy places the burden for the implementation of areawide programs for the distribution of low and moderate income housing directly on local initiative. There is considerable discussion as to whether local-regional leadership and initiative should be supported by federal and state policies and funding incentives. Individual local governments in a region should share equitably in their responsibility for providing low and moderate income housing in accordance with a regional plan. Rather than the federal government penalizing local governments that fail to live up to their responsibility, a new policy at the federal level should be premised on giving incentives to local communities for their adherence to areawide housing plans. Congress might also have reservations about providing additional funds for a local community to comply with obligations and responsibilities they should undertake anyhow.

Goal 5.06: *Income Policies*

The federal government should evaluate and reorient housing distribution programs, emphasizing income supplements which expand the housing opportunities in the market of low and middle income families.

DISCUSSION: The myriad of existing housing programs at all levels have met with limited success at best. The intent of this goal is to phase out and reduce overlapping, duplicating and conflicting programs. This policy lets the suppliers of housing respond to the demands of the consumer. Assistance would focus primarily on enabling more families to purchase their housing preference, rather than on assisting the suppliers providing such housing. This approach relies on the market mechanism to respond to the housing demands generated.

Part VI:
Public Safety

Goal 6.01: *Regional Efforts*

If crime prevention efforts are to succeed, improved cooperation and coordination of federal, state and local efforts are essential. All levels of government must work to develop a comprehensive criminal justice system which coordinates police court, prosecution, and correctional functions.

Goal 6.02: *Regional Role*

Regional councils should undertake a comprehensive and systematic planning program in the public safety area. The elements should include:

- **Criminal justice and crime prevention.**
- **Fire services and prevention.**
- **Emergency health care and facilities.**
- **Civil defense.**
- **Related activities such as traffic safety.**
- **Disaster prevention and assistance.**

DISCUSSION: The regional scale affords an excellent opportunity to relate various segments of the criminal justice system. In administering the Omnibus Crime Control and Safe Streets Act of 1968, the Law Enforcement Assistance Administration recommends that state governments utilize regional councils to establish plans, strategies and priorities for the expenditure of funds. State planning should be integrated with existing regional councils. Larger units of local governments must assure coordination with regional efforts in developing their own capacity for law enforcement planning.

Goal 6.03: *Program Activities*

Regional councils should develop programs in those areas of public safety which lend themselves to a regional approach due to need for coordinated efforts, economies of scale and specialization. Examples include:

- **Communications networks.**
- **Single emergency telephone number.**
- **Intelligence exchange.**
- **Training for public safety officials.**
- **Jails, detention centers, and half-way homes.**
- **Mutual aid agreements for police, fire and ambulance services.**
- **Contingency plans for natural disasters and civil disorders.**
- **Drug abuse education and treatment centers.**
- **Uniform traffic regulations.**
- **Correctional programs.**
- **Juvenile delinquency prevention.**
- **Information and record-keeping systems.**
- **Performance of evaluation programs.**

Part VII:
Environmental Quality

Goal 7.01: *Priority*

Regional councils should develop and integrate environmental quality policies into their overall policy planning-coordinative management process.

DISCUSSION: Most environmental issues facing local communities must be addressed on a regional basis. The nature of these issues offers no alternative. Local governments should be given a full opportunity to attack environmental concerns through regional councils, with the understanding that a failure to exercise this opportunity within a given time period would require direct state or national action.

Goal 7.02: *Program Support*

Regional councils should pursue federal and state actions which provide enabling legislation, funding, technical assistance and other programs to support environmental efforts.

DISCUSSION: The national government must provide the foundation for basic environmental standards. State and local efforts should assure enforcement of these national standards, while allowing a state-local option to legislate more restrictive standards. The federal and state governments should also carry out their responsibilities in providing adequate funds and technical assistance, adopting needed enabling legislation and evaluating performance at the regional-local level. The regional-local level should emphasize the planning and implementation of the programs needed to assure environmental quality. Legal flexibility is needed for local governments to finance, construct or require pollution control facilities as part of a regional plan. Regional councils should also bring together on a continuing basis the standing environmental constituencies within the region (e.g. university staffs, professional organizations, special committees and organizations, etc.) so that these groups do not address each environmental issue in a vacuum, but rather with as much depth and continuing perspective as possible.

Goal 7.03: *Policy Control*

Through federal, state and local action, authority should be vested in regional councils to establish and implement environmental policies and programs and to review project plans of public and private operating agencies to ensure compliance with adopted policies.

DISCUSSION: Local governments, working through their regional councils, need the legal flexibility to establish the necessary controls, financing or development capability to implement agreed-to environmental policies.

Goal 7.04: *Regional Program*

Regional councils should develop an environmental program dealing with water quality and supply, air quality, storm water runoff, waste water treatment, solid waste management, and land use policies and plans. Population growth and distribution should also be a regional concern.

DISCUSSION: There is great variance among regional councils as to programs, organization, and the nature of the regions they serve. Certainly these variances will determine how each regional council can react to environmental activities. These activities will also vary as to the degree of planning or direct action orientation. The action orientation in environmental matters will be an issue for every council to consider. In taking leadership to develop an environmental program, regional councils should remember that such a program must be achievable within economic constraints and based on a consistent and practical hierarchy of standards.

Goal 7.05: *Program Activities*

The key elements of a regional council environmental program should include:

- **Identify major environmental concerns in the region.**
- **Assess these concerns in terms of current programs, policies and plans.**
- **Provide information clearinghouse.**
- **Review various alternative goals and strategies relative to these concerns.**
- **Establish regional priorities, policies and criteria.**
- **Adopt and revise plans and programs.**
- **Develop procedures to implement needed regional policies and programs.**
- **Accrue in-house staff expertise on environmental matters.**
- **Consider arranging for the establishment of a Regional Environmental Laboratory.**
- **Use project review and comment process (A-95) as a tool to implement regional environmental planning.**
- **Provide opportunities for the public to comment on environment-related issues and programs.**

Goal 7.06: *Local Assistance*

Councils should provide direct assistance to local governments by assessing the effect on the environment of proposed industrial, commercial, residential, recreational and municipal development in the region. Councils should also coordinate the efforts of local governments to enforce environmental quality standards, including appropriate regional monitoring and information systems.

DISCUSSION: The area of environmental quality most clearly demonstrates how regional councils can be utilized to strengthen the handle individual local governments have on issues of a regional nature.

Goal 7.07: *Emergencies*

Councils should consider seeking necessary authority and procedures to handle any emergency regional environmental crisis.

DISCUSSION: The increasing number of emergencies affecting a region, such as oil spills, high concentration of air pollutants, water shortages, and chemical discharges, require increased attention to emergency planning on a regional basis.

Part VIII:

Economic and Job Development

Goal 8.01: *Cooperative Commitment*

If balanced growth and effective human development efforts are to succeed, federal, state and local governments must acknowledge and strengthen their positive role in the creation and distribution of meaningful employment opportunities. All levels of government must work to develop intergovernmental economic and job development policies that complement social and environmental development.

DISCUSSION: The need to better relate jobs to housing, transportation and overall balanced growth has become increasingly apparent. There is a need to develop increased acceptance and comprehension by state and federal agencies of the vital role regional councils can play in accomplishing this.

Goal 8.02: *Regional Role*

The regional council should develop and integrate economic and job development policies into its overall policy planning-coordinative management system. These policies should deal with the quality, quantity, mix and location of employment opportunities.

Goal 8.03: *Regional Activities*

The regional council's role should consider the following activity components:

- **Develop economic and job development policies, priorities and strategies in cooperation with local government units and private entities.**
- **Serve as a clearinghouse for economic and job development data.**
- **Evaluate impact of economic and job development activities on transportation, human resources, community services and the environment.**
- **Serve as a catalyst for public and private agencies.**
- **Provide technical assistance to public and private agencies.**
- **Promote local adoption of progressive codes and regulations that coordinate employment development with other community development.**

Goal 8.04: *Job Dispersal*

The location of jobs has a significant impact on a community's growth patterns, its capability to finance community services, and accessability for participation by mixed income groups. It is essential that regional councils develop policies for regional distribution of job development.

DISCUSSION: This goal is crucial to other goals on growth and land use, rural area needs, housing dispersal, and environmental quality.

National Association of Regional Councils

The National Association of Regional Councils was established as the National Service to Regional Councils in 1967 to assist the rapidly growing number of regional councils in setting up and improving their programs and activities. The National Service was incorporated in 1968 and became a membership association of regional councils throughout the country. In December of 1971 the name of the organization was changed to the National Association of Regional Councils. Since its initiation, the Association has been developing and expanding its service program directed to and for regional councils. The goals of this program are:

- To promote the development and understanding of regional councils.
- To provide up-to-date information and technical assistance.
- To assist in the expansion of regional council program opportunities.
- To develop and communicate national policy proposals on issues of regional impact.
- To act as a liaison with federal and state agencies in order to promote the use of regional councils and present their needs.

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APPENDIX C.1

national association of regional councils

special report

AUGUST, 1972

Introduction

What Regional Councils Are Doing, II

The purpose of this special report is to provide specific information on regional council accomplishments in the last year. This is the second time NARC has undertaken this type of effort; the first was contained in the January 1971 *Regional Review Quarterly* and was a response to questions raised by White House officials.

While the first edition was a cumulative report based on the entire history of the regional council movement, this and subsequent reports will seek only to update the first issue with new success stories not previously reported. The publication does not attempt to give a comprehensive report on all regional council accomplishments. We have only given examples of what councils are doing in a number of major program areas.

In reviewing these accomplishments it is important to keep in mind that you cannot measure the value and success of regional councils in the same manner as cities, counties or state governments. As presently organized, regional councils are not operating or taxing units of government. They do not provide direct services to the public, such as police and fire protection, garbage collection, or road construction.

Regional councils operate in two frames of reference. First, is the longer range, immeasurable world of ideas and innovation, where they are serving to strengthen local government's effectiveness and to improve working relations with state and federal governments. This frame of reference is the most difficult to document in concrete terms and understandably the least acceptable to those who require visible evidence and/or dollars-saved. These activities deal with future payoff, rather than immediate, high-visibility benefits.

The second frame of reference is the specific project and dollar saving accomplishments, which are highly visible to the public. In this instance, we have summarized and given examples of specific projects and program activities being accomplished by regional councils. Through the A-95 review and comment process alone, we estimate that regional councils have saved $483 million in public funds in the last year. (Estimate is based on a March 1972 survey of regional councils.) These savings are substantially more than the money invested in regional councils by federal, state and local governments combined.

So to those who evaluate our performance, I would suggest they consider these three observations:

(1) In seven years, regional councils, without any authority or power, have changed local government relationships with each other, and within the federal system. There is now a process, a stage, for cooperation between central city and its suburban or rural communities.

(2) The average citizen is conscious that there is a regional community beyond his or her city or county, but more intimate than the state. The citizen is also increasingly aware that his present community cannot meet all of his needs, but he doesn't want the state or federal governments to take over local responsibilities either. The regional council has provided a viable option.

(3) The powers and responsibilities of local government are changing. For political, economic and technological reasons, local government structure is being remodeled. The regional approach is basic to that remodeling. At this point in history, regional councils are diverse experiments to make local governments more effective and responsive.

As this report will indicate, regional councils are providing substantial benefits, not only in terms of dollars saved, but by assisting local governments in better meeting the needs of people. This is particularly true when you consider that the movement is very young, that most regional council resources are meagre, and that councils lack traditional governmental powers. For despite many obstacles, regional councils are the most exciting and innovative governmental development of this century. The accomplishments reported here are just a small measure of their potential and future achievements.

Richard C. Hatton

Executive Director

Regional Councils

Action Through Intergovernmental Cooperation

Local government is changing itself in an effort to better meet the needs of people. Across the nation, cities, counties, towns and school districts that serve a common area are joining together in a regional effort to solve mutual problems. In addition, state government is increasingly interested in improving its own performance and that of local government and is turning to a regional device.

A Regional Outlook

One of the most important changes in local government in recent years has been the growing awareness of the need for cooperative activity. People are no longer restricted to the boundaries of a single city or county, whether rural, suburban or urban. The rapid growth and modernization of our nation has brought with it a highly mobile, highly demanding public which is involved daily with a number of local governments. Today's citizen rarely works, lives, shops and enjoys his recreation within a single jurisdiction.

Then, too, the cost of local government is increasing, requiring that local government officials pool administrative operations for economy and efficiency.

Finally, many problems facing local governments cross jurisdictional boundaries and can be solved only on a broader geographic basis. Such problems include transportation, economic development, environment, law enforcement, health and many other activities. Local governments have been forced to find new solutions to these problems. This has resulted in a search for new mechanisms to more effectively meet the needs of people on a larger and more coordinated basis.

Regional Councils

In this search for new mechanisms, the most promising development in our federal system and for local communities has been the regional council. Regional councils are areawide organizations which involve cities, counties, towns and often school districts within a total community. Their prime purpose is to increase communication, cooperation and coordination among local governments in planning and implementing programs to meet mutual challenges and problems. Each local government has the opportunity for full involvement in the policy-making and programming of the council.

Regional councils are *advisory* in nature and lack the normal governmental powers of taxation, regulation and direct operation of public facilities. Their purpose is to provide a forum for dialogue and joint decision making within a regional context. Regional councils have no direct power to implement these decisions. They must rely on the elected representatives of member local governments to see that the decisions become a reality.

For clarification, two distinctions should be made about the term regional council. As used here, the term regional council refers to regional councils at the local government level, not Federal Regional Councils or multi-state regional organizations. In addition, the term does not refer to special purpose regional agencies, such as a transportation authority. To be classified as a regional council, the agency must have a program which is multi-functional.

One other point should be made. In several areas, such as Atlanta and Minneapolis-St. Paul, the state has gone beyond the regional council approach and set up a regional organization with powers to tax and implement their decisions. These agencies are still classified as regional councils, since they have arisen out of previously existing councils and represent a modification and strengthening of the council concept.

Growth of Regional Councils

Currently there are about 600 regional councils in the United States. These councils encompass approximately 90 percent of the nation's population and 65 percent of its land area. At present they are evenly distributed between metropolitan and nonmetropolitan areas; however, since councils have already been established in all but a few metropolitan areas, future growth trends will be in the less densely populated regions of the country.

Only 10 percent of existing regional councils were formed prior to 1960. The bulk, 60 percent, have been created since 1966. The rapid growth of regional councils in the last five years is due to three basic reasons: (1) Stimulation from the federal government in terms of legislative and administrative requirements for federal aid. (2) An increasing awareness on the part of local governments that there is a need for regional cooperation and new solutions to domestic problems. (3) State attention to the creation of substate districts. Forty-two states have created districts and 26 of these have or are setting up substate organizations to carry out regional planning.

A Regional Council Profile

It is difficult to describe the "typical" regional council because no two regional councils are exactly like each other. It is hoped that this report will give you an idea of the broad range of program activities regional councils have undertaken and their vast potential in the future.

Based on a recent survey of regional councils, taken by NARC and the Advisory Commission on Intergovernmental Relations, we will try here to give you a picture of the average council. On the average, regional councils have a membership of four counties and 15 to 20 municipalities. Their average staff size is 12, including eight professionals and four clerical.

The typical budget of a regional council is about $240,000. Approximately 52 percent of this is derived from federal funds, 38 percent from local funds, and nine percent from state funds. Miscellaneous private sources, such as foundations, provide about one percent of a council's funding.

It is interesting to note that there has been a slight increase in the average council's budget and a modest trend away from federal funding. Two years ago, a NARC survey indicated that the average regional council had a budget of $200,000 to $220,000 of which 60 percent was from federal sources, 34 percent from local funds, and five percent from the state.

While the majority of councils have been established under regional planning legislation, about 25 percent have been organized as non-profit corporations. Although 55 percent still have a one unit, one vote representation system, about 11 to 12 percent have a population-based voting structure.

Basic Programs

NARC's survey of regional councils revealed the following percentage of councils involved in these functional program areas.

Housing	74%
Comprehensive Planning	71%
A-95 Review	67%
Transportation	64%
Environment	
Water Quality	74%
Open Space	60%
Solid Waste	56%
Air Quality	18%
Public Safety	44%
Health	39%
Manpower	33%
Economic Development	20%

The remainder of this report discusses specific program activities in these areas.

Putting the Pieces Together

Regional councils operate through a planning and decision-making process which includes data collection, identification of area problems, review of means to implement those challenges, adoption of policies and implementation of those policies. A basic regional council program would generally have the following framework:

- Focus on joint local activities to better meet the needs of people at the local level.
- Establish overall goals and need priorities for the region.
- Offer technical assistance and joint services for local governments, which provide economies of scale when carried out on a regional basis. Examples include cooperative purchasing, regional training academies, regional jails and correction centers, and area-wide solid waste disposal facilities.
- Carry out planning activities for specific functional areas such as air pollution control, solid waste disposal, transportation, law enforcement, water quality, land use andsettlement patterns, manpower and economic development.
- Carry out comprehensive planning responsibility for the region.
- Relate various functional and agency activities to each other and to this overall comprehensive planning.
- Coordinate and review local government activities within the region to avoid duplication and overlap and thus save money.
- Provide a forum for continuing communication among local governments.

Regional councils are instruments of local governments and the programs they undertake are tailored to meet the specific regional needs in their area. This special report contains separate articles outlining regional council activities in specific functional areas and their services to local governments.

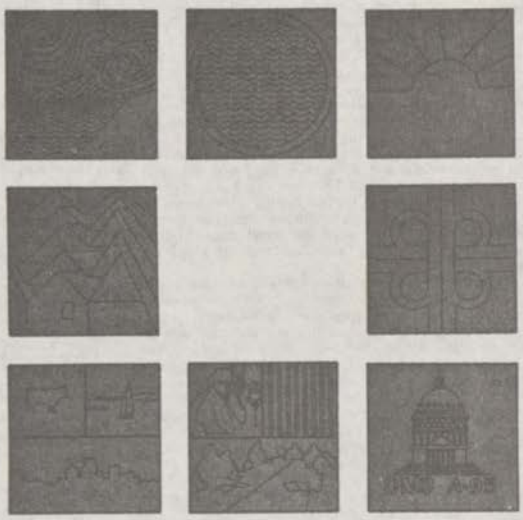
It is through comprehensive planning and coordinative management, however, that all of these pieces are related into an overall effort to meet the total needs of the regional community.

A comprehensive plan or policy statement is defined as an official public document adopted by local governments as a policy guide to decisions about the physical and human development of a community. The plan encompasses all geographic parts of a community and all functional elements which bear on physical and human development. In recent years comprehensive planning has emphasized human resources and social planning as well as traditional physical and land use planning.

The regional policy statement is in effect the blueprint for how the people in a region want their community to develop. Specific policies or programs which are proposed for the region can then be initiated or proposed programs can be measured against the blueprint to determine if these programs are consistent with the adopted goals and policies. As a result we can prevent the kind of uncoordinated, haphazard urban sprawl that has developed in this country in the last two decades. More importantly, people can affect the development of their regional community.

The development of the regional policy statement begins with extensive data collection covering population, settlement patterns, economics, geography and topography, and public opinion. This data is then assembled and potential goals for regional development are suggested. The regional community reviews these alternatives and makes recommendations for a final regional plan. A single plan or concept for growth, incorporating these views, can then be developed. Further refinement, details and proposals for implementation are added before the comprehensive plan is ready for adoption. To increase its viability the plan, once devised, is subject to continual review in order to reflect new events and current thinking.

In more than 100 regions, council governing bodies have actually approved or are considering goals for development and a total regional plan for future land use. The vast majority of councils, while attempting to develop a total regional plan, are collecting the base data and finalizing specific facility elements of a regional plan, such as water-sewer, transportation, economic development, open space, or housing.



Courtesy of the Association of Central Oklahoma Governments

Joint Services - Economy and Efficiency for Local Government

A primary function of the regional council is to assist its members in providing better, more efficient, and more economical public services. Smaller jurisdictions in particular are often unable to perform certain functions individually and still make effective use of tax dollars. Working through their regional councils, however, these local governments are able to obtain the specialized expertise and economy which are often available only at the larger, regional scale.

The types of joint services to local governments provided by regional councils can range from the cooperative training programs discussed elsewhere in this report to cooperative purchasing, data collection, code design or computer services.

For example, in the Greenville, South Carolina, area many of the general purpose governments were not large enough and did not have the financial resources to employ professional administrative staffs. As a consequence, many of these local governments did not operate as efficiently or effectively as they could. To alleviate this problem to some extent, the South Carolina Appalachian Council of Governments secured the necessary funding from federal sources to establish a City Manager Consultant Program. An experienced city manager, working out of the COG's office, travels about the district providing professional assistance to local governments.

Since the inception of the program, the City Manager has prepared budgets for various cities, which were adopted by the city councils, assisted in the investment of idle public funds, and answered questions and provided advice on filing systems. The City Manager Program has provided a method for exchange of ideas and has encouraged a degree of uniformity in administration and procedures.

Joint Computer Program

The Colorado Springs region now has a cooperative computer program which provides a fast and accurate system for geocoding many varieties of data files.

The computer program, ADMATCH, was jointly sponsored by the Pikes Peak Area Council of Governments, the planning departments of El Paso County and Colorado Springs, and a data management firm. The purpose of ADMATCH is to provide computer capability for linking street addresses with certain geographic codes, and replaces the need for a clerk in this process.

The ADMATCH program was completed just in time to be of considerable help to El Paso County. With the recent changes in the electoral districts, the County Election Department was faced with the difficult task of re-assigning some 63,000 voters to new precincts. Through the use of ADMATCH, each voter's address was matched to a master reference file, which was updated to reflect the change in precinct boundaries, and the appropriate precinct appended to the voter registration file.

It took ADMATCH approximately four hours of computer time to do a job that was estimated to involve many man-months to do manually. The cost saving for this redistricting, through the use of ADMATCH, has already offset the initial cost of developing the program.

It is anticipated that the ADMATCH program will continue to provide cost benefits to local government agencies through other applications, such as land use surveys and aggregations of crime data by analysis area.

Redevelopment

The Texoma Regional Planning Commission (Denison, Texas) assisted its member governments by consolidating and unifying local redevelopment efforts for a nearby military installation that was being phased out. When member governments in the region were advised of the possibility that the base would be closed, they instructed the Commission to begin contingency planning efforts. Twelve months later the announcement was made that the base would be closed, and the contingency plans were used as a guideline to convert the facilities from defense purposes to productive civilian uses.

The conversion and redevelopment of the base was put under the direction of the Commission. Because of this, the federal and military authorities were able to deal effectively with one single agency, thus avoiding conflicts at the local level. The units of government in one county even authorized the Commission to administer their Emergency Employment Act funds to provide the jobs necessary to reopen the defense installation with the needed public services.

Since that time, the military airport has been converted into a general aviation airport with three fixed base operators, and several industries have moved in. In addition, a junior college is using part of the facilities for educational and recreational purposes and a mental health and retardation center is located in the area.

Community Profiles

As an aid to local governments, the Southwestern Oklahoma Development Authority (Burns Flat) accumulated data for the development of Community Profiles. A profile was completed for each city or town in the district which contained a broad base of socio-economic information relating to the communities. The data will become an input to a computerized information system that will provide for retrieval by various categories such as population breakdowns, a list of communities satisfying specific industry requirements, listing of total resource supplies for each community, etc. Areas covered in the profile include: local organization, labor, transportation, communications, utilities, established industries, local financing, county and community government, social and cultural environment, physical environment and available buildings.

Regional Information Systems

A most urgent need for local governments and agencies within a region is a centralized source of information. Realizing this need, a number of councils are now implementing regional information systems.

Through the Denver Regional Council of Governments, a Data Services Office is now in full operation as a support agency for all Council activities including consultation, systems analysis and design, computer programming and processing, statistical analysis and forecasting, and computer modeling support.

Staffed with skilled personnel, the office is developing a computer-oriented Regional Information System. This program is designed to collect and analyze comparative data at the Census Tract

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Review and Comment

Coordination of Future Development A Vital Need

One of the regional council's most important coordinating tools is provided through the A-95 Review and Comment Process. In fact, through A-95, NARC estimates that regional councils saved the taxpayers about $483 million over the last year.

The Review and Comment Process was initiated under the Demonstration Cities and Metropolitan Development Act of 1966, and later expanded by several other pieces of legislation. The process is essentially an early warning system so local governments can coordinate their planning decisions with what is going on elsewhere in the region. This avoids spending tax dollars on projects which might duplicate or conflict with other programs or plans for future development.

In essence, Congress has directed that there must be an agency to review applications for federal assistance in 100 different program areas in each metropolitan area and in those nonmetropolitan areas designated by the governor. No application is accepted or funded by a federal agency until the regional review agency (clearinghouse) has had an opportunity to review the proposal.

The purpose of the review is to determine whether the project is consistent with adopted regional plans, programs and priorities, and if it is consistent with the activities of other local, state or federal programs.

More than 400 of these clearinghouses have been established, and all but a few of these are regional councils.

It is difficult to fully ascertain the benefits of the review and comment process in terms of direct, demonstrable payoffs. Surely the single most important benefit is that a coordinative process for governmental activities has been established–a process which assures government action consistent with the region's priorities and on-going or projected activities.



Courtesy of the Montgomery County Sentinel

Of no less importance, however, are the direct monetary savings achieved through the prevention of poorly conceived, inconsistent or duplicative projects. A March 1972 NARC survey revealed that in the most recent fiscal year, councils which serve as A-95 clearinghouses reviewed applications for projects valued at about $25 billion. It is estimated that this review process resulted in a savings of about $483 million in public funds.

This savings is particularly significant when you consider that the *total* funding available in that fiscal year for the 600 regional councils in existence was less than $120 million. This is from all sources–federal, state and local. Moreover, no direct federal funding is available to cover the costs of the review and comment process.

Following are some examples of how regional councils have utilized the process to improve projects, reduce costs, and prevent duplication.

• A guidance center serving several counties in the middle east Tennessee area submitted to the East Tennessee Development District (Knoxville) an application for a program on alcoholism and drug abuse. In the process of review, it was pointed out that there were several conflicts with existing programs in the area. A conference was held to discuss the application, bringing together for the first time people of the area in question who were knowledgeable in the overall planning and programs regarding drug abuse and alcoholism. The applicant readily saw that the draft proposal had not taken into account many activities and programs within the proposed service area, and agreed that the proposal should be rewritten in light of the more comprehensive information relating to alcoholism and drug abuse in the area. The review process resulted in the savings of time on the part of several agencies as well as $244,000 which would have been spent primarily in the duplication of services. The review process also brought together people of a common cause who might not otherwise have gotten together to exchange information about their respective programs.

• The East Central Florida Regional Planning Council (Winter Park) reviewed an application which proposed the construction of an interceptor sewer line which was within a half mile of a similar

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A-95, *Continued from page 5*

facility. The state pollution control department heeded A-95 comments, the project was turned down, and the nearby existing facility treated the sewage of the service area for a connection fee. Thus, the review process saved $5.75 million in federal and local funds.

• *The North Central Texas Council of Governments recently completed a 20-year comprehensive water and sewer treatment plant study for the greater Dallas-Ft. Worth area. This study envisions that the existing 53 waste treatment plants in the area will be consolidated into six much larger and more effective and efficient facilities. From now on, whenever a community in this region goes through the A-95 review process for a water and sewer application or similar environmental protection facility, it will be reviewed against the region's comprehensive waste water treatment plan. The first proposal reviewed after the plan was adopted involved a water and sewer treatment plant to serve the community of Richardson (population 47,000) immediately north of Dallas. The A-95 review weighed this application against the regional waste water treatment plan, and consequently, suggested several changes which were accepted at a savings of $100,000.*

• **The State of New York proposed a 1,700 acre park development near the City of Rome which would have included 300 campsites. A review by the Herkimer-Oneida Counties Comprehensive Planning Program revealed that the campsite would be located in the middle of a wildlife area. This wildlife area is extremely valuable inasmuch as it contains rare varieties of flowers and rare bird types. As a result of A-95 review, the location of the proposed campsites was moved away from the wildlife area, and the number of campsites was reduced to 250. Also, the state agreed to build campsite sewerage facilities in such a way that they could more easily be linked with nearby sewerage facilities. The result--better campsite facilities and the preservation of an important environmental resource.**

• An estimated cost savings of $1 million was brought about by the Show-Me Regional Planning Commission (Warrensburg, Mo.) while reviewing applications from two small communities plus a small rural water district and a potential water district. The commission had applications for four projects, which individually would require 50 percent grants from the federal government to make them economically feasible. Studies by the commission indicated, however, that it was possible for the four projects to be combined to serve the total area with little or no grants.

• *The East Arkansas Planning and Development District (Jonesboro), in processing an alcoholism abuse treatment program for two counties in the area, found that only 11 percent of the funds requested would be used for patient services. This amounted to only $2.44 per patient. However, 89 percent of the funds would be used for administrative services such as salaries, travel, rent, furniture, etc. The review further revealed that there already existed five different organizations and agencies working in alcoholic treatment programs in the counties. The district's review pointed out that an alcoholic treatment program was needed but would be more effective if it included six counties, which would serve 157,000, instead of the proposed two counties which would serve only 55,000. The review also stated that an alcoholism program for the area should cover all problem drinkers, not just the low income. As a result, an existing agency will be submitting a comprehensive alcoholism treatment plan for the six counties which would cover all income levels at a much lower administrative cost per patient served.*

• **An eight-mile highway extension of interstate from a new Theodore Island Industrial Park in Mobile Bay northward to Mobile, Alabama, was initially scheduled to take 20 homes. Through a review by the South Alabama Regional Planning Commission, alternative routes were explored and one was finally chosen which did not necessitate the taking of the 20 homes. In addition to avoiding the social costs, approximately $200,000 was saved by avoiding relocation of 20 families.**

• An Oregon arterial road (5-6 miles) between Springfield and Criswell was proposed which would cost $4.5 million and would be matched with state funds. A review by the Lane Council of Governments revealed that the proposed road, which would have an average daily traffic load of 8,000 vehicles, was a very low priority in the Springfield-Eugene Metropolitan Transportation Plan. In fact, it was not scheduled to be built, according to the plan, for another 18-20 years. After considerable discussion among all interested parties, as arranged pursuant to the A-95 process, state and local governments agreed that construction should be deferred for another decade or two. Thus, the $4.5 million has been made available for other higher priority roads, which will carry traffic loads of 30-50,000 vehicles per day.

• *The City of Biloxi, Mississippi (population 49,000) submitted an application to meet its future water and sewer needs. Through a review by the Gulf Regional Planning Commission, it was learned that the cities of Gulfport (population 44,000) and Long Beach (population 12,000), as well as some of the unincorporated areas of Harrison County, also needed expanded and improved water and sewer services. Therefore, the clearinghouse suggested that Biloxi amend its application to serve not only Biloxi but also portions of Gulfport, assuming appropriate reimbursements from Gulfport. Gulfport, in turn, would simultaneously prepare a water and sewer application to serve parts of Gulfport, the City of Long Beach, and unincorporated portions of Harrison County with appropriate reimbursements from these latter entities. All of these suggestions have been followed; and eventually, a total capital cost savings of $6-7 million will be realized.*

• **Three very small neighboring communities in South Carolina independently decided that they needed extensions of their water and sewer systems. Through the Lower Savannah Regional Council's review, the possibility of developing a joint system to serve all three communities was raised. The combined system was developed at a capital cost savings of $100,000. Considering the fact that the total population of these three municipalities is slightly under 5,000, this savings was quite substantial in terms of local capital and operating budgets.**

• A suburban Albuquerque hospital of 150 beds was proposed which had two basic problems: the site location was not well related to the metropolitan highway system, and the internal layout of parking facilities was inadequate. Through review by the Middle Rio Grande Council of Governments of New Mexico, a new hospital site about two

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Cleaning Up the Environment

The problems of regional development and urban growth are most painfully felt by the natural resources which make up our environment. It is both natural and necessary to deal with problems like air and water pollution, solid waste, and land use on a regional basis, since their physical attributes and the systems serving them are available in nature. Water runs downstream without respect to political boundaries and smog doesn't stop at central city limits. Unique natural and scenic features are regional assets despite their location in specific political subdivisions.

A major obstacle to dealing with these problems is the complex interrelationship of governmental jurisdictions in a region. Minimum standards for environmental protection vary widely in content and enforcement from one jurisdiction to another, if indeed they exist at all. Moreover, the staggering cost of creating and maintaining environmental quality often transcends local resources, public and private.



Despite these problems environmental quality must be approached on a regional basis. It is of little use for three local governments in a region to adopt water and air quality regulations if two other jurisdictions are going to continue polluting their common air and water resources. For this reason, councils have increasingly found themselves assisting their member governments in efforts to assure a quality environment for the entire region.

Environmental Impact

One of the regional council's most significant tools in promoting environmental quality is provided through the A-95 Review Process (see article on page 6). The Environmental Policy Act of 1969 directs all federal agencies to consider the environmental impact of certain designated projects prior to funding. As a result of this law, the A-95 procedures were amended to provide federal, state and local agencies which are authorized to develop and enforce environmental quality standards an opportunity to comment on the environmental impact of these projects as a part of the A-95 review process. Through A-95 regional councils are providing a crucial mechanism by which projects with a potentially adverse effect on the environment can be identified and modified to assure long-term protection of environmental amenities.

A good example of this occurred in San Diego where an application was submitted to the Comprehensive Planning Organization for a $30 million Flood Control project. The project consisted of dredging and constructing a flood control canal in an undeveloped wildlife area. In reviewing the application, the CPO raised the issues that this project would cause premature development and would disrupt an area which should be preserved for wildlife and scenic beauty. Also, the CPO found that this project was in violation of the county's general plan.

CPO's review brought the issue to wide public debate. Subsequent deliberations have resulted in a deferral of the project as proposed, and the initiation of alternative schemes to minimize environmental impact.

Solid Waste

More than half of all regional councils are involved in solid waste planning and programs, and many areas have moved into the implementation stages, such as the North Central Alabama Regional Council of Governments (Decatur). The COG is providing technical assistance and coordination for solid waste collection and disposal services in three of its member counties. Two of the counties are utilizing private collectors for solid waste collection. The other county has a

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Courtesy of the Association of Central Oklahoma Governments

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separate collection program, which entails house-to-house pick-up service, and utilizes one sanitary landfill for the county's four municipalities.

Of the $173,000 needed to purchase equipment for the house-to-house pickup program, $100,000 is being provided by the North Central Alabama COG through a grant from the Appalachian Regional Commission. The remaining $73,000 is allocated by the county. To encourage residents to participate in the door-to-door pickup program, the county's four municipalities have passed a resolution making disposal of solid waste in a sanitary landfill mandatory. Residents who fail to comply or whose disposal methods do not meet the county health department standards must pay $3.00 per month for the pickup service. Both solid waste programs are being operated by the County Commissioners.

* * * *

Due to an agreement worked out by the Metropolitan Washington Council of Governments (Washington, D.C.), the Washington area's first regional landfill is now in operation. Four major governments in Virginia and the District of Columbia are sending more than 2000 tons of solid waste daily to a 22-acre site in Virginia.

COG'S Waste Management Agency, acting as an agent for Arlington County and Alexandria, is responsible for financing and building a solid waste transfer station to carry 440 tons of solid waste per day in large trucks from Arlington and Alexandria to the landfill, where it will be compacted and covered with an airtight layer of soil. The agreement will also enable one of the counties to close its incinerator and save $1 million, which would have been required to upgrade it to meet state air pollution control standards. The landfill will further enable the City of Alexandria to close one of its incinerators.

* * * * * *

In Pennsylvania, the Centre Region Council of Governments (State College) has a regional landfill operating for its six member municipalities that covers 165 square miles. This year the COG has initiated and coordinated a Regional Transfer station that coordinates with a county-wide solid waste disposal action program.

A solid waste plan developed by the Southeastern Massachusetts Regional Planning and Development District (Taunton) would potentially save three towns $4.27 million, by having one sewage treatment plant for their area instead of separate treatment plants in each town. The idea of a regional approach was brought about by a feasibility study which was undertaken as a step toward implementing one of the recommendations of the District's *Regional Study of Water Supply, Sewage Disposal and Drainage.* The feasibility study concluded that the towns of Foxborough, Mansfield and Norton should form a regional sewer district and construct a regional sewage collection and treatment system. The total cost savings through the regional approach will be $3.47 million. The costs of the collection and treatment system for the tri-town area would be allocated between the towns based on the volume of that town's sewage. The implementation of the plan will depend on town meeting action and on creation of the regional sewer district by state legislation.

* * * * * *

The Central Shenandoah Planning District Commission (Staunton, Virginia) created a sample ordinance dealing with controlling junked and abandoned motor vehicles and recommended a method to implement the program. The method involves central point collection, compacting the cars by means of a portable crusher and hauling them from the region to established recycling operations.

* * * * * *

Air Quality

The leading regional council in air quality programs is probably the Metropolitan Washington Council of Governments (Washington, D.C.). Between 1967 and 1970, 11 cities and counties in the Washington area enacted and placed in effect air pollution laws based on a model ordinance developed by the COG in 1966. The entire region is now covered by air pollution laws compatible with one another.

Since 1968, when the law was enacted, the District of Columbia has observed a 46 percent reduction in sulfur dioxide pollution – the same kind of smog that killed 4,000 persons in London in 1954. This reduction was the result of a provision requiring a smaller amount of sulfur in heating fuels. Suburban jurisdications are also reporting lower pollution levels.

The COG now has a revised air pollution alert system, the Regional Air Pollution Episode Plan, which places emphasis on anticipating the buildup of contaminants and informing the public of these conditions sooner, thus preventing the buildup. This revised plan consists of three phases–alert, warning and emergency.

In addition the COG has established a nine-member Air Quality Planning Committee composed of elected officials and air pollution experts from state and local governments. The Committee will make recommendations and coordinate plans and measures for control of air pollution, to be approved by the COG Board of Directors as areawide policy. Adoption and enforcement will be the function of the local and state agencies.

The Committee may also establish and coordinate interjurisdictional monitoring activities to assist in the air pollution control programs, as well as collect, correlate and interpret information helpful to air pollution control agencies from local governments.

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The Pikes Peak Area Council of Governments (Colorado Springs, Colorado) is conducting a three-phase air quality study, which includes air pollution as a factor in an urban growth plan.

The first two phases of the study have been completed. Phase one consisted of an inventory of existing conditions and a model for predicting future levels of air pollution. Phase two consisted of an evaluation and analysis of those community factors which affect the region's air quality.

The final phase will determine the most acceptable growth pattern for the region, based on air quality objectives. This phase will also contain suggestions for the location of highways, sewage treatment plants, power plants, industry, and water disposal areas which will minimize air pollution in the area.

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Air pollution control has been an integral part of the Denver Regional Council of Governments' (Colorado) program. Through the efforts of the Regional Air Pollution Control Agency (RAPCA), a technical advisory commit-

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Wanted: A Decent Home in a Suitable Environment

There are approximately 72.6 million housing units in the United States today, 7.5 million short of our current needs. In addition, approximately eight percent of our existing housing units are substandard. In 1968 Congress set a ten-year housing goal of providing 26 million additional or rehabilitated units in order to meet current and future needs and to achieve the national objective of a "decent home in a suitable environment for every citizen."

Housing is a basic human resource program inseparably related to work, health, education, recreation and transportation. Houses cannot be planned or built without considering these related facilities and programs. In addition, a regional approach which encompasses the central city and its suburbs is the tool to achieve balanced communities with housing opportunities for people of all income levels.

There are many types of housing deficiencies — condition, availability, suitability, cost, location, style — and any of these may produce problems for families seeking shelter. There are many agencies that deal with these different aspects of housing, but until recently there has been no one organization to tie them all together. Regional councils have begun to fill this role.

A regional council's housing activities can include five major areas of action:

- Develop regional housing policies and goals, which establish a clear policy commitment to housing.
- Collect, analyze and disseminate housing information.
- Relate housing to other areas such as transportaton, environment, employment and public facilities.
- Serve as a broker or catalyst for increased housing production.
- Develop and adopt a "fair share" plan to equitably distribute low and moderate income housing throughout the region.

Following are examples of what regional councils are doing in the housing field.

Fair Share Plan

The Metropolitan Washington Council of Governments recently adopted a "fair share" housing formula to distribute equitably within the metropolitan area low and moderate income housing.

The objectives of the formula are to help provide a variety of housing opportunities for all income groups within each jurisdiction, and to offer the opportunity for Washington area citizens to live in the city or county where they work.

The formula results in changing the future allocation of low and moderate income housing from the central city and one urban county—where there is an imbalance of such housing—to other jurisdictions which have had disproportionate amounts of high income housing.

The first widely publicized fair share housing plan was adopted by the Miami Valley Regional Planning Commission (Dayton, Ohio) in 1970. In the past year actual housing construction has gotten underway. Six hundred units of FHA housing and more than 500 units of rehabilitated housing are under construction in the region. Another 1,150 FHA housing units have been funded and will be under construction soon. In addition, 800 units of public housing, along with 115 rehabilitated units, are under construction.



Courtesy of Douglas Price, Division of State Planning and Community Affairs, Virginia

The chief tool for implementing the housing plan has been the A-95 review process. Through the review, proposed housing construction must be in compliance with the MVRPC and Dayton housing plans.

Housing Authority

The South Carolina Appalachian Council of Governments (Greenville) has met with the community leaders of more than 25 communities to advise them as to how they can improve housing in their communities. The COG has assisted in the organization of

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HOUSING, *Continued from page 9*

housing and development authorities in two towns. Eight builders have been certified by the Federal Housing Administration and Farmers Home Administration to build homes for moderate and lower income families. As a result 125 houses have been constructed in the region.

Three hundred and forty standard housing units are being constructed by the Housing Authority, which was formed by the Mid-East Economic Development Commission (Washington, North Carolina) and adopted by five rural counties. The new units, which will provide housing for more than 1,200 members of the district's low income families, will be used as training rehabilitation facilities under planned programs of tenant participation in management and maintenance. Residents will be encouraged and assisted in seeking home ownership.

Feasibility Study

A Housing Feasibility Study has been conducted by the Caddo-Bossier Council of Governments (Shreveport, Louisiana). This study answers a basic question as to whether the cost of land improvements, such as utility installation and street paving, on undeveloped tracts makes the development costs greater than the development costs on relatively more expensive developed property, where such improvements already exist.

To test the hypothesis that developing on vacant land is more expensive, two sites were chosen in adjacent cities. One site in each city was undeveloped and the other was in a densely populated, blighted neighborhood. By applying simple and carefully selected criteria to a large number of tentative site locations, it was possible to choose two pairs of sites that allowed financial feasibility comparisons.

On the basis of this report, a program of direct cooperation among the units of local government, private developers, private financial sources, the federal government, land owners and the COG is being instituted. This pilot program is ultimately expected to place a lesser burden on the federal government in such areas as urban renewal, and to increase private participation in bringing about better living conditions for the residents of the area.

Operation Breakthrough

The Upper Savannah Regional Planning and Development Commission (Greenwood, South Carolina) has completed the Operation Breakthrough Plan to stimulate modernization in housing construction and management. The plan provides an inventory and evaluation of housing development activities and identifies problems contributing to inadequate housing and possible solutions in meeting housing needs for all the citizens in the region.

The object is to provide district residents with information to better equip them in securing adequate housing. The Commission has developed a rapport with area realtors, bankers and contractors to gain an understanding of the housing problems, and works closely with state agencies interested in housing.

Counselling and Assistance

The North Central Alabama Regional Council of Governments (Decatur) has completed a 12-month Housing Assistance Service Program. The service was designed to provide counselling and application assistance to those families for whom housing subsidy programs were intended and who generally lack a clear understanding of financing and the general requirements for securing a home mortgage.

Applicants are assisted in completing appropriate application forms and given necessary guidance in dealing with developers, lending institutions, buildings, and/or federal agencies and their related programs. The Housing Assistance Service also provides information to developers, builders, lending institutions, and federal agencies dealing in housing, even to the point of being in a position to bring together the potential home owner and these persons or agencies.

This Housing Assistance Service was initially funded under a grant from the Department of Housing and Urban Development.

Although this service is no longer funded by HUD, the Council is making every effort to continue it under the regular operations of the agency.

Operation Outreach

The Southside Planning District Commission (Lawrenceville, Virginia) is assisting in a program to improve housing conditions in the district. Operation Outreach, which is administered by the State Office of Housing, is designed to seek out the rural low income citizens of the state who are now living in substandard conditions and assist them in securing a new home under Farmers Home Administration programs.

Before the program was initiated, many citizens in the district did not know that FHA loans are available to build homes. Therefore the Commission's first action was to get this information to the people through a series of newspaper articles. A housing field representative also helped to spread the word through talks before civic groups and through seeking the help of community leaders. For the first two months the newspaper articles and pictures appeared about every two weeks. Radio stations are cooperating in broadcasting spot announcements at frequent intervals.

Volunteers have also been enlisted to help reach the people who need homes. Students from a college in Lawrenceville have accepted the project as a practical learning experience. The students fanned out over the Town of Lawrenceville and much of the rural area of Brunswick County, and through the use of survey forms, found 226 families who are interested in participating in the program.

Housing Clinic

The Windham Regional Planning Agency (Willimantic, Connecticut) has taken the primary responsibility in organizing a regional volunteer-staffed housing clinic. To qualify as counselors for the clinic, volunteers attend six half-day training seminars covering the subjects of landlord-tenant law, the enforcement of protective codes, discrimination in housing, finding rental housing, home ownership programs, urban renewal and relocation assistance.

While the clinic is open for only eight hours a week, calls are also referred to counselors at their homes. Most problems involve much after-hours work for the volunteers. Among the materials the clinic makes available is an up-to-date listing of all rental developments of eight or more units in the ten-town region, which is also distributed by the local Chamber of Commerce.

A byproduct of this effort has been increased cooperation and coordination of effort by the local experts in these fields, who served as teachers and sometimes learned for the first time of each other's programs at these training sessions.

Improving Health Care Through Cooperative Approaches

The health and welfare of the public is a basic governmental responsibility. Because of today's settlement patterns and lifestyles, health services and facilities must be provided on a regional basis if we are to meet public needs effectively and economically.

Regional councils are agencies of local government and are involved in the basic planning of areawide programs to meet physical and social needs within a region. Health is one of these needs and health planning must be related to other types of regional planning, such as transportation, community development and environmental quality.

Comprehensive Health

The Comprehensive Health Planning Program initiated under the Partnership for Health Legislation in 1966 provides that planning for all aspects of environmental, mental and physical health facilities and manpower must be accomplished by one comprehensive areawide health planning agency.

Comprehensive health planning (CHP) may be defined as a process to enable national decision making about the use of public and private resources to meet health needs. In 19 metropolitan areas of the country, regional councils are performing this health planning function themselves or have set up subsidiary health planning agencies to do so. For example:

- The Alamo Area Council of Governments (San Antonio, Texas) has developed a plan to adequately provide for the delivery of comprehensive health services to the urban poor living within San Antonio's Model Neighborhood Area. The Council has recommended that the City of San Antonio and its City Demonstration Agency adopt a Community Health Service Delivery Network, which would provide the broadest scope of services in the shortest time span. This Network would also involve all of the major and smaller health providers, utilize existing neighborhood clinic facilities and avoid the expenditure of huge sums on construction. Further, it could be most readily expanded into the outer areas of the region.

- The Atlanta Regional Commission has received a grant for the continuation of comprehensive health planning activities for the Atlanta region. The principal work in CHP during the past year has been in such areas as the determination and planning to meet hospital and nursing home needs, emergency medical services planning, family planning coordination and other areas. The CHP team has been responsible for securing almost $4 million in federal grants to support family planning, drug abuse and health maintenance organization services, and has provided technical assistance to area agencies in the preparation of their plans and funding proposals.

- Ten regional councils in South Carolina have been designated as Areawide Comprehensive Health Planning Councils to assure proper planning at the local level. These councils will have the responsibility for reviewing all health project applications before they are sent to the State Board of Health. The purpose of the review will be to determine if there is public need for the project by analyzing the situation as it presently exists in the community. If the need does exist, the councils will evaluate alternatives which may resolve the problem and include the recommendations in order of preference in an advisory report.

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Bringing New Jobs, Industry and Trade to the Region

We hear much about the "crisis of the cities," but rural America is suffering a crisis of its own, and the solutions to both are intricately linked.

The tremendous migration of people from rural areas to large urban complexes in the last few decades has caused a substantial loss of financial and manpower resources in rural communities. In fact, those resources have become so depleted that local governments have not been able to provide basic services needed to attract and hold people, and this is hastening the erosion of rural America.

In turn, the increased population in urban areas has caused congestion, social unrest, and fragmentation of public policies and services.

Neither the urban nor rural problem can be resolved without a coordinated, regional strategy for balanced growth. Regional councils encompass entire regions – central city, suburbs and rural areas. Through a regional approach, future growth can be channeled away from crowded urban centers and into nonmetropolitan areas where the development is needed.

In addition, individual cities and counties in rural areas generally do not possess the resources to offer the kinds of jobs, cultural opportunities, educational systems, and services that will attract and hold people. A cooperative, regional effort is their only hope for pulling together the necessary resources to do jointly what individual units of government cannot do alone.

In the early stages of their rural development efforts, most councils have concentrated on economic development programs, such as attracting new industries or promoting recreational facilities, which will bring additional jobs, tax resources and tourist trade to their regions. Following are some selected examples which indicate the range of regional council activities in the economic development field.

An industrial park for Butler, Georgia has recently been completed through the help of the Middle Flint Area Planning and Development Commission (Ellaville). The Commission assisted the city's public officials in the planning and development of the project and was primarily responsible for the preparation of the grant application to the Economic Development Administration. The grant was used to install a new water system in the industrial park and to improve the city's sewerage system. The city also received a ten percent bonus grant because it is a member of the Middle Flint Commission.

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The Omaha-Council Bluffs Metropolitan Area Planning Agency (Nebraska-Iowa) is involved in an innovative project for the region – the Return to the River program. The concept of the project is a unified effort to develop and redevelop Missouri River frontage for a length of almost 54 miles. The project will involve parks, parkways, historic

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Finding Better Ways to Get from Here to There

Transportation planning is basic to the development of a region. Decisions on where to place an airport, highway, or mass transit routes can and do have a major impact on the future character and growth of an area.

In addition, all modes of transportation should ideally be related. For example, an airport should be located in an area where the public will have adequate access by car or mass transportation systems.

Finally, airports, mass transit and highways should serve all people in a region, not just those in particular communities. Transportation facilities should be geared to equally assist people to get from and to their jobs.

Regional councils are in an ideal position to relate various modes of transportation in a fashion that will optimally serve the interests of the entire region's population. However, in the past, councils have had difficulty receiving financial support for transportation planning and programming.

Because highway development is a state responsibility, regional council activities in this area have largely been confined to planning and data collection. In addition, councils do not have the authority to construct or maintain airports, water ports, or mass transit facilities.

In spite of this, many councils have been involved in various types of innovative transportation programs and in airport planning. In addition, the Department of Transportation has indicated its support for multi-modal transportation planning and several councils are now being funded for such programs.

A multi-modal transportation program, as the name implies, is a plan which considers and evaluates all modes as part of a total transportation system.

Among the advantages to this type of approach is the fact that multi-modal planning views the entire spectrum of transportation as a single unified system and permits closer evaluation and selection of the appropriate mode or modes for different rider behavior.

Multi-modal transportation planning brings together the governmental agencies at the federal, state and local levels which are involved in transportation planning and permits the interchange of technology in the joint delineation, testing, and evaluation of various subsystems for a total transportation system.

Most regional councils are undertaking some form of transportation planning, usually highways or mass transit. Approximately 25 councils are beginning multi-modal planning. These councils have developed or are developing unified work programs which will enable them to receive funding from the Department of Transportation for multi-modal transportation planning.

For example, the North Central Texas Council of Governments (Dallas-Fort Worth) is currently involved in this type of multi-modal program. The objectives of NCTCOG's Unified Work Program include:

- Identify the data required for planning for all modes of travel, and establish procedures for the maintenance of this data in current form.
- Develop projections for regional growth patterns which will consider the interrelationship between total transportation systems and urban growth.
- Develop forecasts of travel demand based on availability and various levels of service for all modes of travel.
- Develop recommendations toward improved implementation of regional transportation programs.
- Coordinate transportation planning in the region.

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Several regional councils have received grants from the Department of Transportation to acquire and operate public transit systems, which were in financial difficulty.

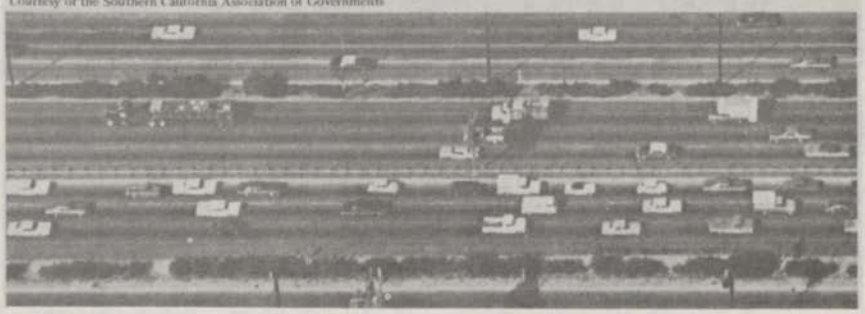
Metroplan (Little Rock, Arkansas) acting as trustee for one county and two cities in the region, recently purchased the city's existing bus system. Money to purchase the buses came from the three local governments. DOT has also approved a $2.4 million grant to buy 44 new buses in the next five years, two-way radios for all buses, and new bus shelters, benches and bus stop signs. The publicly-owned system is operating under the name of Central Arkansas Transit and is directed by a Transit Policy Board, consisting of local government officials.

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The Chattanooga Area Regional Council of Governments (CARCOG) recently received approval of a $3.7 million grant from DOT which will enable the purchase of existing urban and suburban buses, the area's rail link and 74 new buses. The two-thirds matching grant is part of a $6.7 million capital improvement program approved by DOT for the Chattanooga area.

The matching grant will go to the Chattanooga Area Regional Transportation Authority (CARTA), established in 1971 through the passage of identical ordinances by nine municipalities in the bi-state area. The CARCOG staff was instrumental in the passage of state enabling legislation to create the authority. CARCOG and CARTA share a joint administrative staff responsible for transportation operations as well as multi-modal transportation planning.

Courtesy of the Southern California Association of Governments



The Denver Regional Council of Governments has joined with the Denver Regional Transportation District and the Colorado Division of Highways to carry out a joint planning program to develop a regional land use plan, a public transportation plan and a highway plan. The joint planning program is a mechanism whereby each agency has committed its time and financial resources to the common work program, which is supported by the two regional agencies, the state agency, the Urban Mass Transportation Administration, and the Department of Housing and Urban Development, through separate grant contracts.

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Through the creation of a Joint Transportation Planning Group in Southeastern Massachusetts, all sectors of the community will have access to the providers of transportation services. The JTPG was established through an agreement between the Southeastern Regional Planning and Economic Development District (Taunton), the Massachusetts Secretary of Transportation and Construction, and the Department of Public Works.

The JTPG consists of state, regional and municipal representatives, as well as individuals from public and private institutions and associations. The 43-member group will meet monthly and use task forces to analyze and resolve issues wherever possible. The first issues to be dealt with by the JTPG will include the preparation of a transit development program and the resolution of certain highway proposals.

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The "Capital Flyer" express bus project, which was operated on an experimental basis by the Metropolitan Washington Council of Governments, has now been taken over by the privately-owned bus companies. The Capital Flyer buses travel eight rush hour routes, linking the District with four locations in Virginia and Maryland.

Another innovative project begun through COG is exclusive bus lanes on Shirley Highway in Northern Virginia. Through the use of these lanes, bus riders save 30 minutes in commuting time in both the morning and evening. These bus lanes have now become permanent and extended into Washington.

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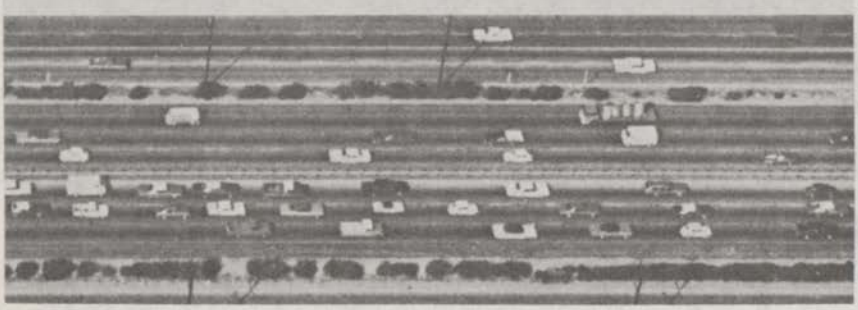
The Lake-Porter County Regional Transportation and Planning Commission (Highland, Indiana) has received a grant from the Department of Transportation to buy approximately 21 new electric commuter cars for the Chicago South Shore and South Bend Railroad. This is Indiana's only inter-urban mass transit system. The Commission will own the cars and lease them to the railroad, and will have responsibility for auditing revenue produced by the cars and performing inspections on maintenance and upkeep of equipment. The railroad is providing one-third of the local share for capital expenditures; no additional local tax money will be used.

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Regional councils are also actively involved in a variety of action-oriented planning projects to alleviate urban traffic congestion, such as the Department of Transportation's urban corridor demonstration project. These planning efforts are based upon coordination at the metropolitan level between highway and transit officials and between city and suburban governments to attack the problem of peak-hour congestion in urban radial corridors by such means as intersection and traffic signal improvement, express bus lanes and street widening. Currently six regional councils are doing urban corridor project planning: Metropolitan Council (Minneapolis-St. Paul), Metropolitan Washington Council of Governments (Washington, D.C.), Falls of the Ohio Metropolitan Council of Governments (Louisville, Kentucky), Ohio-Kentucky-Indiana Regional Planning Authority (Cincinnati, Ohio), Delaware Valley Regional Planning Commission (Philadelphia, Pennsylvania), and the Tri-State Regional Planning Commission (New York City).

For example, the Tri-State Regional Planning Commission identified one urban corridor which runs from Manhattan into Northern New Jersey. The first part of the Commission's program was exclusive bus lanes along several miles of the corridor during week-day morning rush hours. The bus lanes, which are now permanent, assure quick, reliable, line-haul travel for 35,000 daily commuters.

Second stage projects in the Tri-State corridor are now being readied including: (1) Park-and-Ride lots where commuters can switch from their cars to express transit service; (2) Engineering improvements on a major New Jersey route; (3) A traffic management system for two major routes to improve service for all traffic, while ensuring priority movement of buses; (4) Automatic identification systems for buses, which could lead to nonstop toll collection, improved control over bus operations and better reporting of delays to the public; and (5) Rerouting of buses in midtown Manhattan to provide better service to commuters who use the Port Authority Bus Terminal.



ECONOMIC DEVELOPMENT,
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sites, environmental areas, residential, commercial and industrial developments in a linkage that will restore the river valley. MAPA's interlocal agreements are being studied as formal vehicles for the realization of the Return to the River concept. This project is geared to greatly improving the economic and industrial development along the river while, at the same time, preserving and enhancing its environmental features.

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The Champaign County Regional Planning Commission (Urbana, Illinois) has assisted local communities in their economic development by working closely with the local Chambers of Commerce. For example, the Commission prepared an Industrial Locations Study which is being utilized by the Urbana Association of Commerce and Industry to assist industries in seeking appropriate locations for new plant facilities within the region.

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The Lower Rio Grande Valley Development Council (McAllen, Texas) has been responding for several months to member government requests for economic impact analyses of significant industrial, commercial and governmental activities. The Council is able to project the short- and long-range economic effects of proposed capital injections, plant locations, or other private or public activity. The service is provided to member local governments at cost. Information and data used in determining the economic impact are recorded on computers, which has decreased the reaction time needed to perform the study. This service greatly assists the local governments in assuring the best possible site selection for new facilities and developments.

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From the action taken by the Association of South Central Oklahoma Governments (Duncan), two industrial park projects have been completed and two are in process. From these projects, around 1200 jobs have been or will be added to the job inventory within the region when the industrial parks are fully operational.

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Through the joint efforts of the Kentucky River Area Development District and the financial institutions, businesses, corporations and private citizens of the area, a Development Fund is being undertaken to help economic development within the region. The purpose of the fund is to unite the financial management abilities of the area and the financial resources within and available to the area in a manner which will assure their maximum availability and use for all legitimate economic development purposes and projects of the District. Specifically, the Fund will serve:

- To strengthen the capacity of the individual local financial institutions, through cooperation, in meeting the financial requirements for economic growth of their respective communities.
- To provide all communities of the District, their businesses and development organizations, maximum benefit of the area's financial expertise in planning for economic growth and implementation of projects essential or helpful to economic growth.
- To provide a mechanism through which local financial resources can be properly combined with all other available financial resources to achieve economic progress.

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To reduce areawide unemployment, three regional councils from Arkansas, Texas and Louisiana have joined forces to form a tri-state industrial program. The Southwest Arkansas Planning and Development District (Magnolia), the North East Texas Economic Development District (Texarkana), and the Coordinating and Development Council of Northwest Louisiana (Shreveport) are attempting to expand the regions' small furniture industry to provide employment for thousands of residents left jobless by defense installation cutbacks. The purpose of the program is to develop a concentrated furniture industry in the tri-state area comparable to that of North Carolina.

Presently, the region's furniture industry consists basically of small family-owned plants based mainly in Forth Smith, Arkansas, and in the Texarkana area. The large home furniture industry in Dallas is expected to aid in the development of industry in the region. With the cooperation of the governors and industrial commissions of the three states, the regional councils invited about 600 furniture manufacturers from across the nation to visit and tour the area for possible consideration of plant location.

The Human Resources Division of the Evangeline Economic Development District (Lafayette, Louisiana) is aiding minority businessmen in receiving loans through the Small Business Administration. EEDD offers assistance to applicants in applying for loans and also gives technical assistance to businessmen after the loan is received. Eight loans have been secured thus far. The District, on a volunteer basis, is also a member of a management assistance team of the Small Business Administration.

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The Human Resources Planning Department of the Kisatchie-Delta Economic Development District (Alexandria, Louisiana) has also been successful in securing almot $200,000 for minority business development activities. Five business loans and two government contracts totalling $192,907 were secured for minority businessmen, funded through the Small Business Administration.

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The Clearwater Economic Development Association in Moscow, Idaho is now implementing the Tribal Unit 44 Tourism Complex plan for the Nez Perce Indian Tribe. The project will place a tourist complex on the Clearwater River with tribal museum, motel, restaurant, trading post, filling station, and recreation and family outing facilities. This primary site will be supplemented by water sports areas to be developed on the newly formed Dworshak Reservoir. The completed facilities will be operated as a Nez Perce enterprise and will provide employment for over 100 Nez Perces. The project was funded through the Economic Development Administration.

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The Lower Anthracite Regional Economic Development Organization (Shamokin, Pennsylvania) helped spur the economy of the region by opening and operating the region's first tourist attraction, the Glen Burn Mine Tour. Over 60,000 tourists, 90 percent from outside the region, have visited the site and added dollars to the region's economy.

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The Coastal Area Planning and Development Commission (Brunswick, Georgia) has assisted the region's Coastal Historic-Tourism Committee in

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Public Safety for Everyone in the Region

Perhaps the most shocking statistics in America today relate to crime and crime control. These are used so frequently that they do not need to be cited here, but there is no denying the appalling increase in crimes against persons and property during the past decade and the apparent inability of our prevention, apprehension, detention, prosecution and correction systems to deal with the problem of public safety.

To tackle this problem nationally, Congress passed the Omnibus Crime Control and Safe Streets Act of 1968. Under this legislation, the federal government provides direct block grant support to the states to improve their capabilities to meet the crime problem. The states in turn pass through 40 percent of the funds to their local governments for direct application at the local level. The Department of Justice recommends that the state and local governments utilize regional planning bodies to establish plans, strategies and priorities for the expenditure of these funds.

Because crime, in this age of mobility, is not constrained by jurisdictional boundaries, regional councils have in several states become the focus for this effort across the country. Moreover, very few states were prepared to adequately assess the law enforcement needs and establish funding priorities for their local governments.

What has developed is a substate planning process wtiich, at the regional level, undertakes to assess the needs, establish plans for action and establish priorities for funding within the region. Many councils have gone beyond this stage and developed programs in such areas as:

- Communications networks.
- Single emergency telephone number.
- Intelligence exchange.
- Training for public safety officials.
- Regional jails, detention centers, and half-way homes.
- Mutual-aid agreements.
- Drug abuse education and treatment centers.
- Juvenile delinquency prevention.
- Information and record-keeping systems.

Drug Abuse

One of the most pressing law enforcement problems facing the nation is drug abuse, and drug traffic is regional. Gone are the days when the pusher only stalked the streets of the central city. Drug abuse is a very real problem in suburban areas throughout the nation. For this reason, regional councils are



Courtesy of the Association of Central Oklahoma Governments

actively assisting local jurisdictions in administering their drug control programs.

For example, the Metropolitan Council in the New York region coordinated a mass drug raid which resulted in the arrest of 192 alleged drug offenders and the seizure of $1.2 million in drugs in the 20-county New York-New Jersey-Connecticut metropolitan area. An Advisory Board of prosecutors and district attorneys in the area appointed members of their investigating staffs to MRC's Narcotics Task Force, which then coordinated the drug raid. In addition, this cooperative arrangement has led to a sharing of drug abuse investigation equipment, information, intelligence and personnel throughout the region.

One of the first regional crime squads was created by the Capitol Region Council of Governments (Hartford, Connecticut). It now operates in 42 towns with a total population of one million.During the past year the Crime Squad developed more than 500 cases against narcotics and dangerous drug offenders and a substantial amount of related criminal intelligence data was turned over to the appropriate authorities.

The COG also sponsored the Capitol Region Drug Information Center, which became a national model for combating drug abuse on a regional basis. The Center has developed one of the finest resource libraries in the country. A variety of publications have been prepared, including the first major comprehensive listing of 150 existing and proposed drug programs within the Captiol region and a drug policies and procedures guide for school systems. The Center also offers a number of services such as training programs and seminars.

The creation of a region-wide organization to eliminate the fragmentation and duplication of agencies involved in drug abuse was made possible through the efforts of the Alamo Area Council of Governments (San Antonio, Texas) and their local Mental Health/Mental Retardation unit.

Drug Abuse Central is an organization designed to coordinate existing drug abuse programs, assist in the development of educational and rehabilitative programs, develop and evaluate innovative treatment and rehabilitative methods, and provide information to its members and the general public.

The organization has member representatives of all the agencies involved in the problem of drug abuse and includes members of the news media and legal profession. It has three subcommittees:

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research and education, treatment and rehabilitation, and legal and judiciary.

The Central Oklahoma Narcotics and Drug Abuse Council (CONDAC) was established as a part of the Association of Central Oklahoma Governments in Oklahoma City to combat drug abuse. CONDAC involves local government, other than just the police force, directly in the drug abuse problem. It also seeks to coordinate major drug abuse functional areas.

The need for such a program became apparent as an increasing number of disjointed applications for federal assistance to deal with some part of the drug problem started coming to ACOG, the regional A-95 clearinghouse.

CONDAC was proposed as a coordinative body to develop guidelines, programs or program relationships which will achieve order, economy and efficiency in the array of anti-drug abuse programs. It also has the equally important task of developing policy and measurement criteria which evaluate program proposals by three standards – community need, consistency with areawide plans and programs, and ability to meet stated objectives.

Alcoholism

Comprehensive alcoholism programs are also being developed by regional councils. For example, the Concho Valley Council of Governments (San Angelo, Texas) has been designated as the regional alcoholism planning agency for its 13-county region by the Texas Commission on Alcoholism. The council will perform planning and carry out implementation of comprehensive regional and community-wide alcoholism programming by providing leadership in program development. The COG will also provide consultation to community and regional programs, as well as stimulate and conduct training programs on alcohol abuse and alcoholism. The program will further aim at strengthening and coordinating existing alcoholism services in communities and in the region.

Mutual Aid Agreements

Many regional councils are now helping jurisdictions within their region to form mutual aid law enforcement agreements. Through these mutual aid agreements, law enforcement officers are able to cross boundary lines with full powers of arrest in other jurisdictions, and to aid their neighboring cities and counties during emergencies.

For example, the West Piedmont Planning District Commission (Martinsville, Virginia) recently formulated a Law Enforcement Manpower Pool agreement which was formally adopted by all the jurisdictions in the region. This agreement makes available to each jurisdiction a pool of qualified law enforcement personnel to supplement those departments or agencies requiring assistance in possible emergency situations. Two days after the agreement was formally signed by all jurisdictions, a riot occurred in one of the neighboring municipalities. Sixty officers from other jurisdictions responded to a call from the town's chief of police within 32 minutes. As a result of the quick response, the riot was quickly contained.

The Cumberland Plateau Planning District Commission (Lebanon, Virginia) is also forming a regional law enforcement investigative team in an effort to combat the rising drug abuse and criminal offenses in the four-county district. The regional team will consist of one deputy sheriff from each county who will receive advanced training in drug and criminal offenses. The team will work in all four counties and each officer will have full powers of arrest in each jurisdiction.

In addition, the Nortex Regional Planning Commission in Wichita Falls, Texas, initiated a successful experiment which combined the City of Quanah's and Hardaman County's police protection into a single agency. The city's police force was merged into the county sheriff's office, thus consolidating facilities. Until the merger, the citizens of Quanah, who make up more than half of the county's population, were supporting two police forces, two jails, two fleets of cars, two communication systems, and two sets of records. Prior to the merger the sheriff's office totaled three men and the city police force consisted of eight officers. Most of the money savings have gone into higher salaries for the officers, and now the city and county have night patrols, an around-the-clock radio network, a feeling by the public that it is better protected, and higher morale among the officers.

Communications Network

The Texoma Regional Planning Commission (Denison, Texas) has implemented a Regional Police Communications Network. The Commission was authorized to act as a single bidding agent for the purchase of the new high-frequency police radio equipment, and as a result, the units of government in the region were able to achieve a cost savings of approximately 30 percent from the manufacturer. Installation of the equipment will be under the direction of the Commission and its consulting engineer.

The Nortex Regional Planning Commission (Wichita Falls, Texas) has developed a regional teletype network. Presently 12 stations on the network are operating in 7 of the 12 counties in the region. The network gives those law enforcement agencies involved a capacity to communicate with the State Department of Public Safety, other cities and counties within the state which have similar networks.

911

Regional councils in Los Angeles, Seattle, Dayton, Omaha, Buffalo and Washington, D.C. have been working with their local governments to develop and adopt on a regional basis a single emergency telephone number. Although at different levels of accomplishment and progress, each of these councils has served as the vehicle for bringing the local governments and emergency service agencies together to consummate the plans, agreements and procedures for the implementation of 911. With assistance from the Metropolitan Washington Council of Governments, 911 has been implemented in Washington, D.C., and plans are underway to provide 911 to the Maryland portion of the metropolitan area shortly.

911 is basically a service for the citizen in trouble – to provide him with a quick, easily-remembered number to get emergency assistance. The program involves substantial negotiation and planning at the local government level because of the need for interagency linkages and areawide communications linkups. The incompatibility of the telephone exchange boundaries and the political jurisdictional boundaries dictates a regional approach.

Juvenile Delinquency

The South East Texas Regional Planning Commission (Beaumont) has designed a program to provide comprehensive diagnosis and treatment to youth offenders. The program serves two highly-urbanized counties which

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Relating Jobs to the Regional Market

Manpower planning and training is an area which lends itself to regional cooperation. Training people and helping them find employment is a program area intricately related to where people live, how they get to work and the availability of job opportunities. In addition, the labor market is a regional market.

While the Department of Labor readily admits all of these factors are esential to effective manpower planning, it has basically relied on the state and central city mayors for the administration of manpower programs.

In spite of this thrust, regional councils can and do play a major role in the manpower field. Many states have relied on their regional councils to assist them in carrying out manpower programs, as have several central city mayors. In addition, the Department of Labor is increasingly offering incentives to state and local governments to utilize a regional approach.

Training

Although professional upgrading of local government manpower is often a major need, smaller local governments have found it difficult to provide training to meet this need. Because the larger scale of a regional program enables local governments to provide higher quality training more economically, training has become a major regional council program area.

One of the most extensive regional training programs operated by a regional council is in the Dallas-Fort Worth area. The North Central Texas Council of Governments began their training efforts with the establishment of a regional police academy in 1968. Today police departments in eleven counties participate in the Council's program. Each year more than 750 officers receive training at the Regional Police Academy.

Since that time the training program has been expanded to include an extensive program for water and waste-water operators and supervisory personnel. More than 500 persons have been trained under this program.

Special programs have also been developed for mayors and city councilmen, building officials, city secretaries and a wide variety of other local administrative personnel. NCTCOG recently undertook a program which resulted in the placement of 12 university students in planning and administrative internships with local governments in the region.

A Law Enforcement Academy has also been established by the Concho Valley Council of Governments (San Angelo, Texas) to satisfy the requirements of state law that each peace officer is to have received a minimum of 140 hours of basic classroom instruction. Under this program, officers may gain college credit upon satisfactory completion of the course. Subject matter includes: laws of search, arrest, patrol methods and operations, criminal investigation and criminal law, narcotics, traffic supervision, accident investigation, training in use of firearms, offensive and defensive tactics, crowd control, juvenile laws, driving techniques, rules of evidence, criminal procedure codes, case preparation and first aid.

The Kiamichi Economic Development District (Wilburton, Oklahoma) has been extremely successful in implementing a regional law enforcement officer training program. The objective of the regional training approach is to provide training schools in closer proximity to the home bases of officers, thus eliminating the need of officers traveling great distances for the same training. The project, which has been in operation for two years, consists of basic and advanced schools in which the curriculum is set by the Oklahoma Council on Law Enforcement Training and Education through the Law Enforcement Assistance Administration.

The Association of Central Oklahoma Governments (Oklahoma City) is also operating a training program for criminal justice personnel throughout the metropolitan community. More than 500 law enforcement officers attending sessions covering criminal justice functions from

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PUBLIC SAFETY, *Con't. from page 16*

constitute a single metropolitan area. These counties have combined their facilities and resources to create a regional juvenile detention center and a regional in-service training program for correction professionals and volunteers.

The detention center provides comprehensive medical, dental, psychiatric, psychological and educational resources. The educational resources include a special school designed for emotionally disturbed children. The school works in cooperation with the public school districts in equipping the delinquent and problem child to cope with a normal classroom environment. In addition to the delinquent, the school receives, on a space-available basis, problem children which have been identified by the school district as exhibiting pre-delinquent behavior. Working in close coordination with the detention and treatment center is the in-service training program, which includes not only a formally structured training program, but also on-going training. Weekly staff meetings are held, with each meeting designed to increase professional skills. In addition, the director is available on a case by case basis for consultation with staff members and is charged with finding resources for staff members as needed.

The program has been highly successful in involving the entire community in the goal of improving the criminal justice system in these two counties.

The Central Texas Council of Governments (Belton) has set up a halfway house for dependent pre-delinquent and emotionally disturbed children from the ages of six to 18. A 47-acre church camp was rented free-of-charge to serve as the halfway house and will operate on a 24-hour basis, seven days a week. The children will be referred by legal, medical or volunteer agencies of the six counties in the region. In addition to the halfway house, the Council's program also calls for the development of a diagnostic and evaluation center to work closely with juvenile courts and probation departments and with the Central Texas Youth Services Bureau.

The South Carolina Appalachian Council of Governments (Greenville) assisted in establishing a Family Court project for the purpose of preventing juvenile delinquency and reducing the number of dropouts in the Oconee County school system. The project was funded through the Law Enforcement Assistance program. Two counselors are employed to work with the delinquents and potential dropouts, referred to them by the Family Court and the county school system. Since its beginning, around 400 young people have been assisted.

MANPOWER, *Continued from page 17*

police management to bomb and bomb threats.

While training of law enforcement personnel is a popular program, there are many other types of training programs now being carried out by regional councils. For example, the Clearwater Economic Development Association (Moscow, Idaho) established the Nez Perce Training Employment Coordinator program through an EDA Technical Assistance Grant. A coordinator and deputy work together to identify the unemployed Nez Perce Indians in the labor force and bring them together with employment opportunities and provide them with the training necessary to be hired. This program has become a recognized element in the Reservation employment picture and is regarded as functional and successful by the Nez Perces and their employers as well as the training institutions.

The Arrowhead Regional Development Commission (Duluth, Minnesota) has also carried out several successful training programs. Fifteen disadvantaged persons who participated in the Medical Unit Secretary Training, and received one year of college credit, are now employed by a Duluth hospital. Thirty-one persons were hired by the Duluth Public Schools after they underwent Instructional Aid training. Each person received college credit equivalent to one year of college, and had actual teaching responsibility.

The Centre Region Council of Governments (State College, Pennsylvania) has developed a Regional Fire Protection Program which includes the construction and operation of a regional fire training site. This site will be used to train the volunteers of the fire companies in the area in all aspects of fire fighting and fire prevention. The staffing, training center development, regional equipment purchases and building programs are being coordinated through the COG.

Minority Training

Many regional councils are also involved in on-the-job training programs for minorities. For example, a special work-study program for minority group students was instituted by the Genesee/Finger Lakes Regional Planning Board (Rochester, New York) in cooperation with the State University of New York. Graduate students in planning supplement their class work with on-the-job training at the Planning Board and their salary is part of a special grant received by the Board from the U.S. Department of Housing and Urban Development. A major objective of the program is to attract more minority students for leadership positions in the planning fields.

Through the cooperation between the Northern Illinois Planning Commission (Chicago) and Northern Illinois University, seven graduate students of minority background received professional internship experience. The interns spent 40 percent of their time working in urban planning at the Commission or allied agencies. This year the pilot program is being expanded to include four other universities in the area.

Many regional councils are administering programs through the Public Service Careers Program (PSC). PSC is designed to offer public employment to disadvantaged persons and to upgrade such persons already employed. The program is based on the theory of "hire now–train later" and offers disadvantaged persons the chance to earn a living while receiving valuable job training and work experience.

Under the PSC program, the East Tennessee Development District (Knoxville) trained 140 unemployed and underemployed people in areas related to district government and strategies. ETDD also initiated a continuing training program for local law enforcement officers in the 16-county area. The South Delta Economic Development District (Greenville, Mississippi) is administering funds to aid disadvantaged individuals and local governments through the PSC program. As a result, 34 persons have been properly trained and placed in public service work.

The Eastern Oklahoma Development District (Muskogee) has a PSC program underway for 90 trainees. The program is primarily aimed at the hiring and training of water-sewer plant operators and elementary school teacher's aids. However, more than 20 occupations are included under the program.

The Neuse River Regional Planning and Development Council (New Bern, North Carolina) has been operating a 19-month PSC program to train county health personnel, water well and waste treatment plant operators, heavy equipment operators, and other municipal employees. The Council will also aid in the training of an estimated 200 employees of a newly-constructed hospital.

Public Employment

The Emergency Employment Act of 1971 provides funds for public service employment for unemployed and underemployed persons and to assist state and local communities in furnishing needed public services during periods of high unemployment. The funds for this Public Employment Program (PEP) go directly to program agents (large cities and counties and states); however, many councils are being used as subprogram agents to administer the program on a regional basis. The West Central Texas Council of Governments (Abilene) was designated as the subprogram agent for the state in the deployment of PEP funds. $162,418 was allocated to the COG with supplemental local matching funds, and fifty-three persons have now been hired in the 19-county region.

The Litchfield Hills Regional Planning Agency (Torrington, Connecticut) helped 15 towns in Northwestern Connecticut form a consortium in order to apply jointly for PEP funds. Acting together, the towns were able to create public service jobs and fill them with unemployed persons from the area. By pooling their PEP allocations, the consortium of towns was able to increase their program to 54 jobs from an estimated 30 jobs, which they could have supported individually. The regional planning agency is sponsoring and administering the program.

The Neuse River Regional Planning and Development Council (New Bern, North Carolina) is cooperating with the state to administer approximately $262,000 in PEP funds which have been allocated to seven of the region's nine member counties. The other two counties are receiving separate grants totaling $214,000. A total of 81 jobs will be created under the program.

CAMPS

The general coordination of manpower programs at all government levels is handled through the Cooperative Area Manpower Planning System (CAMPS), which was established in 1967 by eight federal agencies. The CAMPS program provides for the establishment of Manpower Planning Councils at each government level to provide the actual coordination and planning of manpower programs. The Department of Labor has administrative responsibility for the CAMPS program.

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Working to Develop Community Involvement and Support

Citizen participation has become a popular piece of governmental jargon in recent years. To many people the term has become synonymous with appointing citizens to policy bodies of public agencies, but it is really a much broader concept, and more accurately described by the term community involvement.

Regional council plans and programs affect people, and people naturally want to have a say in developing the plans and programs that affect them. As any politican knows, there is little point in developing programs which alienate people, and it is therefore necessary to assess and encourage public support early in the decision-making process.



This is what is meant by community involvement – bringing interested citizens into the regional planning process from the beginning, finding out what regional concerns they have, assuring communication of those concerns to the policy board, getting the public's reaction to alternative proposals, assisting the policy board in developing and implementing solutions, and keeping citizens informed about what is being done to meet their needs.

As regional councils become more and more involved in action-oriented programs, there is greater and greater demand from the public for a citizen participation process. The question regional councils have been struggling with in recent years is "how?" How do you effectively involve citizens in the decision-making process?

Various approaches have been tried – from putting citizens on the board, to developing committees or citizens forums, to sending out questionnaire surveys, to holding public hearings. Following are some examples of the techniques being utilized by councils to develop this citizen input.

Forums and Committees

Several regional councils have used a citizen forum or committee approach as a method for community involvement. This usually involves appointing a fairly large number of citizens to a forum or group of technical committees to act as citizen advisors to the regional council.

For example, a Regional Forum has been created by the East-West Gateway Coordinating Council (St. Louis) as part of its overall citizen participation process. The Council has six regional citizens which are members of its Board of Directors. These citizens are appointed by state and local government officials.

In addition to this direct Board representation, members of the Regional Forum advise the policy board, providing a direct link between the citizens and the council. The Forum is composed of 27 citizens of varying backgrounds and geographical location including the black, business and labor communities. The six citizen board members are represented on the Forum in addition to 21 citizens appointed by the Council's Board of Directors.

Five Task Forces subordinate to the Forum have also been created to examine specific regional problems in the areas of housing, environment, transportation, criminal justice, and government reform. Each Task Force has a membership of approximately 21 citizens selected by the Forum members. Though the Board, Forum and Task Forces, approximately 130 citizens are directly involved in the council's activities.

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A Regional Advisory Council has been created by the Genesee/Finger Lakes Regional Planning Board (Rochester, New York). The Council, which consists of 126 key community leaders representative of the variety of interest groups within the eight-county region, conducts meetings throughout the area to identify the major issues facing the region and consider potential solutions to those problems. Through these meetings, the Council is developing regional goals. For example, in four of the counties, the lack of adequate housing was identified as a most critical problem. In another county, the need for expanded and improved health facilities was identified as the highest priority. From these identified needs by the Council, the Regional Planning Board will set its priorities for the region.

In addition to its administrative and policy making committees, the Regional Planning Board has also appointed five functional committees to assist the policy making body in the direction of the program and to coordinate these specialized functions within the overall comprehensive planning program. The committees meet regularly and are composed of the Planning Board members, private citizens, representatives of the local citizens participation organizations and public officials representing the public agencies responsible for the various functional components considered under the comprehensive planning process.

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The Denver Regional Council of Governments has created a Citizens Advisory Committee composed of citizens nominated by member jurisdictions, with additional representation from ethnic and low-income groups. The Committee contributes ideas and citizen input to the Council program and also reviews and reacts to all programs. In addition, the COG has created a task force composed of local government officials, citizens and industry members, which will look into all facets of the housing problem in the metropolitan area.

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CITIZEN PARTICIPATION,

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The Southeastern Arizona Governments Organization (Douglas) has implemented a fully-operational policy committee to involve citizens and interest groups at the functional committee level. Citizen interest representatives involved with the COG Work Program are persons with special knowledge or authority to speak for the major area-wide citizen interest they represent, including low-income and minority groups and groups having specialized familiarity with community issues.

The East Tennessee Development District (Knoxville) has formed citizens' advisory committees in each county with a broad representation from low-income and minority groups as well as community leaders. The District has used the county advisory committees extensively in developing information, setting goals, and assigning priorities to local projects, in the process of developing a local county overall economic development program. This has also been done in counties in which OEDP was not required, because of its value as a planning and programming tool in the affairs of the locality.

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The Bi-State Metropolitan Planning Commission (Rock Island, Illinois) has developed a Citizens Advisory Committee, composed of 200 members, including low-income persons, minority individuals, mayors of communities that are not full members of the Commission and directors of other agencies and organizations. The Commission has also created a number of functional and technical committees, in various program areas. One example is the citizens housing committee, which is now beginning the second year of a goals program it adopted as part of the Commission's initial Housing Element. In the first year, the committee collected additional housing data, such as the cost of low income housing, need, etc.

Public Hearings

Conducting public hearings or community meetings is another way to get citizen views and inputs on various projects and proposals. For example, the Southern California Association of Governments (Los Angeles) has outlined a broad program of public hearings to be held throughout the region on the proposed Southern California Regional Aviation Systems Study. The hearings will be held to obtain maximum citizen review and comment prior to adoption of the final plan.

The SCAG Executive Committee has designated a top level citizens committee to serve as a Hearing Board at the hearings and to take testimony from all interested groups. The Board, composed of a citizen from each of the six member counties, plus a seventh member from the City of Los Angeles, will review the Study, hear the opinions and concerns of the citizens, and submit their findings and recommendations to the Executive Committee.

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To reach the citizens in the Central Florida region, the East Central Florida Regional Planning Council (Winter Park) has been conducting a series of hearings in various towns in the region, to acquaint the citizens with the Council and find out what they feel should be done.

The meetings proved to be a learning experience for the Council, showing the importance of reaching more people and giving them a clearer idea of the Council's role in helping the citizens in the region shape the future of the area.

Great concern has been shown for developing improved sewage treatment facilities and expanding open space and recreation programs. The public has urged the Council to work toward:

- Orderly growth and development
- The preservation of water recharge areas
- Solutions to noise pollution
- Mass transit systems oriented to the user
- A multi-jurisdictional approach to housing and planning and the protection of existing residential areas against depredation.
- Development of fire protection policies for appropriate areas of the county.

With this input every effort will be made to tailor the Council's work program to better meet the needs of the citizens.

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The Lower Anthracite Regional Economic Development Organization (Shamokin, Pennsylvania) held a seminar on solid waste disposal to inform the people of the region about the methods and management of disposing of solid waste in strip mines. This seminar helped the people of the region better understand LAREDO's proposed solid waste disposal plans.

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Questionnaire Surveys

The questionnaire method for involving citizens in regional affairs is used for a variety of purposes including goal setting, problem identification, setting of priorities and identification of solutions to problems. This method is especially useful when participants are busy or have difficulty attending meetings or as a supplement to other techniques.

The Regional Planning Council (Baltimore, Maryland) uses its newsletter to solicit reader response by means of a postage-paid return card. The citizens' opinions are tabulated and published and sent both to planners and the general public. The same technique was also used in other publications. In addition, the Council uses regular weekly radio shows to solicit citizen response and viewpoints. Whenever possible, the citizens' comments are taped and broadcast, as well as recorded for the use of regional and local planners.

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The Association of Central Oklahoma Governments (Oklahoma City) sent out a questionnaire to various governmental officials and citizens in order to ascertain local attitudes toward growth, land use planning practices and urban development. The results are to be used in the development of a regional land use plan for the ACOG region.

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The San Diego County Comprehensive Planning Organization (San Diego, California) conducted an Attitude Survey of the citizens of the region. The topics for investigation in the survey were selected because they were under study in the CPO work program as important planning issues. In addition, the survey explored a variety of issues in some depth and has provided ideas about the perceived trade-off between choices.

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The Dane County Regional Planning Commission (Madison, Wisconsin) has undertaken efforts to involve citizens

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HEALTH, *Continued from page 11*

Innovative Projects

In addition to comprehensive health planning, regional councils are involved in many innovative and action-oriented health programs.

• A health resources inventory is being performed by the Central New Hampshire Regional Planning Commission (Bow, New Hampshire) under contract with the New Hampshire State Comprehensive Health Planning Office, to determine the need for an on-going health planning function in the Concord area. This is the first such contract to a regional planning commission in the state and will result in a health system inventory and analysis of agencies, services and consumer-provider relationships. A series of public hearings with low income groups, providers and service organizations is planned to supplement interview and research efforts. Recommendations will emphasize action-oriented priorities in the short run and detail the degree of need for refined relationships and instituional structures.

• The Middle Flint Area Planning and Development Commission (Ellaville, Georgia) has been instrumental in the initiation of projects by several counties to establish training/day care centers for the mentally retarded. The centers would be available to the parents of mentally retarded children at no cost. The schools would operate year round, six hours each day, and provide a hot meal and free bus service to the participants. The Area Commission is now assisting the local health departments in developing public interest in the centers.

• The Centre Region Council of Governments (State College, Pennsylvania) has set up a program of Emergency Medical Service. Arrangements have been made for a doctor to be on call 24 hours a day, so that a resident or visitor to the region can call one number and receive immediate medical assistance.

• The Isothermal Planning and Development Commission (Rutherfordton, North Carolina) aided and assisted in the expansion of the region's Health Council from a four to a 14-county organization, covering all counties in the region. The four-county health council had been in existence since 1968. In May of 1970 the Governor designated 17 multi-county planning districts for the state, and the lines of the four-county health council did not conform to the established sub-state districts. To avoid the possibility of one county being deleted from the health council, the Commission took the position that the health council should be expanded to include two other counties in the region. At the same time, groups were actively involved in trying to have the health council expanded to still another district, north of the old health council area. The question was resolved that the health council would be a 14-county council (covering three sub-state districts) with a sub-area council in each district.

The Commission then took the lead in establishing the sub-area council for the Isothermal counties. The Commission supports the health council, provides various services, houses a planner and assists with planning and project developments.

• The Chattanooga Area Regional Council of Governments (Tennessee), the Georgia-Tennessee Regional Health Commission (G-TRHC) and the Southeast Tennessee Development District (Jackson) are working with the Tennessee Valley Authority toward a district-wide system of using ambulances designed to meet the safety standards of the U.S. Department of Transportation. The State of Tennessee has also set its own standards for emergency medical services, including regulation of vehicles and training and licensing of staff.

• The Sequatchie Valley Planning and Development Agency (South Pittsburg, Tennessee) with assistance from the G-TRHC has prepared an application for an emergency medical project to start in Marion County and extend service to the two adjacent counties of Grundy and Sequatchie. Services will be further extended into Bledsoe and Rhea counties during the second and third years. This project also requests funds for modern equipment and training of personnel.

The SETDD is attempting to coordinate these sub-networks into an area-wide emergency medical service system and create a position of highway safety planner with the responsibility of tying together the pieces of the areawide system.

• The Buckeye Hills-Hocking Valley Regional Development District (Marietta, Ohio) is assisting in the planning and financing of a satellite health clinic in one of its member counties. The new facility will utilize existing county health personnel and some staff from a nearby hospital to provide outpatient, emergency, preventive and clinical services. Accounting, provision of supplies and administrative services will be handled through the use of micro-wave television communication. The clinic is expected to cost $600,000.

• Through the coordinated efforts of the Alamo Area Council of Governments (San Antonio, Texas), military and other federal officials, the Alamo region now has a MAST program–Military Assistance for Safety and Traffic. In the first two years of its existence, the MAST helicopter ambulance flew more than 500 life-saving missions involving more than 600 patients within a 100-mile radius of San Antonio.

ECONOMIC DEVELOPMENT, *Continued from page 14*

the preparation of a report on potential recreation facilities. The report calls for increasing facilities along the ocean highway, the preservation of many ancient live oaks, controlling the location of mobile homes, and the creation of new parks and publicizing of existing ones. Recommendations also include the preservation of the intercoastal waterway as a national waterway park, development of erosion abatement measures, enforcement of pollution control regulations, and the establishment of an off-shore fishing charter service.

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A new innovation in tourism promotion is being sponsored by the Mountainland Association of Governments in Heber City, Utah. The Mountainland Traveling Showcase, a 24-foot trailer, tours Northern and Southern California presenting a four season audio-visual sketch of Utah's mountainland region. The Traveling Showcase opens into a display area of 30 feet long and 16 feet deep. The panels, depicting Mountainland's scenery and attractions, guide visitors through a mini-tour of Utah. The exhibit, averaging more than 2000 visitors a day, is financed directly from a 1.5 percent room tax levied through hotels and motels in the Utah district.

ENVIRONMENT, *Con't. from page 8*

tee to the Council, the COG has contributed to much of the state legislation now in force and closely monitors legislation in the air pollution control field, making specific recommendations for new legislation to the General Assembly.

Water Quality

An interstate approach to water quality management and pollution control has been brought about through commissions in Minnesota and Wisconsin. The Arrowhead Regional Development Commission (Duluth, Minnesota) and the Northwestern Wisconsin Regional Planning and Development Commission (Spooner) are jointly undertaking a project to develop a water quality management plan for the Minnesota and Wisconsin portions of the Lake Superior Basin.

The ARDC is functioning as the official planning agency for the preparation of water quality plans in the Arrowhead region, under the authority of the governor. The designation of the Commission as the water quality planning agency will insure continued eligibility of communities within the region to receive grants from the Environmental Protection Agency for waste water treatment plants.

The NWRP&DC will function as the water quality planning agency in Northwest Wisconsin. The responsibility for establishing and maintaining coordination of the work program to be conducted in each of the sub-areas will be assumed by ARDC.

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A massive Water Sampling Project was undertaken by the Tampa Bay Regional Planning Council (St. Petersburg, Florida) in order to provide chemical computer data to determine the long and short range effects of sewage discharges into the Basin's waters. The data will also be used to determine the effect of allowable discharges, the best locations of new plants, and the degree of treatment needed for existing and potential new plants to maintain the water quality standards set by the State of Florida.

In order to avoid the prohibitive cost of collecting water samples throughout the bay area, the Council solicited citizen volunteers who used their own boats to take water samples in a one-day project. This was the first project of its type to use untrained volunteers and to involve almost 200 persons from throughout the region.

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A Regional Water Quality and Quantity Needs Study for the six-county region was developed by the South Carolina Appalachian Regional Planning and Development Commission (Greenville). The study provides an analysis of needs and requirements for water and sewer developments in the region, and recommendations related to the water and sewer development. The study is being used by the Commission in reviewing requests for funds and coordinating waste treatment and pollution control activities with the South Carolina Pollution Control Authority.

Open Space

Approximately 60 percent of all regional councils are involved in open space programs. Most of these are receiving HUD "701" planning assistance and have included open space as an element in their overall comprehensive plan. Other regional councils are also involved in open space planning, particularly in connection with tourism or recreation programs.

For example, a part of the Central Iowa Regional Planning Commission's (Des Monies) Initial Central Iowa Outdoor Recreation Plan is a system of recreation facilities connected by links of protected open space. The Regional Open Space System (ROSS) provides links of open space along major rivers and streams, which vary in width from 50 feet to over two miles. ROSS not only connects the region's open space recreation facilities to each other, but also serves to tie the area's cities and towns together. These corridors serve to protect a potential water supply and to retard the erosion of land adjacent to rivers and streams.

A second major element of the Commission's Initial Recreation Plan is the development of eight major regional recreation areas to serve the residents of Central Iowa. Three of the areas have already been completed or are near completion.

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The Southern California Association of Governments (Los Angeles) has developed a Capital Improvement Program (CIP) which involves a pilot study in the Parks and Recreation/Open Space area. The goal of the program is to establish coordination and cooperation between the many jurisdictions who program public facilities within the SCAG region. The CIP is designed to include participation of the various units of government in a coordinated review and analysis of facilities being planned for the next five years. In conjunction with SCAG's review function, the CIP will make it possible to determine local, federal and state grant monies needed to meet the demand for these facilities and services within the region.

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Open space planning has been a major program of the Puget Sound Governmental Conference (Seattle, Washington) since the early 1960's. In 1965, the Conference adopted a 33-volume Regional Open Space Plan, which is now being updated. In addition the Conference has been reviewing local applications for federal funding of open space projects, as well as projects that would have an impact on open space areas. Based on regional open space needs and local priorities, the Conference is also developing a five-to-ten year areawide open space acquisition and development program.

Noise Pollution

Using data from the Federal Aviation Administration the North Central Texas Council of Governments, (Dallas-Fort Worth) has produced a noise contour map delineating anticipated noise levels around the new regional airport. This map, disseminated to the affected cities, serves as a guide to land use and development adjacent to the airport. Appended to the map is an explanation of noise zones and recommended land uses in each.

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The Northeastern Illinois Planning Commission (Chicago) completed a study of noise around O'Hare Airport, which was one of four studies conducted at major jetports. The purpose of the study was to examine every possible land use strategy that might be employed to lessen the conflict between urban development and jet aircraft noise. The study was designed more to result in recommendations that would help to prevent noise problems around new jetport construction, than to lower noise around existing airports.

JOINT SERVICES, *Con't. from page 4*

level on such basic areas as population, housing, employment, land use and transportation. Utilizing carefully developed techniques, the office has been able to convert early 1970 Census computer tapes into smaller units of geographic census data and made it available to local governments months before the information was readily available from other sources.

To further its activities, the office installed a teleprocessing terminal which permits a direct tie-in to a computer. This allows accessibility to a computer, without the capital outlay that would have been required to provide the Council with such expensive and sophisticated equipment.

CITIZEN PARTICIPATION,
Continued from page 20

more directly in regional planning activities. A major goal of their project was to gain a better understanding of citizen concerns so that plans can better meet the perceived problems and that meaningful goals and priorities can be established. A second major goal was to become familiar with alternative citizen survey methods so that future citizen opinion efforts can be most productive. The opinions of citizens are being used to advise the Commission of existing community concerns and priorities for planning. The testing of alternative methods for obtaining citizen opinion included: personal interviews, mail-in questionnaires, and nominal group community meetings. In addition, local community newspapers were used as a resource for identifying community concerns.

* * * * * *

To find out what citizens feel are priority issues in the region, the South Florida Regional Planning Council (Coral Gables) is using the questionnaire survey method. The findings will be translated into the goals and objectives for the Council.

The questionnaire consisted of ten "attitude" questions, dealing with regional issues, along with a profile of the respondents, which included such variables as age, sex, race, occupation, education, years lived in Florida, etc. The tables which were compiled from the responses now enable the Council to analyze each of the attitude questions used, against any of the demographic variables.

The Genesee/Finger Lakes Regional Planning Board (Rochester, New York) is also operating a unique computer-based Regional Information System, which contains basic data about the region with infinite abilities to manipulate that data. The system is comprised of many elements including a time-sharing service with a Chicago computer, a computerized land use inventory and a computer program which will evaluate and test development proposals. Over 700 categories of information on subjects ranging from public safety to housing and education can be made accessible for the various counties in the region.

In addition, a Census Data Service is being developed by the Puget Sound Governmental Conference (Seattle, Washington) which will provide a computerized mechanism for acquiring, processing and retrieving data required by member jurisdictions and the Conference in their problem-solving efforts. Locally and regionally-originated data, such as building permit statistics, school enrollments, crime rates, health statistics, and employment distributions, will be fed into the mechanism and geographically coded. Local census data will then be combined to compile a detailed package of information about a given location. As the system becomes more sophisticated, information about the natural systems will be fed into it, as well as data about social values.

Disaster Assistance

Regional councils also provide much-needed assistance to member governments in times of disaster. For example, the Coastal Bend Council of Governments (Corpus Christi, Texas) initiated a regional disaster preparedness planning program, shortly after Hurricane Celia struck the Coastal Bend region in 1970. Since that time, another hurricane has swept the region, causing severe flooding in many communities and rural areas.

The two storms presented a typical natural disaster and emergency situation which in all likelihood will occur in the region many times again. For this reason the COG undertook a preparedness planning program to support intergovernmental assistance in times of emergency. Attention was focused on improving the region's emergency communications capability. Other concerns included intergovernmental cooperation, information exchange, strengthening of building codes, development of techniques to protect residents of low-lying areas from riverine and tidal flooding, and coordination of services for natural disaster victims.

An interest in flood protection measures arose during this project, when the COG discovered problems of insurance cancellations in disaster-prone areas. The Council was instrumental in directing this problem to the attention of Texas legislators, and a bill was passed establishing a disaster insurance pool.

The North Central Alabama Regional Council of Governments (Decatur), in cooperation with the Muscle Shoals Council of Local Governments (Muscle Shoals, Alabama) and the Top of Alabama Regional Council of Governments (Huntsville), are in the process of developing a Mutual Assistance Disaster Plan for the thirteen North Alabama counties.

The North Alabama Mutual Assistance Disaster Plan is being financed by the Office of Civil Defense as a demonstration project. If this project is successful, it is anticipated that a nationwide program for the development of areawide Mutual Assistance Disaster Plans will be a part of the Federal Grant-in-Aid programs in the area of planning.

The areawide plan is designed to provide mutual assistance between local units of governments during times of disaster, such as floods, tornados, etc. The types of probable disasters, the materials, manpower and resources available, a communications network, and an action program for mobilization for natural, man-made and wartime disasters will be major elements featured in this proposed plan. The three COG's are completing the study design for the Mutual Assistance Plan, and anticipate additional funding from the Office of Civil Defense for its development.

In Febraury of 1971, seven Mississippi Delta communities were victims of a tornado disaster. Homes and community and public facilities were destoryed. The South Delta Economic Development District (Greenville, Mississippi), in cooperation with the U.S. Department of Housing and Urban Development, has assumed the primary responsibility for the management of disaster housing units since the storm. The District has also had the responsibility of preparing comprehensive plans for the redevelopment of five of the communities, under HUD disaster planning funds.

A-95, *Continued from page 6*

miles from the original was chosen. The latter site is well served by the metropolitan highway system, and its internal vehicular circulation and parking system meets high standards.

• *A Soil and Water Conservation District in Texas proposed a multipurpose watershed improvement project for the Old River Watershed. This project will cover about 110,000 acres and run south from State Highway 21 along the west side of the Brazos River as far south as the Burleson-Washington County line. Among other things, the project is scheduled to include 17 water retardation structures, 55 miles of channel improvements, and numerous public and private land improvement projects. The Texas State Highway Department, which is planning a highway through this area, was one of the agencies to receive an "early warning notification" from the Central Texas Council of Governments. Ultimately, this watershed project will cost $6.5 to $7 million, and it is estimated that close to $1 million will be saved by the involvement of the State Highway Department. By getting involved in both the general and detailed design of the 17 water retardation structures mentioned above and facilitated by the A-95 process, it will be able to save on highway bridge structures.*

• **A new town development (Ransom Oaks) is proposed for Amherst, New York, to be built with the assistance of HUD's Title IV New Communities program. The development will eventually have 22,500 people and 1,600 acres. It will consist of single- and multi-family housing and various commercial and public facilities. It will also probably use up to 30 HUD supplemental programs under new towns legislation.**

The initial proposal came in during the "early warning" stage, and the Erie and Niagara Counties Regional Planning Board arranged for a convention-type meeting between the applicant, the clearinghouse and all public and private parties in the Greater Buffalo area who might be affected by the new town. This meeting served to initially identify individuals and groups that needed to be involved, as well as issues that would surface during later meetings. Local and state officials, bankers, fair housing and minority groups, the developer, and clearinghouse personnel attended the meeting. The developer, in concert with the clearinghouse, has held numerous follow-up meetings with groups and individuals present at the initial meeting. Also, when the developer applies for supplementary funds, he will again go through the clearinghouse; and it is anticipated that these latter reviews will move smoothly because of the excellent relationships built up with the clearinghouse and other interested parties.

Because of the clearinghouse mechanism, this project has been speeded up by several months; and numerous problems have been avoided during the earliest stages of development, thus avoiding added cost and delay at a later date. The Office of Management and Budget has received a letter from the developer expressing appreciation for the benefits his project has derived from the review process.

MANPOWER, *Continued from page 18*

Regional councils are aiding in the reorganization of CAMPS through heading areawide committees on restructuring the program. In addition, some councils are receiving funds to hire staff to coordinate manpower programs for their areas and to facilitate CAMPS reorganization.

The South East Texas Regional Planning Commission (Beaumont) is involved in such a program. The Commission has received a grant from the City of Beaumont to undertake a program to meet manpower needs over a two-county area. The North Central Texas Council of Governments (Arlington) is also involved in a similar program. The Council received manpower funds through the Cities of Dallas and Fort Worth to oversee manpower activities over a 19-county area.

Intergovernmental Personnel Act

Under the provisions of the Intergovernmental Personnel Act of 1970, states and local governments receive modified block grants for improving personnel administration and training programs. The Act also sets up an intergovernmental personnel exchange program. Within the Act and in the program guidelines, there is a strong emphasis on intergovernmental cooperation in the utilization of the IPA grant program.

Under the IPA program, the East Alabama Regional Planning and Development Commission (Anniston) will be holding a series of six four-hour seminars for county and municipal employees. These seminars will include job classifications, recruiting and selecting, and wage and salaries. In the fall a similar series of seminars will be held for the newly elected officials.

The Central Savannah River Area Planning and Development Commission (Augusta, Georgia) is just beginning its program, which will include seven governmental units the first year. The program is designed so that it can be continued with local funds or money from other sources and will include such elements as developing job description manuals and pay plans.

The Valley Council of Governments (Ansonia, Connecticut) has created a general application form and job evaluation form for all four communities in the region. The COG has also created personnel ordinances for two of the communities and developed a merit system for personnel hiring.

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Appendix D

Exhibit C—A System for Manual Evaluation of Case Processing in the Prosecutor's Office

(Executive Director, Joan E. Jacoby, The National Center for Prosecution Management, 1900 L Street, Suite 701, NW., Washington, D.C.)

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I. Introduction: Case Evaluation in the Prosecutor's Office

Regardless of its size or its caseload demands, the prosecutor's office, throughout the country, is involved in a continuing process of evaluating the cases it must handle, establishing priorities among them and allocating time and resources in light of those priorities. A number of factors are invariably intermingled in the process of determining priorities: The legislative intent, as evidenced by the severity of sentence attached to the offense in the penal code; community sentiment, in terms of how the local public views the relative seriousness of various types of criminal conduct; the prosecutor's professional judgment of the strengths and weaknesses of the facts and law of the case; his ability to secure a conviction; the criminal history of the accused; the degree and type of loss or injury to the victim; the victim's attitude; and, finally, a good deal of common sense.

In most offices throughout the country, evaluating cases in order to set priorities among them generally proceeds on a case-by-case basis, an adequate enough approach to some types of cases,[1] but one that has shown increasing deficiencies as to the demands on the prosecutor have grown in disproportion to the resources available to him.

Many prosecutors have adopted early case screening and review procedures, capturing on a variety of forms the strengths and weaknesses, urgency and seriousness of the cases to be prosecuted. These forms have been almost universally addressed to identification of the unique characteristics of each case, and while they may record vital information on, for example, breaking and entering case number 1, they do not reveal how case number 1 stacks up against breaking and entering cases numbers 2 through 6 in terms of relative urgency for prosecution.

The problem of identifying relative urgency becomes further aggravated when caseload volume mounts and where each case cannot have the individual attention of the same assistant prosecutor throughout its processing in the court system. Particularly, though not exclusively, in the case of lower courts, many prosecutors have had to assign assistants to courtrooms rather than to cases; individual case preparation is difficult to achieve for all cases; and cases will often pass through the hands of a number of assistants as they proceed to final disposition.

What is lacking is a scheme for the overall evaluation of the quality and types of cases which the prosecutor is handling within his office and a systematic capability to differentiate among cases in terms of the seriousness of offense,

[1] Obviously no prosecutor's office has difficulty distinguishing an armed robbery case from a simple public intoxication offense, or in ordering priorities between the two.

seriousness of the offender and urgency for trial. The statutory charge itself is often inadequate for this purpose,[2] and may even be misleading.[3]

What is needed is an evaluation tool, one which will provide the prosecutor the ability to distinguish his cases in terms of their relative urgency for attention.[4] With such a tool the prosecutor can: (1) monitor the types of cases flowing through his office (a particularly helpful aid if he has more than one office); (2) use better resource allocation in the assignment of trial assistants to cases; (3) improve the quality of justice by decreasing the possibility of prosecutor slip-ups in important cases; and (4) redefine his "success" by identifying and publicizing the disposition of his more important cases.

Such an evaluation tool, designed by the National Center for Prosecution Management to be employed without the need for automatic data processing support,[5] is described in this document.

II. SYSTEM CONCEPT

In general terms the evaluation system attempts to discriminate among cases by applying three broad criteria: (1) "bad guys"; (2) "bad crimes"; and (3) the probability of the prosecutor's securing a conviction.

"Bad guys"—or the evaluation of the defendant—are scaled and measured by a modification of Donald Gottfredson's Base Expectation Score [6] which primarily focuses on such items as the number of prior arrests of the defendant, the length of time from the last arrest to the present one, the type of first arrest, the defendant's employment status and community ties and his narcotics involvement.[7]

"Bad crimes,"—or the evaluation of the seriousness of the offense—are scaled and measured by a modification of Sellin and Wolfgang's Seriousness Scale.[8] This scale is based essentially on the seriousness of the offense in terms of the amount of injury or property loss and the degree and type of narcotics involvement.

The probability of the prosecution winning the case is a subjective appraisal by the assistant prosecutor reviewing the case, and includes such factors as: (1) the extent of physical injury or property loss; (2) the relationship between the defendant and the victim; (3) the witness availability and quality of expected testimony (e.g., out of state, reluctant, expert, garbled); (4) constitutional defects in the arrest, identification, interrogation, etc., and (5) type of offense. In sum, it reflects the prosecutor's experience and expertise.

Scaling of the case means the assigning of numbers to various items of information. In the manual system, it involves scoring the case on the basis of points for: (1) seriousness of the offense; (2) seriousness of the defendant; and (3) the probability of convicted by trial or plea. These three scores are then summed and weighted by an equation which then distinguishes one case from another and ranks them by order of importance to the prosecutor.

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[2] For example, if a daily court docket lists 10 armed robberies, no differentiation, without an in-depth re-analysis and ranking of each of the 10, can be made to determine the relative seriousness of one armed robbery versus another.

[3] Given the fact that the relative seriousness of conduct which the legislature has assigned in its penal code classifications often does not necessarily reflect prevailing community standards, many offices have made their own distinctions in disregard of statutory classifications, discriminating between, for example, a "true" felony and a "technical" or "statutory" felony.

[4] Such a tool would not replace the analysis of the unique characteristics, strengths and weaknesses of each case, which would generally be recorded in each file jacket. What it would do is provide a means of ranking cases relative to all other cases.

[5] A similar evaluation system, employing computers, is in operation in the United States Attorney's Office in Washington, D.C. For information, contact the National Center for Prosecution Management.

[6] Gottfredson, D. M., and Ballard, K., Jr., "Differences in Parole Decisions Associated With Decision Makers," *Journal of Research in Crime and Delinquency*, July 1966.

Gottfredson, D. M., and Beverly, R. F., "Development and Operational Use of Prediction Methods of Correctional Work," *Proceedings of Social Statistics Section of American Statistical Association, Washington, D.C., A.S.A.*, 1962.

Gottfredson, D. M., and Bonds, J. A., *A Manual for Intake Base Expectancy Scoring* (Form CDC–BEGIA), Research Division, California Department of Corrections, Sacramento, California, April 1, 1961.

[7] The Gottfredson score was based primarily on past convictions, not arrests. Because criminal history (rap sheet) information tends very often to be woefully incomplete as to dispositions of prior arrests, the manual system here has been necessarily adjusted to reflect past arrest, not prior conviction, data.

[8] Sellin, Thorsten and Wolfgang, Marvin, *The Measurement of Delinquency*, New York, John Wiley and Son, 1964.

III. IMPLEMENTATION

The manual system has been designed by the National Center for Prosecution Management for widspread use by prosecutors, and can be accommodated to fit the particular operating procedures and structure of most offices with little difficulty. The ideal implementation involves evaluating all cases before or very shortly after the defendant's first court appearance. In jurisdictions in which the prosecutor's office is not involved with cases at this early stage, or in which the defendant's prior arrest record is not available until a later stage, the point in the case's processing at which the evaluation takes place will have to be shifted. The system may also be employed on a selective basis; consequently those prosecutors who handle a high volume of routine traffic cases need not include them in the evaluation system if they prefer not to.

The description which follows envisions review of the office's cases by one or a few assistants at an early stage in the case's processing, but at a time when the defendant's prior arrest record is available.

A single form and a scoring chart are used in the manual evaluation system. The form, Offense and Defendant Evaluation sheet,[9] is completed by an assistant prosecutor at the earliest point at which the office screens and reviews its cases and has prior arrest history available.[10] The form is a check-list in nature and requires entries only for the items which are applicable to the particular case being evaluated. The form does not identify the numerical weights for the entries (these are contained in the scoring chart). Consequently, the assistant prosecutor need not bother with computing scores; nor is he biased in his entries by knowing the scoring system.

If a case involves multiple defendants, the primary defendant and the most serious elements in the case should be evaluated, and the co-defendants should receive the same urgency score as the primary defendant.[11]

Upon completion of the evaluation sheet, it should be forwarded to an individual (preferably a clerk or secretary) who, with the assistance of a calculator, computes the case's composite score on the basis of the procedures and formula outlined in the scoring chart.[12] [The scoring procedure has also been designed alternatively for computation without the use of a calculator,[13] but this is more time consuming and more subject to error.]

The composite score is then entered on the case jacket itself, permitting the case's identification within a ranking of all cases prior to a particular trial date in order of urgency for trial preparation. The ranking permits special attorney assignments or special reporting procedures as the prosecutor may desire.

IV. EXPLANATION OF ATTACHMENTS

A. Offense and Defendant Evaluation Sheet (Attachment 1)

Most of the captions on this sheet, completed by the prosecutor reviewing the case, are self-explanatory. *It should be noted that for all items, if the information is unknown the item should not be checked.*

1. Offense Evaluation Data

Concerning *item 7*, value of property stolen, it should be noted that where the property has been recovered, only the amount of the damage sustained should be checked. If the property has not been recovered, its full value should be entered.[14]

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[9] Attachment 1.

[10] Cases may be evaluated solely on the basis of offense information, which would give a rough ranking according to the criterion alone. If this single criterion scoring is all that is possible, the case's score would simply be the total "crime" score.

[11] If the prosecutor's office operates on a one defendant-one case concept, each defendant-case may be separately evaluated and scored.

[12] Attachment 2.

[13] Attachment 3.

[14] E.g., in the case of auto theft, where the vehicle has been recovered, only the dollar amount of the damage sustained would be entered. If the auto were recovered undamaged, no entry would be made for item 7. If the auto was not recovered, the total value of the car would be checked.

Concerning *item 10*, arson only, an entry should be made only if there was a high potential of injury due to the arson or attempted arson. This, a fire bombing of a premise wherein the icendiary was smothered before explosion would have a high potential of injury, whereas a prankster's fire with little potential for injury would not be checked.

2. Defendant Evaluation Data

The defendant evaluation data, as is apparent, relies heavily on the availability of the defendant's prior arrest record or rap sheet. Unless the rap sheet or some similar criminal history device for obtaining this information is available, the importance of the evaluation will be minimized and it will result in diminished scores.

3. Probability of Winning

The assistant prosecutor's subjective evaluation is entered as a percentage of 100% (e.g. 75%, 55%) in the lower right corner of the sheet.

B. Scoring chart and procedures using calculator (attachment 2)

The scoring chart lists the numerical weights which the clerk applies to each entry that the prosecutor has checked on the Offense and Defendant Evaluation Sheet. The weights are totalled separately for offense evaluation data ("crime score") and defendant evaluation ("criminal score").

The crime score, criminal score and probability of winning are then applied to the formula for computing weights on the last page of attachment 2. The final score is the urgeny score for the case.

Once experience is gained in score computation, the clerk using a calculator rarely requires more than one minute per case in computation.

C. Scoring procedures without use of calculator (attachment 3)

It is possible to arrive at composite case scores without us using a calculator, but the process is far more laborious. The weights assigned to each entry made on the Offense and Defendant Evaluation Sheet are the same as those employed when a calculator is available, and the weights are similarly totalled separately for offense evaluation data ("crime score") and defendant evaluation ("criminal score").

The probability of winning, the crime score and the criminal score, are entered in the far left columns of the Alternative Computation Chart (attachment 3). Columns D through K of the chart are entered progressively according to the instructions for each column. To the number entered in column K, a constant of 25 is added to prevent a negative score. This final figure is the composite score of the case to be entered on the case jacket.

V. REMARKS AND CONCLUSION

The score assigned to each case reflects the initial evaluation of the case. Obviously, as the case ages in terms of the number of trial continuances its urgency for attention increases: testimony dims, identification becomes more difficult, witnesses fail to appear. Hence, theoretically an aging factor should be built into the evaluation system. This can be and is done when the evaluation system is automated, but it is not practicable in a manual system.

The priorities of one prosecutor for getting a case to trial may vary significantly from those of another. This may be due to any number of reasons, ranging from personal interest to reflection of local community standards. One of the most important values of the manual evaluation system is that it can be changed to reflect office priorities either now or over time.

The National Center for Prosecution Management will be released to assist in further explanation and in implementation, as well as modification, of this system to meet the needs of individual prosecutor's offices.

Attachments.

Attachment 1

NATIONAL CENTER FOR PROSECUTION MANAGEMENT
Offense and Defendant Evaluation Sheet

Defendant's Name (Last, first, middle) | P# | Court Case #

I. Offense Evaluation Data — Item	Ans.	II. Defendant Evaluation — Item	Ans.
1. No. of victims of bodily harm:	xxx xxx	12. Arrested in past 5 years.....	Yes
a. Receiving minor injuries		(List years of last 3 arrests Use last 2 digits only; e.g., 56, 60, 70)	
b. Treated and released....			
c. Hospitalized.....			
d. Killed.....		13. No. of previous arrests (excl. drunk or disorderly).....	
2. No. of victims of sex crimes:	xxx xxx	14. No. of previous arrests for crimes against person.....	
a. Forcible sex. Intercourse			
b. Other sexual assault		15. First arrest auto theft.....	Yes
c. Intimidation by weapon		16. Indication of opiate use at time.....	Yes
3. Victim a law officer.....	Yes	17. Indication of alcohol use....	Yes
	xxx	18. Alias ever used.....	Yes
4. No. of persons intimidated (non-sex):	xxx xxx	19. Was present (or last) job held for less than 6 mos.	Yes
a. Physical or verbal only		20. Defendant employed..	Yes
b. By weapon		21. Time residing in area:	xxxxxxx xxxxxxx
5. No. of premises forcibly entered.....		a. Less than 1 year.....	
6. No. of motor vehicles stolen		b. 1 - 5 years.....	
7. $ value of proper stolen (damage only, if recovered):	xxx xxx xxx	c. Over 5 years.....	
a. $1 - 10.....			
b. $11 - 250.....		d. Unknown.....	
c. $251 - 2,000.....		22. Aider or abettor only	Yes
d. $2,001 - 9,000.....		23. Presently on conditional release:	xxxxxxx xxxxxxx
e. $9,001 - 30,000.....			
f. $30,000 - 80,000.....			
g. $80,001 and up		a. Bail.....	
	Poss Sell		
8. Narcotics (in this case):		b. Probation.....	
a. Marijuana.....			
b. Amphetamines.....			
Barbituates.....		c. Parole.....	
Hallucinogen.....			
c. Heroin/PIC, or other opiate		d. Unknown.....	
		Pros. name and date	
9. Type of crime consensual (prostitution or solicit	Yes		
10. Arson only - high potential for injury	Yes		
	xxxxxx		
11. Possess a weapon at event:	xxxxxx	PROBABILITY OF WINNING.....	
a. Gun/PPW	Yes		
b. Knife/other	Yes		

Total Crime Score		Total Criminal Score	

[Attachment 2]

NATIONAL CENTER FOR PROSECUTION MANAGEMENT

Scoring Chart and Procedures for a Manual Evaluation System for Case Processing [Employing a Calculator] (employed for scoring made on Form 1)

The following procedures must be followed in arriving at scores for:

I. Offense Evaluation Data, and

II. Defendant Evaluation Data.

Note: Only those items on Form 1, the Offense and Defendant Evaluation Sheet, in which the prosecutor has made an entry are to be scored.

(n=the number entered by the prosecutor on the corresponding line on Form 1)

I. OFFENSE EVALUATION DATA

	Compute	Total
1. Number of victims of bodily harm:		
A. Receiving minor injuries. If entry made by prosecutor, multiply the number entered by 1.	1 × n =	
B. Treated and discharged. If entry made by prosecutor, multiply the number entered by 4.	4 × n =	
C. Hospitalized. If entry made by prosecutor, multiply the number entered by 7	7 × n =	
D. Killed. If entry made by prosecutor, multiply the number entered by 26	26 × n =	
2. Number of victims of sexual crimes:		
A. Forcible sexual intercourse. If entry made by prosecutor, multiply number entered by 10.	10 × n =	
B. Other sexual assault. If entry made by prosecutor, multiply number entered by 1.	1 × n =	
C. Intimidation by weapon. If entry made by prosecutor, multiply number entered by 2.	2 × n =	
3. Victim of law officer. If "yes" is checked, add the number 3		3.0
4. Number of persons intimidated (nonsex):		
A. Physical or verbal only. If entry made by prosecutor, multiply number entered by 2.	2 × n =	
B. By weapon. If entry made by prosecutor, multiply the number entered by 4	4 × n =	
5. Number of premises forcibly entered. If entry made by prosecutor, multiply the number entered by 1.	1 × n =	
6. Number of motor vehicles stolen. If entry made by prosecutor, multiply the number entered by 2.	2 × n =	
7. Dollar value of property stolen (damage only, if recovered):		
A. $1–$10. If checked by prosecutor, add the number 1		1.0
B. $11–$250. If checked by prosecutor, add the number 2		2.0
C. $251–$2,000. If checked by prosecutor, add the number 3		3.0
D. $2,001–$9,000. If checked by prosecutor, add the number 4		4.0
E. $9,001–$30,000. If checked by prosecutor, add the number 5		5.0
F. $30,001–$80,000. If checked by prosecutor, add the number 6		6.0
G. $80,000 and up. If checked by prosecutor, add the number 7		7.0
8. Narcotics (in this case):		
A. Marijuana:		
If checked under "Possess," add 1		1.0
If checked under "Sell," add 6		6.0
B. Amphetamines, barbituates, hallucinogen:		
If checked under "Possess," add 4		4.0
If checked under "Sell," add 9		9.0
C. Heroin/PIC or other opiate:		
If checked under "Possess," add 8		8.0
If checked under "Sell," add 9		9.0
9. Type of crime—consensual (prostitution or solicitation. If "Yes" is chekced, add 1		1.0
10. Arson only—high potential for injury. If "Yes" is checked, add 3		3.0
11. Possess a weapon at event:		
A. Gun/PPW. If checked by prosecutor, add 5		5.0
B. Knife. If checked by prosecutor, add 1		1.0

II. DEFENDANT EVALUATION DATA

12. Arrested in past 5 years. If checked by prosecutor, add 10	10.0
13. Number of previous arrests (excluding drunk or disorderly). If prosecutor indicates number of previous arrests is greater than 1, add 5.	5.0
14. Number of previous arrests for crime against person. If prosecutor indicates previous arrests equal 1 or more, add 5.	5.0
15. First arrest was for auto theft. If checked by prosecutor, add 2.5	2.5
16. Indication of opiate use at anytime. If checked by prosecutor, add 5	5.0
17. Indication of alcohol abuse. If checked by prosecutor, add 2.5	2.5
18. Alias ever used. If checked by the prosecutor, add 2.5	2.5
19. Was present (or last) job held for less than 6 months. If checked by prosecutor, add 2.5	2.5

NOTES

Add items 1 through 11 and enter the total in the box after item 11 on form 1. This is the "Crime" score. Add items 12 through 19 and enter the total in the box in lower left corner. This is the "Criminal" score Items 20 through 23 are not scored.

FORMULA FOR COMPUTING WEIGHTS

Enter in the equation below the numerical weights for probability of winning, crime score and criminal score and compute the equation. (Note: probability of winning should be computed in decimal form. e.g. 95%=.95)

0.22 times (×) *probability of winning* times (×) *crime* plus (+)
0.09 times (×) *probability of winning* times (×) *criminal* plus (+)
0.94 minus 0.90 (×) *probability of winning* minus (−)
0.027 times (×) *criminal* plus (+) 25 equals (=)

CASE SCORE

Eliminate the decimal point and enter the first three digits* in the box at the top right corner of the Offense and Defendant Evaluation Sheet and on the case jacket.

ATTACHMENT 3

ALTERNATIVE SCORING PROCEDURES FOR USE WITHOUT ASSISTANCE OF CALCULATOR

NOTE.—Use the scoring chart for the scoring system employing a calculator for assigning weights to each entry on the Offense and Evaluation Sheet and total the crime score and criminal score.

Use this chart in place of the formula for computing weights which appears in attachment 2.

	Enter			Calculate								Enter total score,[1] column J+25.94
Case number	Probability of winning	Crime score	Criminal score	0.22×B	0.09×C	D+E	F−0.90	G×A	0.027×C	H×I	J	
	A	B	C	D	E	F	G	H	I	J	K	
1												
2												
3												
4												

[1] Eliminate decimal point and enter first three digits in Column K and on case jacket. E.g., a score of 26.23 would be written as 263 in Column K and on the jacket.

*Hence a raw score computed to be 26.32 would be written 263 on the case jacket.

EXHIBIT D

SNAPSHOT SPIN AROUND: A TECHNIQUE TO MEASURE CAPACITY AND OVERLOAD IN A PROSECUTOR'S OFFICE

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SNAPSHOT - SPIN AROUND:

A TECHNIQUE TO MEASURE CAPACITY AND OVERLOAD

IN A PROSECUTOR'S OFFICE

INTRODUCTION AND BACKGROUND

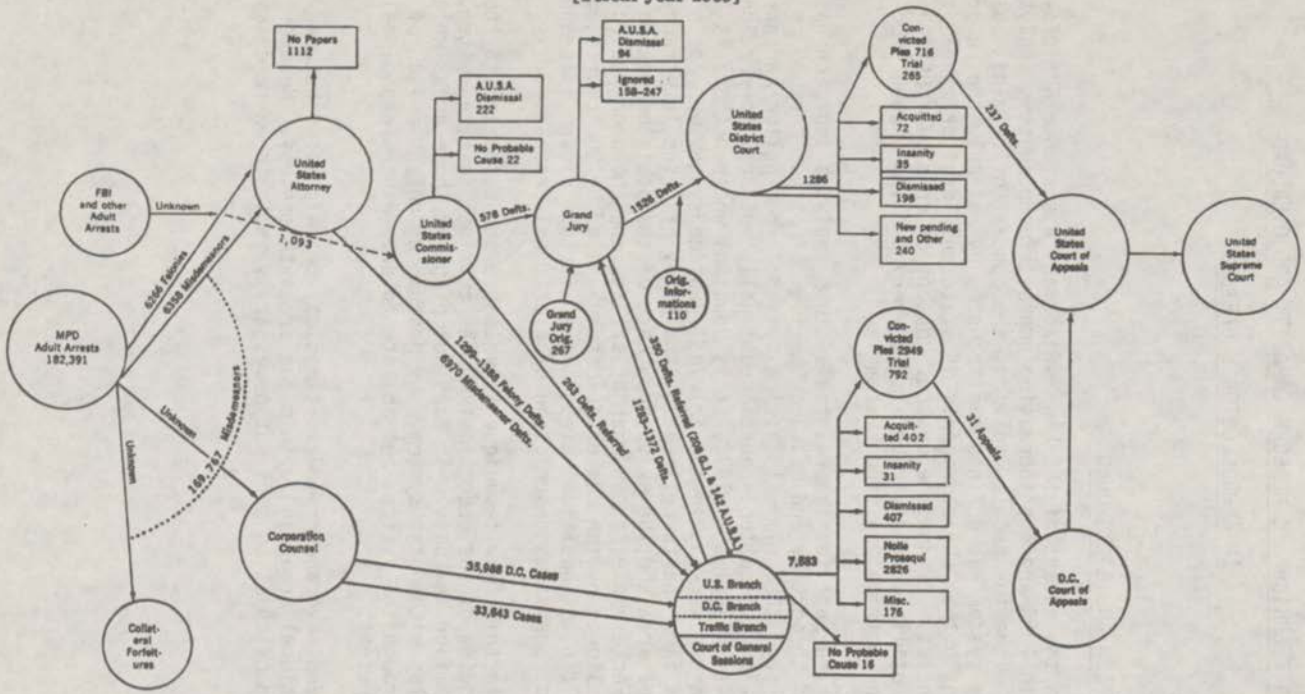
With the advent of the Law Enforcement Assistance Administration in 1968 and the increasing emphasis upon systems analysis as a technique for problem solving, the concept of criminal justice as a system was defined and accepted by not only the Federal Government but by the components of state and local criminal justice agencies. By now the systems concept of criminal justice has been utilized to describe almost every problem encountered within the criminal justice system.

For the past four years, the systems analysis approach has been used to portray and measure the flow of either persons or cases through the criminal justice system: from police and arrest, through the prosecution, courts and finally into the correctional areas. At this time in 1972, it is doubtful whether there is a single person working in the criminal justice system who has not seen such flow charts delineating the entry of cases into each functional area and the exits from each of the decision making areas. For example, the number of arrests are shown on the police level, followed by the number of cases handled by the courts with the resultant disposition noted, and so forth. Figure 1 is one example of a systems description of a criminal process.

While this flow technique is valuable and essential to the understanding of the operations of the criminal justice system, it has a major weakness. It does not pinpoint those areas which cause delay within the system. By describing only the flow of cases through the system, the ability to determine areas of delay is not present.

Indeed, average or median times may be calculated between the functional areas and within the areas themselves. However, this time calculation does not necessarily indicate where delays

FIGURE 1.—The criminal process in the District of Columbia.
[Fiscal year 1965]



Source: Report of the President's Commission on Crime in the District of Columbia

occur. The calculation does not reflect whether time was used in waiting or in processing. Time may vary according to the complexity of the processing step.

For example, from arrest to arraignment may consume less than 24 hours of processing time, while from preliminary hearing to indictment may consume up to weeks or even months. Hence, what is needed is a definition of delay which can be interpreted by the prosecutor or a court official in a meaningful fashion.

While this technique has been developed for the prosecutor, it also may be useful to the judiciary. The National Center for Prosecution Management's belief is that the prosecutor is the fulcrum of the criminal justice system and, hence, the most valuable source of information regarding prosecution or court delay. He has a vast amount of discretionary power which can be used wisely or not at all. He is the only person in the criminal justice system who knows, for example, why police arrests were reduced from a felony to a misdemeanor; why additional charges were added to a case, or why the case was disposed of prior to a court appearance.

The prosecutor's main value, therefore, lies in the fact that he is the sole source of knowledge about the processing and handling of all cases in the criminal justice system from the time after arrest through case disposition. In this regard the technique developed and presented in this report is directed to the prosecutor, although its application to other areas of criminal justice is recognized as feasible.

Attached as an appendix is a copy of the report submitted by the Denver, Colorado District Attorney's Office describing their procedures and results in implementing the Snapshot/Spin Around technique in the Denver County Court (misdemeanor) process.

The National Center for Prosecution Management is funded by LEAA through the National District Attorneys Association, National College of District Attorneys, and Institute for Court Management. The primary purpose is to develop new techniques and principles for improving prosecution management. Hence, this technique is the result of the work performed by the National Center for Prosecution Management and is directly applicable to all prosecutors or court structures throughout the United States.

Snapshot and Spin-Around Technique

The delay which this technique identifies is defined as those matters scheduled for action but not reached within each functional or processing area. Thus if 10 matters are scheduled for grand jury action for any given day and only 4 are acted upon, then the remaining 6 matters have been delayed.

With this definition, the concept of flow charting entries and exits was modified so that each functional area within the prosecutor's jurisdiction was identified. These areas include, for example:

1. Initial screening - the point at which the police bring the arrest report and case to the prosecutor and the prosecutor determines what charges are to be filed;

2. Arraignment - the point at which the defendant is brought before the court for the first time to be advised of his rights, his bail set and sometimes his plea taken;

3. Preliminary hearing - the point at which the defendant appears with defense counsel before the judge and the judge determines whether there is probable cause that the defendant may have committed the crime;

4. The grand jury indictment - the point at which the grand jury hands down an indictment;

5. Pre-trial conference - the point after indictment at which the defendant, defense counsel, prosecutor, and sometimes judges determine and identify the type of trial which will be conducted, including what motions will be made, whether a plea bargain will be obtained, etc., and

6. The actual trial - the point at which the defendant is brought before the court for a trial either by jury or by the bench.

This is only a simplified description of those functional areas within the prosecutor's jurisdiction.

Since delay has been defined as the difference between matters scheduled for action and those on which action has been taken, the measurement of the flow of cases through the system could not yield this information. Instead what is needed is a snapshot of

the prosecution/court system and its scheduled activities in each processing area over a period of time. This period of time could range from a week in high volume court systems or perhaps a month in low volume court systems.

The snapshot technique merely means that within the designated period of time all matters scheduled within the processing areas are counted and all dispositions within the processing areas are recorded. The identification of the number of cases spinning around within each processing area thereby causing system delay can be made quickly and simply. For example, if 100 matters were scheduled within a week's time for grand jury action and 45 of them were not disposed of within that week then a 45% spin around rate is occurring in the grand jury area. If in the next area of pre trial conferences, 312 matters were scheduled for action during the week and 295 matters were not disposed of or received no action, then a 95% spin around rate can be computed. Thus, by computing just the simple proportion of the number of matters scheduled as compared to the number of matters not disposed of, problem areas can be identified quickly and simply.

The following 2 charts represent a felony processing system in a large metropolitan prosecutor's office. They have been simplified for ease of understanding so that all dispositions have been grouped together regardless of type.

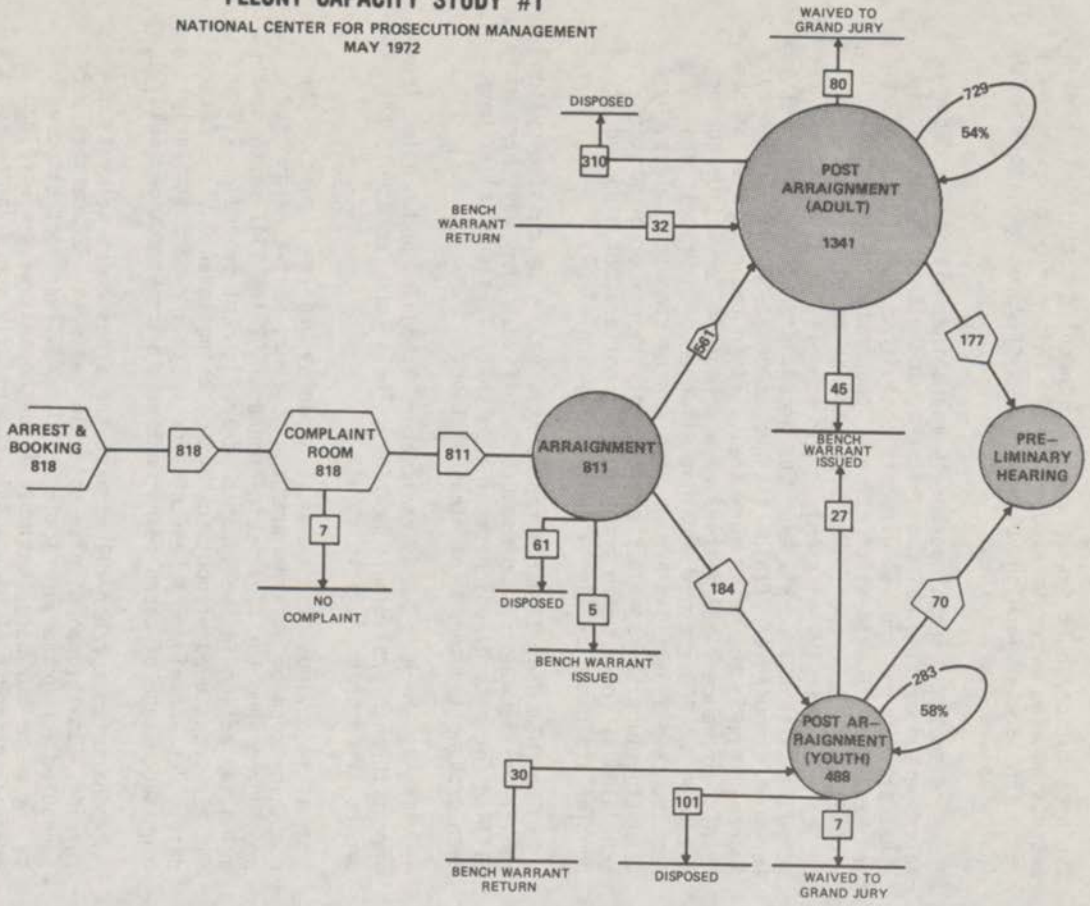
The first chart shows the matters scheduled and handled from arrest through preliminary hearing. The second represents the process from grand jury to trials.

It is obvious that there is no delay problem in either the complaint room or at arraignment. However, post-arraignment procedures show the first spin-arounds. Of the 1341 matters scheduled for action in the adult post-arraignment procedure 729 or 54% were continued without any action being taken until a future date. Post-arraignment hearings for youth showed a similarly high percentage of cases being continued without action (58%).

Chart two further illustrates the areas where delay is occurring. In this particular case, in one week, 522 matters were scheduled for grand jury action, 199 or 38% were not disposed of by any means but were continued into the next week's workload. Pretrial conference which should potentially speed up the court process showed a 69% spin-around rate. Finally, an 87% spin-around rate was occurring at the trials and hearings on motions level.

FELONY CAPACITY STUDY #1

NATIONAL CENTER FOR PROSECUTION MANAGEMENT
MAY 1972

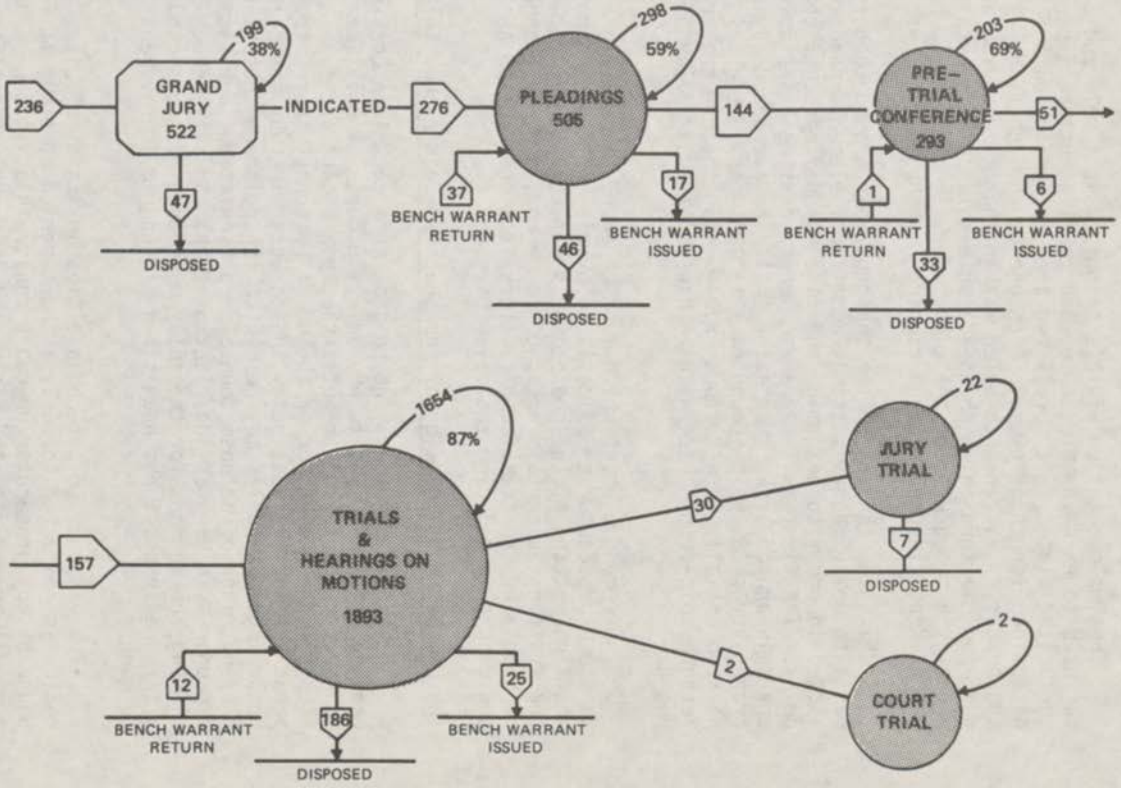


93-629 O - 73 - 46

FELONY CAPACITY STUDY #2

NATIONAL CENTER FOR PROSECUTION MANAGEMENT

MAY 1972



The implementation of this technique is simple and can be tailored to existing prosecutor and court structures throughout the United States. It merely requires collecting data for a predetermined length of time in each one of the functional areas on the number of matters scheduled within that time period and the number of matters on which no action was taken. With this technique, the prosecutor or the court, for the first time, has a tool which identifies those areas causing him the most delay.

While the concept of the snapshot-spin around technique is basic to delay identification, additional elements need to be collected in order to determine the final significance of the actual delay. The first is the average length of time cases spend in the spin-around area. For example, if the average delay in the grand jury's 38% spin-around rate is two weeks, then this could be a potentially more serious problem than the 69% pre-trial conference spin-around rate with perhaps an average delay of only one day.

The second element which must be added in order to effectively manage a prosecutor's office is to overlay on the snapshot the staffing pattern of the prosecutor's office. It may well be that the staffing in certain areas could be modified and changed (perhaps only by the transfer of a clerk from one area to another) and result in reducing the delay time.

The Limitations and Value of the Snapshot-Spin Around Technique

It should be clearly noted that this technique does not provide any answers as to why delays occur. It only identifies and proportionally distributes the spin-around areas. The next step for the prosecutor or the court personnel is to study those areas causing the most delay and to determine why the delay is occurring. The delay may be due to the police witnesses not showing, lack of defense counsel representation, notification procedures, understaffing, lack of trial capacity, etc. Identifying the reasons for the delay must then be the second step after the snapshot has been taken if program improvement is to be made.

The value of this technique lies in its simplicity; information is collected for only a short period of time; it is not bound by any prosecutor or court constraints; it can be done on a manual or an automated basis; and it quickly identifies areas of delay. Its most important value lies in its ability to monitor and evaluate management or program improvement. For example, a prosecutor identifies a significant delay area, the reason why

the spin-around is occurring, and then develops and implements a program to reduce this delay time. At a later period in time, he can take another snapshot to determine whether his program improvement has worked or failed. If it failed, he first of all knows it and then can respond accordingly. If it has succeeded, he can measure the amount of success. This capability for monitoring and evaluating improvement programs by taking a snapshot at any given time, tremendously extends the power of monitoring and program evaluation.

Another value of this technique lies in its potential savings on management studies and the performance of relevant management improvement projects. All too often, today, consultant money and time is spent on studies of prosecutor's offices or court structures with the final product an unused report. This technique permits the rational expenditure of funds on problem areas with the specific measurable goal of reducing delay within certain areas. It moves away from a "study report" effort into a program development and implementation effort. Certainly, if the charts in this report were used for improvement by the prosecutor in this county, his major efforts would be focused on the reasons for delay in the trial area rather than the arraignment area and the subsequent development of improvement projects.

Finally, the technique provides a capability for fixing responsibility for delay on specific components within justice system. This eliminates the age old problem of "scapegoating" whereby one component blames another for delay which usually results in no action or improvement in the problem area. If nothing else, improvements can be made in communication and cooperative improvement programs.

Conclusion

In conclusion, this technique provides the prosecutor with an additional tool by which he can rationally manage and improve his office operations both on a professional legal level and on a clerical - support level. The ability to identify those functional areas causing delay and to fix responsibility for the causes of delay are clearly apparent. Not only can the technique be used for program and management improvement, but for budget justification, improved police and courts procedures, and improvement in all the interfaces between the various components of the criminal justice system. As a tool for reducing delay, it ultimately must assist in defining the steps necessary for improving the quality of criminal justice throughout the United States.

APPENDIX

SNAPSHOT-SPIN AROUND TECHNIQUE

Denver County Court

by

Peter D. Willis
Assistant District Attorney

In an attempt to determine how cases were being disposed of and where there were lags in the ultimate disposition of a case, we instituted a snapshot spin-around study in our state misdemeanor court. The study ran for two weeks beginning September 11 and September 15. It is the purpose of this report to advise you of the scope of our study; the manner in which we gathered the data; and the results of that study.

The scope of the study was limited to cases that had been filed in our County Court. The County Court handles in our jurisdiction all state misdemeanor crimes and does not handle any felonies. The majority of the crimes are driving under the influence, assault and battery, petty theft, driving under suspension, possession of marijuana misdemeanor and other similar crimes.

We were unable to begin our study of all misdemeanor arrests inasmuch as our misdemeanors are often filed directly by the Police Department, and there are a great number of arrests that we do not know of nor have any means of tracking what occurred with them. We, therefore, limited the scope of our study to all cases that were filed in County Court. We then attempted to determine how many cases were handled in that two week period of time and trace what happened to that number of cases. In that two week period of time, our deputies handled 1,145 cases. It was our hope that we could determine out of that 1,145 the number that do not reach final disposition or that were spinning around in the process of being continued for no valid reason.

To accomplish that task, we first held a meeting of all the attorneys in our County Court program. A brief review of our court structure is essential to understanding the manner in which we collected that data. We have four full time County Court judges which handle misdemeanor cases. We assign one attorney to each court on a daily basis. That attorney handles all matters, including arraignments, motion arguments, hearings and trials.

The first thing we did was to make up a chart which we entitled "Summary of Case Disposition" which is attached at the close of this report. The summary of case disposition was printed up and had columns for every potential thing that could occur to a case when it comes before the judge. It included such things as whether the case resulted in a plea of guilty or nolo; if the case was continued by the defendant, by the Court, by the District Attorney, or if the case was reduced, went to trial, etc., etc. We then had enough of these blank summary of case disposition sheets printed so that on a daily basis each deputy took the summary of case disposition chart with him to court. At the close of each day, he indicated on that chart what action was taken for every case he handled during the day. Each of the deputies in the four courts did this from September 5 until September 22. At the end of that time, I turned over all their charts to my statistics clerk. She then totaled each of the columns so that we could find out what occurred with the total 1,145 cases handled.

Following those totals, we prepared the snapshot spin-around graph depicting those areas where no definitive action was taken on the cases in court. Attached at the close of the report is a photocopy of that graph as well.

We found the results to be enlightening and were able to uncover certain areas where cases were not making any headway to a final disposition. Briefly, we discovered that out of the 1,145 cases we had four essential spin-arounds in action where cases were not proceeding to final disposition. We first discovered that 324 of that amount were being continued and well over half of those continuances were at the request of defense counsel while only 18 were continued by the District Attorney. This indicates to us that it is the defense that has caused the bulk of delay on final disposition of cases, and only a small majority of delay is caused by prosecution.

Next, we discovered a spin-around in the number of failure to appears. A failure to appear is when the defendant does not show up for either an arraignment or trial, and the Court has to issue a bench warrant for his arrest. We were amazed that in the two week period of time 115 defendants did not appear in their cases. We hope to determine the root of the problem by checking on the number of those 115 that were given personal recognizance bonds or were risks when the bond was set.

Next, when a defendant has entered a plea to any charge and requests probation, it is the practice of our court to have a

probation hearing prior to giving him a sentence. In the two weeks period of time, there were 111 probation hearings and of that number 31 probation hearings were continued to a later date. That 31 is another spin-around and may be accounted for in that probation officer had not had sufficient time or materials to complete his investigation and make a proper report. That hopefully will be alleviated by a new grant given the Probation Department which will set up branch offices and more personnel so that their reports may be more accurate and more quickly done.

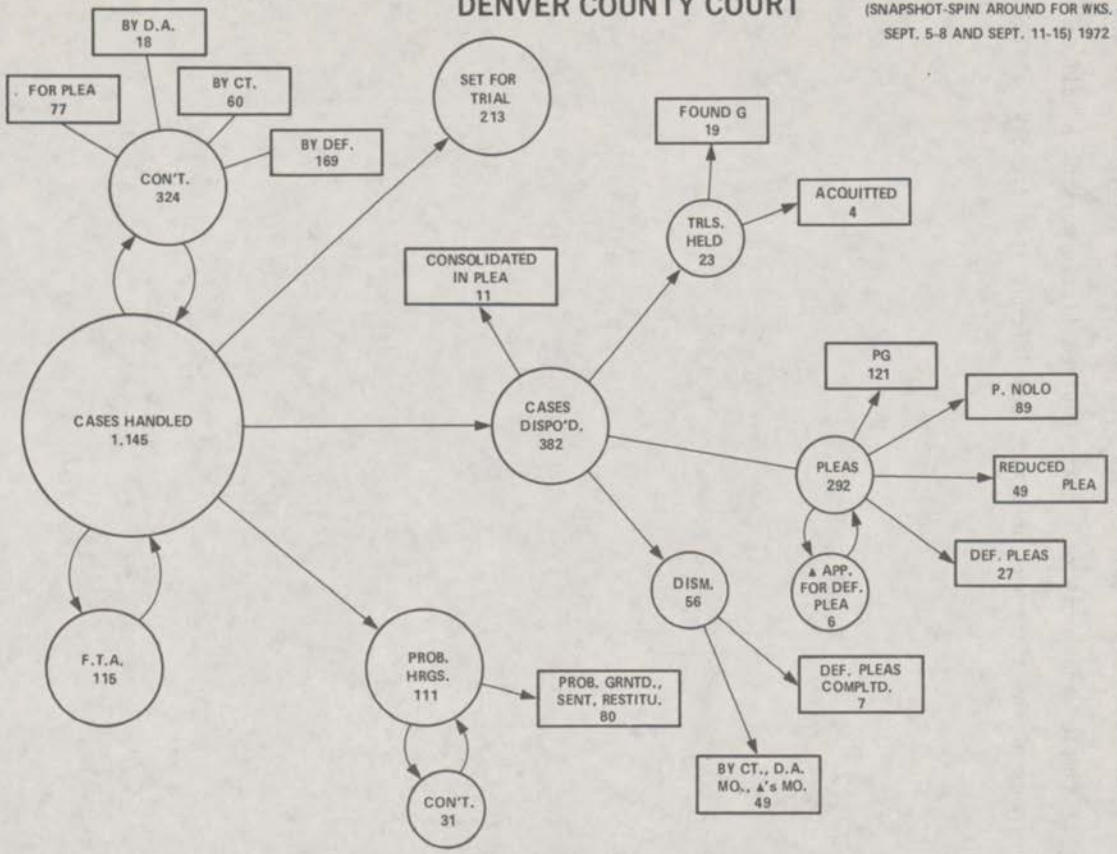
Last, we found a small spin-around from the number of defendants who entered pleas. We found that 292 defendants pled to some charge and of that six were defendants who had applied for deferred prosecution. These deferred prosecutions were continued for a period of time to determine how well they were operating in society before we were actually agreeing to an extended deferred prosecution. I felt that six spin-arounds from the pleas was not that significant, but appeared to be six cases were not reaching an ultimate disposition and were being continued for a period of time.

While I recognize that this is only a two week look at the case handling in our County Court, I found the snapshot spin-around technique to be a valuable look at where cases were being delayed. I think more properly the snapshot spin-around is a way by which you can get a quick look at problems in a specific area and then use

your results to study more in depth potential solutions. It was a simple management tool that required little work on behalf of many of the attorneys or staff, and I found it extremely helpful.

DENVER COUNTY COURT

(SNAPSHOT-SPIN AROUND FOR WKS. OF SEPT. 5-8 AND SEPT. 11-15) 1972



SUMMARY OF CASE DISPOSITION

Courtroom: ALL Judge: ALL Date: 9/5 to 1/15 Deputies: ALL

Cases Handled (Docket Number)	Plead Guilty	Plead Nolo	CONTINUED				F.T.A.	Reduced Plea	Deferred Prosc.	Found Guilty	Dismissed or Acquitted
			By Defendant	For Plea	By Court	By D.A.					
TOTALS FOR WEEK	109	83	155	41	67	18	100	45	25	19	37

Set For Trial	Probation		Continued				Deferred Plea		Other
	Continued	Granted, Sentenced Restitution	By Δ	By Court	By D.A.	For Plea	Δ Applied For	Dismissed (Def. Plea Completed)	Def. = 2 Dism. = 16 PG = 12 P Nolo = 6 Reduct. = 4 F.T.A. = 15 Transf. = 11
201	31	80	14	5	0	36	6	7	

Cases deputy listed on tally sheets as "continued by court" but should be "set for trial" = 12

APPENDIX E

EXHIBIT E

A MANUAL STATISTICAL SYSTEM TO MEASURE CASE FLOW IN A PROSECUTOR'S OFFICE

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(This report was prepared under LEAA Grant No. 71–DF–1093)

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A MANUAL STATISTICAL SYSTEM TO MEASURE CASE FLOW IN A PROSECUTOR'S OFFICE

Introduction and Background

One of the major problems confronting a prosecutor in the administration of his office usually lies in the unavailability of data by which he can monitor the volume of work flowing through his office from intake to final disposition. Historically, prosecutors have tended to rely upon court statistics which, in most instances, do not reflect the needs of the prosecutor nor provide him with a measure of counting which is relevant to his operation.

The purpose of developing a manual statistical system as a tool for the prosecutor was: (1) to provide, on a daily basis, a measurement of the work flow in the office; (2) to permit the prosecutor to monitor the work flow within the office with special attention to those areas which are critical to this operation and which may be changing unbeknownst to him; (3) to permit an early evaluation of such changes so that he can respond administratively; (4) to provide him with monthly, quarterly and annual statistics and (5) to enable him to monitor and identify changing trends as soon as possible.

Concept

The basic concept of the manual statistical system is to measure all work which comes into the office as well as all work disposed of by the office. If, for example, 1,000 defendants are processed by the office in the period of a month or even a year, and if during that same period, 600 defendants are disposed of by any means, then the difference between intake and output (disposal) would give a measure of additions to the court's backlog. In this case, 1,000 in minus 600 out equals 400 additional defendants added to the court backlog. The measurement of intake and output can be accomplished on either a felony level, a misdemeanor level, or a total case flow level through the office. The definition of intake and output depends on the jurisdictional type of operation of the prosecutor's office.

Thus the attached forms, in most cases, will have to be modified to reflect the differing characteristics of the prosecutor's office. In all cases, however, it is imperative that the same unit of measurement be applied to intake as to disposition. For example, if cases are the unit of counting on intake, then the disposition must also be in terms of cases. If defendants, on the other hand, are counted at intake, then the disposition must reflect defendants. However, if a prosecutor wants to count both ways, both defendants and cases, this is also perfectly acceptable.

Implementation of the statistical system

Depending upon the type of operation in the prosecutor's office as well as the quality of information collected and disseminated by the court, the implementa-

tion of the management statistical system can be accomplished in one of two basic ways.

If the court statistics are not accurate, or if they do not reflect the type of counting which the prosecutor chooses to employ, the statistical system may be implemented on a decentralized basis. In fact, the forms attached to this report as examples reflect this decentralized type of a statistical-collection system. In this instance, the appropriate functioning units, e.g., intake, arraignment, preliminary hearing, grand jury, trial, etc., are identified within the prosecutor's office, and staff assigned to these units are required to collect the information on a daily basis. For example, the secretary within the grand jury section would complete the form which notes total indictments returned, number of grand jury originals, etc. Trial assistants would note dispositions they were knowledgeable of.

By fixing the responsibility on a decentralized basis, the total workload of data collection is minimized. At the end of each day's operations, the forms are collected or sent to a centralized place, such as the secretary to the District Attorney, who then aggregates the information, reviews it for completeness and maintains the aggregates for weekly, monthly, quarterly, or annual reports. This method has worked fairly efficiently in both Washington, D.C. and in some counties in Michigan where functions are diverse and personnel availability limited.

If, on the other hand, the court maintains an up-to-date docket which notes the status of cases and the disposition of cases, it is recommended that the court docket be examined to see whether the data necessary for the statistical system can be collected from this source alone. In this event only a single clerk is required to gather the data on a daily basis. In some prosecutors' offices such a central notation system is already in existence and this may be examined as the source for data collection.

Forms

Attachment 1 includes seven statistical report forms. It should be noted again that given the various functions of the prosecutor's office, and the differences in terminology, the forms in all probability will have to be modified for implementation by a specific prosecutor.

Form 1 is concerned with identifying the volume of intake in the prosecutor's office. The intake section identifies the number of defendants (all cases) that enter the prosecutor's office each day by type of entrance. The papering section identifies the types of offenses which were considered, (misdemeanor or felony) and the disposition made as to how many were proceeded against as well as how many were reduced in charge. The grand jury section records the total number of indictments returned either as originals or as referrals from a lower court. It should be noted that in grand jury, since the workload differs from the lower court intake, both number of defendants and number of cases are specified.

Form 2 maintains the readiness information available each day including such items as the number of judges sitting in criminal trials in the morning and in the afternoon, number of cases carried over from a prior date, the number of cases in which the government was ready, and the number of cases in which the government was not ready. This readiness information is useful to the prosecutor on an operational basis. However, it is not essential to the manual statistical system and may be deleted by the prosecutor without impact on the manual statistical system.

Form 3 is a compilation of information of dispositions of all cases which were on a jury calendar, further delineated by either a felony or a misdemeanor prosecution. Item 3 reflects the number of defendants on the jury calendar who withdrew their jury demands either because of a plea or because of trial by the court (bench).

Form 4 collects essentially the same information as Form 3 for those defendants which were on a non-jury calendar.

Form 5 collects the results of preliminary hearings (or preliminary examinations).

Form 6 is the first form to be completed centrally by the secretary to the District Attorney or by one centralized source. It is the summation of the information gathered by Forms 1–5. Section A shows the total input into the prosecutor's office, Section B counts the total output. Item 1 "No Papers" is the terminology for the prosecutor's dismissal of charges before they enter the court system. This is usually the result of an initial screening function. Section C is the difference between the total input and the total output and is equivalent to additions to the court backlog.

Form 7 is merely a quality control check form used by the clerk to ensure the daily completeness of Forms 1–5 and identifies those which are missing.

Attachment 2 is a copy of an analysis which was performed to determine whether the court system in Washington, D.C. was in-balance, namely, whether the input was equal to the output, and if not, what were the sentencing differentials and probabilities and conviction which would have to be modified in order to put the system in-balance. With the proposed data-collection system operating within the prosecutor's office, and with a couple of small sample surveys, such an analysis could be performed by any prosecutor who desires it. The results of the analysis clearly show that unless trial capacity is increased, the defendant is being rewarded by pleading not guilty, demanding a jury trial, and eventually ending up with a dismissal due primarily to the non-appearance of the complaining witness after the 4th or 5th trial continuance.

Conclusion

Given the degree of availability of records, any or all of these forms may be used with modification to meet the specific needs of the prosecutor's office. The National Center for Prosecution Management is available to assist in the implementation of this statistical system specifically in terms of tailoring it to meet specific prosecutor needs.

The National Center for Prosecution Management also would be extremely interested in receiving an evaluation of the results of modification for this system in any prosecutor's office. If you have further questions, please feel free to contact us.

Attachments.

ATTACHMENT 1

STATISTICAL REPORT—FORM I

Date _____

Intake type:

1. Total lock up list _____
   (a) no. bench warrants _____
   (b) no. fugitives _____
2. Total summons list _____
3. Total citation list _____
4. Total bond list _____
5. Total considered _____
   (sum of 1–4)

Papering:

1. Misd. considered _____
2. Misd. papered _____
3. Misd. no paper _____
4. Felonies considered _____
5. Felonies papered _____
6. Felonies no paper _____
7. Felony arrest/misd. _____
8. Misd. arrest/felony prosecuted _____

Grand jury:	*Def.*	*Cases*
9. Total indictments returned	_____	_____
10. Grand jury originals	_____	_____
11. Referrals from District Court	_____	_____
(a) accepted for misdemeanor	_____	_____
(b) accepted for felony	_____	_____
12. Referrals from Superior Court	_____	_____

Completed by Grand Jury Section—(except items 11a and 12, completed by Misdemeanor Section)

STATISTICAL REPORT—FORM II

Date _____

Readiness information:

1. Judges sitting in criminal trials
   AM_____
   PM_____
2. Judges sitting in criminal trials
   carried over_____
3. Cases carried over from prior day
   jury _____
   non-jury _____
4. Cases Government ready

	Jury	*Nonjury*
9:30 A.M.	_____	_____
11:00 A.M.	_____	_____
2:00 P.M.	_____	_____

5. Total cases carried over
6. Total ready
7. Total not ready

Completed by Witness Room

STATISTICAL REPORT—FORM III

Date _____

Jury calendar dispositions:	*Fel.*	*Misd.*
1. Total jury defendants on jury calendar	_____	_____
2. Jury defendants tried by jury	_____	_____
(a) verdict guilty	_____	_____
(b) verdict not guilty	_____	_____
(c) MJOA	_____	_____
(d) hung jury	_____	_____
(e) mistrial	_____	_____
3. Jury defendants withdrawing jury demand	_____	_____
(a) guilty plea	_____	_____
(b) tried by court	_____	_____
(1) verdict guilty	_____	_____
(2) verdict not guilty	_____	_____
(3) MJOA	_____	_____
(4) mistrial	_____	_____
4. Number nolles	_____	_____
5. Dismissed for want of prosecution (DWP)	_____	_____
6. Forfeit collateral	_____	_____
7. Bench warrants filed	_____	_____
8. Total jury defendants disposed (sum of 2a–c, 3a, 3b(1)–(3) and items 4–7)	_____	_____
9. Total jury defendants continued (item 1–item 8)	_____	_____

Completed by Witness Room

STATISTICAL REPORT—FORM IV

Date _____

Non-jury calendar dispositions:	*Fel.*	*Misd.*
1. Total non-jury defendants calendared		
2. Total non-jury defendants tried		
(a) verdict guilty		
(b) verdict not guilty		
(c) MJOA		
(d) mistrial		
3. Guilty plea		
4. Nolle		
5. DWP		
6. Forfeit collateral		
7. Bench warrant filed		
8. Total non-jury disposed (sum of items 2a–c, 3–7)		
9. Total non-jury continued (item 1–item 8)		

Completed by witness room

STATISTICAL REPORT—FORM V

Date _____

Preliminary hearings:	*Def.*	*Cases*
1. Preliminary hearings calendared		
2. Waived preliminary hearing		
3. Dismissed (lack of probable cause)		
4. Guilty plea (to felony-waive indictment)		
5. Nolle		
6. DWP		
7. Felony reduced to misdemeanor		
(a) for plea		
(b) for trial		
8. Bench warrant issued		
9. Continued		

Completed by Grand Jury Section

STATISTICAL REPORT—FORM VI

Date _____

Process monitoring	Felony	Misdemeanor	Tota
A. Input:			
1. Felony arrest/felony prosecution		XXXX	
2. Felony arrest/misdemeanor prosecution	(−)		(+)
3. Grand jury original/felony prosecution	(+)	XXXX	(+)
4. Felony arrest/sent to district court	(−)	XXXX	(−)
5. Misdemeanor arrest/misdemeanor prosecution	XXXX	(+)	(+)
6. Misdemeanor arrest/felony prosecution	(+)	(−)	(+)
7. Total input (sum of columns)			
B. Output:			
1. No papers			
2. Ignoramus		XXXX	
3. Abatement		XXXX	
4. Guilty plea			
5. Nolle			
6. DWP			
7. Bench warrant			
8. Collateral forfeit			
9. Trials (total)			
(a) Verdict guilty			
(b) Verdict not guilty			
(c) Other			
10. Total output (sum of columns)			
C. Backlog: (A–7 minus B–10)			

Completed by statistician.

93-629 O - 73 - 47

STATISTICAL REPORT - FORM VII

DAILY STATISTICAL CONTROL: MONTH, YEAR _____

FORMS	I	II	III	IV	V	VI
DAY						
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						

Completed by Statistician

ATTACHMENT 2

A NUMERICAL METHOD FOR MONITORING AND EVALUATING THE COURT CASE PROCESSING SYSTEM

Specific objectives for the District of Columbia Superior Court: To specify the system requirements that will eliminate the misdemeanor case backlog and simultaneously minimize the nolle and DWP rate.

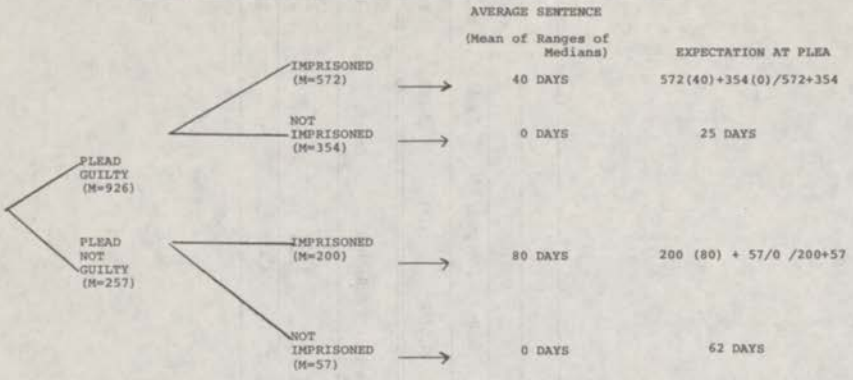
(Prepared by District of Columbia Government Office of Crime Analysis, Feb. 16, 1971)

THE PRESENT SYSTEM

	Input			Output							
								Trials			
	M/M	F/M	M/F	No papers	Guilty pleas	Nolle's and DWP's	Nolled for diversion	Bench warrants issued	Guilty	Not guilty	Total	Addition to backlog
System	10,915	3,419	0	2,400	3,076	4,430	(500)	1,024	(1,572)	(714)	2,286	1,118

	Found guilty	Percent	Found not guilty	Percent	Nolle/DWP	Percent	Total
Plead guilty	3,076	100	0		0		3,076
Plead not guilty	1,572	23.4	714	10.6	4,430	66.0	6,716
Total	4,648		714		4,430		9,792

SENTENCE BY DISPOSITION - COURT OF GENERAL SESSIONS - FISCAL 1965



[Sample of 25% of all convictions; N = 1183
Table 16 and 17, pp. 396-397; Pres. Comm. Crim. in D. C.]

AT PRESENT

I PLEAD GUILTY

PROBABILITY OF SENTENCE		LENGTH OF SENTENCE		EXPECTATION IS
(1.00)	X	(25 days)	=	25 days

PLEAD NOT GUILTY

PROBABILITY OF SENTENCE	LENGTH OF SENTENCE	EXPECTATION IS
(0.25)	(62 days)	= 15.5 days

TO MAKE SYSTEM WORK (STOP REWARDING PLEA OF NOT GUILTY)

$P_{G/G}$ $S_{G/G}$ = $P_{NG/G}$ $S_{NG/G}$

(1) (25) = $P_{NG/G}$ (62)

25 = $P_{NG/G}$ (62)

$P_{NG/G}$ = 25/62

$P_{NG/G}$ = .4 therefore .4 of 6716 guilty pleas (N=2686) must be found guilty.

II AT PRESENT 70% OF ALL VERDICTS ARE GUILTY VERDICTS therefore:

$\frac{VG}{VG+VNG}$ = .7 and from above VG=2686 thus $\frac{2686}{2686+VNG}$ = .7 thus NG = 1207

III NG + G + NOLLE DWP = 6716 and from above 2686 + 1207 + NOLLE/DWP= 6716; NOLLE/DWP= 2823

IV TO ELIMINATE BACKLOG WITHOUT CHANGING ABOVE RATIOS, INCREASE DISPOSITIONS BY 1900 thus

$\frac{9792 + 1118}{9792}$ = 1.12

	INPUT				OUTPUT								ADDITION TO BACKLOG
	M/M	+F/M	-M/F	=	NO PAPERS	+ GUILTY PLEAS	+ NOLLE'S AND DWP'S	+ NOLLED FOR DIVERSION	+ FILES	TRIALS			
										GUILTY	NOT GUILTY	TOTAL	
I	10,915	3419	0	=	2400	3076	4430	(500)	1024	(1572)	(714)	2286	1118
II	10,915	3419	0	=	2400	3076	2823	(500)	1024	(2686)	(1207)	3894	1118
III	10,915	3419	0	=	2400	3445	3162	(500)	1024	(3008)	(1352)	4361	0
IV	0	0	0	=	0	+369	-1268	0	0			2075	-1118

I. THE PRESENT SYSTEM
II. CAPACITY NEEDED TO REDUCE NOLLE'S AND DWP'S
III. CAPACITY NEEDED TO ELIMINATE BACKLOG AND TO STOP REWARDING PLEA OF NOT GUILTY
IV. NET CHANGE

APPENDIX E.1

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 26, 1973.

HON. PETER W. RODINO, Jr.,
Chairman, House Judiciary Committee,
Rayburn Building, Washington, D.C.

DEAR MR. CHAIRMAN: When I appeared before your committee last Tuesday on behalf of H.R. 5746 I related that I had been in correspondence with public officials across the country in connection with this legislation and I said that with your permission, which you granted, I would submit this correspondence for inclusion in the record of your hearings.

I am herewith transmitting the correspondence. If your staff has any questions concerning it, I would appreciate it if they would get in touch with Sanford Watzman or with John Vargo of my office.

Sincerely,

JAMES V. STANTON,
Member of Congress.

CITY OF SACRAMENTO, CALIF.,
January 26, 1972.

MR. ROBERT H. LAWSON,
Executive Director,
California Council on Criminal Justice, Sacramento, Calif.

DEAR BOB: The January 12th article by Leo Rennert, the Sacramento Bee's correspondent in Washington, came as rather a surprise to us too. As a local government official for twenty years, I've tried not to be overly disturbed by what newspapers choose to highlight or not report. Chief Kinney and I would be the first to praise CCCJ for the extraordinary support which it has provided the City of Sacramento. The Police Department Reorganization grant, in particular, has enabled us to make tremendous progress in the past year. I must also say that while we are now preparing our city budget for fiscal year 1972–73, the uncertainties of second-year funding are causing us great concern.

Congressman Stanton sent Assistant City Manager Walter Slipe a letter early in December requesting a statement on the proposed amendment to the Omnibus Crime Control Act to help "dramatize the plight". Slipe did not reply until a month later when the Congressman's office called and urged a response (see full text of attached letter). Apparently there is no news in the fact that requests for local projects will exceed available funding by at least three fold. Based on your own remarks, we both seem to agree that the national appropriation level is not sufficient to do everything we would like to do and must do.

Leaving aside the news article for the moment, I would reiterate that we have the highest regard for CCCJ and the support you've always given the City of Sacramento. We've also appreciated that our relationship with CCCJ has been at all times open and above board. In fact, even when we tried unsuccessfully several weeks ago to obtain LEAA designation of Sacramento as one of the eight high-impact anti-crime cities, we made it a point to keep you informed of our position through a copy of the Mayor's letter. Again, I regret the article disturbed you because we are truly appreciative of CCCJ's performance under difficult circumstances.

Sincerely,

Dick
R. L. RATHFON,
City Manager.

Attachment.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 7, 1972.

Hon. FRANK RIZZO,
Mayor of Philadelphia,
Philadelphia, Pa.

DEAR MAYOR RIZZO: Because of the critical crime situation in the nation's 56 largest cities—those with populations of 250,000 and above—I have introduced the Emergency Crime Control Act of 1971 (HR 11813).

My basic aim is to get the Law Enforcement Assistance Administration to channel more funds into high crime areas, and also to speed the flow of such funds. For example, I have found, with assistance from Congress' General Accounting office, that the federal aid pipeline is so clogged with red tape that:

Fiscal year 1971 ended with 92.1% of the LEAA money appropriated for that year still being held at the state level.

In addition, as of June 30, 1971, 51.1% of the LEAA money appropriated for the previous fiscal year (1970) also had not reached local target areas.

In ten states, no 1971 money had moved. In five other states, less than 1% of the money had been distributed. In seven additional states, less than 5% of the funds had been distributed.

My bill would alleviate this situation by requiring block grants of LEAA funds to high crime areas, as recommended by the U.S. Conference of Mayors. These areas would get a sum of money based on population and incidence of crime. Then each area would determine for itself how the sum is to be allocated to various projects, in line with needs and priorities as perceived at the local level. This would do away with the requirement for filing separate applications for every single project—a factor accounting for so much of the red tape.

Under this proposal, each area would be guaranteed a predictable sum of money, making it easier for you to set up your budgets. In addition, the money would arrive quickly, and it would be a significant sum. And, as I've said, you would have greater flexibility in planning for it and spending it.

Because of your interest and heavy responsibility in this area, I am taking the liberty of enclosing for your perusal a detailed explanation of our proposal, as it appeared in the Congressional Record of November 16, 1971 (page H 11138). The presentation concluded with the text of HR 11813.

I also enclose additional material from the Congressional Record of December 16, 1971; January 25, 1972; February 3, 1972 and February 28, 1972. You will note that the Honorable Emanuel Celler, Chairman of the House Judiciary Committee, has ordered that hearings be held in the spring on HR 11813.

I hope that you will read this material and give me your comments, pro or con. Ideally I would like a statement from you, that we could insert in the Congressional Record—together with similar statements we expect to receive from officials in the 55 other cities. Since we are approaching hearings it would be most helpful if I received your comments as soon as possible.

Specifically I would like to know:

1. Whether your community has been receiving an adequate share of LEAA funds.

2. Whether red tape is delaying the funding of important projects and, if so, which ones.

3. Whether the 1970 amendments to the Safe Streets Act, designed to give cities a larger share of funds, appears to have improved your situation so far.

Examples of specific projects and situations would help me to dramatize the plight you find yourself in. Please feel free to inform me about any situation not covered in the three points suggested above.

For your information, the Honorable Joshua Eilberg, Member of Congress from Philadelphia, has joined me in sponsoring this bill—along with the Honorable John Seiberling of Akron and others, including virtually the entire Congressional delegation from Chicago.

If you have any questions, please call me. Or you may telephone Sanford Watzman or John Vargo at 202-225-5871. Your written reply should be sent to Sanford Watzman, c/o Representative James V. Stanton, 1107 Longworth Building, Washington, D.C. 20515.

Kindest personal regards.

Sincerely,

JAMES V. STANTON,
Member of Congress.

CITY OF BIRMINGHAM,
DEPARTMENT OF POLICE,
Birmingham, Ala., December 7, 1971.

MR. SANFORD WATZMAN,
(c/o Representative James V. Stanton)
Longworth Building, Washington, D.C.

DEAR MR. WATZMAN: I am very much impressed with the H.R. Bill 11813 submitted to Congress by Mr. Stanton and Mr. Seiberling. Direct grants to cities should remove a considerable amount of red tape from the present process.

Cities, like all units of government, experience difficulty in developing meaningful plans when the funds, supposedly available, are late in coming if they arrive at all. The municipal budgeting process is as irrational as the process at the federal and state levels. It is extremely difficult to obtain matching funds when the receipt of federal funds is so uncertain. Other department heads in city administration are good competitors in the budget process and matching money usually goes for concrete plans with substantial public appeal.

The comprehensive state plans have yet to specifically identify urban problems and set desirable priorities. I doubt this is even possible in some states. I am equally sure that priorities in an urban setting are unique for any particular city because of past funding practices utilized by its government and career administrators.

Responding specifically to your questions:

1. The City of Birmingham contains 8.7% of the total population of the State of Alabama. The metropolitan area, of which Birmingham serves as the core, contains approximately 20% of the total state population. At this time the City of Birmingham has received .97% of the L.E.A.A. funds granted to the State of Alabama.

2. We are experiencing difficulty in obtaining funds for a Regional Training Center. Please note in the 1971 Comprehensive State Plan of Alabama that training was assigned a high priority.

3. Absolutely none.

Rural areas of Alabama and the State Highway Patrol Agency are faring much better than the urban areas of high crime incidence. Funds are being utilized without sufficient standard requirements in purchases of equipment, personnel and services.

An evaluation of ongoing funded projects is impossible due to deficient records administration in the rural departments. The identification of existing problems is even impossible, much less any evaluation of project results.

To judiciously utilize federal funds they must first reach the target areas in amounts significant enough to effect the problem. This has not been the case in Birmingham, Alabama, as of this date.

Control of federal funds and evaluation of funded projects is mandatory if the program is to maintain its credibility and function effectively. However, controls must be used as a means to the end.

I sincerely hope this information will assist you.

Respectfully submitted,

Capt. JAMES C. PARSONS,
Birmingham Police Department.

[From the Birmingham News, Dec. 14, 1971]

CITY OFFICIALS PREFER DIRECT GRANTS FOR LAW ENFORCEMENT

(By James Free)

Birmingham officials favor new legislation—if necessary—to give the nation's larger urban areas their fair share of federal law enforcement assistance funds.

They have pointed out to the Congress that Birmingham, with 8.7 per cent of the total population of the state in the city and 20 per cent of the Alabama population in its metropolitan area, has up to mid-December received less than one per cent of the federal law enforcement aid funds allotted to the state.

Capt. James C. Parsons, writing for the Birmingham Police Department, has advised Rep. James V. Stanton, D-Ohio, that he (Parsons) is "much impressed" with a bill providing for law enforcement aid grants direct to cities. The bill is

sponsored by Stanton, Rep. John F. Seiberling, D-Ohio, and 18 other members of the House.

In joint letters, Reps. Stanton and Seiberling asked officials of Birmingham and some 50 other large cities if red tape is delaying funding of important local projects in the enforcement assistance program.

Parsons replied, "We are experiencing difficulty in obtaining funds for a regional training center." And he added that in the state plan training was assigned high priority.

To the question of whether 1970 amendments to the Safe Streets Act, designed to give cities a larger share of funds, have improved the Birmingham area funding situation, Parsons replied: "Absolutely none."

Parsons said, "Rural areas of Alabama and the state highway patrol agency are faring much better than the urban areas of high crime incidence . . . Funds are being utilized without sufficient standard requirements in purchases of equipment, personnel and services."

On several occasions earlier this year, Mayor George Seibels has testified before or written to committees of Congress protesting the preferential treatment to smaller municipalities in law enforcement aid funding. He has cited a Birmingham News article reporting approval of $1 million in requests by the Region III board of the Alabama Law Enforcement Planning Agency.

"For the most part," Seibels said, "funding went for projects such as personnel, cars and communications equipment. It appears that smaller municipalities are utilizing LEAA funds in lieu of budgeting from their general funds."

Seibels has insisted that "the urban areas of Alabama, which contain the most serious problems, should receive first priority and larger sums if they are to produce any significant change in the system."

In a letter to Rep. John S. Monagan, D-Conn., chairman of one of the subcommittees checking on LEAA programs, Seibels said: "Supposedly, priorities were developed at the regional level and included in the comprehensive state plan. However, local units of government are requesting funds for projects arrived at by intuition instead of problem analysis."

The U.S. Conference of Mayors told Monagan's subcommittee last month that "Miami, Fla., and Birmingham have received almost no funds under the Safe Streets Act from their states." (In an Oct. 12, 1971, letter, Seibels said Birmingham had received only $89,292 of $9,208,840 received up to that time by the state).

Rep. Stanton said that, as of June 30, 1971, the Alabama LEAA agency had disbursed "none" of the fiscal 1971 safe streets funds "to the cities of Alabama and other grantees," and the state agency had "disbursed only 53.4 per cent of the 1970 money allotted to Alabama under the LEAA program."

CITY OF PHOENIX, ARIZ.,
Phoenix, Ariz., December 7, 1971.

Mr. SANFORD WATZMAN,
(c/o Representative James V. Stanton),
Longworth Building, Washington, D.C.

DEAR MR. WATZMAN: This is in response to the December 3 letter of Congressman Stanton regarding the introduction of the Emergency Crime Control Act.

I have read with interest the Congressman's concerns about the deficiencies of the Safe Streets Act and agree with him on several points.

The kind of planning organization—a planning unit consisting of a high-crime metropolitan area—is, fortunately, the kind of organization we already have in the Phoenix metropolitan area. Although this does not solve all the problems it does make for a reasonably manageable planning and funding operation.

Therefore, the Congressman's Act as it relates to the organizational unit would cause little change here but nevertheless seems a good idea.

The high impact discretionary grants feature also sounds interesting. However, it is my understanding that LEAA already is shaping the new discretionary program in the discussion of high impact projects for the large-population, high-crime urban area.

Sincerely,

PETER F. STARRETT,
Intergovernmental Programs Administrator.

CITY OF TUCSON,
Tucson, Ariz., January 6, 1972.

Mr. SANFORD WATZMAN,
(c/o Representative James V. Stanton),
Longworth Building, Washington, D.C.

DEAR MR. WATZMAN: With reference to Representative James V. Stanton's letter of December 3, 1971, regarding the "Emergency Crime Control Act of 1971" (HR 11813), the City of Tucson views this proposed bill with great enthusiasm.

Although the State of Arizona and the Arizona State Justice Planning Agency have been leading the way in some provisions of the proposed bill, certain sections, such as "Title II—Special Impact Grants to High Intensity Urban Areas," are certainly desirable. This state has been operating for two years under the separate regional planning unit concept for the two metropolitan areas of Phoenix and Tucson. In turn, these regions have instituted the "Urban Law Enforcement Council." In Tucson, for example, this council is named the "Region 2 Criminal Justice Advisory Board."

In reply to the three specifics posed by Representative Stanton in his letter:

1. In the past the Tucson metropolitan area has been receiving a share of LEAA funds provided under the block grant system to the State of Arizona and through federal discretionary grants. However, a higher rate of funding is required to adequately control and prevent crime.

2. Although the State of Arizona has been exemplary in reducing the delay of funding important projects, a long lag has existed in the funding of all projects each year. First of all, the United States Congress did not appropriate Omnibus Crime Control and Safe Streets Act funds until well after each fiscal year began—December 8, 1969 for fiscal year 1970, and October, 1970 for fiscal year 1971.

Secondly, subsequent state planning, approval of the state plan in Washington, and necessary administrative procedure on the state and local levels resulted in long funding delays. For example, FY 1970 funds were not available on the local level until October, 1970, well after the fiscal year was completed. This time lag was reduced considerably for FY 1971 funding, which was available generally to the local communities beginning in June, 1971. Therefore, Title II, which is designed to release funds immediately, is of great importance for early response in the prevention and reduction of crime. For comprehensive state planning, it is conceded that planning and action grants under the provisions of Sections 103 and 104 would necessitate a longer period of time.

3. The 1970 amendments to the Safe Streets Act have improved our criminal justice efforts in the Tucson metropolitan area. However, the proposed bill of Representatives Stanton and Seiberling would provide an impetus to criminal justice efforts in high crime areas that cannot be achieved through the present Safe Streets Act.

Sincerely,

ROGER O'MARA,
City Manager.

OFFICE OF THE MAYOR,
CITY HALL,
Los Angeles, Calif., February 24, 1972.

Hon. JAMES V. STANTON,
House of Representatives,
Longworth Building, Washington, D.C.

SIR: I appreciated your letter of December 3, 1971, informing this office of the work that is currently being conducted by you and your associates to speed the flow of Law Enforcement Assistance Administration (LEAA) funds to the nation's 56 largest urban areas. I am aware that there may be problems with the distribution and reimbursement of funds provided by federal and state agencies, and possibly there is a more efficient and reliable grant appropriation and implementation process. However, in the broadest sense, the City of Los Angeles believes that the financial procedural format of the Law Enforcement Assistance Administration and the California Council on Criminal Justice of distributing funds to the City of Los Angeles have been conducted in an efficient and reasonably reliable manner. Realistically, there have been some administrative problems with the federal grant program, but these problems are inherent in any large bureaucratic organization.

Since 1969, the City of Los Angeles and its Police Department have supplemented the annual $140 million basic police budget with federal grant funds. Research and development of important and progressive law enforcement programs have been implemented with Law Enforcement Assistance Administration funds. These funds could not have been provided by the City budget alone. I further believe that the large urban areas throughout the nation could conduct a much more efficient grant program with the initiation of federal revenue sharing. I have reviewed President Nixon's proposals on revenue sharing and believe that the prescription outlined in these proposals would provide the best opportunity for large municipalities to achieve the greatest impact on the crime problem. If administrators in the large cities had knowledge of the specific amount of federal revenue available to them for each fiscal year, they would have the flexibility to allocate the funds in such a way that high priority matters would receive proper attention. The elimination of grant applications with the associated long-range planning that attends these projects would be a second advantage that would accrue.

I again want to take this opportunity to thank you for your invitation to contribute our views on current procedures regulating federal grant administration for the criminal justice system.

Sincerely,

SAM YORTY, *Mayor.*

OFFICE OF THE MAYOR,
CITY HALL,
Los Angeles, Calif., May 16, 1972.

Hon. JAMES V. STANTON,
House of Representatives, Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: Regarding your most correspondence, I appreciate your soliciting my comments regarding the revenue-sharing aspects of your proposed legislation.

As you know, most large cities, including Los Angeles, are operating on austerity budgets. Since the inception of the Law Enforcement Assistance Administration in 1969, the City of Los Angeles has engaged in the development of important law enforcement programs that could not have been initiated without the Law Enforcement Assistance Administration supplementing the City's police department budget.

I am aware of some lamentable delays in the disbursement of federal funds at the local level. On the whole; however, the Administration's fiscal affairs have been conducted as expeditiously as can be expected, considering the volume of proposals that it must consider.

Although in the language of your bill, each high-crime urban area would constitute a separate regional planning unit, I doubt that the establishment of Urban Law Enforcement Councils would provide funds more quickly to local municipalities as you anticipate. The mechanism you described for the disbursement of block funds more likely would still be victim to the same kind of administrative delays experienced by the Law Enforcement Assistance Administration, as it is presently constituted.

The special impact program feature of your bill would, undoubtedly, provide a measurable incentive to organize a Planning Council in Los Angeles County. Unfortunately, without specific guidelines regarding membership, the Council may be comprised of members with such divergent views that compromises will be required and funds dissipated on ineffective projects.

As I understand your proposal, the "high-crime urban area" in Los Angeles would include the entire County. Los Angeles County has one County government, the City of Los Angeles contains forty percent of the County's population and the remaining sixty percent is spread over the unincorporated area and seventy-seven incorporated municipalities. I think you can see that abandoning the start toward a regional plan that has been accomplished by the existing Planning Board in favor of a new board does not present a realistic and timely solution to our problem.

Naturally, I share your interest in President Nixon's federal revenue-sharing proposals. As you have said, I think that what we both advocate in the area of revenue sharing has been suggested by the President's messages to Congress, and we should carefully examine the success of his proposals as they develop.

I again want to thank you for the invitation to candidly discuss our views on federal grant administration.

Sincerely,

SAM YORTY, *Mayor.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 10, 1972.

Hon. SAM YORTY,
Office of the Mayor, City Hall,
Los Angeles, Calif.

DEAR MAYOR YORTY: Thank you for your letter of February 24, 1972 relative to my Emergency Crime Control Act (HR 11813). I was particularly drawn to this passage in the letter:

"I further believe that the large urban areas throughout the nation could conduct a much more efficient grant program with the initiation of federal revenue sharing. I have reviewed President Nixon's proposals on revenue sharing and believe that the prescription outlined in these proposals would provide the best opportunity for large municipalities to achieve the greatest impact on the crime problem. If administrators in the large cities had knowledge of the specific amount of federal revenue available to them for each fiscal year, they would have the flexibility to allocate the funds in such a way that high priority matters would receive proper attention. The elimination of grant applications with the associated long-range planning that attends these projects would be a second advantage that would accrue."

In view of the passage I have quoted, I would like to call your attention to the revenue sharing aspects of my legislation, which are set forth on Page H-11142 of the Congressional Record (November 16, 1971), under the headings "Block Grants for Large Cities" and "President Nixon Paves the Way." (I enclose a reprint from the Record of that day).

It appears to me that you and I are in agreement with each other, and that both of us are in agreement with Mr. Nixon, on the principle of revenue sharing—which I would like to see extended into the area of crime control.

Therefore, I am taking the liberty of writing to you again, in the hope you might comment specifically on this section of the Act.

Kindest personal regards.

Sincerely,

JAMES V. STANTON,
Member of Congress.

CITY OF OAKLAND,
Oakland, Calif., January 14, 1972.

Hon. JAMES V. STANTON,
Congress of the United States,
House of Representatives, Washington, D.C.

Attention: The Honorable John F. Seiberling.

DEAR MR. STANTON: I hope the following responses to your questions will be helpful:

1. The City of Oakland has not received an "adequate" share of LEAA funds. This opinion, however, needs considerable elaboration before the effect of the Safe Streets Act on our community can be *fairly* evaluated.

2. In California the grant proposal processing entities (regional boards and the State Council) are often influenced by political considerations. In fact, many of the decisions made by these agencies are capricious in that policy positions are reversed or program objectives ignored. Turn-around time in the approval process is excessive, and it is not unusual to wait six months or longer for a decision on a proposal.

3. The 1970 Safe Streets Act amendments are just now beginning to affect allocation procedures in California. It is accordingly too early to assess the impact of this legislation.

It is true that many of the proposals submitted to the reviewing groups are poorly written and of questionable value. On the other hand, grant writing assistance from the richly funded planners attached to the regional boards is rarely offered. Aid from the planners, when it is available, is usually limited to advice.

It seems that planning money generates wordy and often incomprehensible "comprehensive" plans and little else. Law enforcement agencies often lack research and development resources, and planning advice alone does not facilitate success in the grant game. Without in-house grant writing expertise, agencies either fail to participate in the grant program or depend on vendors whose self-interests shape the grant proposals they prepare.

From the perspective of core city law enforcement agencies, revenue sharing offers many benefits. In the absence of a revenue-sharing plan, it would be helpful if more Safe Streets discretionary money were earmarked for the crime-ridden large cities. Under the present arrangement, disproportionate amounts of action money are going into "crime prevention" programs. It would seem more appropriate if attention were first given to improvements in law enforcement efficiency.

Sincerely,

PALMER STINSON,
Captain of Police,
Commander, Research and Development Division.

CITY OF SACRAMENTO, CALIF.,
January 5, 1972.

Hon. JAMES V. STANTON,
Member of Congress, Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: The City Manager's office, in cooperation with our Chief of Police, have reviewed the Emergency Crime Control Act of 1971 (HR 11813) and wholeheartedly concur that there is an urgent need to channel more funds into high crime areas and to speed the flow of such funds. Locally, our LEAA funds are administered by the California Council on Criminal Justice through an advisory board of the Sacramento Regional Area Planning Commission (SRAPC). Current requests for local projects now exceed available funding by at least three fold.

The situation for the City of Sacramento is particularly acute for a number of reasons. Sacramento, like many other large cities, is experiencing a continually rising crime rate. During the period 1960–1970, Class I offenses reported to our Police Department increased by 123%. Recognizing this problem and realizing the need for a new approach, the City Manager and the Chief of Police in August, 1970, recommended that the City Council enter into an agreement with the California State Commission on Police Officers Standards and Training (P.O.S.T.) for consultation with the purpose of improving the administration, management, and operation of the Police Department.

On June 30, 1971, the P.O.S.T. staff presented their 500 page Management Survey. The report constituted a summary of their observations and recommendations for improving the operations of the Police Department. They particularly identified the major areas of activities in which modificaton or adjustments would improve the organizational structure and make management practices more efficient and effective. In fact, it is generally agreed in criminal justice circles, this Master Plan, when totally implemented, will provide a model police agency in this capital city.

The Police Department, in the present budget year (1971–72), was successful in receiving substantial action grant funds to assist in the first year implementation of this plan. At the present time, the Police Department is engaged in competing with the other agencies, both public and private, for 1972 LEAA action grant funds administered by the California Council of Criminal Justice (CCCJ) through the local regional criminal justice planning advisory board. Our local advisory board (Region I) has requests for 1972 funds for ongoing projects in either second or third year funding amounting to approximately $1,900,000. New grant requests amount to $1,600,000. Both total $3,500,000. CCCJ advises that action grant funds will not be as high as expected and that Region D would only receive about $1,000,000, or at most $1,200,000.

Priorities are being established. To provide greater fund participation, second year funding of ongoing grants has been set at 50% of the initial allocation. Third year funding is reduced to 25% of the first year allocation. Projected regional allocation will fall far short of our needs.

Our city does have a serious crime problem. Part I offenses (the seven major crimes) reported to our police during the first 10 months of 1971, totaled 11,133

as compared to 9,439 reported in the same period in 1970. This represents an increase of 17.9% in Part I offenses reported. We also have an excellent plan to cope with the problem. During our initial months of reorganization (first 10 months of 1971), felony arrests totaled 3,902, an increase of 1,090 felony arrests over the same period in 1970. This represents an increase of 38.8% in felony arrests.

The City of Sacramento has been stretching its resources to accelerate the improvement of its Police Department. Action grant funds available through CCCJ and the local region are going to be considerably less than expected. Additional Federal funds through other sources are urgently needed to give us the opportunity to further implement our plan and make our city a safer place in which to live.

This outline indicates our local situation, which I am certain could be duplicated by other American cities. Attached is a recent news clipping which shows that the problems of crimes on the street are increasing at a rate in excess of national figures. If we can provide any additional data, please contact us.

Sincerely,

WALTER J. SLIPE,
Assistant City Manager
for Community Development.

JANUARY 19, 1972.

MR. RICHARD RATHFON,
City Manager, City Hall,
Sacramento, Calif.

DEAR DICK: I was very disturbed at the article in last week's Sacramento BEE in which Assistant City Manager Walter Slipe apparently wrote to Congressman Stanton of Ohio in support of the latter's proposed amendments to the Omnibus Crime Control Act. The thing that disturbed me most was not that the City of Sacramento chose to support Congressman Stanton's proposal, but rather that some statements were made as to the inadequacy of funding on the part of CCCJ for the Sacramento Police Department Project.

First of all, as I recall the events surrounding the Police Department Reorganization Project, it was encouraged by our staff from the very beginning. In fact, I personally suggested to Chief Kinney, when he originally approached me for a relatively small grant for a consultant, that we would prefer to work with him on a major grant for a major project. Our staff worked closely with Chief Kinney's staff on the development of the project. The project had strong staff support both at the task force and Council.

Actually, much of the project resulted from the study and recommendations of the Commission on Peace Officers Standards and Training whose administrative counseling capabilities were substantially increased by a grant from us to enable them to provide this kind of service.

We have discussed, several times, with representatives of the Region, ways in which the second part of the project could be funded. I know of no inclination on the part of the Region nor of the Council staff for anything less than full funding of the second year requirement to the project. While I cannot, of course, commit the Council, I am reasonably sure they are sympathetic to a continuation of this project.

Quite frankly, I know of no city in California which would seem to have less cause for complaint on the part of funding from CCCJ than Sacramento.

A listing of grants made is interesting:

Sacramento City:

Police department—automated criminal identification retrieval system (0361)	$42,680
Police department—roll call video tape hot line bulletin (0422)	22,090
Police department—reorganization (0608)	1,327,000
Total	1,391,770

Private agencies supplying service to Sacramento residents:	
Dismas House—Halfway Houses:	
First year (0391)	$36,652
Second year (0391)	46,602
Intra mediales—halfway house (0418)	20,077
Aquarian efforts—drug education:	
First year (0377)	123,221
Second year (0377)	192,617
Family service agency (0638)	89,151
Total	508,320
County projects which will benefit city residents:	
Judicial council—calendar management demonstration team—Sacramento County courts (0461)	$34,500
Sacramento County—probation department juvenile diversion project:	
First year (0283)	70,757
Second year (0283)	120,715
Sacramento County—probation department juvenile diversion project for 602 cases (0856)	52,187
Sacramento County—methadone maintenance (0643)	109,089
Total	387,248
Grand total	2,287,338

These totals work out to about 4.5% of our total block grant funds to date, whereas, the City population is approximately 1.3% of the State total. Even using just the money provided to the Police Department, this totals about 2.8% of block grant funds. All in all, it would seem that Sacramento and its citizens have not been slighted by the CCCJ.

We are, of course, well aware of the point of view expressed by major cities throughout the country that their role in criminal justice is a vital one and must be adequately addressed by state planning agencies if this program is to succeed. In California, through the regional systems approach, we thought we had moved a long way toward assuring an adequate recognition of the needs of local government within the legal and fiscal constraints of this Act. Quite frankly, we do not feel the national appropriation level is sufficient to enable us to do everything we would like to do and are capable of doing in dealing with the problems of criminal justice throughout California.

In any event, while the City is, of course, perfectly within its rights in taking whatever position it chooses on proposed national legislation, in light of its own best interests, I would hope that in communicating its point of view the City representatives would present a somewhat more accurate picture of our relationship than apparently Mr. Slipe did.

Sincerely,

ROBERT H. LAWSON,
Executive Director.

[From the Sacramento Bee Metropolitan News, Jan. 12, 1972]

CAPITAL OFFICIAL BACKS DIRECT U.S. AID IN CRIME WAR

(By Leo Rennert)

Washington—Sacramento city officials have endorsed Congressional moves to bypass state governments and channel federal crime-fighting funds directly to major urban centers.

Rep. James V. Stanton, D-Ohio, author of legislation to give big cities a direct pipeline to Washington for law-enforcement money, contends that state officials have short-changed high-crime areas and created needless bureaucracy and red tape.

Congressional auditors, he said, found that more than 98 per cent of California's $33 million allocation for 1970–71 had not been distributed by state officials when the fiscal year ended last June 30.

As of that date, he said, California's state government also was "still holding on" to more than 75 per cent of the state's grant for the 12-month period that ended a year earlier.

Under Stanton's bill, cities with populations of more than 250,000 and their surrounding counties could apply directly to Washington for crime-fighting money. Their grants would be based on population and local incidence of crime.

SACRAMENTO SUPPORT

In California, the bill would permit Sacramento, along with Los Angeles, San Francisco, San Diego, San Jose, Oakland and Long Beach, to bypass the state in seeking and receiving federal aid to improve law enforcement.

In a letter to Stanton, Sacramento Asst. City Manager Walter J. Slipe said city officials "wholeheartedly concur that there is an urgent need to channel more funds into high-crime areas and to speed the flow of such funds." Sacramento, he noted, has prepared a comprehensive master plan to convert its Police Department to a "model" agency capable of tackling a rising crime rate.

But the city, he added, will receive "considerably less than expected" from the California Council on Criminal Justice and its Sacramento regional subunit—the two agencies set up by the state to disburse federal aid under the 1968 Omnibus Crime Control Act.

"Additional federal funds through other sources are urgently needed to give us the opportunity to further implement our plan and make our city a safer place in which to live," Slipe wrote Stanton.

SEES BOTTLENECKS

The freshman congressman, a former president of the Cleveland City Council, contends that state-level bottlenecks must be broken to insure effective and timely use of federal money.

"State officials do not have experience and expertise comparable to that of the local officials, nor do state officials have the primary responsibility for bringing crime under control," he asserted, adding: "The key is to give cities sufficient sums of money quickly and to accord them flexibility in bu geting the money for projects that the cities themselves perceive to hold promise."

Stanton says his bill would take President Nixon at his word when he called for shifting more power and money to local as well as state levels.

While the nation's mayors support his efforts, California Gov. Ronald Reagan and other governors have been equally insistent on maintaining control over federal funds going into their states.

CITY OF SAN JOSE, CALIF.,
January 12, 1972.

Re: Crime control through revenue sharing.

Congressman JAMES V. STANTON,
20th District, Ohio,
Longworth Building, Washington, D.C.:

Your interest in crime control in the 56 largest cities in America is very encouraging and your efforts toward improving conditions are very much appreciated.

We enthusiastically support the idea of revenue sharing on a population basis leaving priorities of spending to local jurisdictions. Santa Clara County and the City of San Jose have been "pilot project" areas and have been gearing-up during the last few months to take better advantage of the Law Enforcement Assistance Administration Grant Programs but to this date our community has not received an adequate share of LEAA funds.

We share some of the responsibilities for the delays in funding of the important projects, but there is, indeed, too much red tape. We hope you can cut through some of this. The specific program which we were unable to obtain was a Helicopter Patrol Service for the County and City.

Most of the delays we have experienced are probably due to the overwhelming number of grant applications that LEAA and the State Planners were asked to process. The 1970 amendments to the Safe Streets Act did not materially affect our jurisdiction to this date.

We are hopeful of much increased participation in grant programs in the very near future since our County has recently been declared a "regional justice"

planning area and has employed coordinating staff. The plan is now ready for submission, and we will be better able to take advantage of available funds and seek additional resources. Any help gained through legislative processes will be greatly appreciated.

ROBERT B. MURPHY,
Chief of Police.

[From the Sacramento Union, Dec. 19, 1971]

CRIME RATE HERE SOARS

(By Bob Taylor)

Crime in the Sacramento area surged ahead of the national average for the first nine months of 1971 according to the latest Federal Bureau of Investigation report.

Sacramento County shows a 20 per cent increase in major crimes and the city a 17.9 per cent jump from a similar period for 1970. The national crime rate was up by 6 per cent over the January-September period.

In only one category—larceny where $50 or more was involved—did Sacramento show a lesser number of reported offenses than it did in 1970. County figures were unavailable.

But while the number of criminal offenses increased locally, so also did felony arrest records in both city and county. There were 2,506 felony arrests in Sacramento during the first nine months of 1970 and 3,491 arrests this year, for an increase of 39.3 per cent.

Sacramento county also increased its felony arrests by 25 per cent.

FBI crime statistics show that Sacramento is reversing a position the city held nearly a year ago when serious crimes for 1970 increased 4.6 per cent from 1969. The 1970 figure was below the national crime increase of 11 per cent.

The Capital City is 12 per cent above the national rate, and the county's crime figures are 14 per cent higher.

Police Chief William J. Kinney noted some reasons for the significant jump in local crimes such as murder, rape, robbery, assault and burglary.

He said persons with criminal backgrounds were more exposed to the public due to increased number of probations and paroles. "I know we have to give people a second chance," Kinney said, "but some fail."

Kinney also noted that Sacramento has a large number of working families, a condition which leaves unprotected homes an invitation for burglars.

"We're in a very strong position for next year, with all the manpower programs we've initiated. We have more men on the street and they are better supervised, and a new crime scene investigation section that we never had before," Kinney said.

He said that perhaps people were becoming more confident in their law enforcement agencies and that reason may also be a factor in better reporting of crimes.

There were 10 more murders in the first nine months of 1971 in Sacramento (13 in 1970 and 23 in 1971) and an increase in rapes from 57 to 64. There also were 120 more robberies and 125 additional assaults.

The number of murders in Sacramento County remained at 11, while rapes increased from 63 to 79, up 25 per cent. County robberies were up 15 per cent and assaults 49 per cent.

A spokesman for the county sheriffs office said burglary arrests increased to 52 per cent and that robbery arrests were 12 per cent above the 1970 figure.

Other figures for Sacramento show 4,138 burglaries in 1971 and 3,116 for 1970, a 32.7 per cent increase, and 1,977 auto thefts in 1971, up from 1,539 in 1970.

Sacramento, incidentally, could be one of eight cities in the nation selected for participation in a $160-million grant program from the Law Enforcement Assistance Administration.

The LEAA grant money would be aimed solely at correcting street crime and burglary, two areas where Sacramento showed a significant increase in offenses. The program will be announced in two weeks.

In 52 of the 156 major cities with populations of over 100,000, the number of crimes decreased. Over the same period in 1970, 23 cities in the nation recorded a reduction in serious offenses.

This year's FBI report on the first three quarters indicated the smallest percentage increase in crime in the last five years. Since a nationwide increase of 19 per cent was recorded in 1968, figures have dropped to 11 per cent in 1969, 10 per cent in 1970 and 6 per cent for this year.

CITY AND COUNTY OF DENVER,
DEPARTMENT OF POLICE,
Denver, Colo., January 31, 1972.

Mr. SANFORD WATZMAN,
(c/o Representative James V. Stanton),
Longworth Building, Washington, D.C.

DEAR CONGRESSMAN STANTON: Please accept our apology for the late return to your letter of December 3, 1971. The mixup occurred when it was forwarded to Research and Development and due to illness was attached with other projects which was not uncovered until your follow-up phone call.

We have had a good working relationship with the Colorado Law Enforcement Assistance Act personnel, and their assistance has been invaluable in some areas. Their cooperation has been excellent in spite of some of the rigid guidelines that must be adhered to for accountability purposes. We further endorse the concept of the flow of funds and their allocation in terms of priorities being established by the local governmental officials, yet fully realizing on a national scale that the inequities of programming and fund flow could at times be traced to the state and local personnel involved.

Specifically to answer the three general areas as set forth in your letter, the enumeration is as follows:

(1) Consistent with the amount appropriated to the State of Colorado, Denver has received a somewhat proportional amount relative to both population problems.

(2) The so-called "red tape" does occasionally hamper projects funding, which may be corrected by revision of guidelines from the federal level. The delays are oftentimes created by the local considerations as well.

(3) The 1970 amendments to the Safe Streets Act has given Denver a larger share of funds and has improved some of the situations being faced. We do not believe ourselves to be unique, but realize that as your bill is intended will enable jurisdictions to have a greater voice in the solution to their particular problems.

I have personally met with other police administrators from throughout the United States, and as such realize the importance of the bill that you have proposed.

Yours very truly,

GEORGE L. SEATON,
Chief of Police.

[From the Indianapolis Star, Jan. 25, 1972]

INDIANA GOT $1 OF $8 IN CRIME FUNDS

Washington—Indiana cities only got $1 out of every $8 Congress voted them to fight crime in 1971, according to government auditors' figures quoted by an Ohio congressman.

According to the figures compiled by Representative James F. Stanton (D–Ohio), there was $8,609,000 made available to Indiana in fiscal 1971 for grants to the cities to combat crime.

But only 12.3 per cent, or $1,058,907 had been disbursed by the state to the cities from the Federal funds when the fiscal year ended on June 30, 1971. General Accounting Office investigators told Stanton.

Of the $4,565,000 provided to Indiana in fiscal 1970, only 63 per cent had been passed on to the cities at the time of the audit, Stanton said.

The Ohioan is author of an emergency crime bill which would switch from grants to the states and provide block grants to the cities for such use as they see fit.

Stanton has cirticized President Nixon for supporting revenue sharing in all but the area of crime funds. He said he wants to apply the revenue sharing principle to helping cities combat crime, too.

In the course of investigating how well the program of Federal grants to crime fighters is going, Stanton wrote to the Indianapolis Police Department on Jan. 10 to find out how much grant funds the city-county had received.

In reply, Police Capt. Robert Boykin of the Police Department's public safety planning section said, "I do not feel that Indianapolis-Marion County received enough money to demonstrate a substantial impact on crime."

Boykin told Stanton that he felt a "real sense of disappointment" with the discretionary programs for 1971. He said Indianapolis-Marion County had three of its proposals funded, seven rejected and one withdrawn. The others are still pending.

The seven rejected programs totaled $968,276 in Federal and matching funds and were as follows:

	Federal	Match	Total
Expanded planning research branch	$51,259	$35,597	$86,856
Cadet recruitment program	57,309	24,804	82,113
Civil disorder prevention unit	93,129	40,560	113,689
Metropolitan narcotic and dangerous drug unit	100,907	35,208	136,115
Public safety planning—revised	64,890	22,950	87,780
Communications facility design	72,000	25,980	97,980
Informational exchange system	10,360	3,797	14,157
Reorganization of investigative division	131,038	43,680	174,718
Quantitative models for design	61,919	20,959	82,878

Boykin said, however, that the Indianapolis Police Department had enjoyed a "comfortable working relationship" with Director William Greeman and his Indiana Criminal Justice Planning Agency staff.

An aide to Representative Stanton said that the reason so little of the money for cities has been paid out in Indiana and elsewhere all over the country is the paperwork required for cities to obtain funds.

The applications require extensive review before the states turn over the funds. Stanton's bill would eliminate this through the block grants which, in the case of cities over 200,000 population, would come directly from Washington.

MIAMI POLICE DEPARTMENT,
Miami, Fla., December 10, 1971.

Hon. JAMES V. STANTON,
Member of Congress, House of Representatives,
Longworth Building, Washington, D.C.

DEAR CONGRESSMAN STANTON: I am in receipt of your letter of December 3, reference your proposal on the floor of the House of Representatives, November 16, 1971. I am very appreciative of your requesting my opinion. Before answering the specific questions posed, I would like to inform you of my background in American policing.

In 1937, I entered into the police service with the Indiana State Police. In 1940, I left the Indiana State Police and went with the Fort Wayne Indiana Police Department. While with the Fort Wayne Indiana Police Department, I was privileged to establish the first municipal police training academy in the State of Indiana during the year 1949. In the fall of 1950, I resigned my position as Assistant Chief of Police of the Fort Wayne Department and became Chief of Police of Eau Claire, Wisconsin. I remained in that position until the summer of 1957, at which time I became the Chief of Police in Tucson, Arizona. I resigned that position effective June 15, 1969, in order to assume my current position.

While in Eau Claire, I established a comprehensive police training program and worked closely with the State in attempting to develop a comprehensive police training program for the State of Wisconsin. In Tucson, Arizona, I established the first full-time police academy and was instrumental in having the University of Arizona create a fully accredited campus within the police training facilities of the Police Department. I believe the latter is a first in America. Since that time, numerous police officers have received Baccalaureate Degrees and are currently involved in their Master's or Doctor's studies. I cite the foregoing simply to indicate my concern and interest in upgrading the American police service.

I was in Tucson, Arizona at the inception of the original Federal Law Enforcement Assistance program which, at that time, was called the Office of Law Enforcement Assistance. Under that original concept, I was successful in securing a considerable amount of the limited funds provided by the Congress. You

will recall this was a direct grant program and I believe it functioned well in spite of rather critical limitations where overall financing was concerned.

After crime was projected into the Presidential campaign by Senator Barry Goldwater and the American Public became aware of the tremendous problem, Congress started considering an expansion of the original OLEA program. While the subject was being debated in Congress, I had occasion to consult with Senators Barry Goldwater, Paul Fannin, and Representative Morris Udall. I was a firm proponent of the continuation of the direct grant program as provided for in OLEA. Except for Representative Udall, I was informed that the fount of all knowledge did not repose in the Nation's Capital and, consequently, it appeared that the Congress would favor the block grant concept thereby providing each of the 50 Governors a pork barrel and a quasi spoils system, which has resulted in the current chaotic conditions where the Law Enforcement Assistance Administration program is concerned. Congressman Stanton, I might agree that the fount of all knowledge may not repose in the Nation's Capital, but I am convinced that even a small squirt usually does not repose in State Capitals. I reiterate the statement I made to the Monagan Sub-committee, that the City of Miami has not received so much as a dime of either planning or action monies from the State of Florida's block grant program. Further, I am not at all optimistic about our chances in the City of Miami of receiving any significant amount of funds which would enable the criminal justice system to eliminate the dubious distinction of having the Nation's number 1 crime rate.

I seriously question the concept of a program, whether it be direct grants or block grants, to appreciably improve the system of criminal justice in this Country, unless minimum standards are insisted upon. One should remember that the entire criminal justice system has its inception with police action and, by and large, the system can really be no better than the type of police work performed. I believe that American policing is generally poor and that until such time as we address ourselves to the substantial upgrading of police officer quality, the criminal justice system is doomed to mediocrity. Therefore, I believe it incumbent upon the Federal Government, if they are to continue to pour billions of dollars into the criminal justice system, to design a program of minimum standards for the American police officer and the administration of the American municipal police departments. Once such a program is designed, a system of auditing should then be constituted, and unless the 40,000 police agencies of this Country comply with minimum standards, that they reecive no consideration where Federal funding is concerned. I recognize what I say has a tendency to imply Federal control of American policing. I will not debate the issue, except to say that it is high time the whole system of municipal policing in this Country be vastly upgraded.

I would now like to address my remarks to the three questions posed in your letter of December 3:

1. "Whether your community has been receiving an adequate share of LEAA Funds."

I believe I have answered this question in a foregoing paragraph. Let me reiterate, Miami has the highest crime rate in the United States of America according to the Uniform Crime Report issued by the FBI for the year of 1970. It has received approximately $600,000 through discretionary funds, but not a single dime through the block grant concept.

2. "Whether red tape is delaying the funding of important projects and, if so, which ones."

In an effort to get a request for funding under the block grant program considered, it is necessary for such request to pass through 7 distinct bureaucratic layers, starting with the Police Sub-committee of the Regional Council, to the Regional Council, to the State Police Task Force, to the Staff of the Governor's Council, the Governor's Council, the Atlanta Regional Office of LEAA, and finally the Washington Office of the LEAA. By the time one clears all of the bureaucratic or red tape hurdles, the request has become obsolete and, because of the dynamics of the situation, the money could well be spent on more current problems.

3. "Whether the 1970 amendments to the Safe Streets Act, designed to give cities a larger share of funds, appears to have improved your situation so far."

The answer to this is "yes." If we are patient and persistent, there is a possibility that our current requests for funding may be funded by late spring of 1972.

I trust the foregoing will be of some assistance to you in your efforts to improve and expedite the LEAA program. I would be remiss, however, if I did not take exception to the carte blanche awarding of the $5 per capita to each police department in the United States. I attempted to qualify this objection in the foregoing paragraphs of this letter. I simply believe that we would be pouring sand down a rat hole in too many instances, unless we put minimum standards and an auditing program as control devices.

Most sincerely,

BERNARD L. GARMIRE,
Chief of Police.

OFFICE OF THE SHERIFF,
Jacksonville, Fla., January 19, 1972.

Hon. JAMES V. STANTON,
House of Representatives, Washington, D.C.

DEAR SIR: In response to your letter, we do not feel our community has been receiving an adequate share of LEAA funds. We feel that most of the reason for this is the red tape which delays, or more often in our case, buries the funding of important projects, particularly those which have been presented by local officials (with state concurrence) in the areas of police training programs, training and other facility construction programs), prisoner rehabilitation programs, and particularly innovative programs the like of which are completely beyond the resources of any but the most affluent urban criminal justice agencies. Documentation concerning specific projects and situations is appended.

We found the 1970 Amendments only seemed to strengthen the resolve of state level bureaucrats in their war against the local agencies. We fear that the Amendments created the self-defeating effect of stimulating the flow of individual project applications to avalanche proportions.

There is a situation not mentioned in your letter which we feel is a further indictment of the present LEAA system. The "clogged pipeline" has brought about a predictable secondary effect—intervention and circumvention by opportunists playing power politics have already created several small scandals and undoubtedly more are to come. HR 11813 obviates the need for unethical tactics to gain needed funds and deserves favorable consideration for this reason alone.

Although this may seem to you to be premature, we would like to take this opportunity to ask you and Mr. Seiberling to apply the same remedy to another "clogged pipeline" with which we are painfully familiar—the U.S. Department of Transportation Assistance Program. It suffers from exactly the same bureaucratic myopia and obstipation that presently afflicts LEAA.

Thanking you for your assistance and assuring you of our fullest cooperation in all matters of mutual interest, I am

Sincerely yours,

DALE CARSON,
Sheriff.

I. L. GRIFFIN, Jr.
Deputy Director,
Police Services.

A PARTIAL LIST OF REJECTED APPLICATIONS SUBMITTED BY OFFICE OF THE SHERIFF, JACKSONVILLE, FLA.

	Submitted	Rejected	Amount
8-county correctional institute planning study	May 1970	Seotember 1970	$200, 000
Master plan for community correctional institute	June 1971	October 1971	208, 000
Inmate typewriter repair training program	February 1970	April 1970	53, 000
Inmate work furlough program	October 1970	January 1971	104, 000
Expanded work furlough program	April 1971	July 1971	200, 000
Pt. E Action program—construction of community correctional center.	April 1971	December 1971	6, 000, 000

DEPARTMENT OF POLICE,
OFFICE OF THE CHIEF,
Miami, Fla., March 14, 1972.

Mr. JERRIS LEONARD,
Administrator, U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: I am in receipt of your letter of 29 February wherein you refer to Miami's receipt of certain Federal Grants awarded through the Law Enforcement Assistance Administration. The figures contained in your letter are, for the most part, consistent with our records.

On 27 March 1969, the City of Miami police received a check for $15,000. It was presented to a representative of this Department by the then Governor, as a "gift" to assist in financing a recent riot within the City of Miami. This may have come from the Action Grant Category. Aside from this, the City of Miami Police Department has never received "so much as a dime" from either Planning or Action Grant moneys.

May I hasten to add that we have received considerable assistance through the Discretionary Fund category. We are very appreciative of this and certainly have no complaint. As a matter of fact, we have never been treated arbitrarily nor refused favorable consideration in our application for Discretionary Funds. Incidentally our records concur with your account reference fiscal years of 1970 and 1971 as they apply to the Discretionary Fund category. We have no knowledge of the $118,949 of State Block Grant funds being awarded to Miami. It is entirely possible this could have happened without our knowledge; however, the Police Department did not receive this money.

Barring unforeseen developments, we are scheduled to receive $241,497 of Block Grant funds within the relatively near future. These will be used to fund three badly needed programs. A project designed to suppress fencing activities, a surveillance operations program, and a police manpower allocation and evaluation project. These will be the first in the history of L.E.A.A. to be funded through the State Planning Agency Block Grant program for the City of Miami Police Department.

This Department has no quarrel with the L.E.A.A. Office in Washington, nor with the Atlanta Regional Office under its excellent administrator Mr. George Murphy. Mr. Coster and Mr. Velde, and many others, have been very helpful. Our complaint is against the system which by its very design, makes it impossible to function adequately. As currently constituted, there are seven layers of bureaucracy with which to contend. In addition to this, there is a tendency to equate acreage, cattle and polecats with human beings. This results in rural areas and small communities receiving a disproportionate share of attention and consideration. The more potent and persuasive the local politicians, the more consideration given. The net result is simply that vitally needed funds are not getting to where the action is—crime in the central cities.

Moreover, practically all projects considered are of a high visibility, short-term nature. Few long range, low visibility programs designed to improve the police service, are entertained in the Action Grant side of L.E.A.A. Other facets are doing an excellent job in this regard, however, there seems to be a very limited amount of coordination. Impact application may produce immediate desirable results, but those results are difficult to maintain over an extended period of time.

Most sincerely,

BERNARD L. GARMIRE,
Chief of Police.

MIAMI POLICE DEPARTMENT,
Miami, Fla., March 22, 1972.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. LEONARD: Shortly after the eight major Impact cities were announced, I contacted each in an effort to learn current statistics reference each one's crime rate. With the exception of Newark, New Jersey, each promptly responded with pertinent information.

This was done so that our statisticians might make an objective comparison. Attached you will find the results of comparing Miami's 1971 crime statistics with the 1971 figures submitted by seven of the eight. I think they speak for themselves.

I believe it is indeed significant that Miami's crime rate, i.e. number of Park I Crimes per 100,000 inhabitants, exceeded the remaining seven cities by at least eighteen crimes per unit.

I am taking the liberty of sending you these facts because I had been told you were not aware of the seriousness of Miami's problem.

Most sincerely,

BERNARD L. GARMIRE,
Chief of Police.

CITY AND POPULATION

	Miami, 339,500	Denver, 515,500	St. Louis, 620,000	Portland, 382,619	Cleveland 750,903	Atlanta, 496,973	Baltimore, 905,000	Dallas 844,401
I. Rate:								
Murder	29	16	35	4	36	46	36	24
Rape	40	84	80	38	57	54	59	69
Robbery	833	420	799	470	797	444	1,047	339
Aggravated assault	888	398	522	295	267	389	724	626
Total violent	1,790	918	1,436	807	1,157	933	1,866	1,058
Burglary	2,727	2,954	3,045	2,820	1,569	2,762	2,042	2,170
Larceny over $50	1,855	2,067	768	2,312	795	1,541	1,120	1,448
Auto theft	960	1,375	1,914	976	2,644	812	988	819
Total property	5,542	6,396	5,727	6,108	5,008	5,115	4,150	4,437
Total index	7,332	7,314	7,163	6,915	6,165	6,048	6,016	5,495
II. Count:								
Murder	100	82	220	15	270	230	323	207
Rape	137	434	498	144	428	268	537	585
Robbery	2,829	2,167	4,956	1,797	5,987	2,207	9,480	2,861
Aggravated assault	3,014	2,050	3,231	1,127	2,004	1,935	6,556	5,282
Total violent	6,080	4,733	8,905	3,083	8,689	4,640	16,896	8,935
Burglary	9,258	15,228	18,876	10,794	11,783	13,726	18,481	18,322
Larceny over $50	6,299	10,657	4,763	8,815	5,971	7,656	10,134	12,229
Auto theft	3,258	7,088	11,855	3,737	19,855	4,034	8,938	6,914
Total property	18,815	32,973	35,504	23,376	37,606	25,416	37,553	37,465
Total index	24,895	37,706	44,409	26,459	46,295	30,056	54,449	46,400

(WGBS Radio Editorial, Nov. 26, 1971)

LEAA

Where is Miami's share of the federal money appropriated to fight crime?

A few years ago, Congress passed the so-called "Safe Streets Act". It provides federal money to help local police combat crime.

Known officially as the Law Enforcement Assistance Administration, the program, as far as Miami is concerned, has not been a rousing success. (You'll remember, this city is now Number One in crime nationwide.)

The LEAA funds are supposed to be handled by the States, after the money leaves Washington. Here in Florida, there is an additional level of advisory councils between the cities and the state capitol. And, it is somewhere within these multiple layers of bureaucracy that the "Safe Streets Act" has come to a dead end.

This becomes obvious in that, according to police Chief Bernard Garmire, the City of Miami has not received *one* dime from the state-administered program. This shocking fact came to light when Cleveland, Ohio, Congressman James Stanton, announced that he was going to try to amend the "Safe Streets Act", and eliminate the state governments entirely in administering these badly-needed crime fighting dollars. The Congressman actually cited Miami as the prime example of what is wrong with the "Safe Streets Act".

Think of it! Millions of dollars are appropriated annually for the states, and yet the city with the highest crime rate in the nation hasn't received ten cents from the state since the program began! Obviously, Governor Askew and the other concerned state officials have a responsibility to do their utmost to straighten out this situation.

However, unless Florida's Law Enforcement Assistance Administration program can get itself operating properly, WGBS can see no other alternative than for all of us, interested in eliminating crime, to offer wholehearted support to the changes being proposed by Congressman Stanton.

Aired: Following the 7:00 AM, 8:00 AM, and 11:00 PM News; During The Midday Report; and During The Five O'Clock Report.

CITY OF TAMPA,
Tampa, Fla., January 6, 1972.

Mr. SANFORD WATZMAN,
(% The Honorable James V. Stanton),
Longworth Building, Washington, D.C.

DEAR MR. WATZMAN: This letter is in response to your request of December 3, 1971, addressed to Captain Miles C. Turner, Tampa Police Department.

Our response is itemized according to your specific questions.

1. Whether your community has been receiving an adquate share of LEAA funds.

We are of the opinion that based upon monies available we *have not* received an adequate share. Our needs are great, and our social, economic, and capital improvements base is rapidly expanding. Based upon need, our adequate share would be astronomical.

2. Whether "red tape" is delaying the funding of important projects and, if so, which one.

The "red tape" is basically the strings attached to the LEAA program. It is our considered opinion, that upon approval of our LEAA Board, the application should go directly to Washington, D.C., with information copies to the State LEAA Office. Upon approval from Washington, D.C., the funding mechanism should be direct to the City. We have established the local mechanism to accomplish this procedure with HUD, and we have determined that it is indeed an expeditious methodology.

3. Whether the 1970 amendments to the Safe Streets Act, designed to give cities a larger share of funds, appears to have improved your situation so far.

No. My office will be available for further comment and more detailed information if desired.

Sincerely yours,

JOEL L. KOFORD,
Executive Assistant to the Mayor.

[From the Tampa Tribune, Jan. 22, 1972]

BILL AIMS TO FUNNEL CRIME FUNDS TO CITIES

(By Bob Turner)

Washington—Criticism from large cities—including Tampa and Miami—that bureaucratic red tape has slowed their federal crime fighting funds to a trickle is fueling a drive in Congress for more direct allocation of money to high-crime urban areas.

Many States—including Florida—have been far too slow in disbursing vitally needed assistance into the larger cities where growing crime rates are still a problem, declared Rep. James V. Stanton, D–Ohio.

He proposes a new method of divying up safe-street funds—an effort at crime control through revenue sharing with the nation's 56 largest cities, of 250,000 population or more.

Stanton last November introduced legislation known as the emergency crime control act of 1971, aimed at getting the Law Enforcement Asnistance Administration to channel more funds into high crime areas and to speed the flow.

Stanton, a former president of the Cleveland City Council, said the General Accounting Office of Congress had found that the federal pipeline is so clogged with red tape that:

Fiscal year 1971 ended with 92.1 per cent of the crime war money appropriated for that year still held at the state level.

As of June 30, 1971 51.1 per cent of assistance money appropriated for the previous fiscal year of 1970 also had not reached local targets.

In the 10 states, no 1971 money had been moved, in five others, less than 1 per cent had been distributed, and in seven others, less than 5 per cent.

Stanton said the accountants reported that Florida was one of 10 states having made no distribution whatsoever of funds received from law enforcement administration by the end of the 1971 fiscal year. The year before, Florida had distributed only 47.7 of such funds.

The Ohio lawmaker's bill, co-sponsored by Rep. Sam Gibbons, D-Tampa, would alleviate this situation by requiring block grants of aid funds directly to high crime city areas, as recommended by the U.S. Conference of Mayors.

These areas would get a sum of money based on population and incidence of crime, and determine for themselves how the money would be allocated to various projects.

Stanton's office said it is receiving a chorus of no's from cities around the nation which have been queried on whether they have received an adequate share of funds.

Displaying a letter from the office of Tampa Mayor Dick Greco, an assistant to Stanton said Greco's executive assistant Joel L. Koford, wrote, "We are of the opinion that based upon monies available we have not received an adequate share."

Koford continued that the " 'red tape' is basically the strings attached to the LEAA program." Koford said Tampa police and other officials feel that, upon approval of the LEAA board, application for assistance should go directly to Washington, with information copies to the state.

"Upon approval from Washington, the funding mechanisms should be direct to the city," Koford wrote, pointing out that a local procedure to accomplish this has been established with the Department of Housing and Urban Development.

The mayor's office had a flat "no" on whether the 1970 amendments to the Safe Streets Act have increased the availability of crime-fighting funds to the city.

Miami Police Chief Bernard L. Garmire reiterated his recent statement to a congressional subcommittee that the City of Miami has not received "so much as a dime of either planning or action monies from the State of Flroida's block-grant program."

For the most recent fiscal year, ending June 30, 1971, the GAO report showed not one penny of $11,166,000 Florida received in crime-action funds had been disbursed to Tampa, Miami or any other city in Florida, Stanton's office said.

CITY OF ATLANTA,
CITY HALL,
Atlanta, Ga., December 9, 1971.

Mr. JAMES V. STANTON,
Mr. JOHN F. SEIBERLING,
Members of Congress, Longworth Building, Washington, D.C.

GENTLEMEN: This is to acknowledge receipt of your letter concerning the (proposed) Emergency Crime Control Act of 1971.

It is my understanding that a copy of the legislation has been forwarded to Miss Emma I. Darnell, Intergovernmental Programs Coordinator and that she will contact you with respect to our position at the earliest possible date.

Thank you very much for your interest and assistance in this vital area.

Sincerely,

GEORGE J. BERRY.

OFFICE OF THE MAYOR,
Atlanta, Ga., January 24, 1972.

Mr. JAMES V. STANTON,
Mr. JOHN F. SEIBERLING,
Members of Congress,
Longworth Building, Washington, D.C.

Gentlemen: I have carefully reviewed H.R. 11813 and its possible effect, if approved, upon the total program of the City of Atlanta in the area of law enforcement and criminal justice.

Please be advised that I strongly support the bill with the hope that it can be used to the fullest extent possible to increase the total impact of existing federal programs in this vital area.

Sincerely,

SAM MASSELL.

CITY OF ATLANTA,
Atlanta, Ga., December 8, 1971.

Mr. JAMES V. STANTON,
Mr. JOHN F. SEIBERLING,
Members of Congress,
Longworth Building, Washington, D.C.

GENTLEMEN: I am writing to acknowledge receipt of (H.R. 11813) the Emergency Crime Control Act of 1971.

As you may know, we are extremely interested in any legislation which can improve the City's effectiveness in the area of public safety and criminal justice.

Please be assured that we will forward our comments at the earliest possible date.

Thank you for your interest and assistance.

Sincerely,

EMMA I. DARNELL,
Intergovernmental Programs Coordinator,
City of Atlanta.

CITY AND COUNTY OF HONOLULU,
LAW ENFORCEMENT PLANNING OFFICE,
Honolulu, Hawaii, December 10, 1971.

Mr. SANFORD WATZMAN,
(% Representative JAMES V. STANTON),
Longworth Building,
Washington, D.C.

DEAR MR. WATZMAN: In reply to a letter from your office requesting information about Honolulu's situation regarding LEAA funding, we must report that we have not received adequate funding.

The State of Hawaii receives $210,000 in planning money from LEAA. Of this, the law requires that 40% be passed through to units of local jurisdiction. This would amount to $84,000. The City and County of Honolulu is scheduled to receive $10,000 in planning funds for calendar year 1972. Another $30,000 has been set aside for Hawaii's other three counties. A remainder of $44,000 has been designated for planning purposes of a multi-county nature.

The City and County of Honolulu has 82% of the population and 91% of the crime in Hawaii. However, the present planning allocation to Honolulu is only 12% of the total sum available to local units of government in Hawaii.

We have recommended that the SPA allocate to the City and County of Honolulu 50% of the Part B planning funds available to it. In addition to this, we have recommended that the City and County of Honolulu receive $25,000 of Part C funds to establish a Criminal Justice Coordinating Council.

As it is the SPA's responsibility to see that the City and County of Honolulu receives adequate funding for planning purposes, we have indicated that $75,000 for calendar 1972 would meet Honolulu's present planning needs.

The situation regarding Part C action funds is only slightly less bleak.

The City and County of Honolulu is scheduled to receive $495,688 in Part C funds for FY72. This is not commensurate with any equation involving population or crime rates as a basis for computing pass-through funds. The 75% pass-through requirement for FY72 in Hawaii equals $1,160,109.75; yet the four counties in this State will receive only $1,048,407. And, Honolulu, with 82% of the population and 91% of the crime will receive only 43% of the pass-through funds.

We have asked the SPA to reconsider these allocations and are working for a dispersion of funds more in line with the intent of the Federal law and the LEAA guidelines.

At this time 1970 amendments to the Act do not seem to have made a difference in getting LEAA funds from the SPA for Honolulu.

The Emergency Crime Control Act of 1971, which you propose would be a very worthwhile and adjunct to the 1970 Amendments. We favor it.

From our reading of your proposed amendments, they would alleviate three of our greatest "headaches." These being parentalism on the part of the State SPA in trying to tell us what we need. It is our belief that we have perhaps a better perception of our own problems, and how to go about finding solutions, than do the State Planners.

The problem with applications being submitted to the SPA for each project, is that, again their paternal instinct is aroused. Red tape, after an application for a project is approved is not really a problem in our jurisdiction. But the approval process does take up a considerable amount of time.

Finally, funding levels are needed for large cities. The present law states only that "adequate assistance" is needed. And LEAA guidelines are such that a firm definition of "adequate assistance" is not available.

We would recommend that a specific definition, setting *minimum* standards of assistance should be incorporated into law. And these minimums should be based primarily on population and/or crime rates.

We support wholeheartedly your proposal for block grant funding to the cities. Ohio, as you must be aware, has an excellent plan for block grant funding.

We have enclosed for your information a more detailed analysis of our present funding levels, and Honolulu's attempts to get the SPA to simply abide by the provisions of the Act and LEAA guidelines.

Please keep us informed on the progress of your Amendments. If I, or any member of my staff, can be of further assistance in any way, please feel free to call upon us.

Very truly yours,

JOHN W. MCKAY,
Coordinator.

CITY AND COUNTY OF HONOLULU,
OFFICE OF THE PROSECUTING ATTORNEY,
Honolulu, Hawaii, December 10, 1971.

Mr. SANFORD WATZMAN,
c/o Representative JAMES V. STANTON,
Longworth Building,
Washington, D.C.

DEAR MR. WATZMAN: I have read with great interest your proposed amendments to the Safe Streets Act. *The Emergency Crime Control Act of 1971 is ideally designed to make the Safe Streets Act work. At present it does not seem to be doing the job* which Congress envisoned when the original Act was passed in 1968.

In my capacity as both Prosecuting Attorney and Chairman of the Mayor's Advisory Committee on Law Enforcement and Juvenile Delinquency Planning, I would like to add my support for, and endorsement of your proposed amendments. I feel they would help Honolulu, with 91% of the crime in the State of Hawaii, receive the type of assistance which is desperately needed and is not forthcoming at this time.

Please inform Congressman Stanton and Congressman Seiberling that we appreciate their attempts to help us. *The proposed amendments show a deep understanding of the problems facing large cities in the country.* Their efforts are welcomed indeed.

Very truly yours,

BARRY CHUNG,
Prosecuting Attorney.

CITY AND COUNTY OF HONOLULU,
LAW ENFORCEMENT PLANNING OFFICE,
Honolulu, Hawaii.

FEDERAL LAW FOR PART B FUND DISTRIBUTION

According to provisions set forth in the Omnibus Crime Control Act, at least 40 per cent of all Federal monies granted to the state planning agency under Part B planning funds must be passed through to units of local government. Public Law 91-644, section 203, subsection (c) states:

"The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement planning responsibility...."

Amendments made in 1970 resulted in an important new focus on urban areas. Now a requirement necessitates a direct funding to major cities and counties for planning purposes. This section of the law has been interpreted for the states and cities by the Law Enforcement Assistance Administration in "Memorandum for State Planning Agency Directors No. 10 (Supplement No. 1)" dated March 31, 1971. Page 5 of this document states:

"(a) *Planning Funds to Major Cities and Counties (mandatory)* PSD's (Plan Supplement Documents) should explain how this new statutory requirement is being implemented in accordance with LEAA guidelines and which large cities or counties have received or will receive Part B funds for planning and coordination activities. The amount of funds allocated to each such city or county from FY 1971 funds should be specified. Where eligible cities or counties will waive rights to direct receipt of funds or authorize their regional or metropolitan units to use such funds, written waivers or consents from the eligible cities or counties should be included."

On page 12 of the Memorandum we find the LEAA definition of what constitutes major cities and counties:

"(7) *Planning Funds for Major Cities and Counties.* The 1970 amendments to the Act require that State Planning agencies make funds directly available to "major cities and counties." The following are defined as major cities and counties for the purposes of initial implementation of this requirement:

(1) The largest city in each state.

(2) The largest county in each state.

(3) Each additional city in each State with a population of 250,000 or more.

(4) Each additional county in each State with a population of 500,000 or more."

In addition to Part B planning funds for major cities and counties, the Federal law also requires that Part C funds be made available to metropolitan areas. Section 301(b)(8) states, as part of a list of ways in which Part C funds may be utilized:

"(8) The establisment of a Criminal Justice Coordinating Council for any unit of general local government or any combination of such units within the State, having a population of two hundred and fifty thousand or more, to assure improved planning and coordination of all law enforcement activities."

The intent of the law is clear. This is to provide funding to large cities and counties which will allow them to develop a planning capability which is adequate to their needs. Using above citations from the law and guidelines, it becomes evident that the City and County of Honolulu qualifies for (1) Part B planning funds as a major city or county, and (2) Part C funds for planning purposes.

Presently, the City and County of Honolulu is not receiving adequate funding for comprehensive planning purposes. The State of Hawaii is receiving $219,000 in planning money, of which 40% must by law be passed through to the units of local jurisdiction. This 40% sum totals $84,000. Of this amount, a sum of $40,000 is earmarked for equal distribution among four counties with each county receiving $10,000. The remaining $44,000 has been set aside for planning purposes which are of a multi-county nature.

As stated in the 1971 State Plan, the City and County of Honolulu has 82% of the population and 91% of the crime. Yet, the present planning fund pass-through schedule calls for Honolulu to receive less than 12% of the planning money being made available to units of local jurisdiction.

One of the major misconceptions which both the State and the City and County of Honolulu and the other counties within the State have held is the belief that our system of criminal justice with its State and Local level agencies is somehow "different" from the rest of the country. This is simply not correct. The

administration of police and prosecution activities by local units of government, and administration of courts and corrections by the State is as common as any other normal configuration.

Ohio Plan for Allocation of Planning Funds

In Ohio, the agency designated to administer funds under the Federal Omnibus Crime Control Act is the Department of Urban Affairs. The Department has recently undergone reorganization to focus its emphasis and resources on urban problems in accordance with the 1970 amendments to the Omnibus Crime Control Act regarding funding to major cities and counties.

Under the new structure, planning grants are awarded to six major population centers where the crime rate is 25% higher than in the State as a whole. The responsibility for the administration of law enforcement improvement programs for each of these six metropolitan regional planning areas is vested in a Regional Planning Unit. The Unit's function is to supervise and formulate policies for (1) comprehensive law enforcement planning, (2) implementation of law enforcement action programs for jurisdictions within the county, and (3) participation in multi-county planning programs. The remainder of the State is divided into quadrants and the planning for these areas is provided for by the Central Office at Columbus.

Following the 1970 amendments which require that FY 1971 funds be made available to "major cities and counties within the State," prior to the end of FY 1971 (June 30, 1971), the Department has set aside a grant of $10,000 to each of the Regional Planning Units for its initial operation during FY 1971 ending on June 30, 1971. Thereafter, beginning in FY 1972 additional grants were made to each Unit to continue operation. It was anticipated that the local share (40%) of Part B monies for Ohio for FY 1972 would amount to $600,000. Assuming this funding level, the allocation formula provided for a basic allocation of $50,000 to each Regional Planning Unit, with the balance to be allocated on the basis of population. The following is the FY 1972 planning fund allocation:

OHIO FISCAL YEAR 1972 PLANNING FUND ALLOCATION

Unit	1970 population	Percent of population	Allocation (includes $50,000 base)
Cleveland-Cuyahoga County	1,721,300	33.7	$151,100
Cincinnati-Hamilton County	924,108	18.0	104,000
Columbus-Franklin County	833,249	16.3	98,900
Dayton-Montgomery County	606,148	12.0	86,000
Akron-Summit County	553,371	10.5	81,500
Toledo-Lucas County	484,370	9.5	78,500
Total		100.0	600,000

California Plan for Allocation of Planning Funds

In allocating Part B funds for planning purposes, California took action to implement a "regional systems" approach for criminal justice planning. Under this plan, each region will determine its own goals and priorities for funding of projects under the Federal Omnibus Crime Control Act, which is administered Statewide by the Council.

California is divided into regional areas and each area is allocated a set minimum of Part B funding. In addition, each major city or county, as defined by LEAA guidelines, is allocated further funds under Part B for planning. Further, to supplement planning funds in units of local government with a population of 250,000 or more, action funds under Part C are allocated in accordance with the provisions of the Omnibus Crime Control Act.

Since March, 1971, emphasis has been placed on allowing cities and counties to play a stronger role in the Statewide planning process for the improvement of the criminal justice system. Among the recommendations adopted on March 15, 1971, were the following points of concern:

That regions should have a high degree of discretion in selecting the programs and projects necessary to fulfill their needs and solve the peculiar problems of that region.

That no categorical commitment of monies should be made to a region from the State unless it is consistent with a well-conceived and approved regional plan.

That the present planning policy of the Council has the potential to accomplish the preceding objective through a regional systems approach and should be granted an opportunity to accomplish that end.

That once the regional system goal is achieved, the Council will accomplish the original regional discretionary block grant objectives.

That a review of this approach is necessary during the following years to determine if, in fact, the Council's regional systems approach is truly capable of fulfilling the objectives; and that alternatives be evaluated on a continuing basis.

Proposals for Allocating Part B Funds in Hawaii

Presently, there are no guidelines governing the allocation of planning monies other than the Federal requirement for a 40 per cent pass through to units of local jurisdictions. In view of this, the City and County of Honolulu would like to submit four alternatives to the plan presently being implemented by the State Law Enforcement Planning Agency for review and consideration. The City and County believes a more equitable plan of fund allocation must be adopted.

The State of Hawaii has been granted a total of $210,000 under planning funding, and by following the requirement of the law, 40% of $210,000, or a sum of $84,000, must be passed through to the county governments. Therefore, using the sum of $84,000 as a basis, this office has devised formulae for fund allocation on the criteria of (a) population, (b) crime index, and (3) set minimum.

ALTERNATIVE I: POPULATION

Unit	Population	Percent of population	Allocation
Honolulu	629,176	82	$68,880
Hawaii	63,468	8	6,720
Maui	46,156	6	5,040
Kauai	29,761	4	3,360
Total, State of Hawaii	768,561	100	84,000

Using the criterion of population, each county would receive a percentage of the $84,000.00 under Part B funding in accordance with the county population.

ALTERNATIVE, II: CRIME INDEX

Unit	Crime index	Percent of crime index	Allocation
Honolulu	23,954	91	$76,440
Hawaii	(1)		2,520
Maui	(1)	9	2,520
Kauai	(1)		2,520
Total, State of Hawaii	26,148,	100	84,000

[1] Unlisted.

Using the criterion of the crime index as reported in the FBI Uniform Crime Reports of 1970, the City and County of Honolulu, with a crime index of 91%, would receive $76,440. The other three counties would divide the remaining 9% either equally as shown above or as agreed upon among the three counties.

ALTERNATIVE III: SET MINIMUM

Unit	Set minimum	Moneys by population	Moneys by crime index	Allocation
Honolulu	$10,000	$18,040	$20,020	$48,060
Hawaii	10,000	1,760	660	12,420
Maui	10,000	1,320	660	11,980
Kauai	10,000	880	660	11,540
Total	40,000	22,000	22,000	84,000

This alternative sets aside $40,000 to be equally distributed to all four counties, allocating $10,000 per county. The remaining sum of $44,000 is to be divided up according to the criteria of population and crime index. This alternative al-

lows equal weight to be given to population and crime index by allocating $22,000 to each criteria.

ALTERNATIVE IV: SET MINIMUM

Unit	Set minimum	Moneys by population	Moneys by crime index	Allocation
Honolulu	$10,500	$11,480	$25,480	$47,460
Hawaii	10,500	1,120	840	12,460
Maui	10,500	840	840	12,180
Kauai	10,500	560	840	11,900
Total	42,000	14,000	28,000	84,000

This alternative differs with Alternative III in setting a slightly higher minimum to each county and by weighting the crime factor twice as heavily as population. Therefore, the funds allocated under population is $14,000 while the crime index funds total $28,000, or twice that of population.

RECOMMENDATION

It is the recommendation of this office that the City and County of Honolulu, in order to develop an adequate planning capability, be granted an annual budget of $75,000 per year. This would mean that the City and County receive at least 50% of the Part B funds which are passed through to local units of government and an additional $25,000 of Part C funds for a Criminal Justice Coordinating Council. The $75,000 budget would cover the cost of:

(1) Developing a Criminal Justice Coordinating Council
(2) Comprehensive Planning
(3) Specialized research projects
(4) Evaluation of projects

If the City and County of Honolulu can be assured the allocation of $25,000 under Part C funding (as explained earlier) for the Criminal Justice Coordinating Council, then either alternative III or alternative IV under Part B would meet the planning budget needs for the City and County of Honolulu.

A good measure of what other units of local jurisdiction are receiving is found in Attachment A. As can be seen from attachment A, the cities which are nearest in population receive substantially more for planning than does the City and County of Honolulu. Therefore, the sum of $75,000 cannot be thought to be excessive for Honolulu.

PLANNING FUNDS TO MAJOR CITIES

City	1970 population	1971 planning funds	
		Pt. B	Pt. C
Baltimore [1] [3]	895,000	16,000	100,000
St. Paul [1] [3]	304,000	[4] 9,000	25,000
San Francisco [2]	704,000	30,000	120,000
San Diego [1]	676,000	45,000	[5] 50,000
Los Angeles	2,782,000	500,000	----------
Boston [2]	627,000	150,000	230,000
Washington, D.C. [3]	764,000	210,000	100,000
Dallas [1] [3]	836,000	75,000	----------
Chicago [1]	3,325,000	284,000	----------
Indianapolis [1] [3]	743,000	48,000	56,000
New Orleans [2]	586,000	136,000	
Detroit	1,493,000	70,000	219,000
St. Louis [1] [3]	608,000	50,000	----------
Buffalo [1]	458,000	88,000	----------
New York City [3]	7,772,000	500,000	----------
Memphis [2]	621,000	57,000	----------
San Jose [3]	437,000	45,000	250,000
Cleveland-Cuyahoga County	1,721,000	151,000	----------
Cincinnati-Hamilton County	924,000	104,000	----------
Columbus-Franklin County	833,000	98,900	----------
Dayton-Montgomery County	606,000	86,000	----------

[1] Multi-country regional planning body also operates in the jurisdiction; funding not shown here.
[2] Contiguous city and county.
[3] Does not include county population covered by same planning funds.
[4] 6 months.
[5] Estimate.

FUND DISTRIBUTION ANALYSIS—FISCAL YEAR 1972 PROPOSALS

Program title	Federal share	To— State	Hawaii	Honolulu	Kauai	Maui
Personnel work with youth offender	$30,000	$30,000				
Recruitment training police	100,000		$16,666	$50,000	$16,666	$16,666
Correctional personnel	102,000	102,000				
Judicial training	15,000	15,000				
Pros-def training	15,000		2,000	8,000	3,000	2,000
Law and justice awareness	20,000			20,000		
Tourist crime prevention	30,225					30,225
Fam. court J & F officer	18,800	18,800				
School relations officer	15,000		15,000			
Juvenile crime present service unit	28,500				28,500	
Pilot juvenile counsel program	28,500					28,500
Youth involvement	20,000		6,666		6,666	6,699
In community treatment	37,000	7,000		30,000		
County youth service coord	15,000					715,000
Preventive programs—schools	70,000		10,000	40,000	10,000	10,000
Temporary shelter homes	40,000		715,000	25,000		
Drug abuse	50,000	50 000				
Counsel youth—divorce or S & P	15,000		15,000			
Counsel JCPD of NPD	27,000		27,000			
Police communications	200,000			100,000	100,000	
N.C.J.C	15,000		3,750	3,750	3,750	3,750
Crime lab	75,000		18,750	18,750	18,750	18,750
Five finger fingerprint	5,000			5,000		
Automated field interview	18,188			18,188		
Volunteers—courts	35,500	35,000				
Uniform court rules	20,000	20,000				
Hawaii defender intern	12,000	12,000				
Career pros. system	50,000		6,666	30,000	6,666	6,666
Clearinghouse	25,000		3,333	15,000	3,333	3,333
Pretrial release	15,000	15,000				
Judicial security	30,000	30,000				
Intern diagnostic review	25,000	25,000				
Probation case aid	8,600	8,600				
Criminal intelligence unit	37,500			37,500		
Vice activities	75,000		15,000	30,000	15,000	15,000
Riot control	20,000	15,000		5,000		
Police-community relations	18,750				9,375	9,365
Reorganize police	18,750		18,750			
Police records	30,000		7,500	7,500	7,500	7,500
Correction research	111,000	111,000				
Coordinating council	25,000			25,000		
Total	6,546,813	509,400	139,081	495,688	229,206	173,432
Percent		33	9	32	15	11
75 percent pass-through	1,160,109					
Percent		10	12	43	20	15

CITY AND COUNTY OF HONOLULU,
LAW ENFORCEMENT PLANNING OFFICE,
Honolulu, Hawaii.

FEDERAL LAW FOR PART C FUNDING DISTRIBUTION

Federal Law requires that 75% of the Part C funds received by any State under the LEAA program must be passed on to units of local jurisdiction. According to the State of Hawaii's Law Enforcement and Juvenile Delinquency Planning Agency, the total Part C allocation to the State of Hawaii will be $1,546.813.

According to our analysis, present proposals call for a distribution of the total Part C allocation as follows:

(1) State of Hawaii	
(*a*) Courts	$142,400
(*b*) Corrections	238,000
(*c*) Public Defender	27,000
(*d*) Other	102,000
Total	509,400

(2) County of Hawaii	139,081
(3) City and County of Honolulu	[1] 495,688
(4) County of Kauai	229,206
(5) County of Maui	173,432
Total	1,546,813

[1] It should be noted that Honolulu's share includes $95,000 in grants to three private agencies. LEAA interpretations of the law are such, that these grants to private agencies must be totaled under the State's 25%, and not as part of the local share. It is our belief, however, that these three programs are worthwhile and contribute to the reduction in the number of criminal incidents within the geographic boundaries of the City and County. Therefore, under a more equitable funding arrangement, we would be willing to carry these three programs as part of the City and County's share.

The percentage of funds being made available to each unit of government is:

(1) State of Hawaii	33
(2) County of Hawaii	9
(3) City and County of Honolulu	32
(4) County of Kauai	15
(5) County of Maui	11
Average	32

The percentages of pass through funds being made available to local jurisdictions are:

(1) County of Hawaii	12
(2) City and County of Honolulu	43
(3) County of Kauai	20
(4) County of Maui	15
Average	90

State gets 25% of total plus 10% of 75% pass through.

The proposed program funding level for the City and County of Honolulu, is not in keeping with the requirements of Federal law. Public Law 91-644 Section 303, reads:

"The Administration shall make grants under this title to a State Planning Agency if such agency has on file with the administration an approved comprehensive State Plan (not more than one year in age) which conforms with the purposes and requirements of this title. No State Plan shall be approved as comprehensive unless the Administration finds that *the plan provides for the allocation of adequate assistance to deal with law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity.*"

We cite: the LEAA Administrative Interpretation:

"In construing whether "adequate assistance" has been allocated for an area within the scope of the finding, LEAA will normally presume that adequate assistance is *not being available* if the plan does not contemplate an allocation of Part C funds from the local unit share at least equal to the percentage of population of the area in relation to total State population."

Paragraph (2) of Section 303, reads:

(2) *provide that at least 75 per centum of all Federal funds granted to the State Planning Agency under this part for any fiscal year will be available to units of general local government or combinations of such units for the development and implementation of programs* and projects for the improvement of law enforcement; except that each such plan shall provide that beginning July 1, 1972, at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement, and that with respect to such programs or projects the State will provide in the aggregate not less than one-fourth of the non-Federal funding.

The State's plans for 1972 suggests that $509,400 is "tagged" for State programs, and that is 33%, not 25% as specified.

Further, in Memorandum for State Planning Agency Directors No. 10 (Supplement No. 1), dated March 31, 1971, from the Law Enforcement Assistance Administration, page 4. Change No. 10 advises that State Planning Agencies:

"It will be noted that LEAA, to provide clear guidance and uniform criteria on implementation of this section, has established minimum standards for (i)

inclusion of areas covered by the amendment and for (ii) the size of the share that an included area must receive to determine that it has been allocated adequate assistance. These are population-crime-budget standards which recognize that large cities, counties and urban/metro areas will provide the bulk of high crime incidence/activity cases subject to the required LEAA determination of funding adequacy. The standards are minimal ones and it is expected that most States will exceed them significantly in classification and allocation of aid to high crime areas."

The guidelines which the above paragraph refers to, state that the level of funding or high crime/law enforcement activity areas should reflect proportional funding to the amount of crime activity which is present in the areas.

Since the State of Hawaii at this time has no "minimum standards" for the allocation of "adequate assistance to deal with law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity" this paper will explain the different formulas which are being used or are being considered by some of the other states for the allocation of Part C funds.

It might be well to keep in mind that the present perception of the criminal justice system by the State planning agency as stated on page 406 of the State Plan for 1971:

"Hawaii's *unique organizational structure* provides for probation and parole services, correctional institutions and educational programs through State agencies."

With the exception of Halawa Jail, and other county jails all correctional programs are State level. However, the above statement seems to show how the State Planning Agency in Hawaii has been operating under a faulty assumption. That is to say, Hawaii has viewed itself as being unique. It simply is not. Our system of State and local administrative responsibilties are as common as any other normal configuration.

In recognizing the need for a formula allocation of Part C funds, the LEAA "left the door open" to the States to develop the formulas. On the following pages, the methods being used and contemplated in Ohio and California are explained.

The Ohio Plan For Allocation of Action Funds

The Department of Urban Affairs of the State of Ohio has set forth guidelines for the distribution of Part C funds to the areas of high crime activity and high population within the State.

The unique thing about the Ohio plan is the awarding of block grants to the local units, which qualify as high population, crime activity areas.

The Ohio plan states:

"6.20 *Part C (Action) Funds to RPUs.*[1] Section 303 of the Act, charges the State to provide, in its annual comprehensive law enforcement plan, 'for the allocation of adequate assistance to deal with law enforcement problems in the areas characterized by both high crime incidence and high law enforcement activity.'"

In compliance with this provision of the Act, this Department will allocate Part C (action) funds, as in the past, *on the basis of relative population and crime rate, weighing the crime factor twice as heavily as population.*

2.23 *Part C (Action) Grants—FY 1972 Funds. . . . on approval of the 1972 State Comprehensive Plan by LEAA, a block of Part C funds will be allocated to operational RPUs to enable them to fund action programs included in the 1972 State Plan. RPUs are also expected to assume responsibility for the implementation and monitoring of projects when operational.*

The size of the block grant allocated to RPUs will depend upon Ohio's share of Federal crime control funds for FY 1972 and, further, will be based upon the RPUs percentage of the State's crime and population.

2.24 *Part C (Action) Grants—FY 1973 Funds.* Upon receipt of this Department's approval of the 1973 Comprehensive Law Enforcement Plans, RPUs will be awarded block action grants to implement action programs and projects.

Following this Department's established allocation formula, FY 1973 Part C (Action) *funds will be computed on the basis of relative crime and population. To assure sufficient funding in high crime incidence areas, the crime factor in the formula will be weighted twice as heavily as population.*

---

[1] RPU equals Regional Planning Unit.

While the distribution of Part C funds in a Block Grant form to the large cities may be the most efficient way for the State to operate, the City and County does not feel that this should necessarily be adopted in Hawaii. The interesting point about the Ohio plan is the method of distribution. Population and incidents of crime are the two criteria for receiving funds.

Under this formula, the City and County of Honolulu would receive:

$1,160,109 (75% Part C funds) divide by 3 equals $386,703.
82 percent (population) times 386,703 equals 317,096.
91 percent (crime) times 386,703 equals 352,099.
City and County of Honolulu total expenditure, $1,021,294.

THE CALIFORNIA PLAN FOR ALLOCATION OF ACTION FUNDS

California at this time has not yet adopted a firm formula. They have however, developed an "Issue Paper" on target allocations of action funds. Target allocations are defined in the Issue as "just that, not a guarantee to any region."

They have detailed the possible basis for arriving at a target allocation. These include

(*a*) population
(*b*) criminal justice expenditures
(*c*) linear programming method
(*d*) experience method.
(*e*) criminal activity method

Of the above only "c" and "d" seem to need further clarification.

"The linear programming method uses a method for optimizing the deployment of resources in a complex situation. In theory it permits any number of weighted factors to be used to allocate resources. It is very sensitive to the validity of the factors chosen, and the meaningfulness of the weights assigned."

Factors used by California in 1969 were:

Juvenile population
Adult population
Reported major offenses
Juvenile arrest
Adult arrest

These factors were then given a percentage weight, based upon committee work and a computer. The paper points out that they may have little validity, and that it closely approximately distribution by population, but is closer to distribution by crime activity.

The experience method assumes that the Council's experience is such that it can make the determination of the allocation upon the experience. The paper goes on to say, however, that this method produces clearly inequitable results and does not reflect any systematic improvement of the criminal justice situation.

While the two States noted above cannot be used as the only basis for Hawaii, it does give us an idea of the type of factors which should be considered in allocating funds to the units of local government.

These factors are:

(*a*) population
(*b*) crime index figures or crime rate
(*c*) budget expenditures
(*d*) law enforcement activity

If we use the above criteria only in determining the percentage share of Part C funds which should be made available to the City and County of Honolulu, the other three counties in the State will be left in a position of dividing up a sum of money which in total would not be large enough to effect any real change in the criminal justice systems on their islands.

PROPOSAL FOR ALLOCATING PART C FUNDS IN HAWAII

There are three basic alternatives available to the State in developing a formula for allocation. These basically can be described as (a) allocation on the basis of population. (b) allocation on the basis of criminal activity, or (c) allocation on a mixed basis, including a set minimum for each unit of local jurisdiction.

Alternative I: Population

Using this alternative, each county would receive a portion of the 75% pass-through Part C money based upon its percentage of the total state population. Honolulu would receive 82% of the pass-through money, while the County of Kauai would receive less than 5%.

Alternative II: Criminal Activity

Using this alternative, the allocation would be based upon the percentage of crime reported, (FBI crime reports) in each county for the State as a whole. Honolulu's percentage would be 91.60% of the pass-through allocation.

Alternative III: Mix

This alternative probably reflects a more realistic approach to the problem of developing "target allocations" or block grant distributions. Each county would receive a minimum allocation, and the remaining would be distributed on a population of percentage of crime basis. The actual allocation can be done in several different ways. A base allocation to each county and the rest divided according to popuation, or crime rate.

Honolulu's share in the methods mentioned above would be:

1. Population: 951,289.
2. Crime rate: 1,055,699.
3. Mix
   (*a*) Base 100,000 plus 82 percent remaining 760,109 equals 723,289 for Honolulu.
   (*b*) Base 100,000 plus 91 percent remaining 760,109 equals 791,699 for Honolulu.

The staff recommends that alternative III, would probably be the best method of arriving at a "target allocation." It would take into account the needs of the other counties, but would also recognize the greater need of the Honolulu with 82% of the population and 91% of the crime.

In my opinion the present distribution method, as shown in the beginning of this paper is wholly inadequate to meet the needs of Honolulu or to satisfy the requirements of the Federal law and LEAA guidelines.

JOHN W. MCKAY,
Planning Coordinator.

CITY AND COUNTY OF HONOLULU,
LAW ENFORCEMENT PLANNING OFFICE,
Honolulu, Hawaii, March 17, 1972.

MR. SANFORD WATZMAN,
Longworth Building,
Washington, D.C.

DEAR MR. WATZMAN: Thank you for your letter of March 14th, and for the material on the Emergency Crime Control Act.

Three specific instances where things have gone wrong for Honolulu within the past six months can be attributed to SPA attitudes. In the first instance, Honolulu asked for funds to investigate organized crime. The Prosecuting Attorney's Office was to handle the investigation. Application for the project has been made repeatedly for some time. Finally, when rejecting the application in November 1971, the SPA asked why the city didn't stop trying.

Secondly, the SPA has made no block grant money available to Honolulu's Model Cities for projects in impact areas. When the Model Cities staff asked the SPA for forms to apply for a Discretionary Grant they were given the wrong form. This caused a delay in the eventual filing of the grant application, because a new application had to be written up.

Thirdly, a specific hardship to Honolulu's planning component has been the total lack of funds to gather baseline data with which to plan future projects. Another way the SPA has made it difficult for Honolulu to obtain planning data is to keep all specific information regarding a proposed Corrections Master Plan absolutely confidential—even though they are asking the State Legislature to appropriate matching funds to finance the Plan. Only summary disclosure of the Plan has been made to the Legislature.

I suspect you will be hearing in greater detail on these and related items from my colleague, Mr. John McKay.

Sincerely,

ANN L. HALSTED,
Researcher.

The Administration of LEAA Programs in the State of Hawaii

A Critique

The City and County of Honolulu
Law Enforcement Planning Office
119 Merchant Street, Room 400
Honolulu, Hawaii 96813

March 1972

SUMMARY:

This critique on the administration of LEAA programs in Hawaii discusses in some depth several topics.

Section II is devoted to a discussion of Part C, or Action Funds. Supported by the State's own accounting method, it is shown how the requirement to make 75% of the Part C funds available to local units of government is being subverted. In 1970, approximately $176,964 was counted as part of the local unit share, which never was, nor was intended to be, made available to local units of government. A similiar situation existed for 1971.

A short discussion concerning the State's largest City and area of "high crime incidence" shows how the intent of the law, that primary concern be for the crime problems in large cities, is being negated. Honolulu with 84% of the State's crime receives less than 50% of the funds for local units of government. Supporting data is shown on pp 7-11.

Section III is devoted to a discussion of Part B, or Planning Funds. It is shown how Honolulu, with 84% of the crime and 82% of the population receives 40% of the local share of planning funds. The other three counties combined have 18% of the population and 16% of the crime. Yet they receive 60% of the local planning funds. Comparative planning budgets figures for other large cities are included.

A short discussion of the present planning methods used by the State is found in Section III-C. No fiscal planning can be done by the clientel agencies because of a refusal in the State's part to notify the agencies and counties of what their share of the funds will be. Thus, everyone tries to obtain more than is available, and the whole process becomes a grab-bag game.

Section III-D shows how Hawaii implements Fiscal Year 1972 programs at the start of Fiscal Year 1973, a one year time lag. And even after the funds are available, few projects are funded immediately. Some wait another six to twelve months.

Section III-E discusses the State's refusal to allow the counties to set their own priorities, and in the case of Honolulu refuses to fund its top two priority programs. This in turn makes planning at the County level of little value.

Section IV is devoted to a discussion of the cost of the State Planning Agency.

Section V is a short discussion on the caliber and impact of the LEAA program in Hawaii. It is found to be of low caliber and to have little meaningful impact on the criminal justice system.

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- C. Allocation to State's Largest City
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  2. Population
  3. Prosecution Personnel
  4. Police Officers
  5. Cost

III. The Allocation of Part B Funds
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- B. Comparative Percentages
- C. Present Planning Methods
- D. Time Lag
  1. LEAA Planning and Fiscal Years
  2. Planning and Implementation of LEAA Funds
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IV. The Cost of SLEPA
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V. Caliber and Impact
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I. Introduction:

This report does not even begin to scratch the surface of the problems involved with the administration of the LEAA program in the State of Hawaii. It picks out some highlights, the areas considered important and where changes are needed immediately.

Not all of the problems with the LEAA program can be laid at the feet of the State Planning Agency (SLEPA). The problems discussed in this paper can be. The whole LEAA program, nationwide, is a nightmare of bureaucratic inefficiency and red-tape. There are some moves afoot in the Congress to straighten out the mess. Most notable is the Emergency Crime Control Act, introduced by Mr. Stanton of Ohio. This Act would by pass the SPA's and make block grants available to the 56 largest cities. The State level involvement in large cities and counties would be reduced to a minimum. This would help a great deal in Hawaii.

LEAA has two separate funds, Part B and Part C, which are discussed in this paper. Part B is planning money, and Part C is Action or Implementation money. There are problems in Hawaii with the allocation of funds from both Parts. There really need not be. If the LEAA program were administered in an intelligent fashion, the recipients of the funds would be those who would determine the amount of funds being given to various projects. SLEPA would oversee the expenditures only in the sense that it would be legal and in conformity with Federal regulations. In practice SLEPA comes close to being the administering agency for many projects. SLEPA should be a Planning Agency, not administrative.

The sadness of it all is obvious. LEAA could have a large impact on the criminal justice system in Hawaii and could be a decisive factor in lowering the crime rate in this State. Instead, it is a political pie, which is being cut in many pieces in an effort to satisfy everyone, and in the process satisfies none.

II. The Allocation of Block Grant (Part C) Funds to "Units of Local Jurisdiction."

The Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351), as amended in 1970 (Public Law 91-644), requires that State Planning Agencies "pass-through" to units of local jurisdiction the sum of 75% of the total block grant funds. The block grant funds are referred to as Part C funds, due to the section of the law which provides for their expenditures.

> P.L. 91-644, Section 303, paragraph 2 reads:
> "(2) provide that at least 75 per centum of all Federal funds granted to the State Planning Agency under this part for any fiscal year will be available to units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement..."

Each year, the State Law Enforcement and Juvenile Delinquency Planning Agency of the State of Hawaii submits to the LEAA a Comprehensive Law Enforcement Plan. The plan must show how the requirement stated above is being met by the State. In the State of Hawaii Plan for Fiscal Year 1970 this requirement is discussed on pages 311-313; in the Fiscal Year 1971 Plan the requirement is discussed on pages 408-413. The method the State Planning Agency uses to meet the 75% pass through requirement is totally inadequate. On the two following pages a partial listing of programs which are said by the State to be available to units of local jurisdiction are shown.

It is easily seen from the partial listing that the provisions of Section 303 (2), P.L. 91-644, are not being adhered to by the State. Also, the Office of Legal Counsel of the LEAA has stated that allocations of funds to private agencies within the geographical boundaries of a unit of local jurisdiction can not be counted as funds being made available to the local unit. The unit of local jurisdiction is defined as a "general purpose political subdivision."

The State Plan for Fiscal Year 1972 utilizes the same accounting system. Clearly, the counties in Hawaii are not receiving the amount of funds which the law prescribes.

II-A: 1970 State Comprehensive Plan: pp 311-313 - Accounting

Program Title	Amount Accounted to Counties	Amount Actually Disbursed to Counties
1. Personnel - Manpower, Education Training, Recruitment and Retention of Correctional System Personnel	$176,608	-0-*
2. Establishment of a Toxicology and Forensic Sciences Laboratory	20,000	-0-
3. Disposition of Offenders Without Trial	25,000	-0-
4. Diagnostic Services for Juveniles and Adult Offenders	36,000	-0-
5. Follow-Up, Follow-Through, and Aftercare Practices and Policies of Juvenile and Criminal Justice Systems	30,000	-0-
6. Drug Abuse Programs	9,000	-0-
Total	$296,608**	-0-

*A small percentage of the fund may have been allocated to the Honolulu Police Department or other County Police Departments. The vast majority of funds, however, were spent on State Corrections agency personnel.

**This is a combined Federal/State/Local amount. The percentage match in 1970 was 60% Federal / 40% State/Local; a good estimate would be that $177,964 of the above sum is Federal money. It was listed in the 1970 Plan as being allocated to combinations of units of local government. In fact, it was not allocated to local units.

II-B: 1971 State Comprehensive Plan: pp 408-413 - Accounting

Program Title	Amount Accounted to Counties	Amount Actually Disbursed to Counties
1. Prosecutor-Defender Training	$ 35,000	$20,000(es)
2. Drug Abuse	100,000 *	-0-
3. Establishment of a Statewide Law Enforcement Intelligence Unit and Organized Crime Task Force	201,360 **	-0-
4. Personnel-Manpower, Education, Training, Recruitment and Retention of Correctional System Personnel	30,543 (out of $194,000)	-0-***
5. Follow-Up, Follow-Through and Aftercare Services of our Juvenile and Criminal Justice System	18,000	-0-

*These funds are allocated to private and/or governmental agencies by SLEPA upon the recommendation of the Governor's Task Force on Drug Abuse. No county agency has received funds as of this date.

**Another fund of $ 100,000 for a Statewide Criminal Intelligence Unit was used by the Counties.

***This is an estimate, to our knowledge no county personnel received training with these funds.

II-C. Allocation to State's Largest City

In addition to the requirement that the State Planning Agency must pass through to units of local jurisdiction 75% of the Part C funds; the law stipulates that "adequate assistance" must be provided to "deal with Law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity."

In Hawaii, the City and County of Honolulu is the area with high crime incidence and high law enforcement activity. Yet Honolulu, with 84% of all crime, 82% of the population, and approximately 75% of the law enforcement activity on a county level, receives less than 50% of the pass-through funds.

The graphs on the following pages show how Honolulu compares with the other three counties. In every category Honolulu far outstrips the rest of the counties individually and combined. The reasons for the lack of funding being provided for Honolulu is twofold:

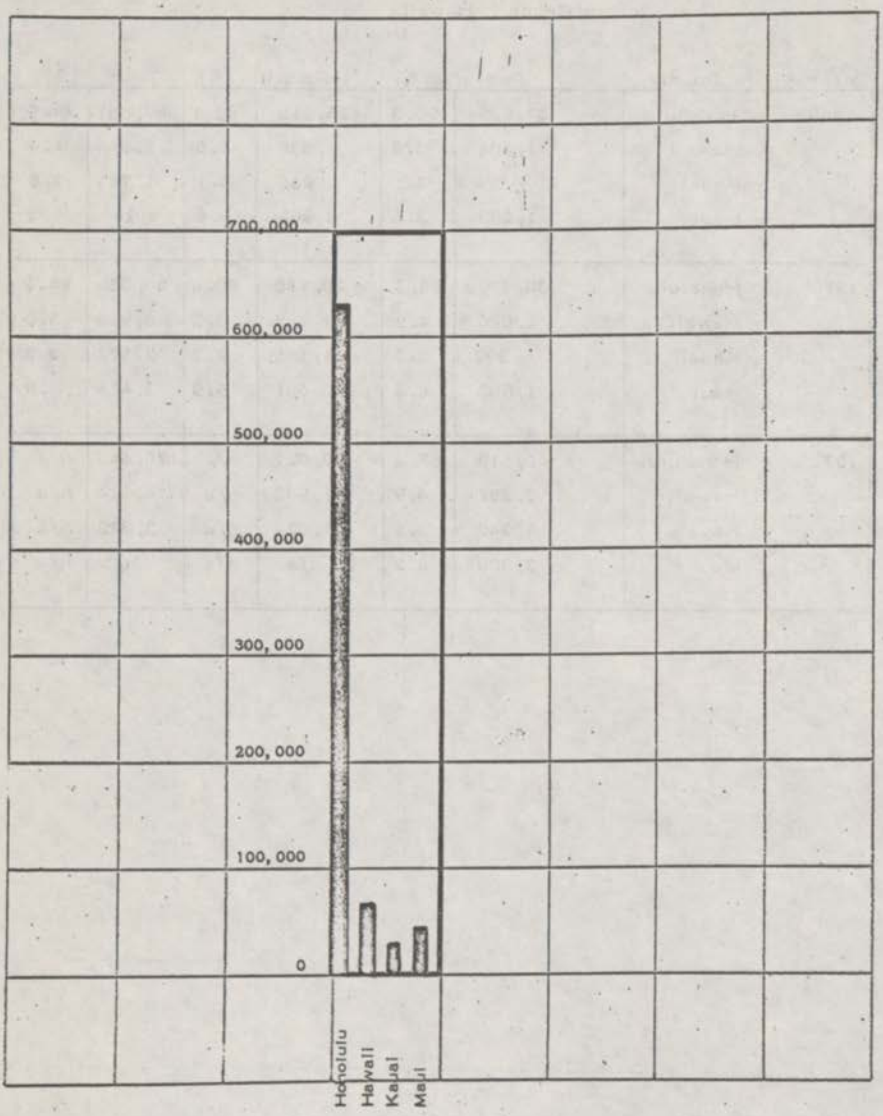
1. As previously shown, the State does not comply with the requirements to pass through 75% of the Part C funds. This leaves a smaller share available to all counties, and Honolulu suffers proportionately.
2. As with any other funding program, the participants will each try to obtain the maximum possible for their own respective jurisdictions. The State Supervisory Board is composed of State officials and county officials. Honolulu has four representatives. The remaining are either State or outer-island persons, and the attitude seems to prevail among the other three counties and the state level officials that each will scratch the others back. Thus, the State takes what it wants, the outer-islands what they want, and Honolulu is left holding the bag.

II-C 1.

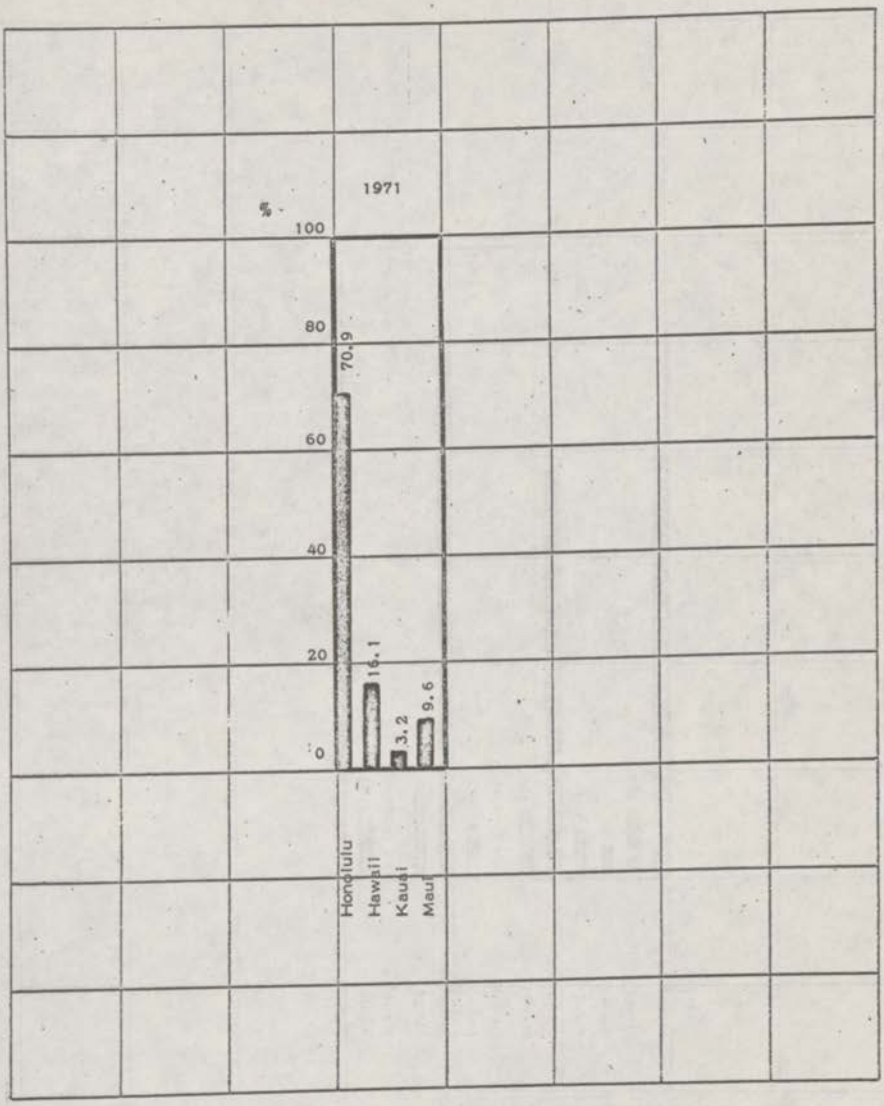
Crime in Hawaii

Year	County	Part I	(%)	Part II	(%)	Total	(%)
1969	Honolulu	32,636	90.3	25,215	82.1	57,851	86.0
	Hawaii	1,406	3.9	1,538	5.0	2,944	4.4
	Kauai	779	2.1	965	3.1	1,744	2.6
	Maui	1,288	3.5	2,960	9.6	4,248	6.3
1970	Honolulu	36,779	88.3	29,750	80.4	66,529	84.6
	Hawaii	2,046	4.9	1,947	5.2	3,993	5.0
	Kauai	992	2.3	1,585	4.2	2.577	3.2
	Maui	1,803	4.3	3,691	9.9	5,494	6.9
1971	Honolulu	40,518	87.4	30,027	n/a	70,545	n/a
	Hawaii	2,282	4.9	1,932	n/a	4,214	n/a
	Kauai	1,248	2.6	1,624	n/a	2,872	n/a
	Maui	2,300	4.9	n/a	n/a	n/a	n/a

II-C 2. Population - Hawaii 1970

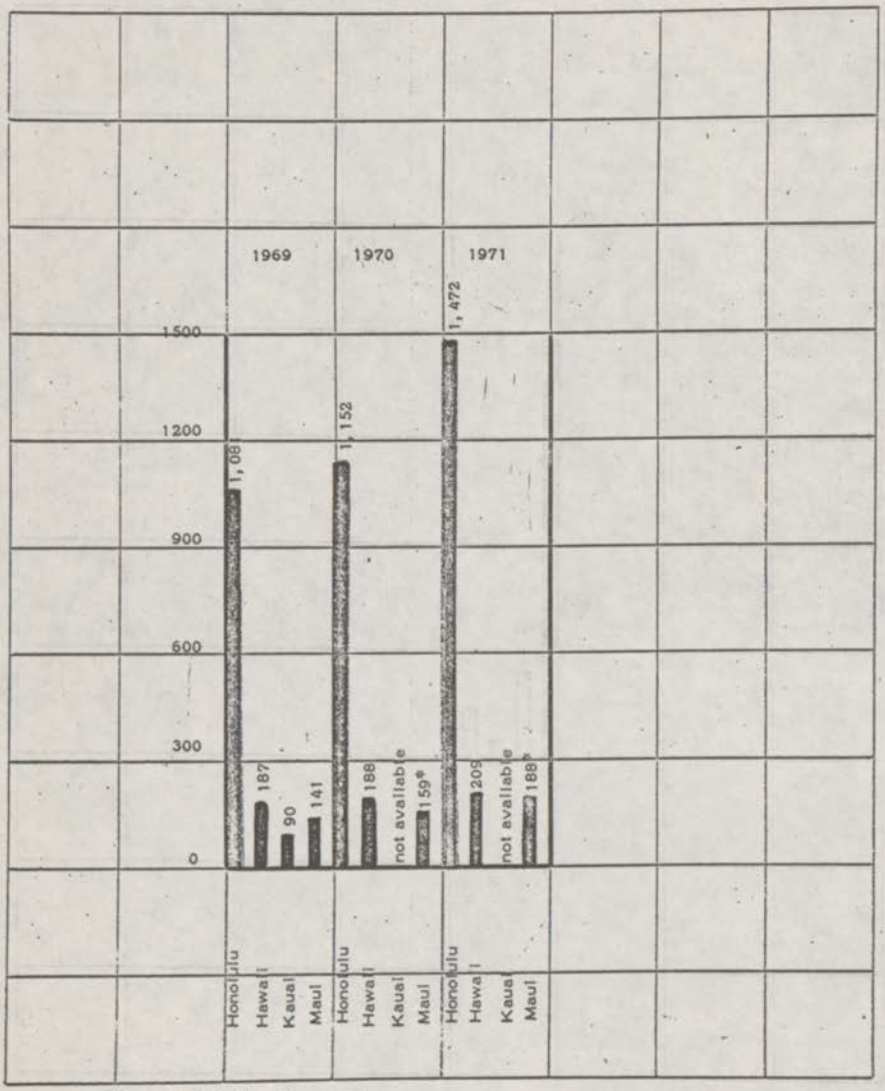


II-C 3. Prosecution Personnel: Hawaii



II-C 4

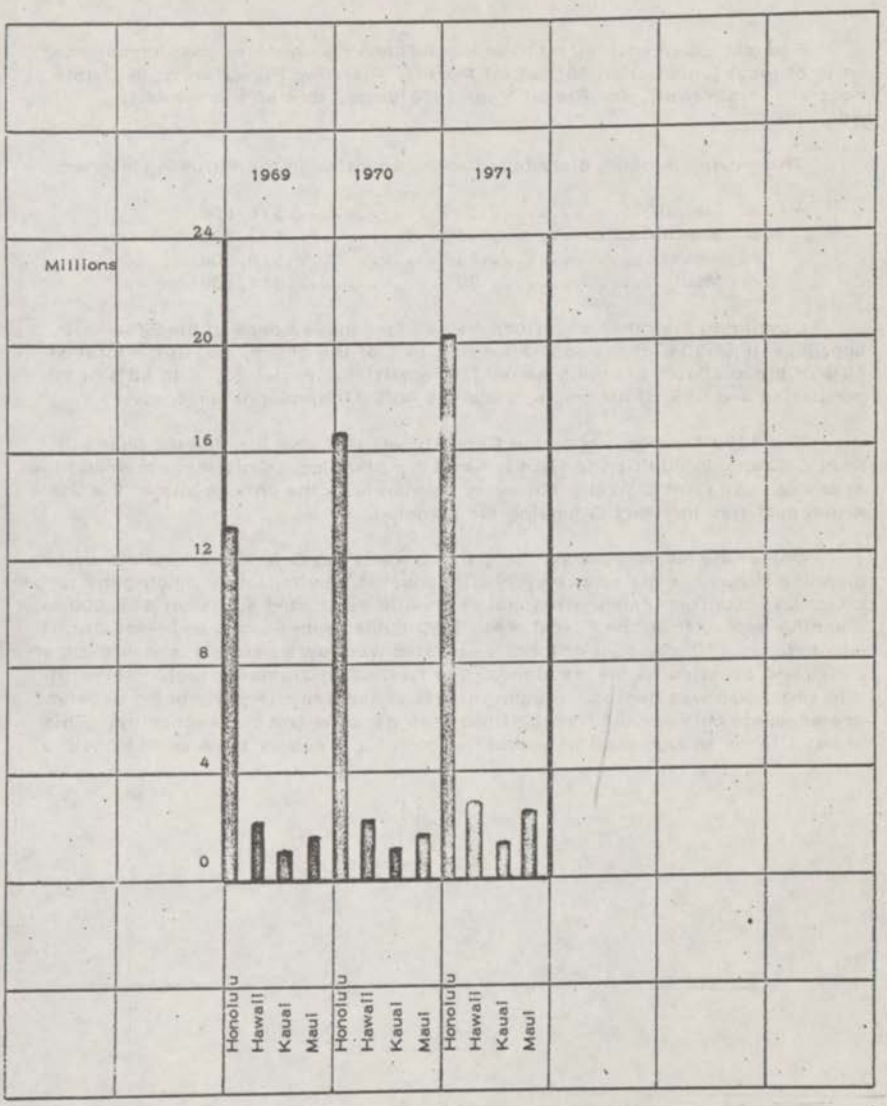
Police Officers in Hawaii



*Includes Civilian Personnel

II-C 5

Combined Cost (Police/Prosecutors)



III. The Allocation of Planning (Part B) Funds:

Federal Law requires that the State Planning Agencies pass through to units of local jurisdiction 40% of all Part B, Planning Funds which the State receives. In Hawaii, for Fiscal Year 1972 funds, this 40% amounts to $84,000.00.

This money is being distributed to the counties in the following manner:

a. Hawaii .....20%.....$16,800
b. Honolulu.....40%.....$33,600
c. Kauai .....20%.....$16,800
d. Maui .....20%.....$16,800

Combining the other counties, we see that those areas of the State with approximately 20% of the population and 15% of the crime, receive a total of 60% of the available planning money for localities. Honolulu, with 80% of the population and 85% of all crime, receives 40% of the planning money.

The 1970 Amendments to the Safe Streets Act provide for the usage of Part C funds, in addition to Part B funds for planning. Only large metropolitan areas can use Part C funds, however. Honolulu is the only county in the State which qualifies for Part C funding for planning.

One of the major reasons for the usage of Part C funds is to allow enough planning money for the smaller jurisdictions, while adequately funding the larger cities and counties planning efforts. Honolulu requested a total of $55,000 in planning money from the Fiscal Year 1972 funds (both Part B and Part C). It was refused. The amount of funds requested was low by comparison with other cities and counties on the mainland, (see the list on the next page). Yet even this small sum was denied. Funding levels which are currently being received are adequate only for the hiring of two staff persons and one secretary. This is not a large enough staff to adequately plan for a county the size of Honolulu.

Planning Funds to Major Cities

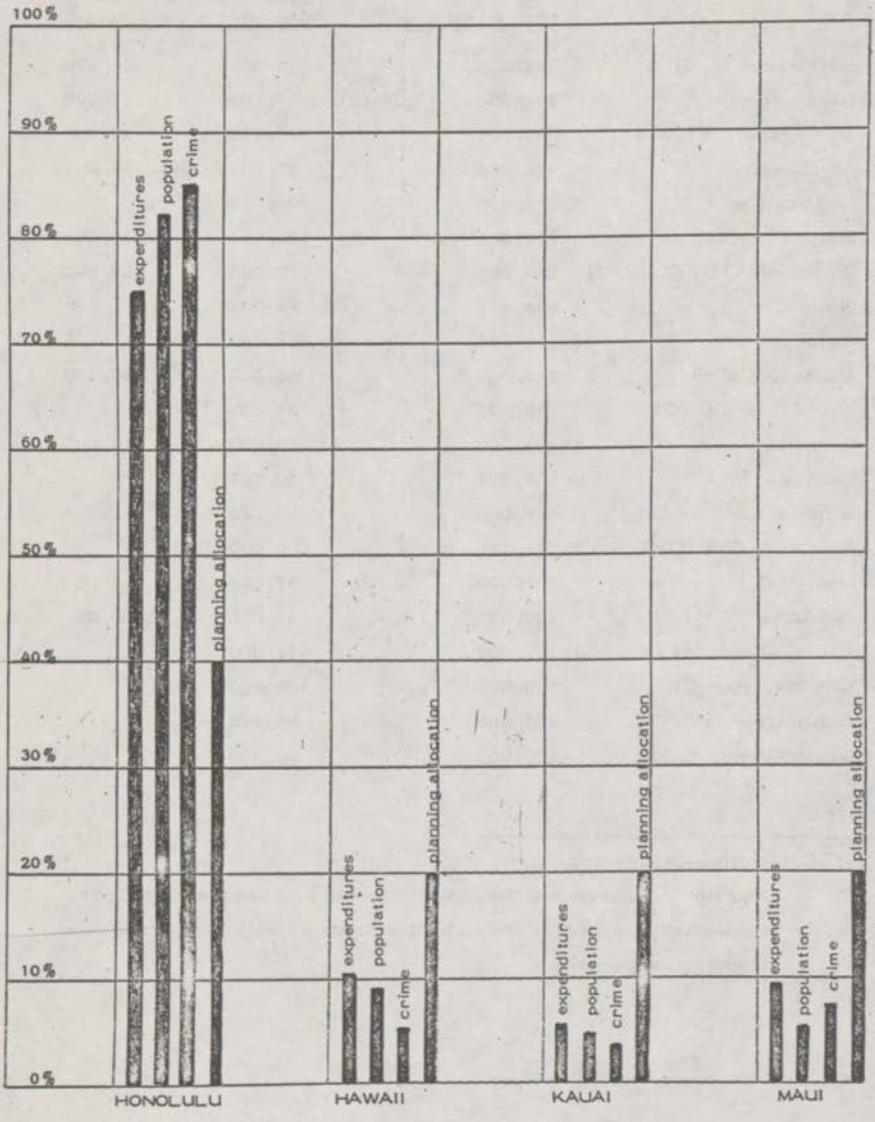
City	1970 Population	1971 Planning Funds "PartB"	"Part C"
Baltimore+ (C-C)	895,000	16,000	100,000
St. Paul*+	304,000	(6mos): 9,000	25,000
San Francisco (C-C)	704,000	30,000	120,000
San Diego+	676,000	45,000	est. 50,000
Los Angeles	2,782,000	500,000	
Boston (C-C)	627,000	150,000	230,000
Washington, D. C. (C-C)	764,000	210,000	100,000
Dallas *+	836,000	75,000	
Chicago+	3,325,000	284,000	
Indianapolis*+	743,000	48,000	56,000
New Orleans (C-C)	586,000	136,000	
Detroit	1,493,000	70,000	219,000
St. Louis*+	608,000	50,000	
Buffalo+	458,000	88,000	
New York City (C-C)	7,772,000	500,000	
Memphis*	621,000	57,000	
San Jose*	437,000	45,000	250,00
Cleve. -Cuyahoga Cty.	1,721,000	151,000	
Cincinn. -Ham. Cty.	924,000	104,000	
Columbus-Frank. Cty.	833,000	.98,900	
Dayton-Montg. City	606,000	86,000	

(C-C: Contiguous City and County

* : Does not include county population covered by same planning funds.

\+ : Multi-county regional planning body also operates in the jurisdiction. funding not show here.

. Comparative Percentages: Expenditures/Population (1970) /Crime (1970)/ Planning Allocation (1972)



III-C Present Planning Methods:

or

"The Great 'Grab-bag' Game"

At this time the State Planning Agency expects the four counties to submit to the agency each year a series of proposals for programs and projects. These proposals are supposed to based upon a study of the needs and desires of the counties to upgrade their criminal justice system, and to prevent the 'production' of criminals in society. The counties are not told before hand, however, how much money will be available to them to implement these proposals. Only after a series of meetings by the county coordinators, the SLEPA staff, and members of "task forces" are the proposals which will be funded determined. Once done, the SLEPA staff, through some mysterious process determines the amount of funding which will be given to each project. (The counties do submit budget figures, but these are not based upon any real financial planning. And for good reason. How can you plan financially, when you don't know what the finances are?)

In reality, what happens is this. Each agency, be it private, State or County, request several times as much money as it expects to receive. However, the planning is based upon the premise that the State Agency is trying to please all comers. Thus, the more you ask, the more you receive. This in turn reduces the validity of the planning process to mere absuridity.

It would be easy for the State to tell each county how much Part C funds they would receive each year. The Federal Government appropriates money for Fiscal Year 1973 sometime during the first six months of 1972. Based upon past allocations, Hawaii has a very good idea of what its allocation will be. In turn, the State Planning Agency can make a fairly accurate estimate of the amount of funds which will be passed through to the counties. Based on this, some formula for funding each county would be easy to write. Each county in turn could be told they would receive x amount of dollars. Once this target planning figure is received, the counties in turn can start making priority determinations at the local level for which projects need funding the most. The county plan would then become a viable and well written document. But, the State Planning Agency refuses to tell the counties how much each will receive. As a result, planning for LEAA in Hawaii is a farce.

III-D The Time Lag

To most of us there are two calendars: The actual calendar, and the Fiscal Year calendar. For SLEPA and LEAA in Hawaii, we must add two or three more.

Part B. Planning Funds, are administered consecutively with the calendar year. Thus, from January 1, 1972 to December 31, 1972 the Fiscal Year 1972 Part B funds are used.

Part C, (Implementation, Block Grant, or Action funds) are administered one year late. The real Fiscal Year 1973 runs from July 1, 1972 to June 30, 1973. LEAA Fiscal Year 1973 funds in Hawaii are available from July 1, 1973 to June 30, 1974 (or during the real Fiscal Year 1974).

The planning process for the expenditure of Fiscal Year 1973 funds starts in January or February 1972. The City and County of Honolulu must submit its plan for funding to SLEPA in September 1972. SLEPA then modifies the plan for the next six months, and sends it to the Federal Government for approval in February 1973. The planning process for the Counties, then, takes place for 1973 funds, before 1972 funds are even available.

The calendar on the next page should give some idea of the situation. It is an administrative nightmare, and need not be continued this way. SLEPA could receive from the Federal Regional Office of LEAA permission to implement Part C funds for nine month periods, over a term of three years, they would 'catch-up' with the regular fiscal year and be put on a sound administrative basis.

There is another 'time-lag' in the administration of LEAA programs in Hawaii besides just the one between planning and implementation. Once a project is approved and included in the State's Plan, and once the money is made available, there can be anywhere from one week to twelve months lapse until funds are actually allocated to projects.

There is little effort evidenced on part of the "technical" staff of SLEPA (Juvenile Specialist, Police Specialist, Prosecution/Defense and Court Specialist, and Corrections Specialist) to get applications submitted and the funds disbursed. Thus it can be many months before funds are actually distributed, or in fact, many programs which have funds available are never funded and the money has to lapse or be re-programed for another cause.

This is administrative inefficiency at its best.

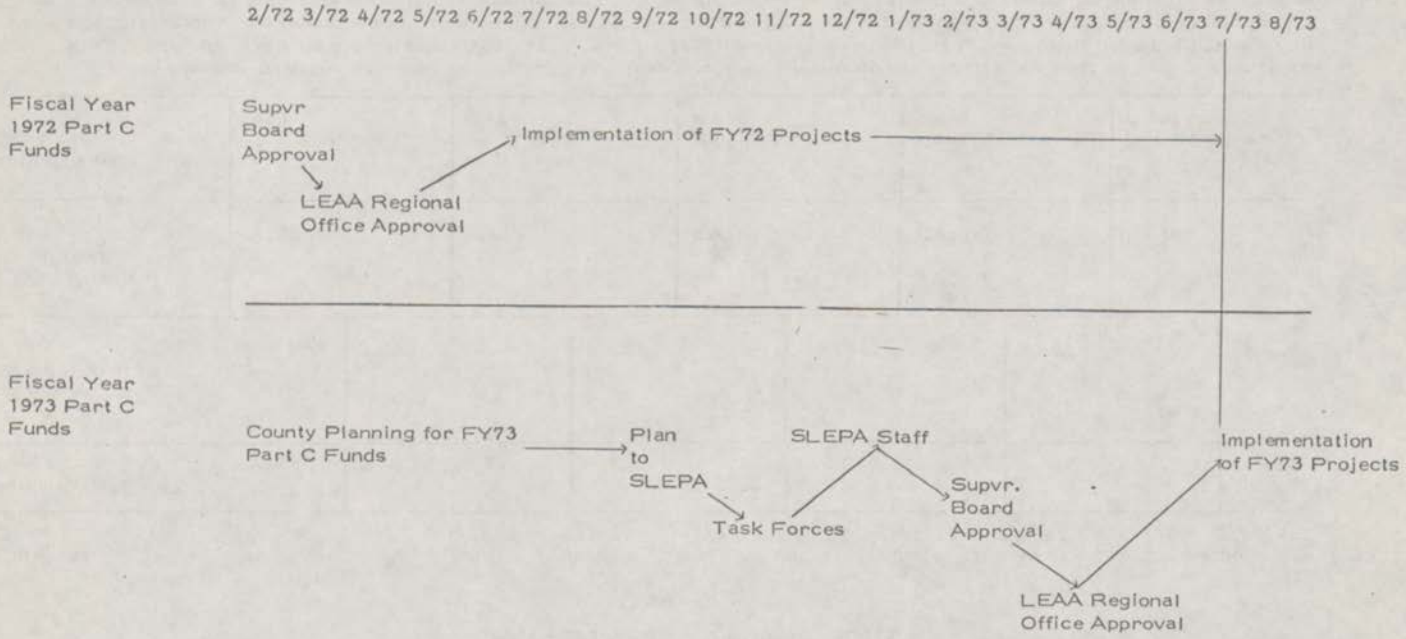
LEAA PLANNING AND FISCAL YEARS

HAWAII

Calendar Dates	Jan 1/1/72	July 7/1/72	Jan 1/1/73	July 7/1/73	Jan 1/1/74	July 7/1/74	Jan 1/1/75	July 7/1/75	Jan 1/1/76	July 7/1/76
Actual Fiscal Year	FY72	FY73		FY74		FY75		FY76		FY77
LEAA Action Grant Fiscal Year		FY72		FY73		FY74		FY75		FY76
LEAA Planning Grant Fiscal Year	FY72		FY73		FY74		FY75		FY76	
City Planning Schedule	For LEAA FY73		For LEAA FY74		For LEAA FY75		For LEAA FY76		For LEAA FY77	

As can be seen from the calendar above, LEAA Action Grant implementation is exactly one year behind in Fiscal Years. Thus, the planning done during the calendar year 1972, will be for LEAA Action Plan FY73, which will be implemented in the real FY74. Hopefully, some method for closing this gap will be found. The time lag is not condusive to good planning. Since the Plan for FY73 must be submitted in September of 1972, there is a built-in time lag between the planning and implementation periods of almost one year. This, in and of itself is neither good, nor bad, however, with the necessity of drafting the plan long before it is finally submitted, we will find ourselves in the position of planning for, say FY73, before the FY72 plan has been put into effect.

Planning and Implementation of LEAA Funds: Hawaii



III-E The Setting of Priorities

As mentioned previously, County agencies draw up a series of proposals for funding, and never know the amount of funds which will be available for the implementation of the programs. Thus the number of proposals submitted each year far exceeds SLEPA's ability to fund them.

Task Forces are set up which go over the various proposals and rate each of them as either 'high' 'medium' or 'low.' Those proposals which are given a 'high' rating are usually included in the Yearly Plan. But even at this point the monetary request for the high priority programs far exceeds the amount of money available.

The SLEPA staff then takes the high priority proposals and attaches budget figures to them.

Through this process, the State sets the priorities for proposals for the counties, the State agencies and private agencies. In the process, they take approximately six months to do so. Counties do not set their own priorities. This is not because of a wish not to be able to do so, but simply that through the act of funding some proposals and not others, the State sets priorities for all proposals for the whole State.

It is our belief that if SLEPA would notify the counties of the amount of funds which will be available to them out of any given Fiscal Year Plan, then the six month process of setting priorities and budget figures would be substantially reduced. The counties, knowing how much money would be available, would submit to SLEPA a comprehensive plan each year for each county with a total budget request within reasonable limits. SLEPA refused to do this. And as they refuse, they not only continue to hamper the planning process on the county level, but make the planning process a meaningless exercise.

Counties should be able to set their own priorities as to which projects need funding and which do not. Counties are better able to judge for themselves their own needs and shortcomings in their criminal justice systems. The State has no business in continuing to set county priorities.

Even when counties do notify SLEPA of which projects it considers first or top priority, there is no guarantee that the projects will be funded. Honolulu's top two priority proposals for the FY 72 Plan were not funded or included in the State's Plan.

IV. The Cost of the State Law Enforcement and Juvenile Delinquency Planning Agency:

No updated budget figures are available to this researcher. A copy of the budget of the State Planning Agency for 1971-73 is attached. This budget, however, may not reflect legislative cuts or adjustments.

As best as can be determined, SLEPA has a yearly operating budget of:

Salaries per year:	$177,125	(average)
Other Expenses	69,547	(average)
Total	$246,672	
(Minus) LEAA Federal Planning Grant	$126,000	*
HEW Planning Grant	50,000	
General Fund Appropriation	$ 70,672	

*This is the sum available to the State after sub-grants are made to the counties. For Fiscal Year 1972, the total was $210,000, and the counties were allocated 40% or $84,000.

The HEW grant may not be renewed during the calendar year 1972. It is granted to SLEPA for juvenile delinquency planning, of which little has been done. As of this time, there is no information available on such base-line data as the number of juvenile offenders which are processed through the juvenile justice system each year. The only data available is on the number of offenses.

The attached copy of the executive budget will give the reader some idea of the type of expenditures. The largest item is the cost of salaries for the staff. The staff, in turn is supposed to give the counties and other private and public agencies technical assistance. Very little is received. This agency has reapeatedly asked for information from SLEPA on the amount of money which is being sub-granted to City agencies, but have not been able to get the information.

The development of grant applications is one area where the SLEPA staff could be of considerable assistance to all agencies. To my knowledge the staff is not helpful, rather they are a hinderance. Applications are revised several times to conform with staff opinions. The staff could easily rewrite, or help different agencies to write the applications. This is not done; for the most part the staff acts only as a critical agent.

The combined funding from Federal and State governments totaling $246,672 per year (estimated/averaged) should be enough to allow the agency to perform its functions and provide a greater level of service to the criminal justice agencies in the State.

It should be noted that the disappointment with the performance of SLEPA is not exclusively a county attitude. Some members of the Courts, and probably other private and State agencies feel the same way.

Honolulu, for its part receives $33,600 per year to plan for LEAA programs. As previously shown in various other sections, Honolulu accounts for a large share of the crime and population, and even more important, Honolulu shoulders approximately ¾ of all criminal justice expenditures in the State of Hawaii. (This is 50% of the combined aggregate four county and State level expenditures).

Yet Honolulu is asked to meaningfully participate in the planning process on a budget of $33,600 while SLEPA, which should plan basically for the State level agencies, operates on a budget of $246,672. The correlation between the needs of the two units would seem to be much closer than is reflected in the budget figures.

STATE OF HAWAII—EXECUTIVE

STATE LAW ENFORCEMENT AND JUVENILE DELINQUENCY PLANNING AGENCY

Operating Budget Requests—Fiscal Year 1971–1973

DEPARTMENT BUDGET REQUEST, BUDGET PERIOD 1971–73

PART I: OPERATING COSTS—PROGRAM BUDGET REQUEST SUMMARY

Characters of expenditure	Actual, 1969–70	Adjusted appropriation, 1970–71	Estimated expenditures, 1969–71	Current services request	Workload request	Program adjustments	Total	Governor
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
A. Personal services	(11)120,119	(11)163,995	(11)284,114	(11)354,251			(11)354,251	
B.	108,432	197,296	305,728	319,094			319,094	
C.	5,820	3,997	9,817	0			0	
M.								
Fiscal year 1971–72				331,440			331,440	
Fiscal year 1972–73				341,905			341,905	
Total requirements, 1971–73	234,371	365,288	599,659	673,345	0	0	673,345	
Less:								
Federal funds, 1971–72	(11)229,580	(11)346,744	(11)576,324	(11)288,042			(11)288,042	
Federal funds, 1972–73				293,302			293,302	
General fund appropriation:								
Fiscal year 1971–72				43,398			43,398	
Fiscal year 1972–73				48,603			48,603	
Total, 1971–73	4,791	18,544	23,335	92,001			92,001	

A. PERSONAL SERVICES

Positions	Range (SR or WB)	Number of positions	Current services	Workload increase	Program adjustments	Total	Governor
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Current services:							
Director		1	54,458			54,458	
Deputy director		1	47,355			47,355	
Legal specialist		1	44,126			44,126	
Juvenile delinquency and community involvement specialist		1	43,804			43,804	
Corrections specialist		1	42,620			42,620	
Police science specialist		1	41,437			41,437	
Accountant IV	SR-21E	1	23,852			23,852	
Account clerk II	SR-10G	1	15,432			15,432	
Stenographer III	SR-11L1	1	16,200			16,200	
Stenographer II	SR-9D	2	24,967			24,967	
Subtotal, 1971-72		11	173,196			173,196	
Subtotal, 1972-73		11	181,055			181,055	
Total, 1971-73		11	354,251			354,251	

B. OTHER CURRENT EXPENSES

Object	Actual 1969-70	Adjusted appropriation, 1970-71	Total 1961-71	Current services request	Workload request	Program adjustments	Total	Governor
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Current services:								
Fringe benefits	18,477	29,803	48,280	67,464			67,464	
Services on a fee basis	5,399	1,500	6,899	3,300			3,300	
Stationery and office supplies:								
Envelopes	119	123	242	258			258	
Printed forms	44	40	84	80			80	
Duplicating supplies	645	664	1,309	1,389			1,389	
Standard forms	31	28	59	60			60	
Other stationery and office supplies	1,483	1,527	3,010	3,193			3,193	
Scientific supplies	78	0	78	0			0	
Postage	747	1,000	1,747	2,091			2,091	

B. OTHER CURRENT EXPENSES—Continued

Object	Actual 1969–70	Adjusted appropriation, 1970–71	Total 1961–71	Current services request	Workload request	Program adjustments	Total	Governor
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Telephones, tolls, and cables:								
Telephone	1,912	1,802	3,714	3,768			3,768	
Interisland calls	144	144	288	300			300	
Out-of-State calls	121	121	242	254			254	
Cables, radiograms, and telegrams	5	10	15	20			20	
Installation, removal and relocation	297	0	297	0			0	
Private car mileage	87	600	687	1,200			1,200	
Transportation, intrastate employees	2,933	2,304	5,237	4,817			4,187	
Current services:								
Subsistence, intrastate employees	2,408	3,240	5,638	6,480			6,480	
Transportation, out-of-State employees	3,576	7,991	11,567	16,709			16,709	
Subsistence, out-of-State employees	2,156	3,630	5,786	7,260			7,260	
Hire of passenger cars	125	125	250	262			262	
Freight and delivery charges	175	175	350	365			365	
Printing	671	5,000	5,671	10,455			10,455	
Rental of equipment	197	200	397	418			418	
Repairs and maintenance, office equipment:								
Contract	355	400	755	836			836	
Noncontract	57	60	117	126			126	
Dues and subscriptions	224	230	454	481			481	
All other miscellaneous expenditures:								
Registration fees	219	220	439	461			461	
Training costs	193	200	393	418			418	
Xerox services	2,056	2,060	4,116	4,308			4,308	
All other miscellaneous costs								
Not otherwise classified	149	153	302	321			321	
Youth Conference	2,990	2,000	4,990	2,000			2,000	
Subgrants funds to counties	60,359	131,946	192,305	180,000			180,000	
Subtotal, 1971–72				158,244			158,244	
Subtotal, 1972–73				160,850			160,850	
Total, 1971–73	108,432	197,296	305,728	319,094			319,094	

DEPARTMENT BUDGET REQUEST, BUDGET PERIOD 1971–73

PART I: OPERATING COSTS—PROGRAM BUDGET REQUEST SUMMARY

Characters of expenditure	Actual, 1969–70	Adjusted appropriation, 1970–71	Estimated expenditures, 1969–71	Current services request	Workload request	Program adjustments	Total	Governor
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
A. Personal services								
B.	99,581	1,060,857	1,160,438	2,135,263		1,534,050	3,669,313	
C.								
M.								
Fiscal year 1971–72				1,086,342		695,200	1,781,542	
Fiscal year 1972–73				1,048,921		838,850	1,887,771	
Total requirements, 1971–73	99,581	1,060,857	1,160,438	2,135,263		1,534,050	3,669,313	
Less:								
Federal funds, 1971–72	46,782	791,224	838,006	865,005		672,000	1,537,005	
Federal funds, 1972–73				818,145		818,850	1,636,995	
General fund appropriation:								
Fiscal year 1971–72				221,337		23,200	244,537	
Fiscal year 1972–73				230,776		20,000	250,776	
Total, 1971–73	52,799	269,633	322,432	452,113		43,200	495,313	

V. Caliber and Impact

A subjective judgment must be made on the caliber of the State Plans and the impact which the LEAA program is having on the criminal justice system in Hawaii. Undoubtedly, many projects are worthwhile and are having an impact in their various areas of concern. But looking at the broad picture, it is the judgment of this writer that what impact is being felt from the LEAA program in Hawaii is far from ideal or even sufficient. This is due to two major reasons:

1. Caliber: the caliber of the State Plan is sorely lacking. A brief outline of the criminal justice system operative in Honolulu is attached to this section. As can be seen, there is a sizeable Federal establishment in Honolulu. Yet they are rarely mentioned in the State Plan, or even taken into consideration. This is an inexcusable ommission on the part of the State Planning Agency.

Even more, the various State and County agencies which are tangential to the criminal justice system are rarely mentioned. This includes the State Ombudsman, the Office of Consumer Protection, the State Sheriff, etc. There is no real planning on a broad scope by State Planning Agency.

2. Guidance: in order to 'impact' on the criminal justice system, the State must have some idea of the areas where it would like to see improvement. And this must be broad enough to be able to encompass a variety of individual projects, yet specific enough to give direction to the State and County agencies. This is not being done at this time. Thus, with no guidance on the direction which the expenditures of LEAA funds should be channeled, there is little impact in any area.

It is the judgment of this writer that LEAA has had a minimal influence on the criminal justice system in Hawaii. Based upon the two factors listed above, and the one discussed previously on how SLEPA tries to please all comers, it would be strange for the program to have any other outcome.

THE CRIMINAL JUSTICE SYSTEM—HONOLULU, HAWAII

Enforcement	Prosecution/Defense	Courts	Corrections
FEDERAL			
FBI, IRS, U.S. Customs, BNDD, Secret Services, Armed Forces Police, Immigration and Naturalization, CIA, U.S. Marshall.	U.S. district attorney.	U.S. court of appeals (ninth circuit), U.S. district court, U.S. magistrate.	(Mainland corrections facilities), probation department.
STATE			
Attorney general—(a) Sheriff, (b) Organized crime unit, State ethics commission, State ombudsman, environmental quality control, consumer protection office, department of defense.	Public defender.....	State supreme court, circuit courts, district courts, family court.	Oahu prison, youth corrections facility, detention home, juvenile parole board, board of parole and pardons, (criminal injuries compensation commission).
CITY			
Honolulu Police Department, medical examiners office, city ethics commission, Oahu civil defense agency, (Office of Human Resources—juvenile diversion project—planning stages).	Prosecuting attorney.....		Halawa jail (HPD).

City of Indianapolis,
Police Department,
Indianapolis, Ind., January 10, 1972.

James V. Stanton,
Congress of the United States,
House of Representatives, Washington, D.C.

Dear Congressman Stanton: This letter is in response to your letter of December 3, 1971. I shall make this reply as brief and concise as possible. You will notice two enclosures, one being a year end financial statement and the other a recent research report that has some bearing on this topic.

With the exception of the factual information I must tell you that the philosophy of the research paper and the responses to your questions as contained in this letter are purely of my own invention and are not to be construed as reflecting either the policy or the official attitude of the city administration or of county or state officials. As a member of Congress you deserve an honest and deliberate response to any inquiry you should wish to make. I have given you a very candid answer to the best of my ability.

In re to your specific questions I do not feel that Indianapolis/Marion County has received enough money to demonstrate a substantial impact on crime.

I cannot deny that I felt a real sense of disappointment with the 1971 Discretionary programs. We were instructed early in 1971 to submit letters of intent describing Discretionary program proposals that we desired to be funded. We followed these letters with the actual program proposals. Of the discretionary grant applications made in 1971, 3 were funded, 7 were rejected, 1 was withdrawn, and 2 are still pending.

	Federal	Match	Project total
Those rejected were:			
Expanded planning research branch	$51,259	$35,597	$86,856
Cadet recruiting program	57,309	24,804	82,113
Civil disorder prevention unit	93,129	40,560	133,689
Metropolitan narcotic and dangerous drug unit	100,907	35,208	136,115
Public safety planning—Revised	64,830	22,950	87,780
Communications facility design	72,000	25,980	97,980
Informational exchange system	10,360	3,797	14,157
Those pending are:			
Reorganization of Investigation Division	131,038	43,680	174,718
Quantitative models for design	61,919	20,959	82,878

We have not encountered any serious problems in the block grant area. Amendments to the 1970 Safe Streets Act have certainly been of some help but possibly could have been extended to embrace a broader philosophy as delineated in my included report, *A Report on Research Methodology and Selected Police Programs in England*, pages 28 and 29.

We have to date enjoyed a comfortable working relationship with Mr. William Greeman and his staff at the Indiana Criminal Justice Planning Agency. I expect them to become more responsive to our needs as we develop greater proficiency in our planning skills.

Indianapolis/Marion County lies within an eight county region. The seven surrounding counties are basically rural oriented both demographically and philosophically so that a divergence of opinions between the rural and the metropolitan use of the Safe Streets money was inevitable. The magnitude of the metropolitan crime problem and the amount of money needed to combat it are at times staggering to those persons who don't come to grips with it on a daily basis. This, Sir, is a fundamental weakness in the Safe Streets Act that has not, at least in our case, been satisfactorily resolved. Perhaps a direct pass through or a regional status would be our answer. Indianapolis/Marion County has entered a dynamic era of moral and physical rebirth. Whatever apparatus is utilized for receiving the money it will be spent to its greatest advantage under the vigorous direction of Mayor Lugar, City County Council President Thomas Hasbrook and City County Council Public Safety Chairman William Leak. I identify these gentlemen to you as the prime movers for the Criminal Justice System as we enter into 1972.

My intention is not to be hyper-critical of L.E.A.A. or its administrators but I do feel, in reference to amounts of money awarded to large cities, that there is room for improvement. Most particularly in the area of planning and availability of planning money to large cities as referred to on page 3 of the statement of the United States Conference of Mayors to the House Committee on Government Operations Sub-Committee on Legal and Monetary affairs dated November, 1971. We should be permitted to really do program planning instead of making selections from a catalogue. Perhaps some of the difficulties of the past were the result of inadequate planning, or misinterpretation or failure to make the desired response to demands emanating from Chicago or Washington L.E.A.A. offices.

I do encourage optimism in the belief that since the L.E.A.A. structural reorganization has occured that Mr. Jemilo in Chicago and Mr. Leonard in Washington, both of whom are honorable men, will generate a positive action for massive assistance to the metropolitan areas.

My associate Don Adams and I would, of course, welcome a personal dialogue with you in Washington regarding federal funding. Your interest can only serve to stimulate all of our thinking while having a salutory effect on the entire Criminal Justice System and those of us working within it. Thank you for remembering Indianapolis.

Warmest regards,

Captain ROBERT BOYKIN,
Public Safety Planning,
Indianapolis Police Department.

OFFICE OF THE MAYOR,
CITY OF CHICAGO,
January 26, 1972.

Hon. DANIEL ROSTENKOWSKI,
Congressman, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN ROSTENKOWSKI: Attached is a news clipping from the Chicago Sun-Times of January 14, 1972, reporting the award of lump-sum criminal justice grants to eight medium-size cities. As noted in the article, cities with a population of one million and up are specifically excluded from the program. As a result, Chicago cannot qualify for any of the $160 million set aside by the Law Enforcement Assistance Administration for this "high impact" program.

In passing the Safe Streets and Crime Control Act of 1968, the Congress of the United States expressed its concern regarding the volume of violent crime in our country. Unfortunately, Congress decided that criminal justice funds provided under the Safe Streets Act should be controlled at the state level rather than where the problem rests, in the cities and metropolitan areas.

However, Congress did provide that 15% of all Safe Streets action monies be furnished cities and other units of government through discretionary grants from the Law Enforcement Assistance Administration in Washington. In the past two years Chicago has benefited from this aspect of the Safe Streets program. For example, an $800,000 program to hire and train ex-convicts in Chicago's local government agencies was recently funded. Under the "high impact" program this discretionary money has now been set aside for the benefit of some eight cities. Whether or not those cities should be the sole beneficiaries of the discretionary program, to the exclusion of others, is a debatable question.

There is no intention to minimize the need for assistance to the eight cities identified, nor to indicate that the City of Chicago should receive grants-in-aid to which it might not otherwise be entitled. My concern relates to the loss of a funding source which was specifically designed to support the special needs of urban areas in improving their criminal justice systems.

I am hopeful that you, as a representative in Congress of the people of Chicago, will initiate contacts with LEAA to insure that the discretionary program is not limited to eight cities. These funds should be distributed as before, with an emphasis on the violent crime problems of our major urban centers.

There is, however, a more basic problem to consider. It is clear that the existing Safe Streets legislation does not insure effective participation by the major cities. It is equally clear that the Law Enforcement Assistance Administration has failed to provide the support necessary for the cities in this program. To insure a proper share for the cities, financial assistance should be provided directly to the urban areas without being passed through the states on a block-grant basis.

It is primarily the cities and counties of our nation that have been waging the struggle for a safe society; and it is at this level that federal resources now available should be directed, if the Safe Streets program does in fact seek the improvement of criminal justice systems and the reduction of serious crime.

Sincerely,

RICHARD J. DALEY,
Mayor.

Enclosures.

[From the Chicago Sun-Times, Jan. 14, 1972]

EIGHT CITIES AIDED FOR HIGH-IMPACT FIGHT ON CRIME

WASHINGTON—Eight cities will share $160 million in federal money over the next three years in a new "high impact" program to try to fight street crime and burglaries, the administration announced Thursday.

The cities are Atlanta, Cleveland, Newark, N.J., Portland, Oreg., Baltimore, Dallas, Denver and St. Louis. The four latter ones experienced a falling crime rate in the first nine months of 1971, according to FBI crime statistics.

AGNEW LISTS GOALS

"We hope to reduce street crimes and burglaries by 5 per cent in two years and by as much as 20 per cent in five years in each of the cities," Vice President Spiro T. Agnew told a press conference.

Details of the program had been disclosed earlier in the day by Rep. James V. Stanton (D–Ohio), a critic of the Law Enforcement Assistance Administration, which will administer the new program.

Stanton claims red tape, the bureaucracy in LEAA and lax state officials are keeping money from the cities that need it worse. He has introduced legislation to channel money immediately to 56 large cities.

WIDE RANGE OF ACTION

The money is to go for improving all aspects of anticrime programs, from public education to police, the courts and correction systems. The cities involved are expected to add more policemen, step up patrols and possibly use more sophisticated training and operation facilities.

The latest FBI report, covering the first nine months of 1971, showed that all types of serious crimes in the nation increased by 6 per cent, with violent crime holding at a 10 per cent increase, the same as the previous year.

The program soon will be expanded to possibly 10 other cities, Agnew added, and "ultimately we hope it will be in operation in virtually every city in the nation with a significant crime problem."

SPECIFIC OFFENSES

"Its goal is to make a quick, high impact against buglaries and a variety of street crimes—robbery, mugging, assault, rape."

Jerris Leonard, head of LEAA, told reporters that only cities with populations of 250,000 to 1 million would be eligible for the new high-impact program and that one yardstick for selection was a high crime rate.

Following is a chart setting forth the number of serious crimes (murder, rape, robbery, serious assault, burglary, thefts over $50, auto theft) as reported in the F. B. I. release, dated December 29, 1971, covering the first nine months of 1971, for the six cities having a population of one million or more:

New York	400,987
Los Angeles	138,833
Detroit	94,937
Chicago	91,789
Philadelphia	43,858
Houston	43,535

The comparable data for the eight cities identified in the attached press release is as follows:

Baltimore	39,374
Dallas	34,379
St. Louis	32,978
Cleveland	32,713
Denver	28,028
Newark	24,784
Atlanta	22,078
Portland	19,345

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 27, 1972.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, Department of Justice, Washington, D.C.

DEAR MR. LEONARD: In recent months, there has been much discussion about both the nature and the effectiveness of the role played by the Law Enforcement Assistance Administration in reducing urban crime. Much has been said about the considerable delays that many major cities have experienced in their efforts to receive grants from LEAA.

As the Honorable James V. Stanton noted in a speech in the House of Representatives on November 16, 1971, a large percentage of funds that have been appropriated in the past fiscal years have yet to be distributed by LEAA. As of the close of FY 1971 (June 30, 1971), more than 6% of the FY 1969 LEAA funds still have not been disbursed by states to grantees; of the FY 1970 funds, more than one-half, 51.1%, were still being held at the state level; finally, of the FY 1971 funds, 92.1% were still unspent because the states have not yet forwarded the money to the areas in need.

It can not be said that the funds are not available. The LEAA has been generously funded, every year receiving increased appropriations from the Congress.

For FY 1972, the agency was awarded almost $700 million, a total representing the full amount that the President requested.

We believe that the Congress has shown its faith in the Law Enforcement Assistance Administration. It has been fully funded because we believed that an agency of this type could help to bring about a more coordinated, a more efficient, and certainly a more effective law enforcement effort in this country. To date, the LEAA has been far less successful than we had hoped.

In our own City of Chicago, the program has been as much of a disappointment as it has been nationwide. As of December 1, 1971, LEAA has rejected proposals submitted by Chicago totaling $2,059,419, and awarded grants totaling only $446,260. Thus, 80% of the monies requested have been denied. When we consider that the grants our city has received represent only .46% of all grants awarded, and that Chicago is our second largest city, with 1.66% of the nation's population, it becomes increasingly clear that Chicago is not getting its proportional share of funds distributed by LEAA to help improve law enforcement.

Because of this existing inequity in the distribution of funds, we were quite disturbed to learn that the $160 million burglary and robbery prevention program which is about to be launched by LEAA would be limited to cities of between 250,000 and one million.

We do not believe that this limitation, which eliminates at least five of our largest and more crime-plagued cities, is in keeping with the original intent of the Omnibus Crime Control and Safe Streets Act of 1968. Although it would be more expedient to confine the program to smaller cities where results could be more easily seen and evaluated, we believe that it would be more beneficial to direct this program toward the areas where the problems of burglary and robbery are most intense. We feel that the American taxpayers would be far more interested in a significant improvement in the nation's hardest hit crime areas rather than in a statistical success in a few smaller, select areas where burglaries and robberies are not as widespread.

Sincerely yours,

John C. Kluczynski, M.C.; Dan Rostenkowski, M.C.; Sidney R. Yates, M.C.; Roman C. Pucinski, M.C.; Frank Annunzio, M.C.; Abner J. Mikva, M.C.; George W. Collins, M.C.: Morgan F. Murphy, M.C.; Ralph H. Metcalfe, M.C.

FEDERAL FUNDING, PUBLIC PLANNING BRANCH

OFFICER CHARLENE PRINCE.

JANUARY 10, 1972, *Indianapolis, Ind.*

Federal funding, public safety planning branch

1969 Federal Funding: State Bloc Grants—Approved 1
1970 Federal Funding:
State Bloc Grants:
Approved 2
Rejected 4
Discretionary Grants:
Approved 5
Withdrawn 6
1970 Recap 7
1971 Federal Funding:
State Bloc Grants:
Approved 8
Deferred 10
Withdrawn 11
Pending 12
Discretionary Grants:
Approved 13
Rejected 14
Pending 15
Withdrawn 15A
Department of Transportation Grants:
Approved 16
Pending 17
1971 Recap 18
Federal Funding Recap 19

1969 STATE BLOC GRANTS—APPROVED

Project title	Project No.	Federal funds	Matching funds		Total project	Money received
			Soft	Hard		
Police legal advisor	5-1-69	$15,000.00	$10,000.00		$25,000.00	$15,000.00
Surveillance van	5-7-69	6,023.70		4,015.80	10,039.50	6,023.70
Videocorder and equipment	5-13-69	2,357.65		1,571.77	3,929.42	2,357.65
Subtotal			10,000.00	5,587.57		
Total		23,381.35	15,587.57		38,968.92	23,381.35

1970 STATE BLOC GRANTS—APPROVED

Surveillance equipment	5-6-69	$9,267.60		$6,178.40	$15,446.00	$9,267.60
Photo lighting equipment	5-14-69	532.62		355.08	887.70	532.62
Chromotographs	5-1-70	4,541.00		1,847.00	7,388.00	5,541.00
Equipment	5-8-70	5,547.00		1,849.00	7,396.00	5,547.00
Chemist Salary	5-9-70	8,700.00		5,800.00	14,500.00	8,700.00
Narcotic Lease	5-10A-70	7,776.00		5,184.00	12,960.00	7,776.00
Training for police	5-2-69	238.15		158 76	396.91	238.15
Firearms training	5-12-70	131.40		87.60	219.00	131.40
Narcotics training-Chicago	5-21-70	1,981.00	$1,321.00		3,302.00	1,981.00
Print shop	5-16-69	5,040.00	3,360.00		8,400.00	5,040.00
Legal advisor	5-22-70	15,000.00	10,000.00		25,000.00	15,000.00
Northwestern Belmore	5-17-69	8,900.00	5,933.00		14,833.00	8,900.00
Color photography	5-38-70	21,693.00	14,462.00		36,155.00	21,693.00
Narcotic seminar-Hawaii	5-41-70	1,343.00	228.00		571.00	343.00
Narcotic school-Washington	5-42-70	1,613.00	1,075.33		2,688.33	1,613.00
Training aids equipment	5-43-70	2,658.00	1,772.00		4,430.00	2,658.00
Pilot equipment	5-47-70	24,991.00	8,900.00		33,891.00	24,991.00
Regional in-service training	5-46-70	775.00	516.00		1,291.00	775.00
Southern Police Institute	5-49-70	1,410.00	2,122.00		3,532.00	1,410.00
Micro filming	5-59-70	1,800.00	1,338.00		3,138.00	1,800.00
Homicide (SPI)	5-56-70	428.00	289.00		717.00	428.00
Project Search	5-65-70	865.00	476.00		1,341.00	865.00
Northwestern	5-66-70	1,818.00	1,212.00		3,030.00	1,818.00
Homicide Cincy	5-67-70	450.00	315.00		765.00	450.00
Subtotal			53,319.33	21,459.84		
Total		127,498.77	74,779.17		202,277.94	127,498.17

1970 STATE BLOC GRANTS—REJECTED

Project title	Project No.	Federal funds	Matching funds: Soft	Matching funds: Hard	Total project	Money received
Drug education program (total)		$6,000.00	$4,000.00		$10,000.00	

1970 DISCRETIONARY GRANTS—APPROVED

Handi-talkie radios	CH70-DF254	$90,948.00		$60,632.00	$151,580.00	$90,948.00
Crime lab expansion	CH70-DF439	58,370.00	$39,000.00		97,370.00	58,370.00
Fellowship Grant	CH70-DF378	4,660.00	5,629.00		10,289.00	4,660.00
Regional computer crime information	CH70-DF732	100,520.00	70,222.00		170,742.00	25,130.00
Subtotal			114,851.00	60,632.00		
Total		254,498.00	175,483.00		429,981.00	179,108.00

1970 DISCRETIONARY GRANTS—WITHDRAWN BY ADMINISTRATIVE DIRECTION

Metropolitan narcotics group	CH71-DF42	$48,804.00	$33,900.00		$82,704.00	
Public safety planning unit	CH71-DF16	49,717.00	33,800.00		83,517.00	
Helicopter crime control	CH71-DF40	199,530.00	159,361.00		358,891.00	
Total		298,051.00	227,061.00	0	525,112.00	

1970 FEDERAL GRANTS—RECAPITULATION

Grants approved:					
State bloc	127,498.77	53,319.33	21,459.84	202,277.94	127,498.77
Discretionary	254,498.00	114,851.00	60,632.00	429,981.00	179,108.00
Subtotal		168,170.33	82,091.84		
Total	381,996.77	250,262.17		632,258.94	306,606.77
Grants rejected:					
State bloc	6,000.00	4,000.00	0	10,000.00	
Discretionary	0	0	0	0	
Total	6,000.00	4,000.00	0	10,000.00	

Grants withdrawn:						
State bloc		0	0	0	0	
Discretionary		298,051.00	227,061.00	0	525,112.00	
Total		298,051.00	227,061.00	0	525,112.00	

1971 STATE BLOC GRANTS—APPROVED

Training seminar LA	5-5-71	$1,350.00	$364.00		$1,714.00	$1,350.00
disposal truck	5-10-71	5,895.00	2,416.00		8,311.00	5,895.00
Police liaison program	5-6-71	25,000.00	2,800.00		27,800.00	25,000.00
Officer friendly	5-88-70	2,700.00	1,800.00		4,500.00	2,700.00
Northwestern traffic institute-renew	5-89-70	8,425.00	5,616.00		14,014.00	8,425.00
Closed circuit TV juven	5-16-71	1,749.00	1,166.00		2,915.00	1,749.00
color schools	5-42-71	1,235.00	1,027.00		2,262.00	1,235.00
Management development training	5-28-71	7,935.00	5,290.00		13,225.00	7,935.00
training school	5-26-71	1,800.00	1,195.00		2,995.00	1,800.00
Narcotic Training, D.C	5-29-71	836.00	623.00		1,459.00	836.00
Narcotic Training L'vlle	5-24-71	995.00	922.00		1,917.00	995.00
Surveillance seminar—Frisco	5-27-71	1,590.00	1,104.00		2,694.00	1,590.00
Helicopter maintenance	5-100-70	43,800.00	34,212.00		78,012.00	24,186.00
	5-23-71					
Narcotic lease cars-new	5-104-70	6,840.00		$2,280.00	9,120.00	6,840.00
ammunition	5-48-71	9,800.00	3,256.00		13,056.00	9,800.00
Aviation Institute	5-65-71	2,128.16	767.55		2,949.71	2,142.00
Helicopter communication equipment	5-57-71	2,047.50		682.50	2,730.00	2,047.50
ACS Terminal	5-60-71	2,142.25	728.75		2,871.00	2,142.25
Narcotic Conference—eden	5-66-71	339.00	246.75		585.75	339.00
Police legal advisor	5-72-71	15,000.00	6,800.00		21,800.00	3,750.00
P.I.—Ragsdale	5-97-71	1,760.00	2,339.00		4,099.00	0
grade Graphic Arts	5-81-71	20,175.00	6,345.00	380.00	26,900.00	20,175.00
London Home Office Training	5-108-71	2,137.00	1,004.00		3,141.00	2,137.00
Frensic Analyst Seminar	5-80-71	265.00	432.00		697.00	265.00
Photo School	5-90-71	252.00	194.00		446.00	0
Homicide Cincy—Renew	5-88-71	415.00	413.00		828.00	415.00
Police Management-Hanley	5-96-71	1,150.00	948.00		2,098.00	0
Police Lease Cars	5-99-71	13,320.00		4,440.00	17,760.00	0
Computer Management Support	5-4-72	101,500.00	33,833.00		135,333.00	0
Drug Conference—Goeden	5-95-71	194.00	176.00		370.00	0
X-Ray Device	5-101-71	4,875.00		1,625.00	6,500.00	0
IBM Training	5-98-71	10,035.00	5,513.00		15,548.00	0
Management Development II	5-5-72	15,778.00	7,511.00		23,289.00	0
Subtotal			129,042.05	9,407.50		
Total		313,516.91	138,449.55		451,966.46	133,748.75

1971 STATE BLOC GRANTS—DEFERRED

Project title	Project No.	Federal funds	Matching funds		Total project	Money received
			Soft	Hard		
Firearms School	5-89-71	$760.00	$618.07	0	$1,378.07	

1971 STATE BLOC GRANTS—WITHDRAWN BY ADMINISTRATION DIRECTION

Alcohol studies—Rutgers	5-25-71	$610.00	$510.92	0	$1,120.92	
Management training—San Jose		1,650.00	1,281.00	0	2,931.00	
Retraining conference—SPI	5-64-71	220.00	173.84	0	393.84	
Total		2,480.00	1,965.76	0	4,445.76	

1971 STATE BLOC GRANTS—PENDING

Communications facility design	$72,000.00	$25 980.00		$97,980.00	
Attitudenal survey	3,195.00		$355.00	3,550.00	
Onsite inspection	25,200.00	8,327.00		33,527.00	
Narcotic lease car	13,680.00		4,560.00	18,240.00	
New York seminar	2,330.00	816.00		3,146.00	
Subtotal		35,123.00	45,915.00		
Total	116,405.00	40,038.00		156,443.00	

1971 DISCRETIONARY GRANTS—APPROVED

Unified planning—Metro plan	5-3-P-71	$7,668.00	$852.00	0	$8,520.00	$7,668.00
Delinquency control	CH-71-DF-1770	199,610.00	69,742.00	0	269,352.00	0
Criminal justice coordinating council		48,609.00	16,991.00	0	65,600.00	0
Total		255,887.00	87,585.00	0	343,472.00	7,668.00

1971 DISCRETIONARY GRANTS—REJECTED

Expanded planning—Research branch	CH-71-DF-1838	$51,259.00	$35,597.00	0	$86,856.00	
Metropolitan Narcotic and Dangerous Drug Unit	CH-71-DF-1786	100,907.00	35,208.00	0	136,115.00	
Public safety planning—Revised	CH-71-DF-1769	64,830.00	22,950.00	0	87,780.00	
Information exchange system	CH-71-DF-1845	10,360.00	3,797.00	0	14,157.00	
Cadet recruiting program	CH-71-DF-1742	5,309.00	24,804.00	0	82,113.00	
Civil Disorder Prevention Unit	CH-71-DF-47	93,129.00		$40,560.00	133,689.00	
Communications facility design	CH-71-DF-1840	72,000.00		25,980.00	97,980.00	
Subtotal			122,356.00	66,540.00		
Total		449,794.00	188,896.00		638,690.00	

1971 DISCRETIONARY GRANTS—PENDING

Reorganization, Investigations Division (May 14, 1971)		$131,038.00	$43,680.00		$174,718.00	
Quantitative Models for Design (May 21, 1971)	CH-71-DF-1780	61,919.00	4,802.00	$16,157.00	82,878.00	
Subtotal			48,482.00	16,157.00		
Total		192,957.00	64,639.00		257,596.00	

1971 DISCRETIONARY GRANTS—WITHDRAWN

Organized Crime—Intelligence Unit		$144,763.00	$48,354.00	0	$193,117.00	

1971 DEPARTMENT OF TRANSPORTATION GRANTS—APPROVED

Accident Investigation—Northwestern		$677.00	$677.00	0	$1,354.00	0
Do		467.00	467.00	0	934.00	$467.00
Total		1,144.00	1,144.00	0	2,288.00	467.00

1971 DEPARTMENT OF TRANSPORTATION GRANTS—PENDING

Traffic expansion program [1]		$621,437.00	$621,437.00	0	$1,242,874.00	

[1] Budget will be revised.

1971 FEDERAL FUNDING—RECAPITULATION

Project title	Project No.	Federal funds	Matching funds		Total project	Money received
			Soft	Hard		
Grants approved:						
State bloc		$313,516.91	$129,042.05	$9,407.50	$451,966.46	$133,748.75
Discretionary		255,887.00	87,585.00	0	343,472.00	7,668.75
Department of Transportation		1,144.00	1,144.00	0	2,288.00	467.00
Subtotal			217,771.05	9,407.50		
Total		570,547.91	227,178.55		797,726.46	141,883.75
Grants deferred or rejected:						
State bloc		760.00	618.07	0	1,378.07	
Discretionary		449,794.00	122,356.00	66,540.00	638,690.00	
Subtotal			122,974.07	66,540.00		
Total		450,554.00	189,514.07		640,068.07	
Grants withdrawn:						
State bloc		2,480.00	1,965.76	0	4,445.76	
Discretionary		144,763.00	48,354.00	0	193,117.00	
Total		147,243.00	50,319.76	0	197,562.76	
Grants pending:						
State bloc		116,405.00	35,123.00	4,915.00	156,443.00	
Discretionary		192,957.00	48,482.00	16,157.00	257,596.00	
Department of Transportation		621,437.00	621,437.00	0	1,242,874.00	
Subtotal			705,042.00	21,072.00		
Total		930,799.00	726,114.00		1,656,913.00	

FEDERAL FUNDING RECAPITULATION, 1969–71

Grants approved:					
1969	$23,381.35	$10,000.00	$5,587.57	$38,968.92	$23,381.35
1970	381,996.77	168,170.33	82,091.84	632,258.94	306,606.77
1971	570,547.91	217,771.05	9,407.50	797,726.46	141,883.75
Subtotal		395,941.38	97,086.91		
Total	975,926.03	493,028.29		1,468,954.32	471,871.87
Grants deferred or rejected:					
1969	0	0	0	0	
1970	6,000.00	4,000.00	0	10,000.00	
1971	450,554.00	122,947.07	66,540.00	640,068.07	
Subtotal		126,974.07	66,540.00		
Total	456,554.00	193,514.07		650,068.07	
Grants withdrawn:					
1969	0	0	0	0	
1970	298,051.00	227,061.00	0	525,112.00	
1971	147,243.00	50,319.76	0	197,562.76	
Total	445,294.00	277,380.76	0	722,674.76	
Grants pending:					
1969	0	0	0	0	
1970	0	0	0	0	
1971	930,799.00	705,042.00	21,072.00	1,656,913.00	
Subtotal		705,042.00	21,072.00		
Total	930,799.00	726,114.00		1,656,913.00	

PRESS RELEASE FROM DAN ROSTENKOWSKI, 8TH CONGRESSIONAL DISTRICT, ILLINOIS

Congressman Dan Rostenkowski today announced that most members of the Chicago Congressional delegation have introduced the Emergency Crime Control Act. Three weeks ago the delegation sent a letter to Mr. Jerris Leonard, Administrator of the Law Enforcement Assistance Administration, complaining about that agency's discriminatory policies toward America's largest cities. Today Rostenkowski, the Chairman of the Chicago delegation, introduced the Emergency Crime Control Act in an attempt to correct the situation.

In introducing the bill, Rostenkowski, a senior member of the House Ways and Means Committee, explained that "rather than stopping at the state level, the bloc-grant concept should be extended all the way down to the city level. The legislation we are proposing today reflects this need." The bill would insure large cities—high crime urban areas"—of getting sufficient funds on a one shot basis. These cities would then spend the money as they see fit.

The 8th District Congressman was critical of the present system, which employs state planning agencies to review each individual plan submitted to them by even the largest cities in each state. In Rostenkowski's opinion, this review often tends to interrupt the flow of funds to the cities, as well as severely limiting the creativity of city officials in planning projects that they feel would be best for their cities.

Rostenkowski pointed out the necessity for Congressional guidance. "It is time for Congress to intercede; to provide the LEAA with viable legislative guidelines to give our cities the attention and money they deserve."

The other members of the Chicago delegation who introduced the bill are: Rep. Frank Annunzio, Rep. George Collins, Rep. John Kluczynski, Rep. Abner Mikva, Rep. Morgan Murphy, and Rep. Roman Pucinski.

CITY OF CHICAGO,
COMMITTEE ON CRIMINAL JUSTICE,
Chicago, Ill., December 10, 1971.

Congressman JOHN F. SEIBERLING,
Congressman JAMES V. STANTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMEN: It is now and has for some time been the policy of the City of Chicago Committee on Criminal Justice that crime is largely an urban phenomenon and that the appropriate method of recognizing this would be the award of a block grant directly to the City of Chicago. Superintendent of Police James B. Conlisk, Jr., Chairman of the Chicago Committee, appointed an ad hoc committee for this purpose in May of 1971. This Ad Hoc committee met in October of 1971 with representatives of the State Planning Agency—the Illinois Law Enforcement Commission (ILEC)—to conduct negotiations for a block grant. The 1972 Chicago comprehensive criminal justice plan entitled, "Strategies for the Seventies," which calls for an outlay of 200 million dollars over the next five years, concluded that effective implementation of the plan required: (1) allocation of a definite percentage of Illinois' block grant to the cities, (2) increased appropriation requests to the Congress, and (3) firm assurance that the State and Federal governments will give priority attention to local criminal justice plans in establishing funding levels and substantive categories for its annual plans.

Your letter of December 3, 1971 asked whether the City is receiving "an adequate share of LEAA funds." That depends on what an "adequate share" is. You might consider the following figures: the City of *Chicago has 30 per cent of Illinois' population, 73 per cent of its violent crime,* 52% of its index crime and accounted for 61% of the total dollars spent by local governments for criminal justice in 1969, the latest year for which figures are available. *Yet as of July 31, 1971, the City received 21% of the LEAA discretionary money awarded in Illinois, 11% of the Part B planning funds, and 22% of the Part C Action funds that must go to units of local government.*

As you pointed out before the House on November 16th, both Attorney General Mitchell and Mr. Leonard of LEAA have repeatedly claimed that LEAA is giving priority attention to the cities. What are the facts as far as Chicago is con-

cerned? Chicago is the Nation's second largest city with a population of 3,366,957—1.657% of the country's total population of 203,184,772. From fiscal 1969 through fiscal 1971, LEAA had available 96.6 million dollars in discretionary funds of which Chicago received $446,260—0.46% of the total LEAA had available. *Chicago received, in other words, about one fourth as much as it would have received had LEAA discretionary funds been distributed solely on a population basis.* According to the latest budget figures available, Chicago's per capita expenditure for Police Protection is $65.91 and the per capita funds received from LEAA discretionary funds is 13 cents. The $5.00 per capita you suggest is more realistic.

Yet Mr. Mitchell and Mr. Leonard claim LEAA is giving special attention to high crime areas. To the contrary, LEAA has rejected 8 Chicago proposals totalling $2,059,419, and 4 others are still pending. *One proposal submitted by the Chicago Board of Education has been pending at LEAA since the summer of 1970.* The history of another program submitted by the Chicago Civil Service Commission to employ 100 paroled felons in civil service positions in city government is a story in itself. On June 11, as the attached press clippings indicate.

Mr. Leonard stated publicly in Chicago that the program would be funded. Six months later we are informed that the project will be funded but that it will be funded out of fiscal 1972 funds and not out of the $831,400 fiscal 1971 funds which we understood had been earmarked and set aside for Chicago under the "large city" category of the LEAA guidelines.

The purpose of the 1970 Amendments about which you inquired was to assure that Safe Streets money would be distributed to high crime urban areas. In this respect the Illinois State Planning Agency is moving backwards. The 1971 Illinois plan (page 283) contained a substantive category entitled "Urban Crime Reduction" that provided $600,000 in Federal funds and $100,000 in State matching funds for "Special prevention and deterrence activities to measureably reduce urban crime." This category was then specifically required by LEAA guidelines. Of this, $500,000 was earmarked for Chicago and $100,000 for other cities. Although the amount was small, Illinois at least gave lip service to the "urban crime" problem in 1971; its current plan does not even do that. Over the objection of Chicago representatives the State entirely eliminated "Urban Crime Reduction" as a substantive category in its 1972 Plan, and did not earmark any specific amount for the unique problems of the cities as it had done the previous year—the year Congress was considering amendments to the Act to protect the interest of the cities.

In summary, Chicago supports the concept of block grants to the cities and we hope you will keep us informed of the progress of the Emergency Crime Control Act of 1971. In turn we will keep your office informed of the success—or lack of it—of our negotiations to obtain a block grant from the State.

Sincerely,

WILLIAM F. LACY,
Executive Director.

Enclosures.

Table I.—LEAA discretionary funds available, 1969–1971

$4.35 million—fiscal 1969—July 1, 1968–June 30, 1969
$32.25 million—fiscal 1970—July 1, 1969–June 30, 1970
$60.0 million—fiscal 1971—July 1, 1970–June 30, 1971
Unknown—fiscal 1972—July 1, 1971–June 30, 1972

Source: phone conversation with Mr. Kirkpatrick, LEAA regional office, 9/15/71, 11:30 A.M. (353–1203)

Table II.—LEAA discretionary funds granted to Chicago, 1969–1971

Project:	*Amount*
01–69–DIS	$70,574
03–70–DIS	232,887
05–70–DIS	103,289
25–70–DIS	8,400
37–70–DIS	31,110
Total	446,260

Table III.—LEAA discretionary funds denied to Chicago, 1969–1971

Project:	Amount
08–70–DIS	$247,306
09–70–DIS	48,414
24–70–DIS	90,358
26–70–DIS	100,000
87–71–DIS	1,300,000
104–71–DIS	48,000
113–71–DIS	168,341
116–71–DIS	57,000
Total	2,059,419

Table IV.—LEAA discretionary funds pending to Chicago, December 1, 1971

Project:	Amount
12–70–DIS	$347,404
110–71–DIS	17,053
114–71–DIS	818,403
142–71–DIS	1,231,785
Total	2,414,645

Table V.—Disposition of Chicago-originated request for LEAA funds, as of December 1, 1971

Total Requested	$4,920,324
Total Denied	2,059,419
Total Granted	446,260
Total Pending	2,414,645
Total available (nationally 1969–71)	96,600,000

[From the Chicago Tribune, Dec. 27, 1971]

CHICAGO SHORTED IN SHAVE OF U.S. CRIME FUNDS, DALEY AIDE FINDS

(By Glen Elsasser)

WASHINGTON, Dec. 25.—A lieutenant of Mayor Daley's has complained—and documented—that Chicago is being woefully shortchanged in getting federal crime-fighting funds.

While William F. Lacy directed his jabs at the federal establishment in Washington, he found fault with the Illinois law enforcement commission which ladles out the money at the state level.

Lacy, executive director of the Chicago Committee on Criminal Justice, spoke his mind in a letter recently to two congressmen who had asked if Chicago was getting a fair shake in the federal program.

SEEK DIRECT GRANTS

Rep. John F. Seiberling and Rep. James V. Stanton, both freshmen Democrats from Ohio, have introduced legislation to provide for direct federal block grants, with no strings attached, to the nation's largest cities.

The proposal was later sponsored by three Chicago Democrats, Representatives Ralph Metcalfe, Abner Mikva, and Morgan Murphy.

The law enforcement assistance administration (LEEA), the Justice Department agency directing the program, is budgeted for $698 million for the current fiscal year—two-thirds of which is earmarked for bloc grants to states to use generally as they wish.

SOME STATISTICS

Lacy provided the following statistics to show that Chicago has not received a fair share of the federal money:

"The city of Chicago has 30 per cent of Illinois' population, 73 per cent of its violent crime, and 52 per cent of its index crime, and accounted for 61 per cent of the total dollars spent by local governments for criminal justice in 1969, the latest year for which figures are available.

"Yet as of July 31, 1971, the city received 21 per cent of the LEAA discretionary money awarded in Illinois, 11 per cent of the part B planning funds, and 22 per cent of the part C action funds that must go to units of local government."

[LEAA officials, however, said that there were 11 Chicago proposals still pending, and that the city's batting average on rejections and acceptances was good.]

ONE-FOURTH OF SHARE

In another flurry of statistics, Lacy said that from fiscal 1969 thru fiscal 1971 LEAA had available $96.6 million in discretionary funds of which Chicago received $446,260—or .46 of the total LEAA amount. Chicago's population, incidentally, is 1.6 per cent of the country's total population.

"Chicago received," he concluded, "about one-fourth as much as it would have received had LEAA discretionary funds been distributed solely on a population basis."

Despite promises from Atty. Gen. John N. Mitchell and Jerris Leonard, the LEAA administrator, that high crime areas get special attention, Lacy complained that LEAA has rejected eight Chicago proposals carrying a $2.05 million price tag.

One of the four Chicago proposals still under consideration by LEAA is a project to employ 100 ex-convicts in city jobs. Leonard stated publicly in Chicago in June that the project would be financed thru 1971 funds, but now, according to Lacy, LEAA has delayed it because of a decision to use 1972 funds.

At the state level, Lacy said that the Illinois state planning agency is "moving backwards" in distributing money to high crime urban areas.

URBAN CRIME IGNORED

To back this up, he pointed out that the 1971 Illinois plan contained $600,000 in federal funds and $100,000 in state matching funds, while the state's current plan—now under review in Washington—specifically ignores high crime urban areas.

"Over the objection of Chicago representatives, the state entirely eliminated 'urban crime reduction' as a substantive category in its 1972 plan, and did not earmark any specific amount for the unique problems of the cities as it had done the previous year—the year Congress was considering amendments to the act to protect the interest of the cities," Lacy said.

Congressman Stanton's office has released a barrage of statistics to show how the federal money remains largely impacted and unspent at the state planning agency level.

For instance, of the $18.3 million allocated to the state of Illinois during the fiscal year ending last June 30, only 7.3 per cent of this has been disbursed. For fiscal 1970, only 50.4 per cent of the $9.8 million of the state's share of criminal justice funds has been dispersed.

REFORMS PROMISED

Leonard has promised since taking charge last May to correct LEAA's faults. He has also frequently criticized the critics as being politically motivated and opposed to President Nixon's revenue sharing plans.

The LEAA program, established by Congress in 1968, is a prototype of revenue sharing.

Charles Rogovin, the former LEAA administrator, told a House subcommittee this fall that "the role of LEAA has been murky" and in particular, there has been no priorities and no clear policies.

THE CITY OF WICHITA,
OFFICE OF THE CITY MANAGER,
Wichita, Kans., January 14, 1972.

Mr. SANFORD WATZMAN,
Longworth Building,
Washington, D.C.

DEAR MR. WATZMAN: Mr. Bernard Borst, Legal Adviser to the Wichita Police Department, has handed this office the letter from Congressmen Stanton and Seiberling concerning the Emergency Crime Control Act of 1971 (HR 11813).

In the letter the City's opinion on three specific questions concerning the Safe Streets Act is requested as follows:

(1) Whether your community has been receiving an adequate share of LEAA funds.

Wichita has received an adequate share of the funds allocated to the State of Kansas under the Safe Streets Act. However, in our opinion, the State of Kansas did not receive an adequate share of the federal allocation as distributed among the states.

(2) Whether red tape is delaying the funding of important projects and, if so, which ones.

Submission of requests for larger allocations have taken a longer time for approval; however, this is to be expected and has generally been considered by the City in submission of these applications. Disbursement of some funds by the State has been slow; however, no problem has resulted as the City has been able to pay the costs with the knowledge that the funds would be received. A recent change in reporting of fund data will require additional work in that monthly reports are now required in place of the former quarterly reports.

(3) Whether the 1970 amendments to the Safe Streets Act, designed to give cities a larger share of funds, appears to have improved your situation so far.

Since 1970, the City of Wichita has been quite successful in receiving approval of grant requests. It is noted that the number of applications for grants also increased significantly in 1970 and 1971 and comparison with preceding years on a quantitative basis would be difficult. The 1970 changes in the law may have contributed to the filing of more applications; however, this is again difficult to determine.

At the present time the City of Wichita has submitted a major capital grant to the Kansas Governor's Committee on Criminal Administration for approval. This grant application for $1,089,630.96 is for equipping and furnishing of Police Department and Municipal Court facilities in a proposed new city building.

We understand that there may be some hesitancy on the part of the Governor's Committee in approaching a capital grant application in this amount. However, it is our feeling that increased LEAA funds available to the State, particularly for capital grants make this an ideal project for effective use of funds within an urban high crime area of the state.

The areas of special appeal of the legislation introduced by Congressman Stanton and Congressman Seiberling are as cited in your letter—that a guaranteed, predictable sum would be available to the City quickly in a significant amount that could be used for greatest impact against crime in the specific locale.

Thank you for providing us with the opportunity to comment on this legislation.

Sincerely,

RALPH WULZ, *City Manager.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 9, 1972.

Mr. CHARLES OWEN,
Kentucky Crime Commission,
Capitol Building, Frankfort, Ky.

DEAR MR. OWEN: You might recall that I wrote to you recently asking for your comments on my Emergency Crime Control Act (HR 11813).

The purpose of this letter is to advise you that the House Judiciary Committee will hold hearings on the bill (see enclosed reprint from the Congressional Record of February 22nd).

In view of this fact, I thought you might want to consider once more sending me a reply. Any contribution you could make to the upcoming hearings would be greatly appreciated. I enclose a copy of my original presentation which contains the text of the bill.

I would be happy to hear from you, either by telephone or in writing. Sanford Watzman, my Administrative Assistant, and John Vargo, my Legislative Assistant, are entirely conversant with this matter and are in a position to answer any questions you might have.

I am also enclosing a reprint from the Congressional Record of February 28th to give you some idea of the kind of support we have been attracting from other Members of Congress.

Sincerely,

JAMES V. STANTON,
Member of Congress.

NOVEMBER 22, 1971.

Mrs. ROBIN CRANE,
Kentucky Crime Commission,
Capitol Building, Frankfort, Ky.

DEAR MRS. CRANE: Pursuant to our phone conversation this afternoon, enclosed is a copy of the Congressional Record containing Congressman Stanton's presentation (on page H–11138). You might be interested to know that Congressman Seiberling of Akron, a member of the House Judiciary Committee, has joined Mr. Stanton as a sponsor.

Again, we would appreciate it if Mr. Owen could send us his comments on this proposal, pro or con, formally or informally. Ideally, we would like a letter that we could put in the Congressional Record.

Also, as you'll recall, I asked about the status of the survey of State planning agencies, and we'd appreciate anything you could send us on that score, too.

Thanks for your interest, and we hope we'll hear from you soon.

Sincerely,

SANFORD WATZMAN,
Administrative Assistant.

CITY OF MINNEAPOLIS,
MINNEAPOLIS POLICE DEPARTMENT,
Minneapolis, Minn., April 19, 1972.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee,
Rayburn Building, Washington, D.C.

DEAR CONGRESSMAN: Please accept this letter as a request to appear before your committee in support of the Emergency Crime Control Act (H.R. 11813) introduced by Congressmen Stanton and Seiberling.

We have long felt the present procedures of channeling funds is inefficient, wasteful and that millions if not billions of dollars have been and will continue to be wasted unless drastic changes are made.

Space does not permit me to list our criticisms of the present system of allocating LEAA funds through State and Regional Planning Committees and it is for this reason we are requesting that we be invited to be heard before your committee. Not only to criticize but hopefully to recommend changes that are consistent with the bill introduced by Mr. Stanton and Seiberling of Ohio.

Sincerely yours,

GORDON N. JOHNSON,
Chief of Police.

CITY OF MINNEAPOLIS,
MINNEAPOLIS POLICE DEPARTMENT,
Minneapolis, Minn., January 5, 1972.

Congressman JAMES V. STANTON,
Congress of the United States,
House of Representatives, Washington, D.C.

DEAR SIR: I want to thank you for your letter of December 3, 1971. I am delighted to see that you share our concern surrounding some of the problems our large cities are experiencing with LEAA funds. Perhaps we tend to lack some of the proper perspective in looking at this matter because of the critical problems we must deal with in our cities on a day-to-day basis.

In your letter you asked three specific questions. First, whether we felt our community was receiving an adequate share of the LEAA funds. The answer to this would obviously be something of a value judgment. However, considering the original intent of these funds, and the comparative size of our cities needs, we do not feel that our share has been adequate.

Secondly, you ask whether "red tape" is causing delay. Beyond any doubt this is one of the major problems of the program. As you yourself have discovered in

some states, funds have not even been distributed to the cities. In other cases, such as ours, we have several layers of administrative control, all of which are absorbing overhead expenses. We also have many layers of project review which we must go through, explaining and re-explaining our needs in an attempt to justify our projects.

In response to your third question, I must frankly state that we have noticed no impact from the 1970 amendments to the Safe Streets Act.

From a constructive point of view, I feel that the only real improvement we might suggest for the program to meet the needs of large cities would be to provide block sums of money to the cities to meet their specific needs. The Emergency Crime Control Act of 1971 (H.R. 11813), which you have introduced, would appear to achieve this goal.

Again, may I extend to you my sincere thanks for your interest and concern. My best wishes to you in this effort.

Sincerely,

GORDON N. JOHNSON,
Chief of Police.

CITY OF MINNEAPOLIS,
January 18, 1972.

Congressman JAMES V. STANTON,
Congress of the United States,
House of Representatives, Washington, D.C.

DEAR SIR: I want to thank you for taking the time to contact our Police Chief, Gordon N. Johnson, for his comments on the Emergency Crime Control Act, 1971 (H.R. 11813) which you have introduced in Congress. I think Chief Johnson's reply of January 5 very closely reflects my own opinions on this issue.

One of the key problem areas I see in the operation of the Safe Streets Act is the provision of resources for core cities to meet their increasing crime problems. Your proposal of directly funding high-crime urban areas would seem to be a significant improvement in the Crime Control Act.

I greatly appreciate your interest in the problems of some of our major cities and commend you for your action in introducing this bill which will better enable us to meet the needs of our local citizens.

If we in Minneopolis can assist you in this matter, please feel free to contact us.

Sincerely,

CHARLES STENVIG, *Mayor.*

CITY OF MINNEAPOLIS,
OFFICE OF CITY COUNCIL,
Minneapolis, Minn., January 27, 1972.

Congressman JAMES V. STANTON,
Congress of the United States,
House of Representatives, Washington, D.C.

DEAR SIR: The Council and our Police Department have had numerous discussions relating to LEAA funding. We have been frustrated in many respects by the current arrangements and thus find your suggested changes to be intriguing.

The specific problems we have faced have already been covered in letters from our Chief of Police, Gordon N. Johnson, and our Mayor, Charles Stenvig. I can only concur in their analyses.

Best of luck in your attempts to proceed with HR 11813. You will find broad support in the City of Minneapolis for the approach you have recommended.

Very truly yours,

JOHN A. CAIRNS, *President.*

CITY OF MINNEAPOLIS,
MINNEAPOLIS POLICE DEPARTMENT,
Minneapolis, Minn., March 8, 1972.

Mr. JERRIS LEONARD,
Director, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. LEONARD: At the risk of being redundant, we are once again drawing your attention to the perennial problem faced by law enforcement in the State of Minnesota as it applies to federal funds made available through the *Law Enforcement Assistance Act.*

Examination of the committee members listed on page two of the attached report shows a complete absence of any representation from the profession of law enforcement. What makes the situation more ludicrous is the fact that the Chairman, Mr. Eugene Eidenberg, has accepted a position in another state and will be leaving during 1972 to take up his new responsibilities.

It is also our intention to raise the question as to the legality of such appointments. We feel the Governor's Staff is circumventing the requirement under the act that law enforcement must be represented. It is our opinion the spirit, if not the letter of the law is being violated and would request your office investigate these possibilities.

Sincerely yours,

GORDON N. JOHNSON,
Chief of Police.

MARCH 6, 1972.

To: Members of the Crime Commission; Chairmen, Regional Advisory Councils; Regional Directors; Coordinating Councils; Commission Staff.
From: Jerry N. Clark, Planning Director.

The Planning and Priorities Committee met March 4th, to discuss the Policy Statements adopted for the 1972 PLAN. After a general discussion of the contents of each statement, the following steps were agreed upon:

(1) The four subcommittees will begin meeting shortly to revise the "Criminal Justice Components" statements. It is expected that they will complete their work and report back to the full committee by April 1.

(2) An attempt will be made to assure that each subcommittee includes in its deliberations at least one individual who can speak on the basis of experience, hopefully as a practitioner, in the field being discussed. Additional input will be solicited as the subcommittees feel it necessary.

(3) The Chairman of the Committee will make a brief progress report at the March meeting of the Commission, but will not request action on any specific items.

(4) Additional policy statements were referred to state staff for rewriting, consolidation, and changes where necessary. The Committee will reconsider these at its next meeting, in early April.

(5) The recipients of this memo are again asked to submit their views on any of the policy statements. They may be addressed to Jerry Clark and should be received prior to April 1.

(6) An attempt will be made by the Committee to set up a meeting with members and staff of key committees of the Legislature to apprise them of the general directions of our planning and its likely fiscal impact over the next few years. In addition, some mechanism will be developed to communicate regularly with sponsoring local units of government to keep them abreast of their obligations and to learn of their plans as to future funding.

(7) Regional chairmen or directors are requested by the Committee to circulate copies of this and other planning memos to members of the advisory councils.

FEBRUARY 22, 1972.

GOVERNOR'S CRIME COMMISSION

OFFICE MEMORANDUM

To: Members of the Crime Commission; Chairmen, Regional Advisory Councils; Regional Directors; Coordinating Councils.
From: Jerry Clark, Planning Director.

The Planning and Priorities Committee met recently to discuss organizational and procedural matters with respect to the development of the FY 1973 PLAN. They instructed me to convey to you the following information and request for assistance:

(*a*) Schedule of Planning Activities:

(1) Reconsideration of Policy Statements, Functional Categories, and Program Areas developed for FY 1972 PLAN. It is hoped that these matters may be discussed at the March meeting of the Commission and some action taken.

(2) By April 1, State Staff will prepare and circulate to Regions and State Agencies a single package of guidelines governing all phases of input into the 1973 PLAN.

(3) By June 1, all Regional and State agency profiles should be completed.

(4) By June 15, all Regions and State agencies will submit statements of needs and problems and prioritized project lists with estimated project costs.

(5) The Planning Committee will present a proposed budget at the July meeting of the Governor's Commission on Crime Prevention and Control.

(6) The first draft of the FY 1973 PLAN will be circulated at least 30 days prior to the September Commission meeting.

(7) The Committee will ask approval of the PLAN at the September meeting of the Commission.

(8) Final revisions will be made and the PLAN will be distributed by approximately October 1, 1972.

(*b*) Organization for Planning:

The full Committee will reconsider the Policy Statements, functional categories, and program areas. However, for development of programs and the more detailed work of budgeting and subgrant consideration, four sub-committees have been formed. Their membership is as follows:

Prevention: Pablo Davila, Chairman; Dave Fogel; Robert Ridder, Cindy Turnure, Staff Liaison.

Policies: Eugene Eidenberg, Chairman; Pablo Davila; William Farrell; Marlys McPherson, Staff Liaison.

Adjudication: C. Paul Jones, Chairman; Jewel Goddard; Robert Ridder; Eleni Skevas, Staff Liaison.

Corrections: Jewel Goddard, Chairman; William Farrell; Dave Fogel; Dale Parent, Staff Liaison.

(*c*) Request for Input:

The Committee will meet sometime during the first two weeks in March to consider *policy statements, functional categories,* and *program areas* for the 1973 PLAN. You are requested to review the 1972 materials and to submit written comments, additions, deletions, etc. These should be addressed to me and received if possible by *March 3.* The materials to be reviewed may be found on the following pages in the draft 1972 PLAN:

Policy Statements: II–B–1 through II–B–21.

Functional Categories and Program Areas: III–A–1 through III–A–3, III–A–S, III–A–9 through III–A–10, III–A–12 through III–A–14, III–A–18 through III–A–19, III–A–23 through III–A–25, III–A–32 through III–A–34, III–A–36 through III–A–37, III–A–40 through III–A–43, III–A–47 through III–A–48, III–A–51 through III–A–52, III–A–55 through III–A–60.

Your assistance is greatly appreciated.

DETROIT-WAYNE COUNTY CRIMINAL JUSTICE SYSTEM,
COORDINATING COUNCIL,
Detroit, Mich., January 25, 1972.

Re Request for Information on Omnibus Crime Control and Safe Streets Act Program's Impact on Detroit and Wayne County.

Congressman JAMES V. STANTON,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: We have carefully reviewed your request for information regarding our views on the Omnibus Crime Control and Safe Streets Act Program and your proposed legislation "Emergency Crime Control Act of 1971" (H.R. 11813). We discussed the matter of our meeting on January 17, 1972 at which time the Coordinating Council approved the submission of this reply. We have prepared responses to the three major questions you raised and have included examples of problems we have encountered in developing an effective criminal justice planning program. We will conclude with comments on your proposed legislation.

Request 1—"Whether your community has received an adequate share of LEAA funds?"

The simple answer to this question is that no community has received an adequate share of LEAA funds in light of cost of making an impact on the crime problem of urban centers of the country. We have received, however, 36 per cent of all Action Grant funds (Part C and E) awarded by the State of Michigan since 1969. To date, the City of Detroit has received $5,418,483 (18.3%); Wayne County, $4,015,321 (13.9%); and local units of government and private agencies,

$992,294 (3.4%). An additional $2,662,993 (9.2%) of funds have been awarded to state agencies to conduct local programs which benefited the City of Detroit or the County of Wayne. The grand total of State Omnibus Crime funds approved for local benefit through January 1, 1972 is $13,089,091 or 45 percent of the total awarded by the State. In relationship to the question of adequate share, Detroit and Wayne County represent 30 percent of the State's population and have the distinction of having 45 percent of the State's Part I Crime Offenses reported committed in our area.

We feel that the State Office of Criminal Justice Programs staff and Michigan Commission on Law Enforcement and Criminal Justice has been responsive to our needs within the limitations of a state level program which has to recognize the needs of the entire state. We have a cooperative effort in Michigan and are working together to resolve many of the problems of the Omnibus Crime Program. We are currently preparing the fourth state plan in two and a half years and have all 1971 action funds awarded and portion of the 1972 allocation. Each year we have been able to better identify our needs and problems and benefit from the increased amount of funding the State has received. We have probably one of the most effective and responsive State Planning Agencies.

We are presently receiving financial support with State Part B planning funds ($70,000) to support our planning effort. We have been advised that the amount of planning funds will be increased in the next fiscal year. In prior years, a total of $42,500 of planning funds were provided by our Regional Planning Council to develop a Country-wide criminal justice planning component. This created seven county units working with the Regional Planning Council. This preceded the formulation of our Coordinating Council which is funded by LEAA Discretionary funds.

We feel that we are receiving an adequate share of Omnibus Crime funds administered by the State. Our needs for additional funds on a regular basis where we could plan for their usage during the preparation of annual budgets is a major concern. We feel that this phase of planning may be accomplished during the next fiscal year. We would like to indicate that the amount of funds available in Michigan in 1972 ($20 million) if they were all awarded to Wayne County would not even solve a major problem such as the Wayne County Jail. We are trying to view realistically the allocation of funds and anticipate close to $10 million during the coming year. We are currently engaged jointly with the State to better reflect our needs in the 1973 State Plan and identify our priorities so as to more effectively allocate our limited resources.

LEAA Discretionary funds, however, is another matter. As you may be aware 15 percent of the LEAA appropriation is placed in a Discretionary Fund to implement the national improvement policy or to fill voids and underfunding in state plans. To date, we have received $1.6 million in 15 projects. We have received funds to support our Coordinating Council but other important grants have been pending for periods over a year and the priorities as reflected in the LEAA Discretionary guide do not always correspond to our needs or priorities.

We were interested in the LEAA National Institute proposal for "Pilot Cities or Metropolitan Centers" which would have provided several million dollars in additional funds for "impact programs". We have to acknowledge our disappointment in the decision of LEAA to fund the sixth largest in the nation (Cleveland) and arbitrarily drew a population limit of 1,000,000 and excluded Detroit (fifth largest city) from the program and excluded the third largest county (Wayne). In fact, all counties were excluded.

We would like to draw your attention to some major gaps we have encountered in the development of an effective criminal justice planning program:

(A) *Drug Treatment for the Criminal Addict*

We believe, and many of our local officials credit, our reduction of major crimes this past year to our drug treatment programs. In our major criminal court, we have struggled to develop an effective program for criminal addicts and now the Mental Health agency will be taking over the function. It's priorities are not the same as the Criminal Justice agencies, however we are closely monitoring the program. State allocated Omnibus Crime funds for drug treatment will provide 750 placement which will benefit our city and primary our Court system. Other funds including local tax dollars provide service for another 5,000 addicts, however, the estimate of need in our community is 10,000 to 30,000. The Court has an additional 1,200 cases currently identified that are in need of placement in drug programs. The new drug act has been pending before Congress for al-

most a year and cleared the Senate by a 92–0 vote just before Christmas. Enactment by the House, will provide additional funds and hopefully coordinated with our criminal justice planning efforts through our mental health program. We urge your support in this effort.

(B) Juvenile Delinquency Control Act of 1968

This Act was to be the companion to the Omnibus Crime Act but it has not been funded at an appropriate level. It is our firm belief that prevention and education are major factors in long range solutions to the crime problems. The Juvenile Delinquency Act should be properly funded and coordinated with the Omnibus Crime Program and, perhaps, even transferred from HEW to LEAA.

Due to LEAA guidelines and particularly due to Congressional pressure and concern, many of our efforts for prevention and education projects for youth cannot be funded. We have attempted to alter the behavior of juveniles and youth before they become caught in the web of the Criminal Justice System. These types of programs belong in the Omnibus Crime Program, however, they do not conform to the guidelines and the impact on the crime rate is difficult to determine on a short range basis.

(C) *LEAA Guidelines and Restrictions*

We find the one-third limitation (301d) on personnel, particularly police manpower, most restrictive in developing comprehensive programs. Lack of manpower frequently is the major problem in implementing various improvement programs. Another problem is in the function of probation services where additional manpower so as to reduce caseloads is desired.

Restrictions on funding equipment projects is another example where the smaller police agencies have a serious need. Coordination or consolidation of smaller law enforcement agencies in order to provide impact programs adjacent to the large city requires support from each unit of local government creating costly effort in time and labor. In many cases, smaller communities adjacent to large urban centers do not have the resources to participate in the Omnibus Crime Program in spite of the need to have a coordinated effort in order to effectively combat the crime problem.

Request 2—"Whether red tape is delaying the funding of important projects, if so, which ones?"

We have indicated above some of our concerns which may be classified as restrictions but are not necessarily "red tape". We have a fairly efficient process of submitting Action Grant Applications and the review of projects for funding. We have participated in the revision of procedures and application forms to simplifying the process. We participate in regularly scheduled meetings and conferences to improve the operations of the Omnibus Crime Program conducted by the Office of Criminal Justice Programs.

Perhaps the only project we might cite as an example of differences in concept is our Hand Gun Control Public Education Campaign. The issue of Gun Control is one which is emotionally charged and is an issue which we locally (large city) are committed to developing an effective approach. We feel a better presentation of our request and approach to the issue may be funded. We were successful in amending the State Plan to include public education programs such as Gun Control as being eligible projects in 1972.

Request 3—"Whether the 1970 amendments to the Safe Street Act, designed to give cities a larger share of funds, appears to have improved your situation so far?"

We have already indicated that we were receiving State Part B planning funds and previously received them through our Regional Planning Council. We anticipate receiving planning funds based on our needs in fiscal 1972–73 when our Discretionary Funds are exhausted.

Action funds under our 1972 State Plan are allocated upon a better representation of needs and in relationship to high crime rates. We anticipate funding of the implementation phase of various programs which analyzed problems of our local criminal justice system. These include improvements in the Detroit Police Department, County Jail, County Juvenile Detention Facilities, and Court Improvement Programs.

We believe, at least in Michigan, the 1970 amendments of the Act will be further implemented prior to the submission of LEAA final guidelines.

Emergency Crime Control Act of 1971

We have the following comments on your proposed legislation:

1. In responding to your proposed legislation, we currently have three counties (Wayne, Oakland and Macomb) with Coordinating Councils in Michigan. Each is currently financed with planning funds as well as our Regional Planning Council. Your bill will add three additional Councils in Michigan—Genesse (Flint), Ingham (Lansing) and Kent (Grant Rapids) which are currently the keystones of their particular regions and are scheduled for additional planning funds this year.

2. Your proposed formula for the distribution of planning funds will provide an amount of funds equal to our current allocation including Discretionary funds. It would, however, further reduce the assistance to our Regional Planning Council which is responsible for providing the A–95 Review of all federal funded projects as well as coordination of regional programs. The federal A–95 review process is a duplication, but a mandatory requirement and proper funding of all agencies involved is a necessity otherwise "red tape" will overwhelm the Crime Planning staffs on all levels.

3. Your formula indicates the use of crime data while Part I crimes are the most serious offenses Part II and III crimes do not always favor large cities such as Detroit in allocation formulas.

4. Our existing Councils are independent but are coordinated with our Regional Planning Council and your proposal would sever that relationship. This would be contrary to our local A–95 review process where the local Coordinating Councils provide the grant reviews for all Omnibus Crime Grants including Discretionary, Planning and Action for the Regional Planning Council. We have tried to develop a successful approach to the review process in order to reduce duplication. We have only seven steps in our total grant review process and hope to further reduce that requirement.

5. The burden of fiscal agent under the state allocation and direct federal funding will incur administrative cost which would be a duplication of the existing state effort.

6. The impact formula included in your bill will provide a level of State funding less than we are currently experiencing (40% of the 75% allocated to local units of government rather than 45% of all funds available as noted above).

7. We are currently preparing a mini-plan for inclusion in the State's 1973 as part of our joint planning effort and feel our recommendations will be carefully considered and included in the 1973 Plan.

8. Your proposed "Special Impact Grants" will provide an additional $13.5 million of Action funds to Detroit and Wayne County. We are surely in need of additional funds but several other alternatives could be considered rather than direct grants which will create an unnecessary administrative burden and duplication of services available efficiently by the State Planning Agency in Michigan. The alternatives include appropriating the full amount authorized to LEAA for fiscal 72 and 73 which will increase all state allocations equally and benefit more high crime areas. This could include earmarking of the increased funds to large urban centers but funded through the states. Another alternative would be to allocate LEAA Discretionary funds to be combined with State Action Grant funds and administered by the States.

Conclusion

In general we would find it difficult to support the provisions of your legislation other than the "Special Impact Grant" of $5 per capita. The remaining provisions of your bill have already been implemented within Michigan and, of course, we may be better off than our counterparts in other states. As we are just beginning to benefit from this state-local revenue sharing venture, we are reluctant to start all over.

We urge you to consider the issues we have described above as problems we encountered which require Congressional action.

Respectfully submitted, in behalf of the Coordinating Council.

ALFRED N. MONTGOMERY, *Director*.

ST. PAUL-RAMSEY COUNTY CRIMINAL JUSTICE ADVISORY COMMITTEE,
Saint Paul, Minn., March 9, 1972.

Hon. JAMES V. STANTON,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: I am very pleased to hear that the House Judiciary Committee will hold hearings on the bill that is authored by yourself and Congressman Seiberling. I have read your bill very thoroughly and I am pleased with its contents. It would go a long way into solving the drastic needs of large cities.

For some time now, I personally have been quite dissatisfied with the LEAA program as it is administered by state agencies. Of course, I am aware of the situation in Minnesota more so than other states in the Country, but I have heard words of dissatisfaction from other cities' representatives from various other states. It seems to me that rather than operating in a spirit of cooperation, the City of St. Paul is at constant odds with our State Criminal Justice Agency.

The Governor's Crime Commission of the State of Minnesota for the past three years has taken it upon themselves to write a State Plan with absolutely no input from either the City of St. Paul or the City of Minneapolis; the two largest cities in Minnesota, and also the area of the highest percentage of crime in the state. Trying to be realistic, and not at all parochial, I do not feel that the criminal justice situation within our state can be solved unless the problems of the two central cities are met head on. The State Crime Commission in no way has attempted to cooperate with the urban areas to solve these problems.

No specific amounts of money are allocated to the large cities. These monies are merely put up for grabs to all the communities throughout the State of Minnesota. Some of these cities have little population and few problems in the field of criminal justice. The solution to this problem, I feel, is through a block grant allocation directed to the large cities and their counties. I realize that we must have proper planning capabilities, and I believe that we do. The City of St. Paul has had a criminal justice coordinating council for several months now, and I know the members of this coordinating council more fully realize the problems of St. Paul than anybody at the state level.

If our planning is to be fruitful, and our programs are to be implemented, we must have help from the Federal Government in funding our priorities. I have not seen this type of help and assistance coming from our state agency, and I do not foresee it in the immediate future. The assistance must come directly from the Federal Government to the cities and the level of a state agency has been eliminated.

I have no personal disagreement in the operation of LEAA aside from the fact that Action Funds are passed through the state. The City of St. Paul has received a great deal of cooperation in the area of Discretionary Grants, and I somehow feel that LEAA is moving in the right direction with their High Impact Program. The thing that concerns me is that I do not believe that the LEAA officials whom we work very closely with at the Regional and National level fully realize the problems that are created by inept and inefficient state agencies.

I firmly believe that if implemented, your bill would go a long way into solving the criminal justice problems of the large cities in our Country. It is a well research, well thought out, piece of legislation that gets to the heart of the problem. I wholeheartedly support your proposal and will do anything within my power to assist you in seeing that it is implemented.

Thank you very much for your concern for the problems of our city.

Sincerely,

ALLAN F. EDELSTON,
Acting Director.

CITY OF PLAINFIELD,
FIRE DIVISION,
Plainfield, N.J., May 31, 1972.

Mr. JAMES V. STANTON,
Member of Congress,
Washington, D.C.

DEAR CONGRESSMAN STANTON: Thank you for your quick reply to my letter inquiring about your Bill 11138, concerning Emergency Crime Control.

In reviewing the copies of the Congressional Record, I note that your bill would apply only to those urban cities with populations not less than 250,000 and although I support your effort on behalf of the larger cities, I would urge you to consider the small urban cities who also have high crime areas.

We in the fire service in the smaller "center cities", find that we must cope with the same conditions as do our large city fire departments and with less men and apparatus. The only difference there is between a fire in a high crime area in a large as compared to a small city is the size of the fire suppression forces. A "ghetto" tenement burns the same in Plainfield, New Jersey as it does in Cleveland, Ohio or New York City. Percentage wise we suffer the same ills.

By copy of this letter, I am urging the members of Congress from New Jersey to support your bill and I am asking that they also lend their support toward an amendment to the bill to include all cities where the need for assistance through L.E.A.A. can be shown.

Again, allow me to thank you on behalf of the fire service for a step toward improved recognition of fire service problems.

Very truly yours,

JOHN P. TOWNLEY, *Chief.*

CITY OF NEW YORK,
OFFICE OF THE MAYOR,
CRIMINAL JUSTICE COORDINATING COUNCIL,
New York, N.Y., October 18, 1971.

Mr. SANFORD WATZMAN,
Administrative Assistant, Office of Congressman James V. Stanton, Washington, D.C.

DEAR MR. WATZMAN: As you requested in our recent telephone conversation, I am enclosing a chart of our processing steps in the receipt and disbursement of federal funds. After this chart was put together, about fifteen more steps were added when the city's Board of Estimate decided that all Council projects not awarded to government agencies must be examined in public hearing and voted upon by the Board of Estimate. This means even further delay.

If we received a block grant from the state, all the steps on the chart involving state examination and approval of each project would be eliminated except for the actual process of securing the block grant itself. Another alternative would be a direct block grant to the ten or twenty-five largest cities from the federal government. LEAA's new regionalization program would facilitate the administration of this direct block grant procedure.

As to discretionary grants, as I mentioned, LEAA is awarding the money to the state and the state has then to contract with the cities and other discretionary grantees. Our procedural steps would be cut down if the discretionary awards went directly from LEAA to the largest cities and counties.

If I can be of any further assistance, please call me at any time. It is essential that we cut down the bureaucracy involved in program and project approval and delivery of cash to the grantees following that approval.

Sincerely,

HENRY S. RUTH, Jr.

THE CITY OF NEW YORK,
POLICE DEPARTMENT,
New York, N.Y., April 18, 1972.

Hon. JAMES V. STANTON,
Member of Congress,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN STANTON: In response to your letter of March 7, 1972, I understand that Mr. Henry J. Ruth of the Criminal Justice Coordinating Council will be testifying on behalf of New York City before the House Judiciary Committee's hearings on the Emergency Crime Control Act. Mr. Ruth and I are in frequent communication and we have discussed your bill extensively.

Your proposed legislation certainly seeks to rectify several of the funding problems faced by all criminal justice planning agencies, and, if enacted, the bill would be a great benefit in easing some of the complications.

Sincerely,

PATRICK V. MURPHY,
Police Commissioner.

THE CITY OF NEW YORK,
POLICE DEPARTMENT,
New York, N.Y., December 13, 1971.

Mr. SANFORD WATZMAN,
Administrative Assistant to Congressman James V. Stanton,
U.S. House of Representatives, Washington, D.C.

DEAR MR. WATZMAN: This will acknowledge your letter of November 22, 1971, inviting Commissioner Murphy to comment on Congressman Stanton's proposal on "Crime Control Through Revenue Sharing: A New Program For The 56 Largest Cities."

The Commissioner has been away from the office for a few days but should be getting in touch with you shortly concerning his reaction to the Congressman's proposal.

Sincerely,

(Mrs.) PEGGY E. TRIPLETT,
Secretary of the Police Department.

CITY OF OMAHA,
POLICE DIVISION,
Omaha, Nebr., December 23, 1971.

Mr. SANFORD WATZMAN,
(% *Representative James V. Stanton*),
Washington, D.C.

DEAR MR. WATZMAN: You requested the answer to some questions regarding our relationship as the Police Division of the City of Omaha with the L.E.A.A. funding process. I would answer your questions specifically.

First, our community has been receiving a reasonably adequate share of L.E.A.A. funds. We are being treated with reasonableness by the State Crime Commission of the State of Nebraska. We have no particular grievances in this area at this time.

For the second question, we have not run into excessive red tape. We have had some artificial time span barriers built in but we have been able, by negotiation and by explaining our position, to get them cut down to a reasonably quick funding time. The red tape I would not consider as excessive in relationship to the funding.

As to Item 3, I may have to plead a little ignorance to the specific amendments to which you are talking. As I have previously said, we are receiving reasonable treatment in the Omaha, Nebraska area from the State Crime Commission.

In the overall funding area, I would point out that the City of Omaha, Nebraska has been designated as a Pilot City by L.E.A.A. It is one of the seven Pilot Cities that have been designated so far in the United States for discretionary funding in non-competitive areas for the problems of crime in the city. This project was just designated and has just gotten underway in 1971. I would foresee that this, in addition to the standard state block grants process, should within reason take care of the majority of our problems in the law enforcement area.

We have not been in the Pilot City Program long enough to give a total evaluation, but it seems that it could be an answer to the problems of a city in the L.E.A.A. funding area.

Yours truly,

RICHARD R. ANDERSEN,
Chief of Police.

CITY OF OMAHA,
POLICE DIVISION,
Omaha, Nebr., March 13, 1972.

Hon. JAMES V. STANTON,
House of Representatives,
Congress of the United States, Washington, D.C.

DEAR CONGRESSMAN STANTON: I wish to thank you for your intense interest in law enforcement in cities within the United States. I appreciate the material you sent me on 7 March 1972.

I had previously sent you our general thinking for the City of Omaha but in view of your proposed bill certainly will reassess our position and, if we feel

we wish to take a position and give testimony before the Committee, we will certainly write the Honorable Emanuel Celler and so request.

Yours truly,

RICHARD R. ANDERSEN,
Chief of Police.

CITY OF ROCHESTER,
OFFICE OF THE CITY MANAGER,
Rochester, N.Y., January 21, 1972.

Hon. JAMES V. STANTON,
Member of Congress, Congress of the United States, House of Representatives, Washington, D.C.

DEAR HONORABLE STANTON: I have read the proposed Emergency Crime Control Act of 1971 and applaud your efforts to obtain additional funds for local governments in the area of crime control. As you may know, Rochester, New York, has recently been chosen to be a Pilot City for law enforcement and will receive funds over the next five years to improve our criminal justice system.

I have forwarded your letter of December 3, to Congressman Frank Horton in hopes that he can comment on your proposed legislation.

Sincerely,

KENNETH C. JONES,
Staff Assistant to the City Manager.

ADMINISTRATION OF JUSTICE COMMITTEE,
Cleveland, Ohio, March 10, 1972.

Hon. JAMES V. STANTON,
Member of Congress, 20th District, Ohio,

DEAR CONGRESSMAN STANTON: Thank you for your letter of March 7, 1972. At the moment, we would have nothing further beyond our earlier reply to you relative to the Emergency Crime Control Act.

We will send Sanford Watzman under separate cover a copy of our "Profile on Criminal Justice in Cuyahoga County," along with a copy of remarks I made to the Ohio Criminal Justice Supervisory Commission, Chief Justice John V. Corrigan, Chairman. Possibly those materials would furnish some additional background to your staff. Your continuing interest in the improvement of the administration of justice is greatly appreciated in these quarters.

Sincerely,

ALAN D. WRIGHT, *Director.*

SUMMIT COUNTY CRIMINAL JUSTICE COMMISSION,
Akron, Ohio, December 8, 1971.

Hon. JAMES V. STANTON,
U.S. Representative from Ohio, U.S. House of Representatives, Washington, D.C.

MY DEAR MR. STANTON: This letter will acknowledge, with thanks, the joint letter sent to us under date of 3 December, 1971, signed by you and Representative John F. Seiberling. We have noted the observations contained in that letter, and we are in general agreement with them. We are at present working with representatives of the City of Akron and the County of Summit to establish a Regional Planning Unit which will be county-wide in scope. As you know, this Commission, its Task Forces and staff, have, since February, 1971, been performing some of the functions which your bill H.R. 11813 envisages.

We wish to offer the following answers to the three questions propounded in your letter of 3 December:

(1) We feel that this community has not been receiving an adequate share of LEAA funds because of (a) the lack of initial response from the state planning system, and (b) internal problems within NOACA (Northeast Ohio Areawide Co-ordinating Agency).

(2) We feel that there are unnecessary delays in the funding of the following projects requiring Discretionary Funds: (a) the Justice Records and Caseload Management Project—CH 71 DF 1865, and (b) the Comprehensive Drug Edu-

cation Program/Radio Supplement—CH 71 DF 1855. Both are being held in the Region V (Chicago) office of LEAA.

(3) As to whether the 1970 Amendments to the Safe Streets Act has improved our situation, we would say that they have not done so until now, but it is expected that they will improve it in time. However, it is felt that unless the matching requirement is eliminated or reduced to a 90/10 formula, the entire program will be unsuccessful.

We wish to express our sincere thanks for your interest and attention to our needs. We assure you of our continued co-operation with your office.

Very truly yours,

LAWRENCE L. QUILLIGAN, *Director.*

SUMMIT COUNTY CRIMINAL JUSTICE COMMISSION,
Akron, Ohio, December 22, 1971.

Hon. JOHN F. SEIBERLING,
U.S. Representative, 14th Congressional District (Ohio), U.S. House of Representatives, Washington, D.C.

MY DEAR MR. SEIBERLING: This letter is in further reference to the joint letter sent to us under date of 3 December, 1971, signed by you and by Representative James V. Stanton. Please also refer to our reply to that letter, dated 8 December, 1971.

We are enclosing a copy of a letter received this date from the LEAA Regional Office in Chicago, dated 17 December, 1971. Despite the statement concerning the National Environmental Protection Act of 1969, the preparation of a statement by this office of the kind requested in the letter strikes us as a good example of unnecessary delay. While there may be exceptions to the following generalization, it seems to us that most applications being forwarded to the LEAA are obviously of such nature as to cause no detrimental effect on the environment.

Certainly there should be some simpler way to make such a determination and to preclude the attendant paperwork than is now being used.

We thought that you would be interested.

Very truly yours,

LAWRENCE L. QUILLIGAN, *Director.*

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
REGIONAL OFFICE,
Des Plaines, Ill., December 17, 1971.

Re Application Number 1855.

Mr. ROBERT WHIDDON,
Summit County Criminal Justice Commission,
Akron, Ohio.

DEAR MR. WHIDDON: We are in the final stage of processing your application for LEAA Discretionary Funds entitled Comprehensive Drug Education Program/Radio Supplement.

Prior to awarding funds for any Discretionary Grant, LEAA must insure compliance with the National Environmental Protection Act of 1969. In order to so comply, you are required to send a copy of your application, together with a statement that your proposal will have no significant impact on the environment, to the clearinghouse listed below:

Northeast Ohio Areawide Coordinating Agency
387 The Arcade
Cleveland, Ohio 44114

Please send us a copy of your letter to the clearinghouse as soon as possible. We will notify you as soon as final action is taken regarding your application.

Sincerely,

THOMAS B. KIRKPATRICK,
Acting Chief Operations Division.

CLEVELAND POLICE PATROLMEN'S ASSOCIATION,
Cleveland, Ohio, November 23, 1971.

Hon. JAMES V. STANTON,
Member of Congress,
20th District, Ohio, Washington, D.C.

DEAR CONGRESSMAN STANTON: With reference to your proposed amendment to the 1968 Safe Streets Act providing for direct and emergency federal aid for the nation's 56 largest cities, please be advised that the Cleveland Police Patrolmen's Association supports this measure.

This organization supports any and all efforts that will speed up the process of funneling crime-fighting funds to local law enforcement agencies.

We request of you, however, that you neither sponsor nor support any legislation that will reduce the level of funds under the Safe Streets Act to local law enforcement agencies of the medium and smaller cities. Crime knows no boundaries and we concern ourselves with the question of whether or not our fellow officers in these communities will have available sufficient federal grant monies to more effectively wage the never ending war on crime in the streets.

It is our opinion that in Ohio the Department of Urban Affairs which is administering Ohio's "block grant" is directing an outrageous proportion of Safe Street monies into socially orientated programs. This reduces the immediate impact of these funds on the "sweeping of crime from the streets".

It appears that in Ohio it is far easier for a private agency using a governmental agency as a sponsor to obtain funds for a rehabilitation program than it is for a local Police Department to obtain funding for a project which is more directly related to law enforcement objectives.

It is the feeling of this organization that Safe Street funds should be given first priority to local law enforcement agencies with innovative ideas that will lead to the professionalization of police work and those with comprehensive project applications for the modernization of crime-fighting techniques.

We ask that you use your influence to force the Ohio Department of Urban Affairs to re-examine their priorities and place them in proper prospective.

Very truly yours,

JAMES MAGAS.

CITY OF BROOK PARK,
Brook Park, Ohio, March 23, 1972.

Hon. JAMES V. STANTON,
Congressman, 20th District, House Office Building,
Washington, D.C.

DEAR JIM: Thank you for your letter of March 1, 1972 in reference to the Crime Control Bill in Congress. It is my opinion, as Mayor of a suburban community, that too many times, we share in a small part of Federal Funds when, for the most part, much crime can be detected and cleared out if the suburban communities had a little more voice in the disposition of Federal Grants for this purpose.

I would recommend that each community, or each area of 50,000 population, be allowed to have one representative. In the past, it has always been Cleveland receiving the "lion's share" of representation and the suburbs receiving little, if any, in their efforts to combat crime and around the metropolitan area.

I certainly do agree that many changes must take place prior to the suburbs receiving their just share. However, I feel that through your legislation, indicating County authority in dispersing funds is a very good idea and that when and if this becomes a reality, the suburbs will justifiably share in their portion of crime fighting funds that they do not enjoy at the present time.

As you know, it is the desire of the City of Brook Park to receive as much Federal aid as possible, not only in the area of crime fighting, but other areas as well.

Looking forward to talking to you within the next several weeks so we can continue our efforts in seeking Federal funds for the much needed projects in the City of Brook Park.

Respectfully yours,

ANGELO WEDO, *Mayor.*

CITY OF CINCINNATI,
OFFICE OF THE CITY MANAGER,
Cincinnati, Ohio, January 4, 1972.

Hon. JAMES V. STANTON AND JOHN F. SEIBERLING,
House of Representatives,
Washington, D.C.

GENTLEMEN: In acknowledgement of your letter dated December 3, 1971 requesting a position from the City of Cincinnati concerning that Emergency Crime Control Act of 1971 (HR 18813), which you have sponsored, the following response is rendered.

We are well aware of the need for relevant legislation in the field of crime control. We find such principles as direct aid to local governments and payments made in advance of services or purchases, far more desirable and efficient than filtering monies through intermediate levels of government and the use of reimbursements after the City makes the initial expenditure. Such policies will assure the expeditious use of the monies allocated by Congress pursuant to the purpose for which it was intended.

In reference to specific questions contained within your letter, we do feel that the City of Cincinnati is receiving an equuitable share of LEAA funds, however, we have found *red tape delaying the funding of important projects.* Examples of such delays are:

Project and application number	*Date submitted*
Organized crime unit, $151,409 (1836-OC-15-1-39-1610)	June 21, 1971
Regional narcotic unit, $117,137 (CH-71 DF-1937)	July 6, 1971
Psychiatric consultant, $10,000 (CH-71 DF-1878)	July 9, 1971
Legal adviser, $9,486 (CH-71 DF-1880) (2d year funding)	July 9, 1971

Thus far we have not only received no funds for these projects, we haven't even received verification of approval or disapproval. Further, Application No. 71-DF-1835 of $167,556 for Computer Programming (1971 Large Cities Grant), submitted June 21, 1971 was not received by the City until December 20, 1971.

As yet we have seen no measurable change in our situation resulting from the 1970 amendments to the Safe Streets Act.

We hope that this information will be of assistance to you.

Sincerely,

RICHARD L. KRABACH, *City Manager.*

[From the Enquirer, Jan. 16, 1972]

CINCINNATI MISSES FEDERAL FUNDS—RED TAPE SLOWS CRIME FIGHT

(By Robert Webb)

WASHINGTON.—The choice of eight cities to share in $160 million under the "high impact" anti-crime program just announced is unlikely to get the Law Enforcement Assistance Administration (LEAA) off the congressional griddle.

For that matter, Rep. James V. Stanton (D-Ohio), was quick to emphasize he was not pulling back on his effort to reform the federal anticrime fight even though his city, Cleveland, was one of the eight listed by Jerris Leonard, LEAA administrator.

Stanton, former chairman of Cleveland City Council, introduced a bill in November that would target the nation's high-crime areas—its 56 largest cities—for a quick and emergency share of the $698.9 million appropriated for LEAA this year.

Cincinnati and Hamilton County officials have not tried to hide their frustration over the delays in landing LEAA funds required now to fend their way through the red tape jungle that makes Washington a nightmare to so many. Nor were they likely to be jubilant over having lost their fight to have Cincinnati designated one of the eight cities for the three-year program Vice President Agnew and Atty. Gen. John N. Mitchell announced to zero in on street crimes and burglary.

"I have found in my experience in dealing with LEAA that it's hard just to find out the status of a grant application," said Tom Hayes, administrative assistant to Rep. William J. Keating (R-Ohio), who is on both the House Judiciary Committee and the House Select Committee on Crime. One would think that

with that kind of joint committee role, with its meaning for Justice Department support, Keating would have a smoother track with LEAA.

In one of his last salvos as Cincinnati city manager, Richard L. Krabach, expressed by letter to Stanton his conviction on the "red tape" hamstringing the financing of "important projects." Based on the experience of Krabach and others, the system works something like this: The city or the anticrime council of government to which it belongs comes up with a proposed project—say to fight the drug racket that runs up the murder-robbery rates—and goes to LEAA with a request for funds. Months pass, and no word comes whether a project has been approved, disapproved or just what. Local officials, attempting to make budgets and plans of their own, then go to their congressmen in an effort to get some inkling of what is happening to their requests, and then you get the experience of aides such as Hayes.

Stanton found that only 40.4% of Ohio's fiscal LEAA share for 1970 had been disbursed last June 30. Even worse was the experience of California, where only 24.8% of its share had been disbursed, and New York, which had distributed only 27.5%. Part of the blame, undoubtedly, rests also with the states, which exert broad supervision over planning and receipt of funds.

While expressing delight that Cleveland was on Leonard's $160 million list, Stanton was quick to note "that only eight cities were covered, and my legislation would reach into the 56 largest areas in the country, including Cincinnati and other large Ohio cities." By his reckoning, incidentally, Hamilton County will receive $1,485,254 from the 1972 fiscal share to Ohio.

Cincinnati, presumably, would have received millions of dollars over a three-year period if it had made the eight-city list which also included Newark, Baltimore, Atlanta, St. Louis, Dallas, Denver and Portland.

No doubt a strong case can be made for such an experiment with "high impact" federal aid—aid that presumably will march at unaccustomed speed to the cities. But one wonders whether LEAA is not, in one sense, simply picking eight cities—out of scores with just as much, if not more, crime and law enforcement needs—to target funds that might more equitably be shared by others.

Talk to a city official such as Col. Henry Sandman, Cincinnati safety director, for example, and you sense the plight of one grappling with "five brutal murders in the last few weeks, all drug-related, we believe, inside the city itself." And all the city—and Hamilton County—want is $117,137 for a regional narcotics unit, proposed by Indian Hill's police chief John Diekmeyer, to help them smash a drug racket that, really, knows no boundaries.

In any case, the Congress reassembling Tuesday assuredly will mirror the far-from-dormant concern of its urban constituents for massive and genuine action to make the streets safe once again from muggers, rapists, killers, robbers and thieves of every description.

If one needs further proof of this concern, all he has to do is check the results of the Life Magazine crime poll in its January 14 issue. Some 43,000 readers nationally responded to indicate 78% of Americans "sometimes feel unsafe in their own homes" and that 80% in the big cities "are afraid in the streets at night." Significantly, 70% said they would pay higher taxes for better protection.

Thus the command confronting Congress, as well as government at every level.

CLEVELAND, OHIO, *January 12, 1972.*

HON. JAMES V. STANTON,
Member of Congress, Federal Court House,
215 Superior Avenue, Cleveland, Ohio

DEAR JIMMY: Again, thank you for your enlightening material, to-wit: your fine efforts in attempting to help the cities fight crime. I agree that there must be city-county cooperation and the states, who are still too heavily influenced by relatively low-crime rural communities, should not have too much control over the funds that, for the most part, belong to the cities.

Please keep up your efforts and if there is anything I can do, I would certainly be glad to aid in this approach.

Very truly yours,

SHELDON D. SCHECTER,
Attorney at Law.

ADMINISTRATION OF JUSTICE COMMITTEE,
Cleveland, Ohio, December 14, 1971.

HON. JAMES V. STANTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STANTON: In accordance with your request, this is in reference to your proposed amendments to the Omnibus Crime Control and Safe Streets Act of 1968.

While the Safe Streets Act has brought needed federal assistance to local law enforcement and criminal justice agencies, administrative delay and fragmentation of the decision-making processes at the regional, state and local levels have been the greatest drawbacks to the success of the Act. Funding for local action grants frequently arrives as late as a full fiscal year following application, and multiple layers of administrative and planning responsibility have stood between the local agencies and the State.

Part of the problem, as you know, was addressed by the Ohio Department of Urban Affairs when it created the RPU concept, largely in response to the 1970 amendments to the Safe Streets Act which emphasized "assistance to deal with law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity." The "Ohio Plan," as it has come to be known, reflects a concern on the part of the State to streamline the application process so as to speed funds to the largest metropolitan areas in the state, by emphasizing high crime incidence and population, while at the same time assuring that local planning efforts reflect the widest citizen participation.

Until the RPU for Cleveland and Cuyahoga County is formed, however, local criminal justice agencies must continue to deal directly with the state. Your proposed amendments would likely provide the necessary incentive for these local governmental units to act; however, it is hoped that your bill as enacted would not wholly prevent the continued operation of existing programs pending resolution of this question.

Another development which delayed discretionary grant funding was the regionalization of LEAA after July 1, 1971. This reorganization resulted in lengthy delays in the review of discretionary grant applications which were being shipped between Washington and the regional offices, while technical assistance personnel were being shifted and reassigned and LEAA was attempting to establish priorities for funding. According to a representative in the Chicago Regional Office, during the summer of 1971 that office received some $20 million in discretionary grant applications, while less than $1 million was made available to them for funding these proposals.

In summary:

Cleveland and Cuyahoga County have been fortunate to receive awards of considerable Safe Streets Act funds, but planning and implementation efforts have been slowed by delays in the processing and actual funding of applications.

The creation of the RPU in Ohio promises to end much of the difficulty experienced by local criminal justice agencies, and your measure would extend and enlarge the "Ohio Plan" among the several states.

The 1970 amendments focused on high crime metropolitan areas, but they failed to provide a mechanism for achieving impact in the way your measure contemplates.

Parenthetically, we wish to concur with the recommendations we understand were made by the Director of the Department of Urban Affairs, Bruce L. Newman, regarding certain proposed substantive changes in the amendments. It is felt that a more specific definition of "high crime urban areas" is desirable, as is the requirement that there be representation on the Council from citizens and from agencies both directly and indirectly related to the criminal justice system.

Please feel free to call on me at any time to discuss your proposed amendments.

Sincerely,

ALAN D. WRIGHT, *Director.*

CITY OF PHILADELPHIA,
May 25, 1972.

Hon. JAMES V. STANTON,
House of Representatives
Washington, D.C.

DEAR CONGRESSMAN STANTON: I want you to know how much I appreciate your kind words about me as carried in the Congressional Record of May 18, 1972.

I want to thank you for your remarks for which I am grateful.

Sincerely,

FRANK L. RIZZO, *Mayor.*

CITY AND COUNTY OF HONOLULU,
OFFICE OF THE PROSECUTING ATTORNEY,
Honolulu, Hawaii, December 10, 1971.

Mr. SANFORD WATZMAN,
(% Representative James V. Stanton),
Washington, D.C.

DEAR MR. WATZMAN: I have read with great interest your proposed amendments to the Safe Streets Act. The Emergency Crime Control Act of 1971 is ideally designed to make the Safe Streets Act work. At present it does not seem to be doing the job which Congress envisioned when the original Act was passed in 1968.

In my capacity as both Prosecuting Attorney and Chairman of the Mayor's Advisory Committee on Law Enforcement and Juvenile Delinquency Planning, I would like to add my support for, and endorsement of your proposed amendments. I feel they would help Honolulu, with 91% of the crime in the State of Hawaii, receive the type of assistance which is desperately needed and is not forthcoming at this time.

Please inform Congressman Stanton and Congressman Seiberling that we appreciate their attempts to help us. The proposed amendments show a deep understanding of the problems facing large cities in the country. Their efforts are welcomed indeed.

Very truly yours,

BARRY CHUNG,
Prosecuting Attorney.

MARCH 14, 1972.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: I would like to request some information about the hearings which are scheduled to be held on the Emergency Crime Control Act, introduced by Congressmen Stanton and Seiberling. We would like to be able to attend the hearings and present testimony concerning this legislation. At this time, however, we are not sure who would be representing the City and County of Honolulu, or, if fact, if we will be able to make the necessary arrangements to attend.

Could you tell us when the hearings will be held, and what would be convenient dates for a representative of the City and County of Honolulu to make a presentation. We can confirm our attendance within two weeks of the scheduled date of appearance, if you will allow us to do so.

Thank you for your help.

Sincerely,

JOHN W. MCKAY,
Planning Coordinator.

ADMINISTRATION OF JUSTICE COMMITTEE,
Cleveland, Ohio, March 10, 1972.

Hon. JAMES V. STANTON,
Member of Congress,
20th District, Ohio, Washington, D.C.

DEAR CONGRESSMAN STANTON: Thank you for your letter of March 7, 1972. At the moment, we would have nothing further beyond our earlier reply to you relative to the Emergency Crime Control Act.

We will send Sanford Watzman under separate cover a copy of our "Profile on Criminal Justice in Cuyahoga County," along with a copy of remarks I made to the Ohio Criminal Justice Supervisory Commission, Chief Justice John V. Corrigan, Chairman. Possibly those materials would furnish some additional background to your staff. Your continuing interest in the improvement of the administration of justice is greatly appreciated in these quarters.

Sincerely,

ALAN D. WRIGHT, *Director.*

CLEVELAND, OHIO, *January 15, 1972.*

Mr. SANFORD WATZMAN,
(*% Representative James V. Stanton*),
Washington, D.C.

DEAR MR. WATZMAN: Upon receiving a letter from the Honorable James V. Stanton and John F. Seiberling regarding the Emergency Crime Control Act of 1971 (H.R. 11813), I referred it to the Board of Cuyahoga County Commissioners with the belief that as the deposed Director of Law Enforcement Planning for the Northeast Ohio Areawide Coordinating Agency (NOACA) I was devoid of the proper standing to respond. I am pleased, however, to find that my comments may still be of some help to you and I apologize for the inexcusable tardiness of this letter.

I have perused with great interest Volume 117 No. 175 of the Congressional Record, and wholeheartedly agree that the proposed Public Bill (H.R. 11813) and its corresponding introductory speech will demonstrate unequivocal congressional intent and aid in the effective distribution of Safe Streets moneys. I have always subscribed to the Congressman's philosophy, and even before the Gilligan Administration gained office. I directed my efforts in concert with Mr. Bruce Newman and Mr. Alan Wright toward that end. I then found myself in a curious position: that of being directed by the NOACA Board to challenge the abolition of the Rhoades multi-county concept, while remaining a silent proponent to the Gilligan/Newman concept of the regional planning unit. My dichotomy was resolved on the 31st day of August, 1971, when the Department of Urban Affairs closed NOACA's door as a law enforcement planning unit.

The most disturbing factor in my challenge to the regional planning unit system was contained in a letter NOACA received from Mr. Jerris Leonard, Administrator of the Law Enforcement Assistance Administration, in which he stated that "the actions of the Ohio Law Enforcement Planning Agency in channeling funds to the large metropolitan areas is, in my opinion, their interpretation of the specific congressional requirements enacted by the 1971 amendments to the Safe Streets Act."

It is a sad commentary when a federal agency charged with the administration of the Act cannot or will not determine or cause to be determined the intentions of Congress; or even support an action taken by a grantee under the ostensible color of statutory construction. I have enclosed a copy of Mr. Leonard's letter for your review.

In answer to your questions, please be advised of the following:

1. There has been a dramatic gap in the flow of law enforcement planning money to the Cuyahoga County-Greater Cleveland Area. It is my opinion, which I shared with Director Newman, that the Ohio Department of Urban Affairs is in violation of Section 203(c) of the Safe Streets Act which states that 40 per cent of the planning money available to the State shall be distributed to general units of local government. Since September, 1971, none of this money has been distributed to the local governments. Alternate planning programs for an interim period were proferred Director Newman, but were summarily rejected. The resultant absence of planning money directly resulted in the loss of valuable professional staff to the Greater Cleveland Area.

The community is also suffering from the loss of action money and discretionary funds. Congressman Stanton adequately commented upon the cavalier attitude of the LEAA vis-a-vis discretionary money. The 1971 Law Enforcement and Criminal Justice Plan for Cuyahoga County delineated a need for action money in the amount of $9,200,000, and I would estimate that less than 20 per cent of this amount has been received.

2. Red tape is delaying the funding of all projects. The most dramatic display of State dominance preempting local control is found in a program to be spon-

sored by the Cuyahoga County Commissioners in conjunction with the Cleveland Bar Association.

The program was designed to develop materials and summer seminars for teachers, who in turn will introduce to school children the many facets of the law. The program was unanimously approved by NOACA's Law Enforcement Advisory Committee, which consisted of purely professionals in the law enforcement field. It was then submitted to the Department of Urban Affairs on September 10, 1971, and on December 2, 1971, was disapproved. I have enclosed a copy of the letter of disapproval.

The Law Enforcement Advisory Committee (LEAC) relied on the representation of this writer that a program of this nature would be in keeping with the spirit of the Safe Streets Act based upon a legal opinion written by Dep. U.S. Attorney General Richard G. Kleindienst. This opinion was directed to the Hon. James O. Eastland, Chairman of the Committee on the Judiciary, U.S. Senate and dated August 10, 1970, and stated that the LEAA is authorized to undertake a systematic, broad-gauged attack upon the problems of law enforcement including the *civil* as well as *criminal* aspect of the court system. I would question the autonomy the state is proposing to vest in the local regional planning units in light of this action.

3. It does not appear that the 1970 amendments to the Safe Streets, Act designed to give cities a larger share of funds, have improved our situation.

I have always been of the opinion that the department of state government which administers the Safe Streets Act must be singular in purpose and have the status of a cabinet position to the Governor. During the Rhoades Administration, the responsibility of the law enforcement office rested with the Department of Urban Affairs; and fortunately for law enforcement, it was the Department's only real "affair". This responsibility has remained with the Department of Urban Affairs under the Gilligan Administration.

Many other urban problems are now beginning to emerge and increase in importance, and the Department is attempting to cope with this problem by placing all urban problems on a parity. It appears that the Department of Development and the Department of Urban Affairs are merging, with Dr. David Sweet to act as the Director of the new Department. Newspaper reports indicate that economy is the main motive for this, and that the combined staff will be reduced to well below the present 250 employees. The obvious question remains; how far down the priority list will law enforcement planning sink, and how will this affect the planning process and effective distribution of funds?

I will be happy to elaborate on any specific area touched by this letter; and would pursue any avenue you might suggest in aiding the Congressmen in the enactment of HR 11813.

Very truly yours,

MICHAEL V. SCHAFFER,
Attorney at Law.

DEPARTMENT OF URBAN AFFAIRS,
ADMINISTRATION OF JUSTICE DIVISION,
Columbus, Ohio, December 2, 1971.

Mr. FRANK R. POKORNY,
Cuyahoga County Commisisoner,
Cleveland, Ohio.

DEAR MR. POKORNY: We are returning four copies of Project No. 1362–04–C1–71, entitled, "Development of Materials in Law for Schools; and Law Seminar for Teachers".

The project, while meritorious in many respects, did not appear to satisfy all the requirements for funding under the Crime Control Act.

In administering the Crime Control program, we are required to fund programs which will, 1) reduce crime, or 2) improve the criminal justice system. While it can be said that the program, as presented, might have an effect on these two areas, we see that effect as being largely tangential. For instance, we appreciate the overall need for some instruction in areas such as consumer law, domestic relations, selective service, etc. We do not, however, support the funding of these areas from Crime Control monies.

If the focus of this program were narrowed to those items which clearly fall within the purview of the Act, such as arrest and trial, juvenile law, we would be happy to consider its funding.

I hope that I have clarified some of the issues surrounding not funding this project at this time. If I can be of further assistance, please let me know.

Very truly yours,

JOSEPH L. WHITE,
Deputy Director.

CLEVELAND CITY COUNCIL ENDORSES EMERGENCY CRIME CONTROL ACT

(By Hon. James V. Stanton, of Ohio)

Mr. JAMES V. STANTON. Mr. Speaker, in recognition of the fact that the crisis in crime which now confronts each of our large cities can be resolved only if substantial Federal assistance is provided directly to the cities, the City Council of Cleveland recently endorsed the Emergency Crme Control Act of 1971 introduced on November 16 by Congressman Seiberling and myself. I would like to commend to my colleagues the text of this resolution:

CLEVELAND CITY COUNCIL ENDORSES EMERGENCY CRIME CONTROL ACT

"The following Resolution was adopted by the Council of the City of Cleveland December 6, 1971.

"Res. No. 1866–71.

"By Messrs. Garofoli and Sliwa.

"An emergency resolution memoralizing the House of Representatives to enact legislation to provide greater and more efficient Federal financial assistance to cities with a high incidence of crime.

"Whereas, H.B. 11813 introduced in the Congress of the United States by the Hon, James V. Stanton, Congressman from the 29th District, proposes a revision of the method of the distribution of Federal funds to assist the cities in crime control; and

"Whereas, the need in the larger urban communities is greatest for financial assistance for two reasons—there is a higher incidence of crime in the nation's major cities and there is also a decrease in the finances with which to abate this crime; and

"Whereas, the proposed bill would allocate funds to the various communities based upon their needs properly substantiated and documented so that the funds allocated would be sufficient to fund a program strong enough to control the situation rather than merely delay it; and

"Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

"Be it resolved by the Council of the City of Cleveland:

"Section 1. That the Congress of the United States be and it hereby is memorialized to enact into law H.B. 11813 as proposed by Congressman James V. Stanton or any similar legislation which would incorporate the revenue sharing features of Mr. Stanton's proposal.

"Section 2. That the Clerk of Council be and she hereby is directed to transmit a copy of this resolution to Congressmen James V. Stanton, William Minshall, Louis B. Stokes and Charles Vanik.

"Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

"Adopted December 6, 1971.

"Effective December 8, 1971."

CLEVELAND BAR ASSOCIATION,
Cleveland Ohio, January 11, 1972.

Hon. JAMES V. STANTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STANTON: Your letter addressed to John Ladd Dean has been referred to me as the current President of the Cleveland Bar Association. I beg to reply that the objectives of H.R. 11813 are certainly laudable. One would hope that block grants directly to specific high crime areas will prove helpful

in a readier flow and use of LEAA funds. We cannot speak to the question whether the Cleveland community has been receiving an adequate share of such funds but we are aware of the need for their speedier distribution for actual use.

The R.P.U. concept intended to aid in implementing the 1970 amendments to the Safe Streets Act has itself not yet been implemented in this region for reasons which are somewhat unclear. We have heard it said that the delay derives from an inability to agree upon who shall have the authority to choose a director. How this kind of blockage, if it exists, can be remedied, we do not know. We wish you well in your efforts.

Cordially,

SAMUEL T. GAINES.

NOVEMBER 30, 1971.

Mr. EDWARD J. PRASEK,
Secretary-Treasurer, Cuyahoga County Police Chiefs Association,
Maple Heights, Ohio.

DEAR ED.: Thank you for your letter of November 22, 1971 relating to my legislation in the area of law enforcement (HR 11813) on which Congressman John Seiberling has joined me as a cosponsor. For your information in addition to the story in the Cleveland Press, a copy of which you sent us, we were pleased to receive more extensive coverage in the Plain Dealer, and in other news media around the country. If you keep a file of these things, you might want to check the Plain Dealer of November 17, 1971, page 6–F, and also the editorial page of the Plain Dealer on the day following.

However, as you point out, officials with responsibility cannot rely on the newspapers for complete information, and therefore I'm taking the liberty of sending you, enclosed, a copy of the Congressional Record of November 16, 1971, which contains the complete text of my proposal and also the text of the bill I have introduced with Mr. Seiberling, together with supporting evidence.

You will note on reading the material that our intention is to have federal funds channeled into large metropolitan areas viz entities to be known as "Criminal Justice Coordinating Councils," on which both City and County governments would be represented.

I would appreciate hearing from you on this proposal, pro or con, formally or informally. Your comments will help us in what we hope will be a concerted effort on our part to get action in this vital area.

I was pleased to hear from you, and I hope we will continue to be in touch on these matters of vital concern to the public. It goes without saying that this office stands ready to assist the Cuyahoga County Police Chiefs Association in any way possible.

Sincerely,

JAMES V. STANTON,
Member of Congress.

CUYAHOGA COUNTY POLICE CHIEFS ASSOCIATION, INC.,
Maple Heights, Ohio, November 22, 1971.

Hon. JAMES V. STANTON,
House of Representatives,
Washington, D.C.

MY DEAR MR. STANTON: An article (copy enclosed) appeared in a recent issue of the Cleveland Press disclosing the fact that the Honorable John F. Seiberling, Jr. and yourself have called for direct and emergency federal aid for the nation's 56 largest cities.

Knowing the news media, as we do, we would be most interested to hear from you directly as to your thoughts on the matter.

We do acknowledge the fact that federal money is being spread too thinly by state governments, however, this not only holds true for the big cities but for the smaller communities as well.

Please let us hear your opinions on this matter.

Warm personal regards.

Sincerely yours,

EDWARD J. PRASEK,
Secretary-Treasurer.

TWO CALLS FOR FUNDS ON CRIME

(By Robert Crater)

WASHINGTON.—Two Ohio congressmen condemned the Safe Streets Act program and called for direct and emergency federal aid for the nation's 56 largest cities, including Cleveland, Columbus, Cincinnati, Akron and Toledo.

Congs. James V. Stanton (D-Cleveland) and John F. Seiberling Jr. (D-Akron) estimate their bill to amend the crime-fighting act will funnel more money into the big cities faster.

"The present safe streets program is a failure because the rate and volume of crime continue to rise," said Stanton.

"Instead of crime being swept from the streets, as Attorney General John Mitchell said, it is people who have disappeared from the streets," said Seiberling.

The two congressmen said the present program to help local law enforcement agencies combat crime is failing to do the job because the federal cash is being spread too thinly by state governments which get bloc grants from Washington.

"It simply is not going where the crime is—in our major cities," complained Stanton.

The Stanton-Seiberling legislation would guarantee Cleveland $12 million in fiscal 1972.

COORDINATE CRIME FIGHT

An analysis of the 1970 crime rate in Cuyahoga County by the Governmental Research Institute shows how imperative it is that all county crime-fighting agencies coordinate planning and development in a joint effort to reduce crime.

The study, the most comprehensive ever made in the county, disclosed the startling information that the crime rate in four suburbs, Oakwood, Shaker Heights, Mayfield and Beachwood, was higher in 1970 than it was on Cleveland's far West Side.

Crime, it would seem, cannot be escaped. It must be faced and fought or it will spread. The high crime rate in Shaker Heights, for instance, most certainly results from the proximity and accessibility of its wealth to Cleveland's poorest area.

The study, titled "A Profile of the Criminal Justice System in Cuyahoga County," acknowledges that it is impossible to know the true crime rate because many crimes are never reported.

"Ironically, as a community gains confidence in its police department and other criminal justice agencies, its citizens may tend to report a greater proportion of the actual crime," the report states. "In such cases, then, the better the police department, the higher the rate of reported crime as opposed to actual crime."

The report details the close relationship between firearms and crime. Some 67% of the aggravated assaults in 1970 in Cleveland involved the use of guns.

The report said the citizens of Cuyahoga County might have expected that their $85.5 million in justice expenditures in 1970 would have been allocated wisely among the parts of a balanced, coordinated criminal justice system.

"However, there is no systematic allocation of criminal justice dollars as such. For a number of reasons . . . criminal justice responsibilities are decentralized," the report adds.

The study suggests that even though the criminal justice system in Cuyahoga County is spread among 63 governments and more than 180 individual agencies, this does not mean a countywide crime prevention program could not be developed.

We agree. Such a program could and should be developed.

NORTH-EASTERN OHIO, FIRE CHIEFS' ASSOCIATION INC.
Bedford Heights, Ohio, January 10, 1972.

HON. JAMES V. STANTON,
Congressman, 20th District, Ohio,
Washington, D.C.

DEAR MR. STANTON: There are many urban and rural areas in the United States, which are badly in need of federal assistance, to provide a minimum of fire protection.

Almost every one is lulled into a false sense of security that our fire service can handle its problems with its present equipment and manpower. Many fire departments are using pieces of fire equipment, which private industry would have scrapped many years ago as being obsolete and too costly to operate.

This is why the fire service feels it is necessary to rewrite the Law Enforcement Assistance Act to include aid to our counties fire defense.

Sincerely,

EUGENE E. ROGERS, *Secretary.*

DEPARTMENT OF URBAN AFFAIRS,
Columbus, Ohio, November 30, 1971.

Hon. JAMES V. STANTON,
State Representative,
The Federal Court House,
Cleveland, Ohio.

DEAR JIM: We have received, from Sanford Watzman in your office, a copy of the Congressional Record in which you describe in detail your proposed amendments to the Omnibus Crime Control and Safe Streets Act of 1968. Sandy indicated that he would like our response to those amendments at the earliest possible time.

First, let me say that I greatly appreciate your recognition of the efforts of the Gilligan Administration to more efficiently and effectively utilize this State's funds under the Omnibus Crime Control Act. As you know, Governor Gilligan is deeply committed to more effectively utilizing all of the resources available to the State. We in the Department feel that what has come to be called the "Ohio Plan" is very much in line with these objectives.

Secondly, I believe that your desire to emphasize the needs of the urban high crime areas of this country is a direction which I personally applaud and one in which, I'm sure, the Governor agrees. I might say here that my impression is that both the National Office of LEAA and the Regional Office in Chicago have been most cooperative in assisting us in providing such emphasis in Ohio and thereby carrying out both our own philosophy and that expressed by Congress in the 1970 amendments to the Omnibus Crime Control Act.

Finally, just a couple of brief substantive comments regarding your proposed legislation. First, I believe that the definition of a "high crime urban area" needs to be more specific. It would appear to me that by the definition found in the proposed legislation, a high crime urban area could, in fact, be a rather large regional area, perhaps as large as a standard metropolitan statistical area. Also, the definition does foreclose areas such as the Dayton Metropolitan Area here in Ohio. While I recognize a cutoff has to be made somewhere, perhaps it might be more appropriate if an alternative were provided which would allow for counties over a certain population to participate. Second, the proposed legislation, in referring to the Urban Law Enforcement Council, makes no mention of the need for the Council to be representative of each of the various parts of the criminal justice system within the high crime urban area. Additionally, representation of agencies indirectly related to the criminal justice system, but of great importance to the system such as health agencies and boards of education, are also not required to be represented on the Council. In Ohio, as you are aware, not only are these agencies required to be represented on the Regional Planning Units but also citizens are required to be represented on such units.

Of course, both I and other members of this Department would be happy to discuss your proposed amendments at any time at your convenience.

Sincerely,

BRUCE L. NEWMAN, *Director.*

DEPARTMENT OF URBAN AFFAIRS,
Columbus, Ohio, December 2, 1971.

Mr. FRANK R. POKORNY,
Cuyahoga County Commissioner,
Cleveland, Ohio.

DEAR MR. POKORNY: We are returning four copies of Project No. 1362–04–C1–71, entitled, "Development of Materials in Law for Schools; and Law Seminar for Teachers".

The project, while meritorious in many respects, did not appear to satisfy all the requirements for funding under the Crime Control Act.

In administering the Crime Control program, we are required to fund programs which will, 1) reduce, or 2) improve the criminal justice system. While it can be said that the program, as presented, might have an effect on these two areas, we see that effect as being largely tangential. For instance, we appreciate the overall need for some instruction in areas such as consumer law, domestic relations, selective service, etc. We do not, however, support the funding of these areas from Crime Control monies.

If the focus of this program were narrowed to those items which clearly fall within the purview of the Act, such as arrest and trial, juvenile law, we would be happy to consider its funding.

I hope that I have clarified some of the issues surrounding not funding this project at this time. If I can be of further assistance, please let me know.

Very truly yours,

JOSEPH L. WHITE,
Deputy Director.

OHIO ASSOCIATION OF CHIEFS OF POLICE, INC.,
Columbus, Ohio, November 22, 1971.

Hon. JAMES V. STANTON,
Longworth Building,
Washington, D.C.

MY DEAR CONGRESSMAN: Congratulations for your introduction of a bill to quicken the flow of LEAA funds to the cities. This has been a problem combating the red tape of obtaining financial assistance.

I would like to call your attention to two fallacies which are detriments to the program.

The first one; the big cities are not the only needy governmental agencies to be considered. A perfect example is your own community; Cuyahoga County. Cleveland by virtue being the mother city, has received the money in Cuyahoga County while suburbs have stood by hoping to receive a few crumbs. Most of the municipalities in Cuyahoga County would be considered fairly large if they were situated in a different location in the State, therefore would have receved some LEAA funds.

I have served on Criminal Justice Co-ordinating Council and Northeast Ohio Areawide Coordinating Agency and found the only way a city the size of North Olmsted can receive aid is through regional grants or some innovative program. Some of the so-called innovative programs leave much to be desired. I firmly believe, each Law Enforcement Agency knows best what is needed instead of being told by persons not actively engaged in the profession.

Secondly, I feel the lions share of the money or aid is eaten by staff. By this, I mean there has been an over abundance of positions created to administer the LEAA funds, so by the time the action money eventually arrives where it was planned for there is very little left.

I would like to suggest the funds be distributed by a combination of crime incidence and population and let the local governments use to the best of their abilities the disbursements. Their programs would be monitored for effectiveness and if not efficiently handled, the LEAA funds would be stopped.

I believe this to be a more effective way in attempting to eliminate the already amount of wasted funds.

I thank you for your efforts.

Respectfully yours,

HARRY W. HIRD, *President.*

[From the Enquirer, Jan. 16, 1972]

CINCINNATI MISSES FEDERAL FUNDS—RED TAPE SLOWS CRIME FIGHT

(By Robert Webb)

WASHINGTON.—The choice of eight cities to share in $160 million under the "high impact" anti-crime program just announced is unlikely to get the Law Enforcement Assistance Administration (LEAA) off the congressional griddle.

For that matter, Rep. James V. Stanton (D-Ohio), was quick to emphasize he was not pulling back on his effort to reform the federal anticrime fight even though his city, Cleveland, was one of the eight listed by Jerris Leonard, LEAA administrator.

Stanton, former chairman of Cleveland City Council, introduced a bill in November that would target the nation's high-crime areas—its 56 largest cities—for a quick and emergency share of the $698.9 million appropriated for LEAA this year.

Cincinnati and Hamilton County officials have not tried to hide their frustration over the delays in landing LEAA funds required now to fend their way through the red tape jungle that makes Washington a nightmare to so many. Nor were they likely to be jubilant over having lost their fight to have Cincinnati designated one of the eight cities for the three-year program Vice President Agnew and Atty. Gen. John N. Mitchell announced to zero in on street crimes and burglary.

"I have found in my experience in dealing with LEAA that it's hard just to find out the status of a grant application," said Tom Hayes, administrative assistant to Rep. William J. Keating (R-Ohio), who is on both the House Judiciary Committee and the House Select Committee on Crime. One would think that with that kind of joint committee role, with its meaning for Justice Department support, Keating would have a smoother track with LEAA.

In one of his last salvos as Cincinnati city manager, Richard L. Krabach, expressed by letter to Stanton his conviction on the "red tape" hamstringing the financing of important projects." Based on the experience of Krabach and others, the system works something like this: The city or the anticrime council of government to which it belongs comes up with a proposed project—say to fight the drug racket that runs up the murder-robbery rates—and goes to LEAA with a request for funds. Months pass, and no word comes whether a project has been approved, disapproved or just what. Local officials, attempting to make budgets and plans of their own, then go to their congressmen in an effort to get some inkling of what is happening to their requests, and then you get the experience of aides such as Hayes.

Stanton found that only 40.4% of Ohio's fiscal LEAA share for 1970 had been disbursed last June 30. Even worse was the experience of California, where only 24.8% of its share had been disbursed, and New York, which had distributed only 27.5%. Part of the blame, undoubtedly, rests also with the states, which exert broad supervision over planning and receipt of funds.

While expressing delight that Cleveland was on Leonard's $160 million list, Stanton was quick to note "that only eight cities were covered, and my legislation would reach into the 56 largest areas in the country, including Cincinnati and other large Ohio cities." By his reckoning, incidentally, Hamilton County will receive $1,485,354 from the 1972 fiscal share to Ohio.

Cincinnati, presumably, would have received millions of dollars over a three-year period if it had made the eight-city list which also included Newark, Baltimore, Atlanta, St. Louis, Dallas, Denver and Portland.

No doubt a strong case can be made for such an experiment with "high impact" federal aid—aid that presumably will march at unaccustomed speed to the cities. But one wonders whether LEAA is not, in one sense, simply picking eight cities—out of scores with just as much, if not more, crime and law enforcement needs—to target funds that might more equitably be shared by others.

Talk to a city official such as Col. Henry Sandman, Cincinnati safety director, for example, and you sense the plight of one grappling with "five brutal murders in the last few weeks, all drug-related, we believe, inside the city itself." And all the city—and Hamilton County—want is $117,137 for a regional narcotics unit, proposed by Indian Hill's police chief John Diekmeyer, to help them smash a drug racket that, really, knows no boundaries.

In any case, the Congress reassembling Tuesday assuredly will mirror the far-from-dormant concern of its urban constituents for massive and genuine action to make the streets safe once again from muggers, rapists, killers, robbers and thieves of every description.

If one needs further proof of this concern, all he has to do is check the results of the Life Magazine crime poll in its January 14 issue. Some 43,000 readers nationally responded to indicate 78% of Americans "scmetimes feel unsafe in their own homes" and that 80% in the big cities "are afraid in the streets at night," Significantly, 70% said they would pay higher taxes for better protection.

Thus the command confronting Congress, as well as government of every level.

PERRYSBURG FIRE DEPARTMENT,
Perrysburg, Ohio, January 11, 1972.

Representative JAMES V. STANTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STANTON: I feel very strongly that the 1968 Law Enforcement Assistance Act, should be rewritten, so as to include the fire departments of the United States.

Many departments are undermanned and equipment certainly could be updated.

For some reason it seems as though when an austerity program comes along the fire departments are the first to suffer, and federal aid would certainly help to alleviate this condition.

The Police and Fire departments are both of the division of safety, and I do not understand why one should be federally funded and not the other.

It is a known fact that the firemans job is the most hazardous, of any occupation today.

Sincerely,

LEONARD ROBERTS,
Chief, Perrysburg Fire Department.

CITY OF TOLEDO, OHIO,
DIVISION OF POLICE,
Toledo, Ohio, January 10, 1972.

Mr. SANFORD WATZMAN,
c/o Representative JAMES V. STANTON,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: Thank you Congressman Stanton for your letter regarding the Emergency Crime Control Act of 1971 (H.R. 11813).

Speaking on behalf of the Chief of Police in the City of Toledo, Ohio, Robert J. Duck, may we say that since the Ohio State Department of Urban Affairs, under the directorship of Messrs. Bruce L. Newman and Joseph White, has created the Administration of Justice Division to replace the former Law Enforcement Planning Agency, it has improved the system of criminal justice in our area. We are confident that with the full implementation of the new Ohio Regional Planning Unit system, it will be more responsive to our needs.

We would be less than candid, if we did not declare that prior to the reorganization, the strongest thrust in awarding funds was not directed to the urban population areas where crime actually existed.

At this writing, the city administration and the officials of county government, as well as the several political subdivisions within Lucas County are structuring our Regional Planning Unit (RPU), so that local planning and grants management capabilities may be fully developed toward the end of functioning as a team.

Indeed, we are pleased that the Ohio State Department of Urban Affairs has been designated to administer the distribution of Federal funds and that emphasis is being placed on crime and criminal justice problems according to need.

Thank you kindly Congressman Stanton, for your efforts in this matter of national concern.

Respectfully,

ROBERT J. DUCK,
Chief of Police.
Captain EDWARD C. SOBEZAK,
Director of Training, Planning and Research.

CITY OF OKLAHOMA CITY,
Oklahoma City, January 10, 1972.

Mr. SANFORD WATZMAN,
c/o Representative JAMES STANTON,
Longworth Building,
Washington, D.C.

DEAR MR. WATZMAN: Thank you for your letter of December 3 with respect to H.R. 11813. We very much enjoyed studying your proposal.

Generally Oklahoma City has enjoyed favorable relations with our State Crime Commission with respect to the implementation of LEAA "action" money pro-

grams. We were recently disappointed in an effort to secure from our State Commission what we considered to be a fair and equitable distribution of criminal justice planning money. Our Commission chose instead to award the lion's share to our regional Council of Governments rather than the central city. Our position was that inasmuch as almost ¾ of the major crime is in the central city, ¾ of the criminal justice money spent in this region is in the central city, and 55% of the population is in the central city, that the city is properly the entity that should receive the majority of available criminal justice planning money. Although eventually this inequity was satisfied, our State Commission had voted against putting planning funds where the problems are, and instead voted to give almost ⅔ of the available funds to a regional council, in which the central city has but one among fifteen votes. Had this situation not been satisfied, we were prepared to appeal that decision to the LEAA and further through the courts on the basis of the State Commission's failure to apply the federal LEAA guidelines on planning funds. Attached is a summation of our position on this point as presented to our State Commission.

Since the occurrence of the situation described above, we have had two of our highest priority discretionary grant programs denied by LEAA. One of the programs was for a specially trained cadre of police officers to be assigned to and work Public Housing Projects. These projects currently account for more than their share of major crime in the city, yet it is impossible to adequately patrol these projects within our police force's current limitations.

Another program denied was for help in creating a public safety academy in conjunction with a local university. This academy would provide college level training and credits for policemen and firemen. As law enforcement continues to become more complex, and higher levels of education and training are necessary for policemen, we felt this effort worthy of support from the LEAA. Without federal participation the scope and effectiveness of this program will be seriously curtailed.

Certainly the Law Enforcement Assistance Administration has done a great deal of good. We as a city have greatly benefitted since its creation in 1966. At the same time, we certainly agree with you that the inherent shortcomings of the agency should be corrected. Block grant funds to high crime areas certainly makes more sense than the current arrangements. So often in federal legislation we find that the problem is fairly well understood, the goals of the law well defined, but the machinery set up to get there so cumbersome and unworkable that much of the law's effectiveness is lost in the bureaucratic shuffle. We feel that your bill would go a long way to overcome this problem.

Thank you for giving us the opportunity to respond to your legislation. We pledge to do whatever might be helpful in your effort to win support for H.R. 11813. After all, if LEAA was created to help fight crime in the street and improve our nation's criminal justice system, why not set up the administrative machinery that is conducive to meeting these goals?

Sincerely,

STEVE GARMAN,
Assistant City Manager.

SEPTEMBER 23, 1971.

PRESENTATION BEFORE OKLAHOMA CRIME COMMISSION

At a meeting held on Tuesday, September 14, the Executive Committee of the Crime Commission recommended that some $96,000 of planning money available for Central Oklahoma be divided for Oklahoma City and ACOG by giving ACOG $66,000 and Oklahoma City $30,000. Oklahoma City does not feel that this distribution recognizes the special consideration which the Law Enforcement Assistance Administration strongly encourages with regard to cities of over 250,000 population.

First let us call your attention to Section 5 of the 1970 amendments of the Omnibus Crime and Safe Streets Act quoting from Section 5.

"No State plan shall be approved as comprehensive unless the administration finds that the plan provides for the allocation of *adequate assistance* to deal with law enforcement problems in areas characterized by both high crime incidence, and high law enforcement activity."

The question could legitimately be asked, "what is meant by the phase 'adequate' assistance?" To find the answer, we would like to call your attention to,

and quote from, the revised LEAA Guidelines in accordance with the Statutory Amendments of 1970:

"Change No. 10. It will be noted that LEAA, to provide clear guidance and uniform criteria on implementation of this section, has established minimum standards for (i) inclusion of areas covered by the amendment and for (ii) the size of the share that an included area must receive to determine that it has been allocated 'adequate assistance.' These are population-crime-budget standards which recognized that large cities, counties, and urban/metro areas will provide "the bulk of high crime incidence/activity cases subject to the required LEAA determination of funding adequacy. The standards are deemed minimal ones and it is expected that most States will exceed them significantly in classification and allocation of aid to high crime areas.

"It should also be noted that the LEAA test, in calculating funding adequacy, will be federal assistance allocated to the high incidence/activity area via any source or implementing government—State, regional combination, county, municipal—so long as funds directly benefit citizens and crime control in the high incidence/activity area."

I would underline that portion of the guidelines which clearly indicate that a determination of "adequate assistance" should be based on such factors as population, crime, and budgets. We would further underline that portion of the above which requires that funds allocated:

". . . directly benefit citizens and crime control in the high incidence/activity area."

Looking to available statistics with regard to the Central Oklahoma Region, we find the following:

According to figures released by the Federal Bureau of Investigation this month, the City of Oklahoma City has 71.4% of the major crime occurring in the Central Oklahoma Region. That portion of ACOG outside of Oklahoma City experiences 28.6% of the crime.

According to figures available from the 16 largest cities in the region, Oklahoma City spends approximately 74% of the total Police expenditures in the ACOG region. This amounts to a per capita cost to a citizen of Oklahoma City of $17.75. A citizen who lives in the ACOG area outside of Oklahoma City spends an average of $9.05 for police protection; just over half of what it costs a city resident.

In the ACOG region, there are approximately 900 commissioned police officials. Of these 67% work for the City of Oklahoma City Police Department.

Digressing to the uniform crime report of the FBI briefly, the crime rate per 100,000 population is almost twice as large in Oklahoma City as it is in the rest of the ACOG region.

According to the latest available figures from the Bureau of the Census, Oklahoma City as 55% of the population of the four-county ACOG region.

Based on these statistics, it would be indicated that Oklahoma City is not only automatically eligible for pass-through funds because of its population, but further, that Oklahoma City has the bulk of incidence of crime, criminal justice expenditures and law enforcement activity. It is our opinion that the recommendation of the Executive Committee did not meet the test of "adequate assistance" as provided for in the law.

Although we felt that perhaps we could be entitled to more, we requested that the Executive Committee award Oklahoma City its pass-through portion of funds based on the population index. This would give Oklahoma City 55% of the available planning money allocated to the ACOG region. Obviously a population ratio would give us a smaller share than would a distribution based on other factors, such as budgets or incidence of crime. We felt that an Oklahoma City share based on population would be especially palatable to the Commission, as the Commission awarded the ACOG region its share based on the population of the ACOG region vis-a-vis the population in the rest of the state. We therefore felt that Oklahoma City was asking from the Commission only the same consideration the Commission had given to ACOG and ten other regions.

As I'm sure the Commission is aware, the LEAA guidelines encourage large cities and large counties, when such a city is situated in the county, to consolidate their criminal justice activities by forming City/County Criminal Justice Councils. Oklahoma City has been in the process of forming such a council with Oklahoma County. While at the present time we do not have such a council in operation, we are encouraged by the close cooperation of the criminal justice components of Oklahoma County, with which we have discussed this council.

We are confident that the City and County will in the future be better able to coordinate our criminal justice activities and plans. Our plans in this regard were presented to the Executive Committee.

In closing let me state that in the past, Oklahoma City's problems in criminal justice have been recognized by the Commission. Last year Oklahoma City received about 58% of the planning money available, with ACOG receiving 42%. This year, with more money available for planning than ever before, we question our being recommended for less than one-third of the available funds.

We feel that the intent of LEAA is to put the money where the Crime and people are. We do not question ACOG's responsibility to coordinate activity, or their need for funds. We very seriously question whether Oklahoma City, as a major City, should suffer to accommodate a regional coordinating responsibility.

TULSA OKLAHOMA,
POLICE AND FIRE COMMISSIONER,
Tulsa, Okla., December 9, 1971.

Re: Letter of December 3, 1971 concerning LEAA Funds
SANFORD WATZMAN,
% Representative JAMES V. STANTON,
Longsworth Building,
Washington, D.C.

DEAR SIR: A review of the referenced letter leads me to believe that your approach to the dispensing of LEAA funds would be much more desirable than that which is used in Oklahoma at present. In Oklahoma those funds that are left after the State gets it "bite" are distributed on a population basis.

This sounds fair and equitable until you look at the purpose of the original act (Crime in the Streets). There is little if any "crime in the streets" in Poteau, Oklahoma, but it (and every other Poteau in the State) gets its cut. This leaves insufficient funds available to the metropolitan areas that actually have a "crime in the streets" problem. The following will try to answer the specific questions asked in your letter:

1. Whether your community has been receiving an adequate share of the LEAA funds?

A. No. Last year, the State funded police 41% of the available monies from LEAA. This year, 1972, police will receive only 24.036%. However, we cannot find fault in State funding practice when our City Government has not (to date) been able to match a single program in 1971 that required hard match. If our community could match the LEAA funds, we still would not be receiving an adequate share to fight our share of crime in our community.

2. Whether red tape is delaying the funding of important projects, and if so, which ones.

A. Yes. In our State only programs which appear in the State Plan are funded. If our City has a need that is not reflected in the State Plan, then the need must be adjusted to fit an existing program. Many times, the existing program as written would be well toward the bottom of the Cities priority list for funding, but is utilized spending local funds although only a part of the program may be useful in the Cities efforts to reduce crime.

3. Whether the 1970 amendments to the Safe Streets Act, designed to give Cities a larger share of funds, appears to have improved your situation so far?

A. No. Refer to question 1. Although the State will receive in 1972 considerable more LEAA funds, the States allocation to local governments, particularly in the area of police, has been reduced. In our State, it has become obvious that the States, needs are first priority. In 1971, the SPA decided that $1.3 million of State projects would be funded out of 1972 funds. Now with 1972 funds near, the $1.3 million has been taken off the top of the States total allocation of $5.138 million or 26.7%. The remainder to be doled out to State and local agencies.

Cities are not given a blank check. Until evaluation is included to measure success or failure of the program, only token amounts are received. This is one reason the pipeline is clogged.

I feel, also, that the State is waiting to find a program which they feel will answer all problems. When this happens, they want to be able to fund the program, hence, they hold onto the money with hope.

I know that the larger Cities have many qualified men who would, if given the opportunity, tackle the rising crime rate in a different manner. The State looking at all within its boundaries feel it is doing the job, yet the metro Cities continue to face a rising crime rate. Maybe its time to give the local people a chance to attack their problem in their areas.

It is my opinion that the proposed act would be extremely helpful to local governments, especially the Title II Section. It has my vote.

Sincerely,

BRAD SCHEER,
Police and Fire Commissioner.

CITY OF PORTLAND,
Portland, Oreg., March 7, 1972.

Congressman JAMES V. STANTON,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: I have referred your request to the Office of City-County Justice Planning to Mrs. Elizabeth Preston, who is the City-County Justice Planner. Part of our problem in replying is that we have been understaffed for things of this nature, given the selection of Portland as a high crime impact city.

I appreciate your concern about LEAA funding and we appreciate the effort you are making.

Sincerely yours,

NEIL GOLDSCHMIDT.

CITY OF PHILADELPHIA,
May 1, 1972.

Hon. JAMES V. STANTON,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: I have read the material you sent us concerning the Emergency Crime Control Act of 1971 (HR 11813) which you introduced in the House. I wish to express the City of Philadelphia's strong endorsement of your legislation.

Although we have received our fair share of funds allocated to Pennsylvania by L.E.A.A., the level of funding has been inadequate to meet the needs of the criminal justice system in our City.

The "red tape" involved in securing funds for projects in Philadelphia has been frustrating. The City must write a separate application for each project and submit it to the Philadelphia Regional Planning Council. If the Council approves the project, it must then be sent to Harrisburg for approval by the Governor's Justice Commission.

In addition to the delay factor involved in this system, there is also the possibility that the State, through the Governor's Justice Commission, would disapprove any application which Philadelphia submits to it.

The direct revenue sharing approach of your legislation would provide us with a more adequate level of funding and enable us to support and control programs we feel are necessary to improve law enforcement in Philadelphia.

If I can be of any further assistance to you, please contact me immediately.

Sincerely,

FRANK L. RIZZO.

DEPARTMENT OF COMMUNICATION,
Providence, R.I., December 13, 1971.

Hon. Congressman JAMES V. STANTON,
State of Ohio, Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: While in Washington I had the pleasure of attending your Press Conference in regard to an amendment to the Law Enforcement Assistance Act. Here in the City of Providence, I am in charge of all Public Safety Communications and it is rather discouraging that monies are available to police and not to Fire Service. I for one agree whole-heartedly with your effort

to take much of the red tape out of the act, and allow the Cities to use the grants for both services.

It has always been my contention that the Fire Service plays an important part in the safe streets of many of our major cities, and yet no Federal Grants are forthcoming.

Many of our major cities in this country are plagued with ghetto areas that have numerous fires, many others have Urban Renewal projects underway with vacant buildings constantly being burned by vandals thus causing millions of dollars in expenses to Cities in addition to personal injury to the firefighters involved.

I strongly feel that if Federal monies were available to the Fire Service through your amendment, our Fire Departments could be better equipped and organized.

Many of our Police Departments have equipped each of their personnel with hand walkie-talkies in order to maintain constant contact with the men, this would be very advantageous for firefighters both from efficiency and safety standpoints while in the performance of their duties, this in turn would contribute immeasurably to the safety of our neighborhoods and streets.

I know that there are many innovations that the fire service could use to make firefighting more efficient if the fire service is given the monies and the tools to work with.

I hope that you are successful in getting your amendment passed.

Sincerely yours,

ALFRED J. MELLO.

OFFICE OF DISTRICT ATTORNEY-GENERAL,
TENTH JUDICIAL CIRCUIT, DAVIDSON COUNTY,
Nashville, Tenn., January 12, 1972.

Congressman JAMES V. STANTON,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: In response to your letter dated December 3rd which I have received today, I am enclosing herewith a copy of a letter which I mailed to Congressman Richard Fulton concerning your bill on LEAA Funds, on December 28, 1971.

For two years prior to fiscal year 1971–72, we have had an operating drug program here in Nashville funded in part with LEAA Funds. I am enclosing also herewith two letters, one from me and one from Dr. Steve C. Cappannari, Director of that program, to Mr. Francis Norwood, Director of the Tennessee LEAA Funds in Tennessee. These letters set out in detail what the existing drug program is. The state funds were withdrawn from our local program and diverted to a non-existant state program. The state program got a grant of $80,000. The fund request for our existing program was $12,000 and we had operated on $3,000 in prior years. As I pointed out in the letter to Congressman Fulton, Dr. J. N. Fidelholtz of the Tennessee Central State Psychiatric Hospital, has told me that he has been instructed to set up a drug treatment program with existing facilities and staff and that his information is that the entire $80,000 will be used in administrative costs at the state level. The conclusions for your purpose are obvious.

In this area LEAA Funds are further diluted because we have a local Administration of Justice Planning Agency funded with LEAA Funds. Federal funds are being used to rent office space, provide office equipment, and pay the salaries of a director, an assistant director and a secretary. This agency exists principally for the purpose of applying to a similar agency on the state level in order to get the funds. The state agency likewise is consuming valuable office space, although in a state owned building, so that no rent is being paid. (Although I suspect, that space is being used as an in kind contribution). The state agency has a large staff also supported principally with federal funds. Obviously a more efficient use of LEAA Funds could be effected if the municipalities could apply directly to the federal government and the state agency could be abolished.

On three occasions we have undertaken to apply for LEAA Funds to send assistant district attorneys to training seminars operated by the National Association of District Attorneys. We received specific notice about these seminars a month to six weeks prior to the date the seminar is held. Our applications

have been refused on the grounds that they cannot be processed in that length of time. These are all of the examples that occur to me at the moment. If I think of others, I will send a supplemental letter.

Good luck with your bill. If there is any way I can help, please let me know.

Yours truly,

THOMAS H. SHRIVER,
District Attorney-General.

Enclosures (2).

CITY OF MEMPHIS,
Memphis, Tenn., March 16, 1972.

Hon. JAMES V. STANTON,
U.S. Congressman, House of Representatives, Longworth Building, Washington, D.C.

DEAR MR. STANTON: Your letters of December 3, 1971, and March 2, 1972, pertaining to crime control legislation and its implementation are appreciated.

In response to your letters, I wish to say that we have excellent relations with the Tennessee State Law Enforcement Planning Agency and with the Atlanta Regional and National offices of the LEAA offices as well. We receive excellent support from each of these offices. We believe we have been given full consideration and a fair share of the LEAA funds available to the state. Additionally, we have not been so bound up in red tape as to delay unnecessarily funding of projects. The key to this has been sound, well-coordinated, advance planning at local and state levels supported by well-developed projects. We believe we have such planning and project development and that it pays off.

The key point in all of this is the funding level. I urge that the full amount of funds requested by LEAA be authorized and appropriated.

I hope these remarks are helpful.

Sincerely,

WILLIAM M. FONDREN,
Federal Programs Coordinator.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY,
Nashville, Tenn., January 12, 1972.

Mr. SANFORD WATZMAN,
c/o Representative JAMES V. STANTON,
Longworth Building,
Washington, D.C.

DEAR MR. WATZMAN: Reference is made to the letter of Congressman James V. Stanton dated December 3, 1971.

In an effort to give you a satisfactory answer to specific questions posed in Numbers 1, 2 and 3, this office telephonically contacted the Tennessee Law Enforcement Planning Agency in an effort to come up with the statistics necessary to answer your questions. The response by the Tennessee Law Enforcement Planning Agency was to the effect that this information could not be made available to the Metropolitan Administration of Justice Planning Agency at this time.

Although this office is in accord with your aims of channeling LEAA money to the 56 cities of high crime incidence, we cannot, however, give you the statistics which would be most beneficial to you in pursuing this matter. We are sorry that we are unable to help you dramatize the situation to the extent that it deserves.

Very truly yours,

IRA WILLIAMS,
Director, MAJPA.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 3, 1972.

Hon. JOHN F. SEIBERLING,
1223 Longworth House Office Building,
Washington, D.C.

DEAR COLLEAGUE: Enclosed is a copy of a letter from my very good friend, District Attorney-General Thomas H. Shriver of Metropolitan Nashville-Davidson County.

His letter concerning your recent statements in regard to the LEAA funding at the state and local level is self-explanatory.

I would like to take this opportunity to commend you for the work you are doing in bringing this disgraceful situation to public attention, and if I can be of assistance to you, my office and staff are available.

With every good wish, I am

Sincerely,

RICHARD FULTON,
Member of Congress.

Enclosures.

OFFICE OF DISTRICT ATTORNEY GENERAL,
TENTH JUDICIAL CIRCUIT, DAVIDSON COUNTY,
Nashville, Tenn., December 28, 1971.

Congressman RICHARD FULTON,
Congressional Office Building,
Washington, D.C.

DEAR DICK: I am enclosing a copy of an article that appeared in The Nashville Tennessean on November 18th and am writing to suggest that Representatives James V. Stanton and John F. Seiberling are entirely correct and I hope that you can endorse their position. For example, I am advised that $80,000 of LEAA funds have been applied to a state operated drug program in Tennessee. However, Dr. Fidelholtz at Central State Hospital has told me that he has been instructed to set up a program with existing facilities and staff and that his information is that the entire $80,000 will be used in administrative costs at the state level. Obviously, drug rehabilitation does not come about through administration, but through treatment.

Yours truly,

THOMAS H. SHRIVER,
District Attorney-General.

Enclosure.

[From the Nashville Tennessean, Thurs., Nov. 18, 1971]

CRIME FUNDS LAG LAID TO RED TAPE

(By Isabelle Hall)

Washington (UPI)—Two Democratic congressmen charged yesterday that state red tape is keeping millions in federal crime fighting funds from the big cities and accused Atty. Gen. John N. Mitchell of trying to fool Americans that the crime rate is falling.

Reps. James V. Stanton, a former city council president in Cleveland, and John F. Seiberling, a member of the family that founded Goodyear Tire and Rubber Co., told a news conference the Justice Department's Law Enforcement Assistance Administration (LEAA) had failed to get help to the big cities where it was needed most.

The Ohio lawmakers proposed channeling $362.5 million a year directly to the 56 largest American cities to bypass what they called state red tape that has held up distribution of much of LEAA's anticrime grants.

"We know this because the crime rate and crime totals around the country keep rising, with crimes of violence setting the pace," Stanton told reporters. "This is obvious to our constituents, who, of course, are not fooled by Justice Department attempts to assure them with phony communiques that juggle statistics and suggest 'progress' in the war against crime."

Stanton took specific issue with Mitchell's recent statement that the fear of crime "is being swept from the streets" of some cities. Stanton suggested that it was not the fear of crime so much as the people who have vanished from the streets.

"When Mr. Mitchell, in convoluted prose, pats his Justice Department on the back for figures that show a 'decelerating rate of increase' of crime, I think we can safely conclude he is making political statements in the hope of keeping alive . . . a public issue on which he unfortunately—and illogically—rode to power," Stanton said.

Stanton proposed a supplemental appropriations bill that would authorize $362.5 million a year for three years to be distributed on a $5 per capita basis for 56 cities with 250,000 population or more rated "high crime urban areas."

The money would be in addition to LEAA funds now distributed, but, Stanton pointed out it would still not exceed the $1.15 billion already authorized by Congress for LEAA in fiscal year 1972.

The cities' share would include neighboring counties which have joint law enforcement services. A local council would decide how to spend the money without any direction from Washington or the states. Stanton said this was just bowing to President Nixon's revenue sharing philosophy that "local government knows best."

He said the General Accounting Office (GAO) obtained Justice Department documents for him showing "starting information" about the failure of the states to distribute federal crime funds over the past two fiscal years.

As of June 30, Stanton said the documents showed that 51.1% of 1970 fiscal year funds still were being held at the state level and 92.1% of the just-concluded 1971 fiscal year money was still unspent.

To point up the red tape problems, the two congressmen unrolled a 12-foot-long chart from New York City showing the steps that must be taken before it can actually receive money from LEAA to spend on local crime.

As of June 30, 10 states had distributed none of their 1971 fiscal year funds, they said. They identified them as Alabama, Alaska, Dakota, and Virginia.

New York, Ohio, Oklahoma, Tennessee and Washington State had distributed less than 1% of their 1971 funds, while California, Georgia, Michigan, North Dakota, Pennsylvania, West Virginia and Wisconsin have distributed 5% or less, the GAO documents showed.

"If the money leaving Washington is intercepted at the state capitals, becoming unspeakable tardy in reaching the large cities where most of the crimes are being committed, then what good is the money?" Stanton asked.

VANDERBILT UNIVERSITY,
Nashville, Tenn., October 4, 1971.

Mr. FRANCIS W. NORWOOD,
Director, Tennessee Law Enforcement Planning Agency,
Suite 1312, Andrew Jackson State Office Building,
Nashville, Tenn.

DEAR MR. NORWOOD: Having just learned that the Tennessee Law Enforcement Planning Agency does not presently plan to continue funding the First Offender Drug Counseling and Rehabilitation Program because it may represent duplication of efforts to be expended elsewhere, I wonder if there is a misunderstanding of the nature and scope of this endeavor, with which I have been associated for the last three-and-one-half years.

Before the inception of this program, young adults who had no criminal record prior to their arrest for violation of drug laws, faced the prospect of imprisonment and after release, carrying a record as a felon as you are aware, trials and jail maintenance are expensive and of dubious value themselves in rehabilitation. Beginning in April, 1969 youthful offenders were selected by the Metro Attorney General and screened at Vanderbilt by psychological testing and interview for placement in groups to meet weekly for 1½ to 2 hours. The weekly sessions lasted between 6 months and one year, with follow up meetings scheduled at less frequent intervals for the next 3 years. Rearrest or non-participation automatically results in expulsion from the program and prosecution may be resumed.

Our chief criterion for success is that the individuals not be re-arrested and we have been running about 80% salvage rate. Other retails of this program may be found in papers (presently in manuscript) read at the Central Neuropsyhicatric Association and the Mid-America College Health Association. A summary of the main features of this program may be found in the application for action grant submitted to the TLEPA.

I would like to emphasize briefly a few pertinent points. This is a unique and innovative program designed to reach young offenders *before* they have a record and the debilitating experience of jail.

The program has been run at very little expense to the TLEPA. During the first whole year of the program not one penny was collected from TLEPA or the persons in the program. Time was volunteered and such expenses as were incurred,

were subsidized by Vanderbilt's Department of Psychiatry. In fact, the program has been running continuously from April, 1969 and the first check from TLEPA was received in April, 1971. It would seem to be a bargain by most any system of cost accounting. For example if only ten of the 150 young persons we have seen spent one year each in jail, the cost to the community would have been about $30,000. We have received less than one-fifth of that amount in support. Since most of our "graduates" are now leading productive lives, this is also evidence that the small investment has paid off handsomely.

Another point is the experience and qualifications of the persons involved at Vanderbilt. We are sorry to have lost to San Diego a person as distinguished in the field of addiction as Dr. John Griffith. We have replaced him with a three person therapeutic advisory board; Harry Abram, M.D., Charles Goshen, M.D., and Warren Webb, Ph.D. All three are professors of psychiatry. Dr. Webb is an expert in psychological testing and Dr. Goshen is well known as a forensic psychiatrist. They assist in most aspects of this program including making psychiatric evaluations when requested by rehabilitation agencies.

Since this operation is being carried out largely in a university context, research and teaching functions have been added to the primary purpose of providing a much needed service to this community. The ongoing research has thrown some light on the questions of why some young people get into trouble with drugs. The program also serves as a basis for a course which helps educate young doctors how to deal with the problems of addiction, given for the first time last year in the Vanderbilt University School of Medicine, and now a regular part of the curriculum. To my knowledge, this is the first medical school in the country with a full course on alcoholism and drug addiction.

Other educational functions whch have been assumed by me and others working in the program have been acting as consultants to medical and educational groups in Nashville, Columbia, Gallatin, and Smyrna.

Also we have worked with the Dede Wallace Mental Health Center and the Veterans Administration Hospital to help them construct programs which should provide a broader spectrum of services for the community in drug-related cases. The Dede Wallace Center has already received a grant and the VA Hospital has just submitted its application for one. We will continue our active cooperation with both of these agencies.

Also, the Department of Psychiatry at Vanderbilt is expanding its out-patient treatment of heroin addicts by adding a special out-patient facility for dealing with many problems of drug usage of persons who may or may not yet have involvement with the law.

I believe this program has already been proven to be an inexpensive and effective method for dealing with certain youthful drug offenders. We have already made commitments to help a large number of these young persons over the next three years. Meanwhile, the number of arrests has increased and the problem similarly increases. I hope the TLEPA will give careful consideration to the possibility of continuing its support.

Sincerely,

STEPHEN C. CAPPANNARI.

OCTOBER 1, 1971.

Re: Grant Application No. 360A–71–4.02–09 First Offender Drug Counseling and Rehabilitation Program.

FRANCIS W. NORWOOD,
Director, Law Enforcement Planning Agency, Andrew Jackson State Office Building, Nashville, Tenn.

DEAR MR. NORWOOD: I have received your letter of September 24, 1971, advising Mayor Briley of your decision to disapprove funding for the above-named program. I am writing for the purpose of requesting that you reconsider your decision.

While it is true that Sections 25(a) (3) and (4) of Chapter 163 of the Public Acts of 1971 provide for persons convicted to be committed for treatment at a facility operated by the state or comprehensive community health center, this does not constitute a duplication of effort with the First Offender Drug Program currently operating at Vanderbilt University Hospital. The new drug law provides for treatment only after a conviction on a criminal drug offense. The drug counseling program at Vanderbilt is operated without necessity of subjecting the patient to a criminal conviction. This is, I believe, an important

distinction in the two programs because perhaps the most damaging thing that can happen to young first offender drug users is to have a permanent record of a criminal conviction which affects their ability to be licensed as doctors, lawyers, be commissioned officers in the Armed Services or hold other government employment which necessitates any degree of responsibility, and, in short, affects the possibility of having any good job for the rest of their life. The program at Vanderbilt has been offered as an alternative to criminal prosecution with the result that no criminal record is incurred if they successfully complete the program and are not rearrested on drug charges. Moreover, this procedure has relieved an already overburdened grand jury-court-penal system from the necessity of having to process these cases.

While I am not aware of whether federal funds going to the State Department of Mental Health for its drug rehabilitation program will enable the state to employ additional psychiatric expertise, I do know from my own dealings with the Central State Hospital, both maximum security and the Murfreesboro Road hospital, that their physical plant and their medical staff are horribly overburdened, and unless new facilities are provided and a number of trained psychiatric people are employed, that program will have great difficulty attending to its business. Thus, the drug program at Vanderbilt will help relieve the load on the State Department of Mental Health.

The Vanderbilt program is a successful and already operating program staffed with a number of highly competent, well-trained persons in the field of psychiatry and clinical psychology, including Dr. Steve Cappannari, Dr. Hans Strupp, Dr. Joyce Labon, and Dr. William H. Connor. Vanderbilt University is donating physical facilities and because of the connection of the above named persons at the Vanderbilt Medical School psychiatric resident doctors at the Vanderbilt Hospital will also be available to help conduct the program (which incidentally will also benefit the community because these men will be gaining valuable training which can be used in future treatment and drug rehabilitation programs).

While it is difficult to measure the success of any drug program, I think it is significant that no one who has completed this drug program has been rearrested on a drug charge. Approximately 150 have been approved for this program.

It should also be pointed out that the whole program has operated at a very minimal expense because the psychiatrists and psychologists have, for the most part, donated their time. The program is capable of handling more patient input than is now being referred to it, so that it would be possible to take referrals from all over the middle Tennessee area resulting in further relief on the case load at Central State Hospital. Moreover, it would be possible for this facility to handle input through the courts under the new drug law as well and I suggest that this would be a good idea because it is an existing, successful, operating program which can handle its duties at a considerably lower cost to the state and federal governments than can Central State Hospital. It should be noted here that it is operating at almost no administrative cost.

For these reasons it is my earnest hope that you will reconsider your decision to withdraw funds and that you will process the grant as set out in the application.

Your attention to this will be greatly appreciated.

Yours truly,

THOMAS H. SHRIVER,
District Attorney-General.

DECEMBER 7, 1971.

Mr. SANFORD WATZMAN,
In care of Representative JAMES V. STANTON, *1107 Longworth Building, Washington, D.C.*

DEAR SIR: Your proposals under the Emergency Crime Control Act of 1971 (HR 11813) has much merit in your efforts to speed up procedures and cut red tape in getting more funds to high crime areas. The question in my mind is who would determine the amounts to be allocated to a specific area? The ideas of a guaranteed sum of money to be awarded to a metropolitan city would be of much assistance in preparing for equipment and manpower needs in the future, but again it should be stressed that the funds be awarded on an equitable basis.

In answer to the specific questions you have outlined in your letter we feel that El Paso is receiving an adequate share of LEAA funds. We find that grants

applied for through the Criminal Justice Council of the State of Texas are usually processed rapidly and without undue delay. There is, more of a delay say up to six months, in grants applied for directly to LEAA. No opinion can be expressed on whether the 1970 amendments to the Safe Streets Act has improved the situation or not; because at the present time we have received all grants that we have submitted an application for.

We appreciate your efforts in attempting to put the money where it is needed most, at the local level, and letting the cities determine their priorities in the spending of these funds.

LLOYD C. PETERSON,
Assistant Chief, El Paso, Tex.

CITY OF FORT WORTH, TEX.,
December 17, 1971.

Mr. JAMES V. STANTON,
1107 Longworth Building,
Washington, D.C.

DEAR MR. STANTON: In response to your request for our comments in your letter of December 3, 1971, we respectfully submit the following:

1. We believe that the Fort Worth Police Department has received, within reason, its adequate share of LEAA funds. As of this date, we have not had a grant request denied by the Texas Criminal Justice Council. Although this appears possibly to be changing, particularly in reference to our application for a County-Wide Organized Criminal Intelligence Unit. Until the Texas Criminal Justice Council officially acts either positively or negatively, I do not believe any further comments are appropriate.

2. The Fort Worth Police Department Large City Special Grant application has suffered the same delay resulting from red tape and administrative indecision as have all Large City Grant Applications. On November 29, 1971, all our Grant Applications for discretionary funds, including Large Cities, were approved by LEAA Region. Again, in reference to our County-Wide Organized Criminal Intelligence Unit Application, this appears to be suffering some delay from red tape and administrative indecision on the part of the Texas Criminal Justice Council.

3. We have not noticed any particular change resulting from the 1970 amendments to the Safe Streets Act as far as cities receiving larger shares of funds. Neither have any guidelines been formulated for the Texas Criminal Justice Council concerning their interpretation and further direction of changes resulting from the 1970 amendments.

We appreciate your invitation of our comments concerning the Emergency Crime Control Act of 1971 (HR 11813). We find particularly attractive and relevant, your proposal on Emergency Special Impact funds. I believe this could become extremely effective in initiating and maintaining successful programs.

If I can be of any further assistance to you, please do not hesitate to contact me.

Sincerely,

T. S. WALLS, *Chief of Police.*

OFFICE OF THE MAYOR,
Houston, Tex., December 14, 1971.

Mr. SANFORD WATZMAN,
In care of Representative JAMES V. STANTON, *1107 Longworth Building, Washington, D.C.*

DEAR MR. WATZMAN: I am replying to your letter addressed to Lee Tucker regarding Law Enforcement Assistance Administration funds and the proposed legislation by Congressmen Stanton and Seiberling.

To answer your questions:

1. Our city has not received an adequate share of LEAA funds. To be perfectly honest, though, we have not actively sought LEAA funds in many areas where they most likely would have been available to us.

2. The only red tape we have encountered was with a grant received from the Texas Criminal Justice Council for a metropolitan bail bond study in Harris County.

3. Yes, on what few grants the city has applied for.

Sincerely,

JIM EDMONDS,
Administrative Assistant to the Mayor.

FIRE DEPARTMENT, CITY OF HOUSTON,
Houston, Tex., April 11, 1972.

Hon. JAMES V. STANTON,
House of Representatives,
Washington, D.C.

CONGRESSMAN STANTON: On November 16, 1971, you introduced the Emergency Crime Control Act (HR 11813).

I am vitally interested, and wish to learn more about this Act. If at possible I would like to procure a copy of your Act.

Respectfully,

W. A. DROHAN,
Public Information Bureau.

APRIL 13, 1972.

DEAR MR. DROHAN: Thank you for your inquiry about my Emergency Crime Control Act (HR 11813). I am enclosing reprints from the Congressional Record.

The first contains my original presentation on this bill, concluding with the text of the bill. The second is being sent to you to show how fire departments, specifically, might benefit. Also enclosed, for your information, is a copy of a letter received from the Mayor's office of your city.

If there is anything further you would like to have on this legislation, please let me know.

Sincerely,

JAMES V. STANTON.

INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION,
Houston, Tex., March 22, 1972.

Hon. JAMES V. STANTON,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STANTON: Thank you for your recent letter notifying us of the hearings to be held by the House Judiciary Committee on the Emergency Crime Control Act (H.R. 11813) to be held in late April or May.

I will be contacting the proper people in our organization to see if we will participate in the hearings.

For your information, I have published an article regarding the Emergency Crime Control Act in the IMSA SIGNAL MAGAZINE which will be mailed this week. I will send you copies of this issue (March/April) for your records.

We really appreciate your outstanding efforts in this very important area of public safety. Let us know whenever we may be of service.

Cordially,

RICHARD J. BEAM, *Executive Secretary.*

INTERNATIONAL MUNICIPAL SIGNAL ASSOCIATION,
Houston, Tex., December 15, 1971.

U.S. Representative JAMES V. STANTON,
Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: In reading your remarks in the Nov. 19, 1971 issue of "Industrial Communications", we as an association wish to express our opinion regarding the more than 3,000 members among whom serve in the important fire services.

We have long felt that the LEAA funds should include the fire services. Everyday, men in the fire services devote their life to public safety. What is more important than protecting the public through fighting fire to keep the "streets safe"?

Money is urgently needed for better communications and other equipment. Money is needed for education and training in the fire services. By better trained and better equipped personnel, the municipalities are assured of safer streets and a safer community. To date, LEAA funds have been allocated to the police departments, which is good. However, we believe that it is time that the fire services receive federal funding through the LEAA program.

The International Municipal Signal Association was founded in 1896 as a non-profit, tax exempt organization dedicated to education and the betterment of public safety. Among our earlier members were Thomas Edison and Charles Steinmetz. Our members are governmental employees who devote their lives to public safety. It is time that funds be made available to help these men help the public in keeping our streets safe.

Yours in public safety,

RICHARD J. BEAM, *Executive Secretary.*

CITY OF SAN ANTONIO,
San Antonio, Tex., January 24, 1972.

Hon. JAMES V. STANTON,
Hon. JOHN F. SEIBERLING,
Congress of the United States,
House of Representatives,
Washington, D.C.

GENTLEMEN: Your letter addressed to Mr. Robert J. McDonald, Intergovernmental Coordinator for Human Resources, has been referred to the Chief of Police, Emil Peters, and me for comment.

Let me express my appreciation to both of you for your obvious interest in the problems of criminal justice and for the steps you are taking to aid us in solving them. We support the objectives of the Emergency Crime Control Act of 1971 (H.R. 11813) because we believe it would provide San Antonio-Bexar County criminal justice system more impact against criminal activities.

At the same time we cannot in good conscience knock the Texas Criminal Justice Council which reports to Governor Preston Smith and determines the distribution in our state, the staff of which serves as a planning and analytical agency for programs and applications. Both the Council and staff have gone out of their way to assist us in a variety of grants which have aided in streamlining and, to a degree, increasing the effectiveness of our police, prosecution, courts, and corrections.

A feasibility study was financed for a regional crime lab, which was later funded by discretionary funds in late 1971, and both feasibility and engineering design was underwritten for a City-County centralized communications system; an application will be made in 1972. Two training grants have been funded; a Citizen Intelligence (Crime Stop, two years program); administrative costs of a small county-city research council; aid to juvenile probation; two community relations action grants; and narcotics rehabilitation. Funds for an information system servicing all criminal justice agencies have been granted and the computer team should have it in service during 1972. We have not experienced any unwarranted delay. Each application needs approval from at least four voting agencies, and sometimes five, before submission to the Criminal Justice Council—which procedure can easily consume six weeks to two months.

Some significant grants have been made by the Texas C.J.C. to the State Department of Public Safety for improvements in communications which have proved beneficial statewide, and for training. I am satisfied that the improved communications are an asset to law enforcement particularly from the standpoint of saving time in determining the identities of wanted persons, vehicles, etc. The crime picture of Texas cities is improving. There is certainly justification for devoting funds to the state police who serve as "back-up" to cities in times of emergencies and as a vital connecting link through the rural areas between cities.

The San Antonio Police have benefited materially from the LEEP commitments. A San Antonio Police captain was enabled to obtain his masters in Forensic Chemistry from Pittsburgh University after one year of study financed by a discretionary executive grant.

Crime fighting strategy is up. College courses and better tools brighten the prospect for the years ahead. One "Safe Streets" grant (discretionary—$146,000) and only one, however, generated immediate results—The Crime Task Force, which provided intensive training for 200 officers in street crime suppression and for assignment of each officer to work one day off out of four at overtime rates, thereby setting up a unit of two sergeants and 18 men for an uninterrupted surveillance against Robbery, Burglary and Auto Theft. Task Force went into ac-

tion on December 1, 1970 and was increased to a daily average of 30 men on June 1, 1971. The Index Crime totals comparing 1971 with previous years indicates obvious results in these three areas.

SAN ANTONIO, INDEX CRIMES REPORTED TO POLICE

Offense	1971	1970	1969
Murder	96	73	95
Rape	217	202	215
Aggravated assault	2,091	1,912	2,057
Robbery	911	1,062	895
Burglary	10,579	11,660	11,533
Theft over $50	8,008	7,353	7,058
Auto theft	4,801	4,959	5,136
Total	26,703	27,221	26,989

It may seem odd that 20 or 30 men could add this much effectiveness to a 942 man force. It must be considered (1) that approximately 20% of the force or only 188 men, are on duty at any given time (2), of which the total non-supervisory field strength is approximately 130 (3) who report on all requests for service, traffic accidents, family disturbances, vice, crime (4) and that at peak activity the uncommitted total may drop to 20 men or less. In essence the 942 men shrinks to 20 available men to intercept and arrest a criminal in action against whom no complaint has been made, and few of the 20 will be free of interruption for a longer period than about an hour. Consequently the 20 man Task Force deployed according to previous time-offense-location experiences, and uninterrupted for approximately seven hours, operating in plain clothes and unmarked vehicles succeeded in frequent apprehensions.

The San Antonio Police Department has now instituted a regular 20 man Crime Task Force and last week received funding for ten additional officers for six months from the Texas C.J.C. who advised us that the funding of overtime for any longer period would not be in keeping with their policy since funds are not adequate to provide overtime pay in an equitable manner for all Texas cities.

Should the San Antonio Police Department be permitted more funds and more latitude in their use, a Task Force of about 50 officers per day would be created with more emphasis on crimes against the person, including Murder. Overtime funds would also permit some department-wide training in riot control; to develop team tactics, more efficient gathering of evidence against individual rioters, and subjecting officers to simulated conditions thereby reducing overreaction in the actual instances. Intensive training for all officers counteracting crime would be resumed with the double objective of improving effectiveness and determining the best suited officers for the Crime Task Force.

Sincerely yours,

GEO. W. BICHSEL,
Associate City Manager.

BEXAR METROPOLITAN CRIMINAL JUSTICE COUNCIL
San Antonio, Tex., January 18, 1972.

Hon. JAMES V. STANTON,
U.S. House of Representatives,
Washington, D.C.

DEAR REP. STANTON: A copy of your letter of December 3, 1971 addressed to Mr. Robert J. MacDonald, Coordinator for Human Resources, City of San Antonio, has been forwarded to me.

While I have a very definite opinion on this matter, it would not be appropriate for me to publicly comment on the matter. We have a very good relationship with the state criminal justice council here in Texas, and do not want to jeopardize it.

I have privately communicated my feelings on the proposed amendment to our Congressman, Rep. Henry B. Gonzalez.

Thank you very much for your interest in this matter.

Very truly yours,

BILL HOLCHAK,
Criminal Justice Planner, Bexar County/City of San Antonio.

CITY OF NEWPORT NEWS,
Newport News, Va., November 29, 1971.

Hon. JAMES V. STANTON,
House of Representatives,
Washington, D.C.

MY DEAR MR. STANTON: I note with particular pleasure your remarks as recorded in the Congressional Record on November 16, 1971 and your introduction of H.R. 11813, The Emergency Crime Control Act of 1971.

While I agree with this bold and stirring idea, I would like to suggest for your kind consideration a modification to this bill which would allow equal consideration for cities within the 100,000 to 250,000 population range. A population figure in excess of 250,000 certainly relates to cities that have overwhelming crime problems; however, this same premise is equally applicable to many cities having a population between 100,000 and 250,000. It is within these cities that crime indeed flourishes and spreads because of the fiscal inability of the municipality to focus substantial dollar resources on law enforcement. I agree that there would be a "thin dew" approach appertaining to some municipalities that are termed "bedroom communities." However, this City has a core city and a high crime index rate with all the problems attending thereto which impact so adversely on the administration on criminal justice. I would suggest that this City, and others like it, could be readily addressed within your legislation while other cities that do not meet this rationale could be easily excluded by appropriate language within the bill.

At considerable administrative cost, this City has consistently and aggressively competed for LEAA funds. While the efforts have been long, the results have indeed been short. During the period from July 1969 to date, the police effort has received a total of some $116,000 of LEAA funds which were matched by City funds in the amount of $88,000. During this same period the total police budget was some $6.6 million dollars; therefore, the LEAA dollar contribution to the police effort in this City was slightly more than 1½%. Total dollar receipt of LEAA funds during this period was some $195,000 while the total criminal justice expenditure was some $10.7 million resulting in a total LEAA contribution of slightly more than 1½%.

While I am an advocate of the Congressional objectives guiding the Law Enforcement Assistance Administration (LEAA), I am concerned that sound principles of public administration are not being fully utilized. Historically, certain grants-in-aid have focused upon the major cities often to the derogation of smaller cities whose problems, in perspective, are equally as great; dollar assistance for personnel is not favorably considered and yet personnel remains the major solution to the war on crime; dollar assistance for equipment is obtained, with difficulty, for limited and sophisticated types of equipment and yet it is the basic equipment that solves, in large measure, crime on the street; for the smaller cities "regionalization" is stressed and, I fear, soon will become a mandate and a condition precedent to obtaining LEAA funds and yet cities exceeding a population of 100,000 have a law enforcement problem so inordinate that "regionalization" in most police areas is an intractable course.

The single most important asset within law enforcement is the police officer. Within the critical areas of training and education, the State and Federal approach reaches him. However, his motivation, his morale, and, indeed, his well being, are barely reached under this program. A major reinforcement and motivation to him is another police officer who must be provided by the local level; construction of up-to-date and inclusive police facilities motivates him but must be provided by the local level; uniforms and responsive equipment motivate him but must be provided by the local level; adequate salary motivates him but must be provided by the local level. In short, apperceptive public administration requires that emphasis must focus on the basics as well as the complex.

In my judgment, there is a vital, public administration need to recognize that cities with 100,000 to 250,000 populations also are "high crime urban areas" and that they also have major criminal justice problems that will not be solved through their limited capability to provide dollar resources. There is a need not only to slash through the red tape established at State and Federal level but also to channel certain Federal funds directly to these cities where the spirit and intent of the Congress can be met directly, swiftly, and precisely. It is beyond cavil that these cities are indeed willing, able, and manifestly capable to utilize these funds consistent with the guidance of the Congress.

I am vitally concerned that any effort that either neglects municipalities of the 100,000/250,000 population range or diverts large sums to other areas will continue these cities along the present and unexceptional, law enforcement line. At the same time, this neglect/diversion would be the open sesame to reinforce State and Federal guidance towards law enforcement regionalization of cities of this size. Regionalization has its merits in certain services and for certain small municipalities. However, regionalization is not feasible for this City, and I presume, for most cities within the 100,000/250,000 population range who possess a core city, formidable law enforcement problems, and soaring crime rates and crime indexes.

Very truly yours,

DAVID J. DALY, *Director of Public Safety.*

NN's DALY SEEKS EXTRA POLICE AID

(By Jane Townsend)

According to Director of Public Safety David J. Daly, Newport News and other cities of its size should be considered as high crime urban areas when it comes to receiving federal assistance funds.

After the introduction of a bill in the House of Representatives, which would provide special funds for crime control to the top 56 cities in the nation, Daly wrote the author of the bill suggesting that the scope be enlarged to include Newport News.

In the bill, Ohio Rep. James V. Stanton has proposed a revenue sharing plan for cities of 250,000 or more population. He said the bill is an effort to rush Law Enforcement Assistance Administration (LEAA) funds to the cities where they are needed.

In his letter to Stanton, Daly asked that consideration be given to cities having a population between 100,000 and 250,000 as well as those above 250,000.

"It is within these cities that crime indeed flourishes and spreads," Daly said, "because of the fiscal inability of the municipality to focus substantial dollar resources on law enforcement."

Daly added that Newport News has a core city and a high crime index rate with all the problems which impact the administration of criminal justice.

The bill by Stanton and the move by Daly are efforts to cut through the red tape involved in receiving LEAA funds from the federal government via the state.

In the more than three years LEAA has been operating, more than $1.5 billion has been appropriated to the states from the federal government. But according to Stanton and Daly, the money is not getting to the high crime urban areas where it is most drastically needed.

Since July, 1969 the Newport News police division has received some $116,000 in LEAA funds matched by $88,000 in city funds. Daly points out that the contribution is only slightly more than one and one-half per cent of the $6.5 million police budget since that time.

The same one and one-half percentage existed in the entire criminal justice expenditures for Newport News, he said.

Daly says he is concerned that sound principles of public administration are not being fully utilized in the LEAA program.

In his letter to the Congressman he expressed his concern with the focus upon major cities and neglect of smaller cities whose problems are equally as great.

"In my judgement, there is a vital public administration need," said Daly, "to recognize that cities with 100,000 to 250,000 populations also are 'high crime urban areas' and that they also have major criminal justice problems that will not be solved through their limited capability to provide dollar resources."

Money is needed, said Daly, in the areas of personnel. Motivation, morale and well-being of the police officer, which he termed the single most important asset within law enforcement, are barely reached under the current LEAA program.

"Emphasis must focus on the basics as well as the complex," Daly said as he mentioned salaries which motivate the officer but must be provided on the local level alone.

Construction, says Daly, now must be provided on the local level as well as uniforms and responsive equipment which motivate the police officer. Assistance for equipment, according to Daly, is obtained with difficulty for limited and

sophisticated types but it is the basic equipment that solves, in large measure, crime on the street.

Daly also expressed dissatisfaction with the current trend toward regionalization, now a prominent part of many LEAA grants.

Cities with population exceeding 100,000 have law enforcement problems so inordinate, he said, that regionalization is not feasible. He said he feared the trend soon might become a mandate before money can be obtained.

Daly cited the need to slash through red tape established at state and federal levels and also to channel certain federal funds directly to the cities where "the intent of the Congress can be met directly, swiftly and precisely."

THE TIMES-HERALD,
Newport News, Va., December 22, 1971.

Mr. SANFORD WATZMAN, *Administrative Assistant*
1107 Longworth Building, Washington, D.C.

Dear Mr. WATZMAN: Enclosed is a story clipped from the December 21 issue of The Times-Herald concerning the Safe Streets bill introduced by Congressman James V. Stanton.

We appreciate the information sent by you concerning this topic. The copy of the statements made by Congressman Stanton were most informative and will assist in research for a later story.

Again, thank you for your assistance.

Sincerely,

JANIE TOWNSEND, *The Times-Herald.*

[From the Roanoke (Va.) World-News]

DIRECT GRANTS ASKED FOR HIGH CRIME CITIES

(By Don Hill)

WASHINGTON.—Charging that many states, including Virginia, are failing to distribute funds available under the Safe Streets Act, a freshman Congressman has proposed a system of direct block grants to 55 populous "high crime" cities.

Rep. James V. Stanton, D.-Ohio, listed Norfolk among the proposed eligible cities.

Stanton's proposal has generated a letter from David J. Daly, public safety director for Newport News, suggesting changes that would make the direct grant available also to smaller cities with big city crime problems.

If Daly's suggestions were incorporated in the bill—Stanton's staff said they are being studied—other Hampton Roads cities might be eligible under the proposals.

Under the current structure, law enforcement assistance administration funds are distributed through the states and a series of intrastate regional organizations. They constitute part, Stanton said, of a new bureaucratic structure.

At the end of the 1971 fiscal year, Stanton complained in a house speech, 21 states had distributed less than half of the 1970 funds from LEAA.

Virginia had distributed only 36.9 percent, he said. By the same date, Stanton noted, ten states had distributed none of the 1971 funds to localities. Virginia was one of these.

Stanton's proposal, which carries little clout because of his junior status, would, if passed, set up a temporary three-year program for distributing federal block grants for law enforcement directly to eligible cities.

LANDMARK, WASHINGTON BUREAU,
Washington, D.C., January 25, 1972.

DEAR MR. WATZMAN: My apologies for having taken so long, but we just happened to find this article in our books the other day.

The article, which concerns the Safe Streets bill was printed in the Roanoke World-News. The same article also appeared in the Norfolk Ledger-Star.

Sincerely,

CHRISTINE HOLLIS,
Editorial Assistant.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
Washington, D.C., January 17, 1972.

Hon. JAMES V. STANTON,
Member of Congress
House of Representatives
Washington, D.C.

DEAR CONGRESSMAN STANTON: Please forgive the seemingly long delay in replying to your letter of December 3, 1971. Frankly it was not until you sent a follow-up letter on January 5, that we realized the original letter had been lost in the Christmas mails. I hope that the delay will work no hardship on your important efforts to strengthen the effectiveness of the Law Enforcement Assistance Administration.

I should begin by explaining that the District of Columbia is treated as a "State" for the purposes of the Safe Streets Act, even though we are an incorporated municipality. As a city we do not have any political subdivisions within our borders in the sense that States have cities, counties, townships, etc. This has meant in administering the Block grant program of the Law Enforcement Assistance Administration that there is no labyrinth through which the grant applicant must go in order to receive critically needed federal financial assistance.

The Office of Criminal Justice Plans and Analysis has also taken specific steps to eliminate any and all delays in getting LEAA Block grant monies out to the grant recipients. For example, in Fiscal Year 1971 the District of Columbia was awarded $1,374,000 in Block grant funds under the provisions of the Safe Streets Act as administered by the Law Enforcement Assistance Administration. By June 15, 1971, 23 subgrants had been awarded by this Office totalling the entire $1,374,000 Similarly, in Fiscal Year 1972, the District received an Advance Action Grant of $607,600 on September 1, 1971. On September 2, 1971, the District had awarded 16 grants totalling the entire $607,600.

Your December 3, letter asks that we respond to several specific questions. While the above may partially answer those questions I will now respond directly to them.

(1) Has the District of Columbia been receiving an adequate share of LEAA funds? The District of Columbia has received LEAA Block Grant funds in such exact amounts as has been prescribed by Law. In addition the District has been fortunate to receive additional grant assistance under the discretionary grant program of LEAA. While these sources have helped considerably in the current efforts the District has underway in combatting crime, we most certainly could do a more effective job if we were given additional resources.

(2) Is "red tape" delaying the funding of important projects? This question has already been answered earlier. Since we are both a city and a "state" many of the problems other states have in getting monies out to the localities do not exist here. In addition we have had little if any problem with LEAA in delaying the funding of any Block grant project.

(3) Have the 1970 amendments to the Safe Streets Act improved our situation so far? As has been explained already the very serious problems many of the other large cities have experienced in receiving LEAA grant assistance, have not happened here due to the fact that we are treated as a "State" under the Safe Street Act.

As to our comments on your proposed Emergency Crime Control Act of 1971 (HR 11813), since we are in the fortunate position of benefiting relatively the same from the existing LEAA program and from your proposed modifications to the LEAA program, whichever course is selected by the Congress appears to be for the good of the District of Columbia.

I hope that this letter responds fully to your request. Should you have additional questions either about this letter or the procedures we follow in the District in administering the LEAA program please feel free to contact me at your convenience.

Sincerely yours,

WILLIAM S. VAN DYKE, *Acting Director.*

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, INC.
Washington, D.C., December 6, 1971.

Mr. SANFORD WATZMAN
Administrative Assistant to
Hon. JAMES WATZMAN
House of Representatives
Washington, D.C.

DEAR MR. WATZMAN: Thank you very much for your prompt reply to my letter. I do appreciate this and look forward to working with you in any way possible to assist the Congressman.

I also appreciate the additional information you sent me and I look forward to receiving the full information as soon as possible.

Sincerely,

DONALD M. O'BRIEN, *General Manager.*

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, INC.,
Washington, D.C., December 17, 1971.

Hon. JAMES V. STANTON,
Member of Congress,
1107 Longworth Building
Washington, D.C.

DEAR CONGRESSMAN STANTON: This is in reference to your recent proposal on loosening the guidelines for administration of the Law Enforcement Assistance Administration of the Safe Streets Act.

The Board of Directors of this Association, meeting in Cleveland, Ohio on December 13–14, 1971, voted to commend you for this endeavor and to support your efforts in this direction.

Our members will be apprised of this action and if this office can assist in any other manner, please do not hesitate to call on us.

Sincerely,

DONALD M. O'BRIEN, *General Manager.*

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, INC.,
Washington, D.C., March 10, 1972.

Congressman JAMES V. STANTON,
1107 Longworth Building,
Washington, D.C.

DEAR CONGRESSMAN STANTON: Thank you for the information on the progress of your bill concerning the Emergency Crime Control Act.

I do appreciate it and if I have further information, I will see that you receive it. I will be watching closely during the hearings on this bill.

Sincerely,

DONALD M. O'BRIEN, *General Manager.*

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS, INC.,
Washington, D.C., December 3, 1971.

Hon. JAMES V. STANTON,
House of Representatives
Washington, D.C.

DEAR CONGRESSMAN STANTON: I have recently learned through Chief William Barry of the Cleveland Fire Department that you have proposed legislation which would, in effect, rewrite the 1968 Law Enforcement Assistance Act. According to the information that I have received from Chief Barry, the intent would be to liberalize the guidelines under which LEAA is administered and possibly permit fire departments to participate as a result. I will appreciate it if you would send me a copy of this bill which I cannot identify by number, as this Association is definitely interested in this area.

Perhaps, we may be able to assist in your efforts.

Sincerely,

DONALD M. O'BRIEN, *General Manager.*

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW,
Washington, D.C., December 27, 1971.

Mr. JOHN VARGO,
Legislative Aide, Congress of the United States, House of Representatives, Washington, D.C.

DEAR JOHN: I am sorry to be so slow in responding to your inquiry of November 19.

I read Congressman Stanton's statement and bill with interest and have a few general observations. If you find them of interest, perhaps we could talk further.

I think the automatic pass-through of planning funds to urban centers is an excellent one. We recommend such an arrangement in "Law and Disorder II," and all we got was the 1970 amendment allowing the use of action funds to support criminal justice coordinating councils in certain cities, plus a general statement that the states should give consideration to the planning needs of cities.

I also think the requirement that a criminal justice coordinating council—or urban planning council—must be established before the city can get its bloc grant from the state is sound. Generally, I approve of bloc grants to the cities, (why have them develop plans if their plans are not to be taken seriously) but with a major modification. I do not think the money should be handed out automatically. That is just what the Justice Department does in regard to the states; as a result we have 50 different crime programs. I think the bloc grant should be made to the cities *conditional upon* the cities' submission of and the state's approval of a comprehensive, highly specific city-wide plan. I disagree with the point of view that the cities know how to spend the money. They don't know any more than the states or the feds. They should, therefore, be forced to consult with state staff, to do their own research, and to come up with a sensible plan that meets certain broad state (and/or federal standards). Once they're done then the money can flow freely, minus the project-by-project red tape that now characterizes the program.

I have similar reservations concerning the three-year emergency program. It would be a waste of money to simply hand out big hunks of federal discretionary funds without first establishing coherent goals, evaluation mechanisms, etc. One thing we've learned from the first few years of the LEAA program is that money alone is not enough. The Justice Department is showing some willingness to use discretionary funds for special impact programs. You should probably build on that interest and impose conditions—for example, that the special impact programs must focus on big cities and that they must deal primarily with street crime.

There is one final question I would like to raise: do you think it is wise to base the allocation of funds on crime rates without doing something to insure the integrity and accuracy of these rates? When the state of Pennsylvania decided to allocate its funds on the basis of a formula which placed heavy emphasis on crime rates, the rates for Philadelphia increased 25%.

I hope the above is useful.

Sincerely,

SARAH C. CAREY, *Assistant Director.*

U.S. CONFERENCE OF MAYORS,
Washington, D.C., November 19, 1971.

Hon. JAMES STANTON,
House of Representatives,
Washington, D.C.

DEAR JIM: I've just read the materials you submitted for the Record, including your "Emergency Crime Control Act of 1971".

Congratulations! You are to be commended for the excellent documentation you presented on the current problems local law enforcement programs are facing. I am delighted that you were able to use some of the Conference of Mayor's material.

I hope that your office and ours will be in close touch on this matter so that the necessary legislative changes can be made.

Thanks for your efforts on our behalf.

Sincerely,

JOHN GUNTHER, *Executive Director.*

U.S. CONFERENCE OF MAYORS,
Washington, D.C., March 27, 1972.

Hon. JAMES V. STANTON,
U.S. House of Representatives,
Washington, D.C.

DEAR JIM: Thank you for your letter and interest in involving us in the upcoming Emergency Criminal Control Act hearings in the spring.

A lunch has been arranged with Whitey and Don Slater, our new Congressional Relations Director, to discuss strategy.

Thank you again for thinking of us.

Sincerely,

JOHN J. GUNTHER, *Executive Director.*

U.S. CONFERENCE OF MAYORS,
Washington, D.C., December 14, 1971.

Hon. JAMES V. STANTON,
House of Representatives,
Washington, D.C.

DEAR JIM: Thanks for your letter of January 24th asking the opinion of the U.S. Conference of Mayors on H.R. 11813, the Emergency Crime Control Act of 1971. I am pleased to give you our comments on behalf of the Conference and Mayor Maier, whose opinion you have also sought.

As your legislation so clearly recognizes, the cities will need faster, less encumbered access to LEAA funds if the worthy purposes of the Safe Streets Act are to be carried out. The funds must also be freed from existing categorizations if they are to be directed to truly high priority needs.

Therefore, we support the objective of your bill to enable more effective local action with LEAA funds.

Despite our overall support for the objectives of your bill there are a few points we feel will need to be altered so that it will accomplish the objectives which we all seek.

The Conference is in whole-hearted agreement with your objective of splitting up the existing unnatural multi-county planning units into which many cities are forced. However, we question whether forcing cities and their counties together is the best administrative plan in all cases. Although in many cases this will provide greater efficiency, other cities and counties would, for a variety of reasons, find it impossible to develop a workable joint planning arrangement.

Also with regard to the city-county regional planning units. we feel it is unwise to have funds allocated directly to anything except local units of general government. To be truly responsible to the voters only general units of local government should be given funds.

If big cities are to staff their planning units adequately, more money must be made available for planning than is presently authorized by the Act. As an alternative, cities could be allowed to use block action monies for planning purposes.

Finally, we would request that you give careful consideration to making funds directly available to more than the 56 cities cited in your bill. For example, you might consider making planning monies available to smaller cities and then make direct allocation of action funds to them, depending on successful utilization of the planning funds.

The minor difficulties with the bill will certainly lend themselves to negotiations. I am hopeful that the Congress will take action next year on legislation to improve the operation of the Safe Streets Act. Thank you for your efforts towards that end.

Sincerely,

JOHN GUNTHER, *Executive Director.*

NATIONAL ASSOCIATION OF COUNTIES,
Washington, D.C., March 14, 1972.

Hon. JAMES V. STANTON,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STANTON: We are in receipt of your recent letters requesting the views of the National Association of Counties with respect to H.R. 11813,

the Emergency Crime Control Act of 1972 which you have introduced in Congress.

Although NACo shares your concern for meeting the needs of "high crime areas," we do not favor the remedy proposed in H.R. 11813. In our judgment, direct grants to cities and/or counties which by-pass state and regional planning agencies would discourage a coordinated regional approach to crime control and prevention. Many of the problems outlined in your letters, we believe, can be remedied through improved administrative arrangements between the states and the Federal Government and between the states and their political subdivisions.

NACo has recently expressed its concern with the Administration's "High Impact Crime Program" which awarded some $160 million to eight cities. This Program in by-passing the state and regional coordinating agencies effectively prevents the element of planning which is so necessary to formulating and implementing effective crime control and prevention programs. These direct grants to cities are focusing primarily on law enforcement activities within cities with little regard for the other elements of the criminal justice system—courts and corrections—the vast majority of which are administered by counties.

In addition, recent crime statistics have uncovered the fact that crime in the suburbs is rapidly on the rise. Since these suburban areas are mainly counties, consideration must be given to designating counties as high impact areas.

These problems, we believe, could have been eliminated were the state and regional planning agencies given a role in their planning and development.

We trust that these comments will be of use to you.

Thank you for the opportunity to present our views.

Sincerely,

JOHN C. MURPHY,
Legislative Representative.

OFFICE OF THE MAYOR,
Seattle, Wash., March 31, 1972.

Hon. JAMES V. STANTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STANTON: This letter is in response to your request of March 2, 1972, for the City's views on your proposed Emergency Crime Control Act.

Generally we support the objectives which you seek through your bill. The twin objectives of more support for high crime areas and increased local flexibility in the allocation of resources to reduce crime are shared by this City administration.

We do have some reservations about the specific methods that you propose for implementing these objectives. In particular, we find unsatisfactory the role envisioned for the Urban Law Enforcement Council. We do not consider it appropriate for such an appointed council to be the recipient of the block grant funds and the decision-maker on its allocation.

Hopefully, under the President's revenue sharing bills, which this bill follows in philosophy, resources will come to cities to be allocated through the same process that local resources are allocated. The continued establishment of new parallel structures to exercise major budgetary powers contributes to the fragmentation of planning and action at the local level. It also places more power in the hands of those who are responsible to no one. This is currently one of the problems with the allocation process in this state. The committee which allocates the money is composed of people who speak for themselves and are responsible in only a superficial manner to the Governor.

Seattle and King County have jointly formed a Criminal Justice Coordinating Council similar to the Urban Law Enforcement Council, but it has no decision-making role. The Council serves as a discussion form for interagency problems and a review body for the City and County criminal justice plans.

The City and County each have law and justice planning staffs reporting to their respective executives. They develop their overall criminal justice plans for each jurisdiction and assure through considerable joint efforts that the plans are fully coordinated. The Coordinating Council review provides a means of testing whether they are fully coordinated. The executives and councils of the two jurisdictions must approve the plan for their area.

For us, this method of planning and city-county coordination has several advantages over the method proposed in your bill.

First, the separation of the City and County planning staffs permits those staffs to be integral parts of the City or County governments' planning and policy-making processes. (We assume that under your bill there would probably be one staff under the council.) If these staffs are combined and report to a council which is neither city nor county, they will be somewhat isolated from both.

The ability of the planning unit to achieve any significant change in the criminal justice system will depend in large part on the confidence the responsible chief executive has in the planners and the support he is willing to give them. As a practical matter, that support for access to information, for use of certain analytical methodologies, and for policy or program changes will more likely come from an executive to his own staff. Many of the opportunities for change also come up in the course of considering policy issues not brought up by a systematic planning process; e.g. crises, response to complaints, etc. If the executive has his own planning staff to turn to in these circumstances, the planning work and skills can be brought to bear at a very important time. A separate staff not involved in the City's continuous policy-making process will lose the chance to impact these opportunities.

Second, the scope of planning by an executive's staff will go beyond planning for the utilization of grant funds, while a council staff will probably be limited to grant-oriented activity. When substantial money is available for program improvements the tendency is for planning to focus on development of projects to spend that money. Grants for projects are only one of several tools for improving the criminal justice system and reducing crime. Policy changes, administrative changes, city or county budget changes, process changes are all additional, and often more important tools for change. This is not to demean the value of the LEAA grant program. It is only to say that there is real danger in the planning and becoming grant oriented, rather than improvement oriented and then using the best tools, grant or otherwise, to realize these changes. A planning process which is not a part of the regular planning-policy-making process of government, but rather is wholly the creature of the grant system would have great difficulty increasing the breadth of planning actions beyond grantsmanship.

These points are not abstract ones. Seattle began its involvement in the LEAA process with one regional staff, not directly integrated into the City's processes. This approach proved to be much less effective than was desired. The current approach of two staffs with a joint advisory council at this point appears to be much more productive.

We would recommend that the flexibility be provided in your bill to permit various local arrangements for planning, city-county cooperation, and budgetary allocations. In our city, we would prefer to keep our existing arrangement with separate city and county planning staffs. Our staffs work together on interrelated aspects of the system and the coordinating council review, but not a veto, provides an opportunity to illuminate any inadequacies in the coordination of the planning. The allocation of dollars could be handled one of two ways. The share of state funds allocated for the entire county could be divided between the city and county in proportion to the local tax dollars spent by each unit on criminal justice agencies. Or the division could be based upon an agreement between the city and county as to the allocation that would most effectively implement the plans developed. The two executives and legislative units would then be determining the relative priorities of the improvements proposed in the plans.

The legislation could provide that the allocation for the county would be divided between the city and county based on an agreement between the two units on the implementation of criminal justice plans and in the absence of such agreement would be divided in the ration of local tax dollars expended by their respective criminal justice agencies.

The required role for an Urban Law Enforcement Council should only be that it receives and has an opportunity to comment on the city and county plans, if they are separate, primarily to identify any inadequacies in coordination. If the city and county wish to expand the role of such a council as has apparently been the case in Ohio, they should be free to do so.

The only other observation on the bill is that the allocation between planning and action funds seems an inappropriate one for Congress to make. Currently the amount allocated by LEAA to Washington for planning is inadequate to assure effective use of the action dollars. We would strongly urge that the local units

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of government have the authorization to use part of the action funds for planning purposes if that is a local priority.

Sincerely yours,

WES UHLMAN,
Mayor.

CITY OF MILWAUKEE,
DEPARTMENT OF INTERGOVERNMENTAL FISCAL LIAISON,
Milwaukee, Wis., January 11, 1971.

HON. JAMES V. STANTON,
House of Representatives, Longworth Building,
Washington, D.C.

DEAR REPRESENTATIVE STANTON: Thank you for your letter requesting our comments on HR 11813, the "Emergency Crime Control Act of 1971."

We find the legislation proposed by yourself and Representative Seiberling most laudatory since it recognizes that basic changes in the manner of providing federal assistance for law enforcement purposes are necessary. Congress cannot be satisfied with the present functioning of the Omnibus Crime Control and Safe Streets Act if it really desires to see significant progress in crime prevention and control.

Your able documentation of the bureaucratic red tape involved in obtaining Safe Streets funds and the amount of funds not committed by state governments as of July 31, 1971, certainly raises questions about the effectiveness of the law enforcement assistance program.

Even here in Wisconsin, where the Safe Streets program has been operating fairly efficiently, 40% of the 1971 block action funds still remained uncommitted as of November 30, 1971.

The states contend that this situation is a result of insufficient response from local governments. The argument goes that "if local governments don't generate the projects, we can't distribute the funds." The missing factor in this argument is the point that local projects must respond to the priorities and requirements established in the state plan. In Wisconsin, as in most other states, the state criminal justice improvement plan does not recognize differing needs and levels of needs among local governments, but instead attempts to establish minimum statewide needs and structure priorities statewide. The state plan is not a coordinated presentation of regional or local plans, but an enunciation of what the state planning agency believes is good for all local governments.

We are happy to see that you have addressed yourself to this fault within the Safe Streets program and have, therefore, proposed that both planning and action funds be awarded to high crime areas on a formula block grant basis. This will indeed speed the flow of funds and facilitate local planning efforts.

However, funds "passed through" to the high crime urban areas should still be distributed to units of general local government as in the existing legislation. If federal funds are channeled to specially created agencies, such as the "Urban Law Enforcement Councils," one runs the risk that such federal funds are not coordinated with local funds for the same purpose.

For instance, the City of Milwaukee has spent $74 million on police services from 1969–1971, while receiving only $557,000 in federal action funds. Even including the funds going to private agencies, Milwaukee residents only benefited from $2.1 million in action monies over this period. Needless to say, if Safe Streets funds are to have any impact at all they must be coordinated with the bulk of local law enforcement activity—as carried on with local tax funds.

In addition, by focusing planning and action control in units of general local government, the local elected official, the individual most directly accountable and responsible for criminal justice improvement, remains involved in the allocation of additional resources within the community.

We would also recommend that an extension of the logic involved in separate funding for high crime areas be applied to the funding of cities and counties. In other words, flexibility should be maintained to fund cities separate from their counties in order to allow for differing needs between major cities and their county areas.

Finally, there is one other matter which we would direct your attention to in your efforts to improve the effectiveness and efficiency of the Safe Streets program and effectuate "a system of revenue sharing targeted on crime control." Simply stated, the concept that all projects undertaken with Safe Streets funds

must be new, innovative, or expansion oriented has precluded many cities like Milwaukee from greater participation in the program.

For example, this policy does not recognize the already high law enforcement expenditure and level of law enforcement services existing in Milwaukee. It does nothing to assist areas which have achieved outstanding performances in the law enforcement area with their own resources, and in fact, rewards those areas which have exhibited very little past effort. Selective or complete removal of the non-supplanting clause would seem to be a necessary adjunct to accomplishing your stated goals.

One suggestion would be to suspend the non-supplanting clause when a local government's per capita revenue effort for law enforcement purposes exceeded the national average per capita revenue effort.

In response to the specific questions you raise:

(1) Has Milwaukee been receiving an adequate share of LEAA funds?

This is very difficult to answer because so much depends on one's definition of "adequate," but perhaps a few statistics will allow you to draw your own conclusions.

The percentage of block action "pass through" funds received by Milwaukee (inclusive of private agency projects) has dropped from 37% in 1869, to 24% in 1970, to 23% in 1971.

In 1970, the City of Milwaukee had 16.2% of the state population, and 30.2% of the state's crime.

In 1969, the City of Milwaukee had 36.5% of all major violent crimes committed in the state.

(2) Has red tape delayed the funding of important projects?

Outside of the discretionary program, Milwaukee projects have not met with undue delay in the block action program. We have, however, observed a trend toward lengthier state planning agency staff review of projects, but hope that this is not deliberate and is simply a result of staff turnover.

(3) Have the 1970 amendments to the Safe Streets Act, with respect to assuring large cities an adequate share of funding, improved Milwaukee's situation?

Not in our estimation. LEAA implementing guidelines have been so late in coming that little impact could be made. Secondly, the proposed guidelines allow the SPA to count "assistance from all sources" as long as the benefits apply to area residents, even to the etxent of including grants to "locally based state offices" in the calculation. It seems to us that this language is so open-ended that it allows the state to include anything it wants for calculation purposes and thereby renders the stipulation meaningless.

Hopefully, these comments are both informative and useful to you. Once again, thank you for the opportunity to express our view of the problems inherent in the Safe Streets Act functioning and to respond to your proposed legislation.

Very truly yours,

RICHARD W. GLAMAN,
Assistant Director and Federal Aids Coordinator.

[From the Milwaukee Journal, Jan. 16, 1972]

CITY OFFICIAL RAPS NIXON URBAN CRIME PROGRAM

WASHINGTON, D.C.—A Milwaukee official Saturday criticized President Nixon's program for fighting urban crime and said it had done little for Milwaukee.

Congress cannot be satisfied with the present functioning of the Omnibus Crime Control and Safe Streets Act if it really desires to see significant progress in crime prevention and control," declared Richard W. Glaman, assistant director of Milwaukee's Department of Intergovernmental Fiscal Liaison. The city agency lobbies for state and federal money for Milwaukee.

Glaman's criticism, contained in a letter to Rep. James V. Stanton (D-Ohio), came two days after the Nixon administration announced a new campaign against urban street crime.

The Law Enforcement Assistance Administration (LEAA), headed by former Wisconsin State Sen. Jerris Leonard, announced grants of $20 million each over two years to eight cities with the hope that street crime can be reduced 5% by 1974.

However, Leonard said that Milwaukee could not expect to be included in the special program this year because it did not have enough street crime to qualify.

Besides the eight, 10 other cities will be named for special grants before the end of the year.

Glaman told Stanton that Milwaukee had spent $74 million on police services from 1969 to 1971 but had received only $557,000 in LEAA action funds.

"Even including the funds going to private agencies, Milwaukee residents only benefited from $2.1 million in action monies over this period," Glaman said.

Glaman also complained that Milwaukee was penalized by LEAA because of its high standards and expenditures for law enforcement in the past.

"It (present LEAA policy) does nothing to assist areas which have achieved outstanding performances in the law enforcement area with their own resources, and in fact, rewards those areas which have exhibited very little past effort," he said.

LEAA has been criticized severely by several groups for not paying enough attention to urban crime. It has a budget of almost $700 million for the current fiscal year. Of its total grants, 85% are given to states and most of the money is for distribution to local governments.

Glaman said that as of Nov. 30, 40% of the money granted to Wisconsin for the fiscal year that ended last June 30 had not been committed.

Stanton has been particularly critical of the large amount of uncommitted money. He said a General Accounting Office investigation indicated that as of last June 30, 92% of the fiscal 1971 money had not been distributed by the states.

"Despite our willingness to give this agency all the financial support it asks for, its program has not worked," Stanton declared. "We know this because the crime rate and crime totals around the country keep rising, with crimes of violence setting the pace."

Stanton has proposed a bill that would provide more than $1 billion over three years to the 56 urban areas with populations over 250,000. It would give each area $5 per resident for each of the three years.

Milwaukee's area is defined as the entire county, so it would get over $5,500,000 a year under Stanton's legislation. Glaman enthusiastically supported the bill.

One of about 20 co-sponsors of the legislation is Rep. Les Aspin, a Racine Democrat.

KELLY AGREES IN PACT

Walter F. Kelly, executive director of the Wisconsin Council on Criminal Justice, said Saturday that he thought some of Glaman's criticisms were directed to the High Impact Anti-Crime program announced last Thursday, in which Milwaukee will not share.

"I was sorry to see that Milwaukee was not sharing in those funds; I would like to see the city share in those funds, and the state council would like that," Kelly said. "To that extent, I would agree with Mr. Glaman."

Kelly, contacted at his Milwaukee home, said he wanted to study Glaman's comments and the council's records before commenting specifically on the figures cited by the city official, but he said he would "have some questions about them."

Kelly has said that Milwaukee has received millions of dollars under the federal Safe Streets Act in the last several years. He has said that Milwaukee would receive about 20% of the $10 million in LEAA action funds allotted to Wisconsin this year.

With reference to the amount of money committed to the state, Kelly said: "My impression is that we've been moving funds very fast, and, in fact, at our last executive committee meeting, some thought was given to slowing down the flow of money."

[From the Wall Street Journal, Jan. 14, 1972]

AGNEW AND MITCHELL SURPRISE EIGHT MAYORS WITH $160 MILLION PROGRAM TO FIGHT CRIME

WASHINGTON—The Nixon administration, its eye on the fall election, trotted out its sternest "law and order" symbols to launch an eight-city campaign against street crime and burglaries.

Attorney General John Mitchell introduced Vice President Spiro Agnew, who announced the $160 million program at a news conference. Then, both apostles of the "law and order" doctrine departed quickly, leaving the chore of answering questions to others.

The political nature of the announcement was dramatized by the surprise of the recipients: The mayors of Newark, N.J., Baltimore, Atlanta, Cleveland, Dallas, Denver, St. Louis, and Portland, Ore. Seated at the dais, each mayor commended the Nixon administration for its action, but confessed that he hadn't any specific program ready in which to invest the newly awarded money. Each mayor expressed total surprise at the announcement.

Mayor Kenneth Gibson of Newark was typical. "We can use the money," he told reporters, but he couldn't offer any details. Mayor Gibson said he received a telegram Tuesday directing him to be in Washington yesterday for the announcement.

The new program, called the High Impact Anti-Crime program, is designed to reduce street crimes and burglaries by 20% in each of the eight cities over the next five years. These have been the fastest-rising types of urban crimes.

Vice President Agnew said the choice of the eight cities, selected both because they are medium-size and have high crime rates, was a "beginning." He said the program will be expanded to as many as 10 other cities soon, and added: "Ultimately, we hope it will be in operation in virtually every city in the nation with a significant crime problem."

During the next 24 months, each of the chosen eight cities will be allocated up to $20 million in special impact funds, mostly from the Justice Department's Law Enforcement Assistance Administration, to beef up and improve their law enforcement efforts.

Though details will vary from city to city, Mr. Agnew outlined these broad program goals:

—An across-the-board attack on street crimes (robbery, mugging, assault, rape) and burglaries, the types of crimes that are most prevalent and most feared.

—Involvement of every portion of the criminal justice system in each city, and the community-at-large as well.

—The reduction of street crimes and burglaries by 5% in two years and as much as 20% in five years in each of the cities.

—A public-education program to inform citizens on how they can better protect themselves and their property, including new research into effective systems of locks and alarms.

—Enhanced anticrime patrols by police, which could include more policemen, plus better equipment, tactics and training.

—Increased stress on apprehension of offenders; new equipment might include helicopters and improved radio systems to get police to the crime scene faster.

—Special programs to prosecute street crime and burglary offenders, meaning both more effective and larger staffs of prosecutors and special court dockets for these offenses.

—Special projects in each city to attempt to rehabilitate street crime and burglary offenders and prevent them from returning to lives of crime.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 10, 1972.

Mr. JERRIS LEONARD,
Administrator, U.S. Department of Justice,
Law Enforcement Assistance Administration,
Washington, D.C.

DEAR MR. LEONARD: As you probably know, I have been in contact with mayors and other public officials in the 56 largest cities, with respect to my Emergency Crime Control Act (HR 11813). I have been seeking their comments on the legislation, in anticipation of the public hearings ordered by the Hon. Emanuel Celler, Chairman of the House Judiciary Committee.

While the majority of the cities have responded, sending me material which has proved very helpful, I am disturbed to find—and I am certain you will share this feeling—that officials in some cities have not replied because they say—or intimate—that they fear retribution by the Law Enforcement Assistance Administration and/or the State Planning Agencies.

One official I spoke to yesterday was quite candid about this. He telephoned me to apologize for not having replied to my survey letter. He explained he could not "go on record" because to do so might damage his relationship with your agency and with his state agency as a result of which his city could lose some sorely needed crimefighting funds. But he urged me to press forward with my legislation, assuring me, as he put it, that it is "100% on target." Then, on a confidential basis he told me about some of the inadequacies of the Safe Streets program, as administered by your agency and state authorities.

I regret that I cannot give details because to do so would unavoidably identify the city in question. However, the information is worth having for purposes of my own eludication, even though I am, of course, distressed that the city official should feel so inhibited about publicly discussing the situation. I can only say that this city clearly is not getting sufficient funding from the Safe Streets program, and even the funds allocated to it are not reaching the city speedily because of an incredible amount of red tape.

I would like to cite another example. An official in another large city advised my office that he could not answer the survey letter because he feared that this might jeopardize the possibility of his city being selected as one of the eight "Special Impact" grantees. Since that time his city *was* selected, but the official still is dissatisfied with the way the grant was handled. He too will not "go on record" out of fear of retaliation.

As you know, Mr. Leonard, my legislation assures large cities that they will automatically receive Safe Streets funds as *a matter of right*. The amount could not be changed by your agency or state officials. The amount would be based on the city's population and crime rate. This would be clearly stated in the law, and there would be no danger of politics interfering with the program, since your agency would be relieved of a great deal of the discretion it now has—and so would the state capitals.

Whatever you think about the merits of my legislation, I am certain you believe that (1) a free exchange of opinions is healthy, and (2) it is necessary for Congress to have such opinions with facts to back them up.

Therefore I ask you to circulate a letter to program officials in the largest cities (defined in my bill as those having populations of 250,000 or more), assuring them that they will not be penalized if they give information to Congress that is critical of your program. I am certain that is your policy right now, but, as I have indicated, officials in some cities evidently need some assurances to this effect. I request also that you send a letter to the State Planning Agencies, asserting that it is the policy of your office to encourage frank and open discussion of the Safe Streets program.

I do not doubt that perhaps the fears of some officials were not too well-founded. But I am convinced that such feelings will inevitably arise under a program structured in such a way that city officials have to come to Washington begging for a handout. I would hope to have your support for HR 11813, which would cure this situation.

Sincerely,

JAMES V. STANTON, *Member of Congress.*

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., March 14, 1972.

HON. JAMES V. STANTON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN STANTON: It was with some surprise that I read your recent letter indicating that officials in some of the cities you have contacted in connection with your introduction of HR 11813 have declined to furnish you information because they fear retribution by the Law Enforcement Assistance Administration and/or the State Planning Agencies.

While I cannot speak for the SPA's, I have never found local officials at all reticent when they wished to criticize LEAA or its program.

I feel it would be inappropriate and presumptuous for me to send a letter to officials of the cities of 250,000 or more, as you suggest, assuring them that they will not be penalized if they give information to the Congress that is critical of LEAA's program.

You are quite right that our current policy rules out any such idea.

Similarly, I must respectfully decline to send such a letter to the State Planning Agencies.

As an alternative, Congressman, you may feel free to use this letter in any way you see fit to allay any misgivings that any officials at the state or local level may have.

I agree with you completely that such fears are not "too well founded."

With kind regards,

Sincerely,

JERRIS LEONARD,
Administrator.

APPENDIX F

[The following letters were received by the subcommittee in support of the Law Enforcement Education Program:]

THE CITY OF NEW YORK,
POLICE DEPARTMENT,
New York, N.Y., March 9, 1973.

Hon. PETER W. RODINO,
Chairman, House Judiciary Committee, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN RODINO: I am very disturbed by the President's proposal to put Law Enforcement Education Program funds in the special revenue sharing as part of the block grant. Combined with the tightening of LEAA block grant funds, this could have the effect of virtually decimating LEEP support for criminal justice students. I have a real fear that many states would siphon the funds from educational support to other kinds of programs.

As you may know, I have throughout my career been a strong advocate of increased professionalism, based on higher education, for police officers and other criminal justice personnel. Admittedly, the effects of this are long run but we are not going to succeed in significantly upgrading criminal justice personnel and their performance without greatly improved education and training standards for them.

The Law Enforcement Education Program has been a major factor in rapidly increasing the number of criminal justice personnel undertaking higher education. I should hate to see this program curtailed in any way at the point and time when it is just beginning to show results.

I thereby, wish to join with the criminal justice educators of the country in strongly recommending that the Congress and the President ensure that funds continued to be provided for the education of criminal justice students. I further urge that great care be exercised in formulating any legislation so that funds for students and education are clearly delineated and identified as such lest they be absorbed as part of the special revenue sharing of the block grant program at a great risk to our efforts to upgrade and professionalize criminal justice personnel.

Sincerely yours,

PATRICK V. MURPHY,
Police Commissioner.

THE UNIVERSITY OF ALABAMA IN BIRMINGHAM,
Birmingham, Ala., April 2, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5, U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE RODINO: I am writing to urge you to consider carefully the impact and ensuing chaos that would result from the imposition of revenue sharing as it pertains to the Law Enforcement Education Program (LEEP). With the assistance from LEEP approximately 75,000 criminal justice personnel, including police, corrections persons, court officers, probation and parole agents, and many thousands of pre-service students are pursuing higher education courses. Any interruption of LEEP assistance will cause these people to interrupt their efforts to improve themselves and hinder the efforts to professionalize criminal justice work.

As you are aware, the state may continue to assist these students, but this is problematical. To my knowledge the draft legislation I have seen does not require a state to allocate revenue sharing funds for education.

I personally urge that (1) the LEEP program be maintained in its present national, regional, and state organizational structure, (2) the LEEP program be exempt from general and specific revenue sharing, and (3) qualified students now receiving LEEP loans or grants be permitted to complete their present degree program.

Thank you for your time.

Sincerely,

GEORGE T. FELKENES, J.D.,
Coordinator, Criminal Justice Program.

NORTHERN VIRGINIA COMMUNITY COLLEGE,
Annandale, Va., March 21, 1973

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5, U.S. House of Representatives, Washington, D.C.

DEAR MR. RODINO: I strongly urge you to support exempting LEEP funding from the planned revenue sharing. I do believe that under revenue sharing, LEEP funds will get lost in the shuffle, as local administrators with individual axes to grind will find "more urgent" need for funds.

As you are no doubt aware, after many years of struggle, we are on the threshhold of having a truly professionalized law enforcement community serve the people of our nation. LEEP has served to encourage this sorely needed development in no small way. Little help has been forthcoming from those who have made the most of law enforcement's failures. Please preserve LEEP and protect us from our local "friends." Thank you.

Yours sincerely,

LANDER C. HAMILTON,
Professor, Head, Law Enforcement Program.

March 20, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee Number 5, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In regards to the hearings now under way to change or do away with the Law Enforcement Education Program (LEEP), I wish to express my feelings on this subject by presenting the following requests:

1. Please maintain "LEEP" in its present national, regional, and state organizational structure.
2. Please exempt "LEEP" from general and specific revenue sharing.
3. Assure that qualified students now receiving grants, or loans under "LEEP," be permitted to complete their present degree programs.

I strongly suggest that educational programs promoted by law enforcement agencies in collaboration with behavoral scientists in universities are indispensable. Federal officials must stop paying lip service to the need for responsible, educated policemen. Responsible, emotionally stable, well educated policemen will make more lasting contributions to crime prevention and control than many other measures already requested by responsible politicians.

Nothing else I have ever done in my eighteen year police career has been more beneficial than getting my education, which has allowed me to effectively communicate with the people in my community.

Your valued assistance in this worthy project will be greatly appreciated.

Respectfully,

RICHARD T. WILLIAMS,
Sergeant, Fairfax County Police Department.

Vancouver, Washington, March 6, 1973.

Re: Statement of Policy.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5, U.S. House of Representatives, Washington, D.C.

DEAR HONORABLE PETER RODINO, Jr.: We, criminal justice educators of the United States, strongly recommend that Congress and the President:

I. maintain the Law Enforcement Education Program in its present national, regional and state organizational structure;

II. exempt the Law Enforcement Education Program from general and specific revenue sharing; and

III. assure that qualified students now receiving grants or loans under the Law Enforcement Education Program be permitted to complete their present degree programs.

Yours truly,

ROBERT R. HUNTER,
Law Enforcement Coordinator.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.,
Gaithersburg, Md., March 1, 1973.

HON. PETER W. RODINO, Jr.
House of Representatives,
Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN RODINO: The International Association of Chiefs of Police in reviewing the proposed amendment to the Safe Streets Act of 1968 and recognizing the importance of the current House and Senate hearings as relate to that Act, in particular, wishes to express the view that educational programs, such as are sponsored by "LEEP" under the administration of the LEAA, are of special concern and interest to its membership.

The Association holds completely apart from specific or general commentary regarding the issue of revenue sharing and the proposed amendments to the Act at this time, except for that portion which concerns the Law Enforcement Education Program administered by LEAA.

The International Association of Chiefs of Police request that the concerned committees of Congress, and each member, lend their support to the maintenance of the LEEP's program as it is presently administered; that this program be held apart and exempted from proposed revenue sharing; and that all current and operating grants to students be honored and continued until such students complete their agreed upon course of study and commitment to the profession.

Sincerely,

QUINN TAMM,
Executive Director.

UNIVERSITY OF NEBRASKA AT OMAHA,
Lincoln, Nebr., March 2, 1973.

HON. PETER W. RODINO, Jr.
Chairman, Judiciary Subcommittee No. 5, U.S. House of Representatives, Washington, D.C.

DEAR SIR: It has recently come to my attention that the Law Enforcement Education Program (LEEP) is in apparent jeopardy because of the Law Enforcement Revenue Sharing plan. The information causing concern is contained in the 1974 fiscal year budget of the United States Government, page 156. This indicates that the LEEP funds will be lumped with four categories and the resulting $800 million will be allocated to the several states under special revenue sharing for law enforcement. This is also reflected in the draft of the Administration Bill, dated February, 1973 and prepared by the Office of Management and Budget. In this draft bill the LEEP funds are in no way specifically designated for law enforcement education. State Executive will be able to spend that small portion on any aspect of the Criminal Justice System they care to.

As you know, the President's Commission on Law Enforcement and Administration of Justice in 1967 urged that all law enforcement officers possess a four year degree as a requirement for employment. During this same period, the predecessor to the Law Enforcement Assistance Administration (LEAA), the Office of Law Enforcement Assistance (OLEA) awarded grants to many colleges and Universities for the specific purpose of establishing criminal justice programs in those schools. The LEAA then started the LEEP which has awarded funds for the past four years to assist students in gaining their education.

The LEEP was specifically designed to upgrade the in-service officers and to provide an incentive for young people to secure an education that would materially assist them in their careers in the Criminal Justice System. Most law enforcement officers strongly support the LEEP because it is the only program in

LEAA that specifically provides something for the man on the street; direct assistance to the police officer or the corrections worker. And I might add, these are the people who need the most help. There is an indispensable quality of higher education that is required if law enforcement is ever to become a true profession.

Now that the programs have been started with the OLEA funding and students have been urged into school with the LEEP assistance, the whole program stands in jeopardy. If the LEEP is left in the special revenue sharing for law enforcement bill without a requirement that this amount ($45–$50 million) be allocated by each state for educational purposes, it could well be spent on the hardware emphasis of law enforcement. I feel this is a gross injustice to the men and women who are dedicated to their emerging profession to such an extent that they spend their off-duty hours in classrooms and libraries so that they may deliver better service to the public. I believe the LEEP was a commitment to these officers by Congress that their efforts would not be in vain.

Because of these concerns, a group of criminal justice educators met in Washington on February 17–18. The attached is our statement of policy.

Since the LEEP is not a large portion of the LEAA total budget, and because it is the one segment of LEAA that has not been under *any* criticism; we urge that the entire LEEP operation be excluded from the special law enforcement revenue sharing plan and that it continue to be operated in its present national, regional, state manner. This has been an excellent method of getting the LEEP funds to the colleges and universities and has resulted in almost no problems. Should the LEEP funds be revenue shared to the states, I fear they would become mired in local political arguments and this could deprive many dedicated law enforcement personnel of the education that Congress wants them to get.

I apologize for the length of this letter, however, I have gone into considerable detail because I have carefully studied this problem and because I feel very strongly about it. If you feel it would be desirable to have me testify on this matter when the committee hearings begin, I will be happy to do so.

Any assistance you can give to prevent this oversight from injuring the recipients of the benefits of the Law Enforcement Education Program will be not only appreciated by them, but will be a strong move toward assisting them in professionalizing their chosen career field.

Sincerely,

G. L. KUCHEL,
Chairman, Department of Criminal Justice.

FRATERNAL ORDER OF POLICE,
PRINCE GEORGE'S COUNTY LODGE NO. 89, INC.,
Lanham, Md.

Hon. PETER W. RODINO, Jr.
Chairman, Judiciary Sub-Committee Number 5,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RODINO: We, the 612 members of the Fraternal Order of Police, Lodge No. 89, Prince George's County, Maryland request:

1. That L.E.E.P. be maintained in its present National, Regional and State organizational structure.

2. That L.E.E.P. be exempt from general and specific revenue sharing.

3. And that qualified students now receiving grants or loans under L.E.E.P. be permitted to complete their present degree program.

The educational opportunities that L.E.E.P. has provided for the policeman is vital to him if he is to continue to cope effectively with the many diverse problems that society presents today.

Many educational programs are sponsored and promoted by law enforcement agencies in conjunction with criminologists in universities. Today, these programs are indispensable.

State and local officials must stop paying lip service to the need for responsible, educated policemen. Responsible, emotionally stable, well educated policemen will contribute a more lasting contribution to crime prevention and control than any other measure already requested by responsible politicians.

Respectfully,

ROBERT E. LESLIE, *President.*

SISTERS OF CHARITY OF PROVIDENCE,
Spokane, Wash., March 26, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5, U.S. House of Representatives, Washington, D.C.

DEAR SIR: The Statement of Policy unanimously approved by the Action Conference on Criminal Justice Education Funding, February 17–18, 1973, recommends that the Law Enforcement Education Program (LEEP) be exempt from revenue sharing.

With LEEP assistance, almost 75,000 policemen, correctional officers, probation and parole personnel, other criminal justice officials, and pre-service students are pursuing courses of higher education leading to degrees. To abruptly cancel out this assistance could cause many of these officials and students to interrupt their studies.

I urge you, therefore, to support continued financial assistance through a national program to students seeking to improve themselves and their law enforcement profession.

Thank you for your support.

Sincerely,

SISTER ETHEL RICHARDSON, S.P.,
Provincial Superior.

MARCH 22, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5, U.S. House of Representatives, Washington, D.C.

DEAR SIR: I want to recommend that Congress and the President maintain the Law Enforcement Education Program in its present national, regional and state organizational structure.

It is also my opinion that Congress exempt the Law Enforcement Education Program from general and specific revenue sharing; and assure that qualified students now receiving grants or loans under the Law Enforcement Education Program be permitted to complete their present degree programs.

Sincerely yours,

THOMAS J. MCDONNELL.

MARCH 22, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5, U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE RODINO: I am writing you today as I am deeply concerned with the current status of the Law Enforcement Educational Program (LEEP). As you know, a policeman's job is not a profitable one, and of late is not even a highly held position in society. It has one great quality similar to yours, though, in that we are both helping to make our country a better place to live. This program established by you, the Congress of the United States, has enabled us to cut crime and upgrade our law enforcement profession. I believe the Law Enforcement Educational Program should be exempt from general and special revenue sharing programs and it should be kept within the national, regional, and state organizational structure. This program is unique as it allows a working policeman to gain invaluable knowledge of his profession.

I pray that you will allow qualified students like myself, who are now receiving grants or loans under the Law Enforcement Educational Program, to be permitted to complete their present degree program. For myself, the LEEP program provides the only means in which I can go to college. I want nothing more than to be equipped to understand the problems of our people in my dealings with them.

Your consideration and help in this matter will be greatly appreciated.

Very truly yours,

FREDERICK L. BREWER,
Executive Protective Service.

MARCH 22, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5, U.S. House of Representatives, Washington, D.C.

DEAR MR. RODINO: I wanted to express my concern to you about the fact that the LEEP funds have been stopped. I am ready to start the graduate program in criminal justice, but without these funds it will be very difficult.

Would you please help us secure these funds once again. Your time and effort is greatly appreciated.

Sincerely,

DENNIS HILLESLAND.

UNIVERSITY OF NEW HAVEN,
West Haven, Conn., March 19, 1973.

Representative PETER W. RODINO,
Chairman, House Judiciary Committee, House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE RODINO: I am writing to you to express my deep concern regarding the future of the Law Enforcement Education Program (LEEP) under the Law Enforcement Assistance Administration. It appears very evident that the Nixon Administration, through revenue sharing, will dismantle the entire national program of financial support and educational assistance offered to law enforcement and criminal justice personnel if the Administration Bill (HR 1153) is enacted as drafted by O.M.B.

Great strides have been made in identifying a common body of knowledge that can enable a contribution to professionalize law enforcement as a result of the national programming that has taken place to date. I and many other academicians and students are fearful that the fragmentation of LEEP funding—disbursement of funds to State Planning Agencies—will seriously disrupt the development of national standards and goals in this emerging profession.

My understanding, after reading the stated position of the Administration on LEEP and LEAA, is that there are absolutely no provisions that require state officials to use money earmarked for criminal justice or higher education. Thus, some states may offer continuing support to educational institutions; while others may drop the support previously offered or greatly reduce the level of financial assistance. In short, if the Administration's proposals survive in the Congress, the national program to educate law enforcement and criminal justice personnel will have been dealt a crippling blow.

I sincerely hope that you and other members of Congress will not allow the Federal LEEP program to be dismantled, or that at a very minimum you require that funds that go to the states earmarked for criminal justice also have significant portions earmarked for academic or higher education.

We can hardly afford to have poorly educated and insensitive law enforcement personnel walking the streets of our cities. After this major funding commitment was initiated, just a few short years ago, it seems grossly unfair and undesirable to "pull the rug out from under" such a significant program.

Sincerely,

L. CRAIG PARKER, Ph. D.,
Director, Division of Criminal Justice.

(Telegram)

MARCH 16, 1973.

Hon. PETER W. RODINO,
Chairman, Judiciary Subcommittee No. 5,
U.S. House of Representatives, Washington, D.C.

The Colorado Criminal Justice Educators Association with membership from 11 State colleges strongly recommends retention of law enforcement education program at Federal level and addition of administration allowance for institutional operations LEEP has been extremely beneficial in professionalizing law enforcement in State and should continue.

HERBERT F. EGENDER,
President of the Association Dept. of Law Enforcement.

STATE OF NEW JERSEY,
DEPARTMENT OF LAW AND PUBLIC SAFETY,
West Trenton, N.J., March 18, 1973.

Hon. PETER W. RODINO, Jr.,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I have received information that with the advent of revenue sharing on July 1, 1973 there is a strong possibility that LEEP funds for college education may be ended. According to the draft legislation, no state is required to allocate funds to education.

I never had the funds or opportunity to attend college when I was younger, before becoming a State Trooper, however, I have been attending for over 3 years through LEEP, beginning at age 40. I have been deeply appreciative of these benefits and am hopeful that they may be continued with your help and intervention.

Enclosed within this letter is a copy of the findings of the Action Conference on Criminal Justice Education Funding. It would be deeply appreciated by myself and many other police officers if you could possibly look into the merits of the three recommendations listed by this committee. Thank you sir.

Sgt. HARRY SCHUETZLE,
317 Hillside Avenue, Hillside, N.J.

WASHINGTON, D.C., *March 27, 1973.*

Hon. PETER W. RODINO, Jr.,
Chairman Judiciary Subcommittee 5, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN RODINO: I am a full-time student at American University attending night classes and working full time during the day in an effort to qualify for the position of Special Agent in my Bureau.

It has been brought to my attention that begining the fiscal year, 1974 the President has proposed doing away with the Law Enforcement Assistance Administration (LEAA) and funds now provided by this organization are to go into revenue sharing and to be administered by the states.

I am nearing graduation and receive benefits from LEAA to pay for my tuition, and have been receiving benefits since I started my college education in 1970. If I were to lose these benefits it would place a great financial burden on myself and my family. Essentially, I am appealing to you to do whatever you can in an effort to, if not prevent LEAA from "going under", at least provide those of us who are currently enrolled in the program to continue to be funded so that we may finish with our educations and begin our new careers.

There are those who are not as near graduation as myself and upon whom the financial burden would be more severe.

We are all employed as public servants, thus the outcome stands to provide the public with better service and hopefully for a better America.

Hoping this letter will receive your utmost consideration I remain,
Sincerely yours,

GARY L. GARDNER.

Woodbridge, Va., March 20, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee, U.S. House of Representatives, Washington, D.C.

DEAR SIR: I am a veteran police officer of some twelve years. For the past four years, I have been working full-time, part-time, and attending American University off-campus courses in order to benefit the people that I serve and myself. Without Federal LEEP funds, I would not have been able to attend college. It is my understanding that meetings are now in progress before the Congress to cut off the LEEP funds for the education of police officers effective July 1, 1973.

Sir, if this is so, more than fifty per cent of the police officers throughout the country now attending college will have to quit. In this time of turmoil within our country, and with continual scrutiny and criticism of our law enforcement

officers, it is imperative that they be educated in order that they may more successfully and efficiently deal with the public. It has been proven that good training is an asset to law enforcement officers, thereby making it an asset to the taxpayers.

In this time of law morale among our "men in blue," withdrawal of LEEP funds for us can only be damaging. I beg you, sir, please do all that is in your power to see that our much needed funds are not cut. If you need me, I will gladly speak before any committee to plead our case. Help us, sir, don't let us go under with the tide!

Sincerely,

MICHAEL C. DECHENE.

DAWSON COLLEGE,
Glendive, Mont., March 19, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee 5,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RODINO: I am writing this letter to encourage you to do whatever you can to prevent chaos that will result from imposition of revenue sharing July 1st to the Law Enforcement Education Program (LEEP).

I am extremely concerned that this program is unsure and in jeopardy, and that hasty disruption of assistance could cause many of our students to interrupt their efforts to improve themselves and their chosen law enforcement profession. Montana is not likely to continue assistance to these students since there is no requirement to allocate funds to education.

Can't you exempt LEEP from general and specific revenue sharing, and maintain it with its present national, regional, and state organizational structure?

At Dawson College the Law Enforcement Training Program represents a major segment of our college curriculum, and has provided a career ladder for approximately 150 students over the past four years since its inception.

Assurance is needed as well, that our qualified students now receiving grants or loans under LEEP be permitted to complete their associate degree program.

Kindly do all you can to prevent the death of the Law Enforcement Education Program, and continue this beneficial program intact as we now know it.

Sincerely,

JAMES HOFFMAN,
President.

ARLINGTON, VA., *March 22, 1973.*

DEAR SIR: I am a student presently enrolled in American University. My area of studies is the administration of justice, which I hope to obtain a B.S. in.

This letter is very important to me and should be to you. There are thousands of students presently enrolled in the Law Enforcement Educational Program (LEEP.) Thousands who are trying to give the name "Police" a respected name. Society will not accept an ignorant policeman nor adhere to him. Therefore we must educate Law Enforcement Officials to the level of the public or higher.

Your honor, you know yourself that the mass media will not listen to uneducated people.

I believe that (LEEP) should be exempt from general and specific revenue sharing, and that the program should be maintained within its National and Federal Level.

I also believe that qualified students receiving grants and loans under the (LEEP) program should be allowed to complete their studies.

Without an educated police force the deterrence of crime shall remain low.

Thank you very much for your time.

Yours truly,

MATTHEW H. RIGNER.

MARCH 26, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee 5, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN RODINO: I am writing to you about the Law Enforcement Education Program (LEEP).

As a student at the Center for the Administration of Justice at American University in Washington, D.C., and as a law enforcement officer, I am concerned about the possibility that the Law Enforcement Education Program (LEEP) may be terminated.

Recently, American University held a Conference on Criminal Justice Funding to evaluate the effect that ending the LEEP assistance would have on the administration of justice in America. The Conference strongly recommends that the Law Enforcement Education Program be exempt from revenue sharing in order to avoid disruption of this assistance which could cause many of the criminal justice personnel enrolled in degree programs to interrupt their efforts to improve themselves, their profession, and the quality of life in the United States.

The Conference realizes that it is possible that states could continue assistance to these students, but that is not certain. According to the draft legislation the Conference has seen, no state is required to allocate funds to education.

Personally, I feel that revenue sharing implemented with the proper guidelines and controls has vast potential both for the state and federal governments and the citizens of the United States. However, I feel that unless certain critical programs are continued it will be difficult to improve the quality of life in America which is directly related to the crime problem.

The courses that I have completed at American University with LEEP assistance have had a great influence upon me both as a law enforcement officer and as a citizen of the community. I now have a better understanding of myself, my role in society, and the social problems which cause crime.

Based upon the information I have received from the Conference that was conducted at American University, I felt it necessary to write to you to express my views.

I feel that the Law Enforcement Education Program should be exempt from general and special revenue sharing programs. In addition, LEEP should be maintained within its present regional, state, and national structure. Also, qualified students now receiving grants and/or loans under LEEP should be permitted to complete their present degree programs.

I realize that you are an extremely busy man due to your many duties and obligations, but I feel that you should consider my views when acting in your capacity as Chairman of the Judiciary Subcommittee.

Respectfully yours,

JOHN P. MALHOYT.

MONTANA STATE SENATE,
Great Falls, Mont., March 20, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee 5
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE RODINO: I am writing to you of our deep concern for the future of the Law Enforcement Education Program.

This program has been of tremendous benefit to the state of Montana and has offered a fine source of specialized education for our law enforcement officers, both urban and rural. The program has been enthusiastically used, growing in strength constantly. The loss of it at this time will mean that those who have put in three years will not be able to obtain their degrees. As we are such a distance from other schools offering courses of this nature, we have been particularly appreciative of this chance to upgrade our law enforcement officers.

Any help that you can give us in continuing this program from the federal level will be most appreciated.

Sincerely,

Mrs. JOHN NELSON HALL,
State Senator.

CLINTON, MD., *March 20, 1973.*

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee 5,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN RODINO: I would like to express my concern about the present hearings on the Law Enforcement Education Program.

I am writing this letter in the hope of enlisting your help in keeping the present system as follows:

1. Maintain the Law Enforcement Education Program in its present National, Regional and State Organizational Structure.
2. Exempt the Law Enforcement Program from general and specific revenue sharing and;
3. Assure the qualified students now receiving grants or loans under LEEP be permitted to complete their present degree programs.

I wish to thank you for any assistance you may have with this problem.

Sincerely,

NORMAN L. LENGLE, Jr.

ARLINGTON, VA., *March 23, 1973.*

DEAR CONGRESSMAN RODINO: I am involved in the Law Enforcement Education Program. I have been in the program for approximately three years or so. The above mentioned program has been most beneficial to me and thousands of my colleagues. We have been going to college part-time for several years and have only realized since the Law Enforcement Educational Program has been in existence how really beneficial it has been. Most of us could not have gone to college had it not been for the assistance which this program has offered to us. Law enforcement today has become a challenge which many of the law enforcement personnel have undertaken with pride and responsibility. I feel that the citizens of every community in this country deserve the best and most qualified men which the law enforcement organization can render into the system. The over-due prestige and educational knowledge which so desperately is needed can be wiped from the slate if the existing program is allowed to become null or void.

I would ask for all of the law enforcement officer's in this country that the following points be entertained by your committee. These points are: (1) Please, maintain the Law Enforcement Education Program in it's present state in the National, Regional and State organizational structure; (2) Please exempt the Law Enforcement Education Program from general and specific revenue sharing; and (3) Assure that qualified students now receiving grants or loans under the Law Enforcement Program be permitted to complete their present degree programs.

Thousands of police personnel can better serve the citizen's of their respective communities and further establish a degree of professionalization which is desperately needed if the present program can remain in existence. I hope that your committee will refrain from any changes within the program. Thanking you for your consideration in this matter, I remain,

Very truly yours,

ARTHUR L. SPEDDEN, Jr.

MARCH 22, 1973.

DEAR SIR: I want to recommend that Congress and the President maintain the Law Enforcement Education Program in its present national, regional and state organizational structure. It is also my opinion that Congress exempt the Law Enforcement Education Program from general and specific revenue sharing. This would assure that qualified students now receiving grants may continue their education to obtain degrees. If the LEEP grants were discontinued I would not be able to continue on and would have to stop short of my degree due to the lack of funds.

If the LEEP funding is to be discontinued I feel that it would be to the Law Enforcement agencies and the publics' benefit to phase out the program, permitting us to complete our present degree goals.

Yours truly,

Pvt. HAROLD E. CUNNINGHAM,
U.S. Park Police.

GREAT FALLS, MONT.,
March 16, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee 5, U.S. House of Representatives Washington, D.C.

DEAR CONGRESSMAN RODINO: Our City has taken advantage of the Law Enforcement Education Program, and currently we are advised that there are four-

teen members of our Great Falls Police Department who are taking the criminal justice system courses at our College of Great Falls under this grant. We understand that this educational program has been most beneficial to the police officers and assists in enhancing their education in other courses and subjects, in addition to the technical police schooling and training received by them through the Department.

We feel that this improvement to our Police Department is essential to the community and City in getting well-trained, educated men to serve, for the betterment of our law enforcement officers and citizens.

Therefore, we urge your consideration and support to maintain the Law Enforcement Education Program in its present national, regional and state organizational structure; exempting the Law Enforcement Education Program from general and specific revenue sharing; thus assuring that qualified students now receiving grants or loans under the Program may be permitted to complete their present degree programs.

Thank you for whatever you can do to retain the program.

Very truly yours,

GREAT FALLS CITY COMMISSIONERS,
CURTIS A. AMMONDSON, *Mayor.*

SILVER SPRING, MD., *March 19, 1973.*

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee, U.S. House of Representatives, Washington, D.C.

DEAR SIR: During the past ten years our society has directed a great deal of attention toward Law enforcement agencies. The President's Crime Commission on Law Enforcement (1967) concluded in part, that local police departments should place more emphasis on educating their police officers so they can better understand as well as serve their respected communities.

No longer is it possible for a young man to enter the field of law enforcement with a twelfth grade education and expect to understand the social and behavior problems facing our society today.

As a student in the Law Enforcement Education Program, I hope you will consider the importance of this program and specific revenue sharing and assure that qualified students now receiving grants or loans under the Law Enforcement Education Program, be permitted to complete their present degree programs.

Yours truly,

Off. FLOYD POWE.

KENDALL PARK, N.J., *March 6, 1973.*

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee 5,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: As a law enforcement officer, I am greatly concerned about professionalism and higher education for law enforcement officers at all levels of government within the United States. As a part-time student at Middlesex County College in New Jersey, studying Police Science under the Law Enforcement Education Program (LEEP), I am concerned that the revenue sharing program will disrupt my assistance and force me to interrupt my efforts to improve myself and my profession. I urge your support in keeping the LEEP program on a national level.

RUDOLPH JOHNSON.

POLICE DEPARTMENT,
Mineola, N.Y., March 20, 1973.

Hon. PETER RODINO,
Congressman,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RODINO: The Nassau County Police Department has benefited immensely by federal grants provided by the Law Enforcement Assistance Administration through the New York State Division of Criminal Justice.

As a result of the Law Enforcement Education Program, approximately 1,400 of our 3,600 sworn personnel are currently involved in college study leading to degrees, while 421 have already achieved degree status. As a result of fund availability encouraging higher education, the requirements for entry and promotion in this Department have been strengthened, requiring 2 years of college credits for qualification. Needless to say, better education has developed a more professional police officer with a keener awareness and sensitivity for human understanding and community problems.

One of our first projects in which two Community Relations Booths were built and staffed by local community youths has helped to bridge a gap in communications between law enforcement and minority groups that we feel has been instrumental in avoiding confrontations that have erupted in other areas. This project has been continued at County expense since its funding expiration two years ago.

Because of rising property taxes, police communications lacked necessary expansion and modernization critically demanded for efficient police service by a community that has rapidly changed in character from suburban status by a population growth to 1½ million residents in a 300 square mile area. A grant of $595,000.00 accelerated the construction of a modernized police communications center that will encompass the adoption of Emergency Telephone Number 911, expand radio communications, and provide a more rapid, efficient response by the police to the public.

Additionally, experiments with paging units, bomb blankets, micro-filming and laboratory equipment, sponsored by federal funding has resulted in the adoption and use of new systems that enhance the police service to the community. Lack of sufficient local financing would have relegated these necessary improvements to the far distant future.

Your assistance in making known the position of this Department and your aid in maintaining the federal assistance to law enforcement programs is requested and urged.

Sincerely yours,

LOUIS J. FRANK,
Commissioner of Police.

MARCH 20, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee 5,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In regards to the hearings now under way to change or do away with the Law Enforcement Educational Program (LEEP), we wish to express our feelings on this subject by presenting the following requests:

1. Please maintain "LEEP" in its present national, regional, and state organizational structure.
2. Please exempt "LEEP" from general and specific revenue sharing.
3. Assure that qualified students now receiving grants, or loans under "LEEP," be permitted to complete their present degree programs.

ROBERT E. VALL,
KIMBERLY D. BAKER,
ALFRED C. LACEY,
RONALD E. WORMAN,
MELVIN W. MORIN,
ROBERT D. ALLEN,
Fairfax County Police, Fairfax, Va.

HONOLULU COMMUNITY COLLEGE,
March 6, 1973.

Hon. JOHN L. MCCLELLAN,
Chairman, Judiciary Subcommittee on Criminal Law and Procedure, U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLELLAN: This letter is being written to request that the United States Congress, and the Office of President leave the present Law Enforcement Education Program in its present organizational form.

More specifically, I request that this Program be exempt from the "revenue sharing" provisions of pending legislation.

I trust this request will receive favorable consideration.

Sincerely,

ROBERT E. LANSING,
Coordinator Police Science.

JOHN JAY COLLEGE OF CRIMINAL JUSTICE,
New York, N.Y., March 2, 1973.

PETER W. RODINO, Jr.,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: We, criminal justice educators of the United States strongly recommend that Congress and the President:

I. Maintain the Law Enforcement Education Program in its present national, regional and State organizational structure;

II. Exempt the Law Enforcement Education Program from general and specific revenue sharing;

III. Assure that qualified students now receiving grants or loans under the Law Enforcement Education Program be permitted to complete their present degree programs.

Sincerely,

Profs.: ALEXANDER JOSEPH,
CHARLES KINGSTON,
JEROME METZNER,
ANTHONY MAGLIULO,
WILLIAM STAHL,
PETER DE FOREST.

MIDDLESEX COUNTY PROSECUTOR'S OFFICE,
DETECTIVE BUREAU,
New Brunswick, N.J., March 14, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee 5, U.S. House of Representatives,
Washington, D.C.

SIR: I am presently enrolled at a local college, in a Police Science Course, and for the past year have utilized funds provided by the Law Enforcement Education Program (LEEP) to cover the cost of the tuition.

Being a Police Officer for the past ten years, I can not begin to emphasize the importance of a college education for Law Enforcement personnel. I also feel that the greatest incentive to bring Officers back to the classrooms, has been the LEEP program.

If the LEEP funds are discontinued I'm sure it would have a detrimental effect on any Officer now involved in seeking an education, and in this day of an ever rising crime rate, I wonder if this Country can afford to deprive it's Law Enforcement Officers of attaining the professional status they seek.

By requesting that all efforts to continue the LEEP funds be made, I know I reflect the opinions of many of my fellow Officers.

Thank you for any consideration you can afford us.

Sincerely,

JOSEPH T. ALLENA.

TOWNSHIP OF MADISON,
Middlesex County, N.J., March 7, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee 5, U.S. House of Representatives,
Washington, D.C.

DEAR SIR: For the past year and a half, I have been attending college at night under the Law Enforcement Education Program (L.E.E.P.). I am enrolled to improve myself to better serve the people within my police jurisdiction. Although I have been going to college for a relatively short time, I have benefited from the experience.

I wish to continue with my college education to obtain a degree in Police Science. However, I have been advised, that a change of the L.E.E.P. program through revenue sharing may cut further funding for education.

The L.E.E.P. program has done much to improve the Police profession. I respectfully ask that you look into this matter and try to preserve this valuable program.

Sincerely,

Det. JOSEPH NAPOLI.

TOWNSHIP OF MADISON,
Middlesex County, N.J., March 7, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee 5, U.S. House of Representatives, Washington, D.C.

DEAR SIR: For the past year and a half, I have been attending college at night under the Law Enforcement Education Program (L.E.E.P.). I am enrolled to improve myself to better serve the people within my police jurisdiction. Although I have been going to college for a relatively short time, I have benefited from the experience.

I wish to continue with my college education to obtain a degree in Police Science. However, I have been advised that a change of the L.E.E.P. program through revenue sharing may cut further funding for education.

The L.E.E.P. program has done much to improve the Police profession. I respectfully ask that you look into this matter and try to preserve this valuable program.

Sincerely,

Det. JOHN STENGER.

Hon. PETER W. RODINO, Jr.

DEAR CONGRESSMAN RODINO. I have recently learned of the plan to discontinue a program that I consider to be of extreme value to the crime deterrent efforts in this country. The program I am referring to is the Law Enforcement Education Program, L.E.E.P. I am extremely disturbed over this plan of events because I am currently attending school on this program as well as working as a clerk for the F.B.I., and if this program were to be cancelled I would not be able to continue my education.

I believe L.E.E.P. should be exempted from general and special revenue sharing and the program be maintained in its national, regional and state organizational structure. Also, I believe and hope that qualified students now receiving grants and loans under L.E.E.P. be permitted to complete their present degree programs.

As Chairman of the House Judiciary Committee studying L.E.E.P., I hope you will take my views and the views of others who I am sure will write you, into consideration when deciding whether or not to continue this worthwhile program.

I hope Congressman Rodino, that it is decided to continue the federal funding of L.E.E.P., because it is still very important to upgrade the police departments and the other agencies who also protect the citizens of this country. The only way to upgrade these agencies is to upgrade their personnel thru programs like L.E.E.P.

Sincerely,

CHARLES K. A. KNOX.

FALLS CHURCH, VA., *March 24, 1973.*

Re Law Enforcement Education Program (LEEP).

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5,
U.S. House of Representatives.

DEAR SIR: I am presently employed as a law enforcement officer with the Executive Protective Service, here in Washington, D.C. My career in law enforcement is something that I take very seriously and at the present time I am not only working full time in this field, but I am also enrolled as a full time student at American University. My basic course of study is Administration of Justice and through the Law Enforcement Education Progam I have been able to expand my interest and knowledge in this field. This opportunity would not have

been possible for me had there not been a program such as LEEP available. I feel this program is not only important for me, but for many others with whom I am associated. It is aiding many good men, including myself, to become what our community and country so desperately need; "skilled and well trained law enforcement officers." I can assure you that I plan to continue my career in law enforcement and that the money invested in myself and many others attending school through this program is money well invested and the dividends can and will be returned many times over.

I strongly urge you and your committee members to support and save this program from special revenue sharing and to maintain it within its present national, regional, and state organizational structure.

Thank you for your time and for reading my letter.

Sincerely,

JOHN R. LUSKIE,

WILLIAM RAINEY HARPER COLLEGE,
Palatine, Ill., March 1, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN RODINO: The administration has introduced legislation to convert the Law Enforcement Education Program from federal administration to revenue sharing. We and many of our colleagues are opposed to such a law. We urge you to preserve the LEEP program in its present structure and keep it out of revenue sharing.

The program is growing rapidly. There are almost 500,000 police officers, alone, in the United States who may avail themselves an opportunity for personal career improvement through direct grants from LEEP. Only about 75,000 people from the criminal justice spectrum plus pre-service students are involved at the present time, but that number is continually growing. In other words, the long hard battle to get in-service policemen to accept the merits of a formal education is being won. It is fair to predict that demands for LEEP funds will increase for a few more years and then level off. Those who want their educations will have gotten them.

During the growth period, LEEP funds need to be kept free from local political priority manipulations. The present operation is successful. It has generated an increased acceptance of, and desire for a formal education among policemen. Any reduction or inefficiency in the flow of funds to these recipients can only serve to diminish or even harm the present potential of the program. LEEP funding needs to be kept in federal administration until, at least, the rate of demand levels off and its goals are in sight.

Sincerely,

E. MICHAEL LOUIS,
Assistant Professor, Criminal Justice.
PAUL H. MOORE,
Assistant Professor and Coordinator of Criminal Justice Program.

TOWNSHIP OF MADISON,
OFFICE OF THE CHIEF OF POLICE,
Middlesex County, N.J., March 8, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5,
U.S. House of Representatives, Washington, D.C.

DEAR SIR: I have been advised that Federal Law Enforcement Education Program (L.E.E.P.) funding for education is scheduled for major revisions through revenue sharing as of July 1, 1973. Should L.E.E.P. be administered through revenue sharing through each state, it is very probable that these funds which I have been using for my college expenses will be severely reduced, if not eliminated alltogether.

Since I have been pursuing courses of higher education to improve myself and my profession, I respectfully ask that you exempt L.E.E.P. from special revenue sharing and maintain it within its present structure.

Sincerely,

RICHARD OWENS, *Sergeant.*

NORTHWESTERN STATE COLLEGE,
Alva, Okla., March 7, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN RODINO: I am a retired Special Agent of the FBI, retiring after 30 years service in that organization. Following my retirement I accepted a position as Director of the Law Enforcement Training Program at Northwestern State College at Alva, Oklahoma where I have continued to be active in law enforcement.

During the past three years we have been able to begin the training of law enforcement personnel through the LEEP Program and as a result we have seen some of the most impressive results imaginable. Some of the officers never received their high school diplomas and through the GED program we were able to get them into college where they now are working towards their degrees. Society will be the eventual winner, as all of these officers intend to stay in this field for the rest of their lives.

Training is also given to young people who have just graduated from high school. Most of these people are too young to secure employment and this period of additional education better qualifies them for a career in law enforcement once they are eligible for employment.

Northwestern State College is a small school located in the northwestern section of the State of Oklahoma. Notwithstanding this fact, we have students in law enforcement who use their days off to drive from as far as 200 miles away to continue their education. In order that you will understand what I am saying, these students drive up to 400 miles each trip that they make. No one can question their desire or willingness to learn.

Oklahoma is a poor state and its educational system is near the bottom insofar as state support to education is concerned. The proposed revenue sharing concept will probably mean the end of this and related programs insofar as financing is concerned. In this regard, let me remind you that the LEEP Program only furnishes money to the student for his own expenses in attending school and that this is under a work-forgiveness obligation following the completion of his education. The school gets no money for salaries, equipment, or buildings. Every cent goes to the student.

If this proposed change is made, then I am afraid that Oklahoma will find that the money will be needed for other programs and that the students will be left to their own resources. Those who are already working will be expected to pay for their educations upon their present salaries which are from a low of $400 a month to a high of $865 a month. They will not be able to pay their family expenses and assume this added burden on that type of income.

I realize that the federal government must retrench and that there is a desire to eliminate bureaucratic control over many of the federal programs. However, in this instance, to change to state control will probably sound the death knell of what has been one of the finest programs of assistance the federal government has ever had. Students and ultimately society will be the ones hurt if the current policy of national administration of the LEEP Program is changed. Revenue sharing will merely mean that the states will utilize the money received from the federal government on other state programs and that education will be continued at its present status of financing.

Very truly yours,

Dr. R. B. YADON, Jr.,
Director, Law Enforcement Program, Northwestern State College.

MARCH 29, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. RODINO: I am a student enrolled in the Criminal Justice Program at the American University. I am also employed full-time with a law enforcement agency. I am to receive my Associates of Arts Degree in Law Enforcement this June. I hope to complete my course requirements for my Bachelor of Arts Degree

in Criminal Justice in the summer of 1974, or at the latest in the fall of 1974. I am looking forward to a career in the field of law enforcement.

I have been able to receive this much college education through the help of the Law Enforcement Assistance Program (LEAP). I am very much indebted to this Program for all the college education it has made possible for me to receive. I am not only thankful for myself but for the thousands of other students all over the nation who, like myself, might not otherwise have been able to obtain a college education.

I have now been told that this Program is about to be canceled this July. On behalf of my fellow students, future hopeful students in the field of law enforcement and myself, I seek your help in keeping this Program alive. If the American citizens are to receive even adequate and competent men and women in the field of law enforcement, it is imperative that some type of assistance be given to them.

Along with my fellow students now enrolled in the Law Enforcement Program throughout the nation and future hopeful students I would appreciate any help you might be able to give in order that this worthwhile Program might continue.

Sincerely yours,

JAMES OREN RUSSELL.

THOMAS B. GUSTIN,
West Olive, Mich., March 8, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5, U.S. House of Representatives, Washington, D.C.

DEAR SIR: I have been utilizing Law Enforcement Education Program funds for the past two years and appreciate them. I have aspirations of completing my baccalaureate degree in Law Enforcement on LEEP funds. However, there is a rumor out that LEEP funds will be curtailed after this year with the funds being channeled into revenue sharing.

There has been severe criticism in the past on federal funding for the training of police officers. One such example is, I quote: There is no reason whatsoever for the federal government to continue to fund police training programs—or any other police programs—which merely perpetuate the stagnation of a closed fraternity on a grander scale. (James F. Ahern, *Police in Trouble*, New York, New York: Hawthorn Books, Inc., 1972, p. 234). Subsequently, revenue sharing is a major aspect of this stagnation.

Possibly I am biased somewhat against revenue sharing, even though I know it is needed to some extent in police administration. However I am currently a full time in service law enforcement officer and can see this stagnation rising. I feel that by maintaining the current LEEP funds especially for the in-service personnel, their will be a decrease in this fraternal stagnation. This will be accomplished by giving the in-service personnel an opportunity to enhance their education in the liberal arts field, and a better understanding of human behavior.

I hope you will consider my feelings and thoughts on the curtailment of LEEP funds for in-service personnel, if there is any truth to the rumors I have been hearing.

Respectfully Yours,

THOMAS B. GUSTIN.

TOWNSHIP OF MADISON,
OFFICE OF THE CHIEF OF POLICE,
Middlesex County, N.J., March 7, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5, U.S. House of Representatives, Washington, D.C.

DEAR SIR: I have been advised that Federal Law Enforcement Education Program (L.E.E.P.) funding for education is scheduled for major revisions through revenue sharing as of July 1, 1973. Should L.E.E.P. be administered through revenue sharing through each state, it is very probable that these funds which I have been using for my college expenses will be severely reduced, if not eliminated all together.

Since I have been pursuing courses of higher education to improve myself and my profession, I respectfully ask that you exempt L.E.E.P. from special revenue sharing and maintain it within its present structure.

Sincerely,

Det. Sgt. JOSEPH STRIFFOLINO, Sr.

MARCH 7, 1973.

Hon. JOHN L. MCCLELLAN,
Chairman, Judiciary Subcommittee on Criminal Laws and Procedures, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: In an effort to preserve the highest standards of law enforcement in this country, I appeal to you on behalf of The American University's participation and funding by the Law Enforcement Assistance Administration (LEAA) to continue such funding.

Presently I am a full-time student at American University's College of Public Affairs working full-time also to achieve the necessary educational background to become a federal investigative agent. I do not receive assistance from LEAA directly as I am not an in-service officer, but I am funded by the Veterans Administration. However, many fine able-bodied men will suffer great hardships if LEAA funds are withdrawn as support for our educational programs.

I would appreciate whatever action you can effect to maintain a continuance of LEAA funding at American University.

Sincerely yours,

PAUL WILLIAM LEEPER.

WOODBRIDGE, VA., *March 2, 1973.*

PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5, U.S. House of Representatives, Washington, D.C.

DEAR MR. RODINO: I have been concerned in the past few weeks over the proposal to change the present Law Enforcement Education Program (LEEP) during the Fiscal Year 1974.

As the Training Administrator of a correctional agency, I have seen the value of the LEEP funds and LEEP program during the past three years. In our own agency, it has meant the opportunity of college level class participation for more than 500 employees. Many of these men and women would have had no opportunity for a college education without these funds. I have not always agreed with the guidelines established for the LEEP program. However, I found it to be an operable and meaningful program which guaranteed educational participation to any correctional employee.

The current plans to utilize these LEEP funds in a revenue sharing basis leaves much to be desired. First, there is no guarantee that the funds will be available for educational programs. All too often training and educational funds are utilized for studies and planning, and never get funnelled down to the people who need them, i.e., the student. Unless some guarantees are built in, I, for one, am afraid a change will cause a loss of funds to the students who need the programs. In addition, the use of funds by individual states will seriously limit their availability to students who live in border areas, or metropolitan areas. For instance, funds to Washington, D.C. would limit the use of these funds to the many police and correctional officers who live in surrounding Maryland and Virginia but who are enrolled in the colleges and universities in the District.

An Action Conference on Criminal Justice Education Funding, held at American University on February 17–18, 1973 recommended:

1. Maintain the Law Enforcement Education Program in its present national, regional and state organizational structure;
2. Exempt the Law Enforcement Education Program from general and specific revenue sharing; and
3. Assure that qualified students now receiving grants or loans under the Law Enforcement Education Program be permitted to complete their present degree programs.

I would strongly advise that these recommendations be given some serious consideration. If they can not be accepted, I would hope that you could use your influence to guarantee that funds diverted from LEEP programs to revenue

sharing be guaranteed to assure their utilization for educational pursuits at the student level.

Thank you for your consideration.

Sincerely yours,

JOHN W. SISSON, Jr.

LOUISIANA STATE UNIVERSITY,
DEPARTMENT OF LAW ENFORCEMENT,
Baton Rouge, La., March 9, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN: With the continued increase in crime and the many problems created as the result of criminal activities in this country it is most important that trained and educated personnel be maintained at a high level in law enforcement.

The Law Enforcement Education Program (LEEP) has made a material contribution to law enforcement in funds to law enforcement personnel in the form of grants which paid for the tuition and books for full-time employees in the field of criminal justice to pursue college work.

This year approximately three hundred persons working in the field of criminal justice have been aided through this program at Louisiana State University. This number includes those taking work on the main campus of LSU, its branches, and at other sites where "off-campus" courses in law enforcement have been taught.

Throughout the nation approximately 75,000 officers in the field of criminal justice are being helped by this program in their pursuit of higher education leading to college degrees.

None of the funds under this program are paid to the colleges or employees of the colleges unless they are full-time officers in law enforcement.

It is hoped, and the writer urges, that the funding under the LEEP program be continued and the funds be designated in such fashion that they will not lose their identity by being mingled with revenue sharing monies.

Sincerely,

JULIAN A. MARTIN, *Head.*

MARCH 7, 1973.

Hon. PETER WALLACE RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5,
House of Representatives, Washington, D.C.

DEAR MR. RODINO: I am a full time student at American University attending night classes and working full time during the day in an effort to qualify for the position of Special Agent in my Bureau.

I have learned that beginning Fiscal Year, 1974 the President will do away with the Law Enforcement Assistance Administration (LEAA) and funds now provided by this organization will go into revenue sharing.

I am nearing graduation and I receive benefits from LEAA to pay for my tuition. I receive no financial aid from other sources—not even home. Essentially, I am appealing to you to do whatever you may in an effort to, if not prevent LEAA from "going under water," at least provide those of us who have already enrolled in the program with funds so we may finish with our educations and begin our new careers.

Without funds from LEAA many of us will be delayed in graduating until we seek money elsewhere. And for some of us with families, college tuition is too high to be able to afford to take out a large loan at a bank, especially if we have a year or two or even three to finish.

Hoping this letter will receive consideration, I remain

Sincerely yours,

LARRY E. WACK.

ALEXANDRIA, VA., *March 6, 1973.*

Hon. PETER RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5,
House of Representatives, Washington, D.C.

DEAR SIR: The purpose of this letter is to request your help, and vote, to keep the Law Enforcement Education Program at American University alive. I have

just entered my Junior year at the university and to cut off funding now would be equivalent to ending my college education in the Law Enforcement field.

If funding for the students is not possible then at least provide funds for the university to keep the program alive. . . . approximately 75,000 students stand to lose and with them society because better educated law enforcement officers means better enforcement of the laws.

Thank you for your assistance and a job well done.

Sincerely yours,

THOMAS W. MILLER.

Washington, D.C., March 5, 1973.

Hon. JOHN L. MCCLELLAN,
Chairman, Judiciary Subcommittee, on Criminal Law and Procedures,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: By this letter and the virtue of my membership in the law enforcement profession, I strongly urge your support in assuring that the funding procedure for the Law Enforcement Education Program (LEEP) be maintained at the present national, regional, and state organizational level.

Those of us who have come the long, hard road to better prepare ourselves to be about administering the quality of justice in America that is truly "quality" justice for all Americans have long admired the courage of your convictions.

We seek the support of your continued wise expertise. We love our country and are prepared to give our lives to make our Nation a society free enough of criminal violence that our mothers not need to rest in fear.

Please do all you can to help us move forward in a positive direction. The future of crime in America may well be reflected by the types of educational opportunities the Congress makes possible for those who serve in the law enforcement profession.

Sincerely yours,

WILLIAM F. BRENNAN.

CLEVELAND STATE COMMUNITY COLLEGE,
Cleveland, Tenn., March 5, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5,
U.S. House of Representatives,
Washington, D.C.

DEAR HONORABLE RODINO: We have an active Criminal Justice Program at Cleveland State Community College in Cleveland, Tennessee. At the present time we have 183 students enrolled, of which 116 are currently employed as Law Enforcement Officers by various Law Enforcement Organizations in Bradley-Hamilton-Bledsoe and Meigs Counties. A number of these individuals would not be financially able to attend college were it not for the Law Enforcement Education Program. Thirty-five thousand dollars was made available to pay for tuition and purchase books for these officers during the current fiscal year. The hasty disruption of the LEEP assistance would cause many of these students to interrupt their efforts to improve themselves and their profession.

I am gravely concerned that a major reduction in these funds would ensue from the imposition of revenue sharing on July 1, 1973.

I strongly recommend that the Law Enforcement Education Program be maintained in its present national, regional and state organizational structure and that the Law Enforcement Education Program be exempted from general and specific revenue sharing. This would assure that qualified students could continue to receive grants and loans under the Law Enforcement Program and complete their degree program.

I would be happy to furnish a more detailed breakdown as to the students and the agencies they represent, would you so desire.

Sincerely,

JAMES M. STUBBS, J.D.,
Director, Criminal Justice Program.

STATE UNIVERSITY COLLEGE AT BUFFALO,
Buffalo, N.Y., March 23, 1973.

Hon. PETER W. RODINO, Jr.,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE RODINO: As a member of the Judiciary Committee, you and the other committee members will be considering the future of the Law Enforcement Education Program (LEEP).

At our college, we offer a course of study leading to a Bachelor's Degree in Criminal Justice and one in Criminalistics. We are the only 4-year unit within the State University of New York offering this opportunity. There are, at present, approximately 500 students pursuing a degree in these areas.

Federal financial support of this program has made it possible for many students to receive assistance. Most Law Enforcement personnel are underpaid in relation to their responsibilities in the community. Without this support many students, especially law enforcement officials, would be unable to attend college because of the educational costs that would have to be assumed by their families.

We believe the program has proved invaluable in encouraging law enforcement personnel and students interested in this profession to attend college. The benefits to our community are often unmeasurable but very apparent. On this campus, there is an increased understanding between law enforcement officials and the students and faculty. Overall the profession will be enhanced as its members become better equipped to handle their vital duties.

One of our concerns is that the program be continued and funded to the greatest extent possible.

Another concern involves some of the changes being proposed by the Law Enforcement Assistance Administration (LEAA) if the program is continued. We are enclosing a letter sent to Mr. Norval Jesperson of LEAA which identifies these areas of concern.

Thirdly, we are apprehensive about the idea of taking the application for and distribution of appropriated funds out of the regional offices and putting it with the State Planning Agency. The agency is allegedly parochial and partisan in its operation. Education of students in Criminal Justice is a nationwide concern and should be handled in this matter. Funds for educational purposes need special attention. The regional offices are aware of our problems, programs and goals and, even with their limited staffs, have been of assistance.

We are appreciative of your efforts in support of this program and your consideration of our concerns.

Sincerely,

WILLIAM A. TROY,
Director, Office of Financial Aid to Students.
DANIEL R. HUNTER, Jr.,
Associate Director, Office of Financial Aid to Students.
EDWARD L. MORGAN,
Professor and Chairman, Criminal Justice Program.

CHAMPLAIN COLLEGE,
OFFICE OF THE PRESIDENT,
Burlington, Vt., March 5, 1973.

COUNSEL TO THE CHAIRMAN,
Committee on the Judiciary,
House of Representatives,
Washington, D.C.

GENTLEMEN: As the recipient of the largest amount of Law Enforcement Education Program Funds in the State of Vermont and as a Criminal Justice Educator, I strongly support the recommendation to Congress and the President that they:

1. Maintain the Law Enforcement Education Program in its present national, state, and regional organizational structure.

2. Exempt the Law Enforcement Education Program from general and specific revenue sharing.

3. Assure that qualified students now receiving grants or loans under the Law Enforcement Education Program be permitted to complete their present degree programs.

Champlain College has enrolled at present sixty-six (66) pre-service students and eighty-six (86) inservice students. Most of the inservice people attend classes at off-campus locations in various parts of the State: St. Albans, St. Johnsbury, Bennington. These students are local and State policemen who are seriously trying to obtain their associate degrees because they feel, as do I, that this degree will be the minimum requirement for entrance into Law Enforcement in just a few short years. Our first graduating class had three policemen who attended the college for two years on a full-time basis and still worked full time at their jobs. This year we have six men who are doing the same. This exemplifies the sacrifices that are made on the part of the student as well as his family. I think this also explains my reason for saying that the American taxpayer is getting full value for his anti-crime dollar. A further observation is that the help from the LEEP programs seems to have created in the minds of high school graduates a vision of a highly technical and professional field in which they want to be included for their life careers.

Since the inception of the Criminal Justice Programs here at the college, public relations and community reactions have multiplied; and the citizens themselves are more conscious of their need for participation. This is what is needed to control and reduce crime. This is actually happening.

Sincerely,

C. BADER BROUILETTE.

KANSAS CITY, KANS. *March 21, 1973.*

Congressman WILLIAM ROY,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ROY: I am a police officer in Kansas City, Kansas, and am attending college with the financial aid for tuition from the Law Enforcement Education Program (L.E.E.P.). This program which was instituted several years ago, was created to help the individual police officer attain a college education. It's total purpose, to help increase the professionalism in police work.

I'm happy to say that within my own department this program has met with great success. There are over forty officers attending junior and four year colleges with the aid of L.E.E.P.'s tuition funding.

Now, I have been advised by the financial aid officer of my school that there will be no more funding from the L.E.E.P. program. This financial aid officer stated that he had been informed by L.E.E.P. officials that all funding will stop after the Spring 1973 semester and that *NO* funds will be available for the Fall 1973 semester.

If this occurs, I along with most of the men enrolled in college will have to quit. Personally, I see it as a great loss to not only the men, but to our profession and especially to our community.

So far, all I have been able to find out about the loss of funds, is that, either L.E.E.P. will fund those already enrolled in the program until they complete; or that we should seek help from our departments under the revenue sharing plan.

As it was explained to me, the possibility of L.E.E.P. funding those already enrolled in the program until their completion is very remote. Seeking help from our departments and city administrators under the revenue sharing plan would also be fruitless. You Congressman, Roy, as well as I, know that city administrators will have difficulty making revenue sharing monies go around on their major projects that our problem will be placed.

Congressman Roy, I would like to ask for your help, first, in finding out whether or not it is for certain that L.E.E.P. funding is to be withdrawn. Secondly, if it is possible that L.E.E.P. will finance those already enrolled in the program until their completion. Thirdly, I would ask that you investigate this program and find for yourself the importance it holds for my profession. If I may quote from the President's own Task Force Report on the Police, "The quality of police service will not significantly improve until higher educational requirements are established for it's personnel. The complexity of the police task is as great as that of any other profession. The perfomance of these tasks requires more than physical prowess and common sense."

My profession badly needs college trained people. Every true professional police officer recognizes this, especially those now enrolled in college. Without the help of L.E.E.P. our bid for professionalism will be set back many years. All of the hardships and loss of time with an officer and his family will have been wasted if we lose this program. We truly need the help of our representatives in keeping this program going.

Sincerely yours,

MICHAEL S. DAILEY.

P.S.—I am now in my Junior year at Rockhurst College in Kansas City, Missouri, and am pursuing a bachelor's degree in Administration of Justice. So you see Congressman Roy, that the loss of funding from L.E.E.P. would leave me in the middle of my pursuit with no chance of going any further.

THE CITY UNIVERSITY OF NEW YORK,
JOHN JAY COLLEGE OF CRIMINAL JUSTICE,
New York, N.Y., February 22, 1973.

Congressman PETER W. RODINO,
Newark, N.J.

DEAR CONGRESSMAN RODINO: In recent weeks, we have heard of the possibility that the Law Enforcement Education Program which reimburses criminal justice personnel for some of their college costs, will be incorporated into criminal justice revenue sharing through the States. As a college of criminal justice serving the New York metropolitan region, we are very much concerned about the potential negative effects of such a change on the educational careers of our students and on the close working relationship that we have developed with the major criminal justice agencies in our area.

We therefore endorse the enclosed Statement of Policy of the Criminal Justice Educators of the United States. The benefits of the LEEP program, we believe, are many. Studies indicate that the college educated policeman, corrections officer or probation officer is less authoritarian, more capable of exercising initiative, and better able to communicate with the public than his colleague who did not participate in higher education. In a society in which more than half of the high school graduates go on to some form of post-secondary education, the criminal justice system cannot be manned by a less well-educated minority. Beginning with the nearly 50,000 members of the New York City, Transit Authority, Housing Authority and Port of New York Authority police forces, there are over 100,000 criminal justice personnel in our area who need and want the support of this program.

We turn to you for assistance. Should you care to meet with us for further information or consultation, we stand ready to do so.

Sincerely,

CHARLES BAHN, Ph.D.,
Professor of Psychology,
Director of Special Programs.

COLLEGE OF GREAT FALLS,
Great Falls, Mont., March 29, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5,
U.S. House of Representatives, Washington, D.C.

DEAR SIR: The Law Enforcement Education Program (LEEP) conducted at the College of Great Falls has been of great benefit to our community. The kind of collaborative planning that has gone into the program and the fine way those plans have been executed with minimum expense and maximum cooperation could well serve as a model for other communities.

It is with genuine dismay that I read that the future of this excellent program may well be in jeopardy because of a possible cutoff of funds. To put this program at the mercy of such a tenuous proposal of any probable revenue sharing plan would be to take a giant step backwards, in my opinion.

Therefore I am asking that you seriously consider and support the position taken by the Action Conference on Criminal Justice Education Funding held at

the American University February 17–18, 1973, a copy of which has been mailed to your office.

Very sincerely,

SISTER M. MICHELLE HOLLAND,
Chairman, Board of Trustees.

THE AMERICAN UNIVERSITY,
COLLEGE OF PUBLIC AFFAIRS,
CENTER FOR THE ADMINISTRATION OF JUSTICE,
Washington, D.C., February 28, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5,
U.S. House of Representatives, Washington, D.C.

MY DEAR MR. RODINO: The attached Statement of Policy was unanimously adopted by the Action Conference on Criminal Justice Education Funding, held at The American University on February 17-18, 1973.

The major thrust of the statement is a strong recommendation that the Law Enforcement Education Program (LEEP) be saved from the chaos that would ensue from the imposition of revenue sharing on July 1. With LEEP assistance, almost 75,000 policemen, correctional officers, probation and parole personnel, other criminal justice officials, and pre-service students are pursuing courses of higher education leading to degrees. The hasty disruption of this assistance could cause many of these officials and students to interrupt their efforts to improve themselves and their profession. Of course, it is possible that the states could continue assistance to these students, but that is not certain. According to the draft legislation we have seen, no state is required to allocate funds to education.

This statement is being sent to all those who might have some impact on a decision to exempt LEEP from special revenue sharing and to maintain it within its present national, regional, and state organizational structure. It is urgent that the Executive Branch and Congress be made aware immediately of the national importance of LEEP and of the impelling logic of keeping it a national program. Your support now is vital.

If you have any questions, please do not hesitate to contact us. (202/686-2532)

Sincerely yours,

ARNOLD S. TREBACH,
Professor and Chairman, Action Conference on Criminal Justice Funding.
DAVID J. SAARI,
Director, Center for the Administration of Justice.

ALEXANDRIA, VA., *April 3, 1973.*

Hon. PETER W. RODINO, Jr.,
Chairman, Judiciary Subcommittee No. 5,
U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN RODINO: I am a full-time student at American University attending night classes and working full time during the day in an effort to qualify for the position of Special Agent in my Bureau.

It has been brought to my attention that beginning the fiscal year, 1974 the President has proposed doing away with the Law Enforcement Assistance Administration (LEAA) and funds now provided by this organization are to go into revenue sharing and to be administered by the states.

I am nearing graduation and receive benefits from LEAA to pay for my tuition which is the only way I could get my schooling. I have been receiving benefits since I started my college education in 1970. If I were to lose these benefits it would place a great financial burden on myself and my family. Essentially, I am appealing to you to do whatever you can in an effort to, if not prevent LEAA from "going under"; at least provide those of us who are currently enrolled in the program to continue to be funded so that we may finish with our educations and begin our new careers.

There are those who are not as near graduation as myself and upon whom the financial burden would be more severe.

We are all employed as public servants, thus the outcome stands to provide the public with better service and hopefully for a better America.

Hoping this letter will receive your utmost consideration I remain.

Sincerely,

DANNY A. DEFENBAUGH.

Appendix G

STATE OF THE STATES ON CRIME AND JUSTICE

An Analysis of State Administration of the Safe Streets Act

(A Report by the National Conference of State Criminal Justice Planning Administrators)

The Safe Streets Act and Crime Reduction

In 1968, Americans were twice as likely to become victims of crime as in 1960.[1] Violent civil disorders in the cities, widespread drug abuse among the young, and a crime increase eleven times greater than population growth shocked and dismayed the nation.[2] The traditional criminal justice system seemed unable to solve the problem or even to check its growth.

The Omnibus Crime Control and Safe Streets Act began with a recognition of the problems and failures of the nation's police, courts, and corrections agencies. It also contained a Congressional determination to leave responsibility for criminal administration with states and local governments. Equally important, Congress mandated a new intergovernmental and system-wide attack on crime through fifty-five State Planning Agencies (SPAs) representing both state and local governments.

During the little more than four years since the SPAs accepted this responsibility, remarkable progress has been made.

First, the rising crime rate was reversed and, in 1972, there was an actual reduction in the number of serious crimes that threaten the quality of life in America. Secondly, the SPAs have brought an unprecedented degree of joint planning and cooperation to the separate components of the justice system that augurs as well for the promotion of justice as the prevention and control of crime in the future.

The Nation's Anti-Crime Effort—Results and Improvements

Crime index trends—Comparisons with the previous year

1967	+16	1970	+11
1968	+17	1971	+6
1969	+11	1972	−3

The SPA effort to stop crime has been concentrated in the nation's major cities, where approximately three-fourths of our serious crimes are committed. The success of that commitment is reflected in the crime decreases experienced by the nation's 154 cities with over 100,000 population.

Cities over 1,000,000 reporting crime decreases

	Cities		*Cities*
1968	12	1971	53
1969	17	1972	94
1970	22		

Since the passage of the Safe Streets Act, the rampaging annual increase in crime has been halted and reversed. For the first time in seventeen years, crime has actually decreased. Moreover, during 1972, 94 of 154 cities (61%) with over 100,000 population reported actual crime decreases. In four years, therefore, crime in the United States has been reduced from an 11% increase to a 3%

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[1] Crime in the United States, F.B.I. *Uniform Crime Reports*—1968, p. 2. "Serious" crimes are murder, rape, assault, robbery, burglary, larceny over $50 and auto theft.

[2] During the period 1960–1968, serious crime increased 122 percent, compared to a population increase of 11 percent, F.B.I. UCR, 1968, p. 2.

decrease and the number of large cities reporting actual crime decreases has gone from under twenty to almost one hundred.[3]

General Strategies of the SPAs

Fifty-five states or territorial jurisdictions, thousands of cities and (in mid-1971) an estimated 55,000 individual criminal justice projects, have contributed to the initial success of the Safe Streets Act. The very scope of this undertaking makes any catalogue of projects unrepresentative and renders numerical totals concerning state administration of the Safe Streets Act difficult to obtain and sometimes misleading. Nevertheless, public understanding of the program demands accurate information, and this first State of the States Report attempts to provide it while identifying the principal—if not universal—strategies employed by the SPAs.

System-wide planning: a first

When the SPAs began operations in 1968, they discovered an American system of justice characterized by disorganization and delay.[4] With rare exceptions, coordinated decision making, resource allocation and response to common problems by police, courts and correctional agencies were fortuitous accidents instead of standard operating procedures. The problems of the criminal justice process in America were interdependent, but attempts at improvement were often isolated and sometimes conflicting.

These problems had been festering for decades, but the concept of criminal justice planning was in its infancy. Four years ago, a criminal justice planning capability did not exist in the United States. As Charles Rogovin, former LEAA Administrator and President of the Police Foundation, said: "It was . . . easy to underestimate the complexity of what Congress asked for—comprehensive criminal justice planning. There was no precedent for coordinated planning in police, courts and correctional reform."[5]

By April, 1967, only 10 states had established criminal justice planning agencies, and by mid-1968, not more than 27 states[6] had taken advantage of the small—usually $25,000—federal grants for criminal justice planning under the Law Enforcement Assistance Act. But increased planning funds and the promise of substantial action grants to follow, inducted all 55 eligible states and territorial jurisdictions to create planning mechanisms under the Safe Streets Act of 1968.

These SPAs have begun to turn criminal justice agencies toward mutal understanding and cooperation—not only through annual comprehensive plans assessing the needs of all components of the system, but, most importantly, through the exchange of local/state and police/court/corrections views on the SPA Boards. In recognition of the vitality and promise of the intergovernmental decisionmaking process represented by the SPAs, the Advisory Commission on Intergovernmental Relations has this to say:

"The States are assigned the major share of administrative responsibiliy for the [Safe Streets Act]. They must establish broadly representative State level law enforcement planning agencies, prepare comprehensive plans, review and

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[3] The "causes of crime" are extremely difficult to isolate and combat. For example, the President's Commission on Law Enforcement and the Administration of Justice, in the *Challenge of Crime in a Free Society*, wrote: "The underlying problems are the ones that the criminal justice system can do little about. The unruliness of young people, widespread drug addiction, the existence of much poverty in a wealthy society, the pursuit of the dollar by any available means are phenomena the police, the courts, and the correctional apparatus which must deal with criminals one by one, cannot confront directly. . . . Unless society does take concerted action to change the general conditions and attitudes that are associated with crime, no improvement in law enforcement and administration of justice . . . will be of much avail." (p. 1) Hereinafter cited as the President's Crime Commission.

[4] The Task Force Report on Law and Law Enforcement to the National Commission on the Causes and Prevention of Violence called the criminal justice process a "non-system" of criminal justice. The President's Crime Commission also stressed the system-wide nature of criminal justice needs: "The many specific needs of the criminal justice system—for manpower, for equipment, for facilities, for programs, for research, for money—are interlocking. Each one must be filled with the others in mind. This discussion of the system's needs assumes that every need is dependent on the others." *The Challenge of Crime in a Free Society*, p. 12.

[5] *Hearings on the Block Grant Programs of the Law Enforcement Assistance Administration*, House Committee on Government Operations, 1971, Part 2, p. 465. Hereinafter cited as *Hearings*.

[6] Advisory Commission on Intergovernmental Relations, *Making the Safe Streets Act Work: An Intergovernmental Challenge*, 1970, pp. 22–23.

approve applications for financial aid submitted by their political subdivisions, distribute planning and action grant funds to local jurisdictions, and provide appropriate assistance to applicants. The State's overall role is to act as a catalyst in bringing together previously isolated components of the law enforcement and criminal justice system and coordinating, directing, and supporting their efforts in a comprehensive attack on crime."[7]

If the federal government is too far removed from state and local units to plan for them, local, city and county governments also have several limitations as comprehensive planners for effective law enforcement: (1) there are too many jurisdictions to maximize the use of available funds; (2) specific localities have narrow geographic boundaries seldom honored by criminal offenders; and (3) localities in general have only primary responsibility for limited parts of the justice apparatus—police and jails, as a rule. Crime, of course, does not respect state boundaries either, but there is a totality of criminal administration services in each state and that is the proper perspective from which to assess needs, set priorities and evaluate results.

The unique feature of the SPA is that while remaining subject to the jurisdiction of each Governor and taking a statewide approach to the problems of crime and justice, local participation in the decisionmaking process is assured. This has occurred not only through the creation of local and regional planning councils, but most significantly by membership on the SPA Supervisory Board. Sixty percent of all Board members represent local interests and the resulting SPA plans attest to the constructive process that has begun—urban impact, standards, legislation, crime specific analysis, and innovation aimed at the reduction of crime and improvement of justice in America.[8]

URBAN IMPACT: PUT MONEY WHERE CRIME IS

While the criminal justice system's response to crime has been scattered, crime itself is concentrated in the nation's urban areas, where three-fourths of the nation's serious crimes are committed. The SPAs have, therefore, translated their plans into action projects aimed at crime in the cities. During fiscal years 1969–1972, SPAs allocated almost 65% of all local funds to high crime areas containing 49% of the nation's population and 70% of reported index crimes.

SPA FUNDING FOR HIGH CRIME AREAS

	Total funding for high crime areas	Total funding for localities	Percent for high crime areas
Fiscal year:			
1969	$9,208,919	$15,044,308	61.2
1970	71,724,011	113,700,312	63.1
1971	136,733,204	226,661,120	60.3
1972	137,165,434	192,445,892	71.3
Total	356,268,374	551,044,534	64.7

Note: Percent of total population in high crime areas, 48.6 percent; percent of total crime in high crime areas, 70.4 percent.

Source: June, 1972, survey conducted by the National Conference of State Criminal Justice Planning Administrators. A complete State-by-State table is included as appendix I. West Virginia data included in totals, but excluded in individual years.

This heretofore unpublished data contradicts early reports that the SPAs were not devoting a substantial portion of available funds to high crime areas. Two widely circulated documents criticized the SPAs on this ground. The United States Conference of Mayors contended in 1971 that funds had been "dissipated in shotgun fashion across the states in many small grants" and that there was "widespread failure to comply with the spirit of the law as it relates to distrib-

[7] *Ibid.*, p. 18.

[8] Survey conducted by the National Conference of State Criminal Justice Planning Administrators, January 1973. Total SPA Supervisory Board Members—1,415; State Local Members—547; Local Level Members—852; Federal Level Members—16.

uting funds to cities to fight crime." [8] That assertion made good headlines but it rested on isolated instances, not general or documented facts.

The Committee for Economic Development circulated a report entitled *Reducing Crime and Assuring Justice* (June, 1972), which claimed that "Most states allocated much of the money to jurisdictions with relatively few problems and for indefensible uses, while central cities with greatest need received proportionately less." [9] No information or reference was advanced to support that contention. Considering the national data presented above, and after a thorough reading of the *Hearings* of the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations (to which the CED Report refers elsewhere [10]), it is safe to say that these sweeping generalizations were unfounded and the result of inadequate research, if not deliberate misstatement. Unfortunately, the *Hearings* and the subsequent Report of the Subcommittee have been loosely used by agencies and individuals whose clear intent is to improve the nation's crime control program, but who have surrendered to what the Advisory Commission on Intergovernmental Relations has called the "growing politicization of the crime issue." [11]

The information on percentage of funds awarded to high crime areas only reflects *direct* grant awards to those cities and actually understates the benefits high crime areas have received from the SPAs. Numerous state agency grants—such as increases in probation and parole services, strengthening of state court systems, and improved state juvenile programs—directly benefit metropolitan areas where these services are usually concentrated. In addition there are a large number of grants which indirectly benefit high crime areas. For example, state prisons are generally populated by individuals from urban areas. To the extent that the state is providing the local unit of government with a valuable service by supervising and attempting to rehabilitate these prisoners, an SPA grant to the State Department of Corrections also benefits the city.

At the national level, LEAA has also recognized the importance of adequately responding to the needs of America's cities. A special Impact Cities discretionary grant program will channel $20 million into each of eight major cities (Atlanta, Baltimore, Cleveland, Dallas, Denver, Newark, Portland and St. Louis) with the objective of achieving a 5% reduction in stranger-to-stranger street crime and burglary in the next two years, and a 20% reduction in five years.

STANDARDS FOR CRIMINAL JUSTICE

The urban impact strategy is complemented by efforts to institutionalize improvements in criminal justice through training, education and operations standards. The SPA standard-setting role has, to some extent, been dictated by state and local needs and capabilities. Several northern and western states, for example, have had police officer standards and training (POST) laws and commissions for years. SPAs in these states have supported improved training programs and begun well designed evaluations to test how training affects performance. In southern and midwestern states, however, many SPAs were the first to initiate and adopt training standards for policemen. Understanding these differences is essential to an appreciation for the progress now being generated throughout the country as a result of the Safe Streets Act. The following chart illustrates the depth and variety of SPA initiative in the creation of standards for state and local efforts in the war on crime.

EXAMPLE OF STANDARDS FOR THE CRIMINAL JUSTICE SYSTEM INITIATED BY SPAS

ALABAMA

240 hours basic training for police officers.

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[8] Committee for Economic Development, *Reducing Crime and Assuring Justice*, 1972, p. 68.

[10] *Block Grant Programs of the Law Enforcement Assistance Administration*, Twelfth Report by the Committee on Government Operations, May 18, 1972.

Statement of U.S. Conference of Mayors, November, 1971, to the U.S. House of Representatives Government Operations Committee's Subcommittee on Legal and Monetary Affairs, *Hearings on the Block Grant Programs of the Law Enforcement Assistance Administration*. (Part 2, pp. 719–720.) A complete reading of the *Hearings* reveals that after LEAA Administrator Jerris Leonard responded to USCM's charges by reporting on the *actual* amount of funds received by the cities in question, USCM revised its position to an indefinite claim that "*Some* [italics of the original] local governments are still not receiving reasonable moneys . . . others are receiving generous amounts." For a complete record of these charges, see *Hearings*, Part 2, pp. 719–738.

[11] Advisory Commission on Intergovernmental Relations, *State-Local Relations in the Criminal Justice System*, 1971, p. 261.

CONNECTICUT

In-service training required for all correctional personnel.

DELAWARE

Minimum police training standards; statewide minimum salaries for police officers.

GEORGIA

Statewide recruit training for all state and local police; statewide recruit training and educational requirements for offender rehabilitation personnel.

INDIANA

240 hours basic training required for all police officers.

KANSAS

Five years' experience mandatory for district attorneys.

KENTUCKY

Patrol allocation and crime prevention team requirements for major cities; 400 hours recruit and 40 hours annual in-service training required for local police; high school education requirement for local police; professional parole board standards law; professional probation and parole officer selection practices.

MARYLAND

In-service and basic training required for all correctional personnel; command and supervisory training for police management personnel.

MASSACHUSETTS

High school education requirement for police; orientation and in-service training for probation officers; training for police supervisory personnel.

MISSOURI

In-service training for judges and prosecutors.

NEW MEXICO

Statewide recruit and in-service training requirements for police.

NEW YORK

Basic training required for all corrections officers.

NORTH DAKOTA

Recruit and in-service training requirements for all correctional officers.

RHODE ISLAND

In-service training required for police, correctional officers and prosecutors.

TENNESSEE

Educational standards for police officer selection.

TEXAS

In-service, recruit training and personnel standards for police; training required for all adult and juvenile probation officers.

UTAH

In-service and recruit training required for police; in-service training required for all adult probation and parole officers; recruit training for state prison and SMSA jail pesonnel.

WISCONSIN

Police recruit training and educational requirements; personnel selection standards for police officers; in-service training required for judicial personnel.

WYOMING

Police recruit training required statewide.

These standards were selected as illustrative of the variety and comprehensive nature of SPA initiatives. Whether by legislation or as a condition of grant eligibility, all SPAs have directed their attention to the creation of standards. Once achieved, the standards themselves will last well beyond the SPA resources used to implement them.

The President's Crime Commission found that the "problem of personnel is at the root of most of the criminal justice system's problems." [12] In recognition of this chronic deficiency and with a proper respect for local control, the SPA-created standards have concentrated on education, training and selection as contrasted with operations.

Once standards were agreed upon, the SPAs used action funds to create and support them. By the close of fiscal 1972, SPA resources had provided basic training for 33,000 recruits and in-service courses for another 143,000 regular-line personnel. As far as education is concerned, LEAA's centrally run LEEP program has provided scholarships and loans to 177,000 students already serving in criminal justice agencies, while 59,000 pre-service students have also benefited from the program. By the close of fiscal 1972, over $111 million had been spent or committed to the development of better trained and educated personnel operating the nation's police, courts and correctional agencies.

The Maryland SPA has been one of the nation's leaders in incorporating meaningful standards into its funding decisions. Effective in 1972, police agencies in Maryland must meet the following standards in order to be eligible for any funds whatsoever: (1) comply with the minimum recruit, in-service, firearms and community relations training standards of the Maryland Police Training Commission; (2) operate from a centrally located police headquarters and maintain public telephone lines used exclusively for citizen-police communications; (3) provide adequate liability, false arrest and medical insurance for sworn personnel; (4) provide 24-hour police service seven days a week; (5) comply with all Uniform Crime Reporting procedures and requirements. To receive funds for projects other than training and communications equipment, police agencies must also: (1) pay a minimum starting salary of $8,000; (2) establish a merit personnel system; (3) have both fingerprint and photograph capability; and (4) employ at least ten sworn police officers.

At the national level, LEAA has promoted standards for reducing crime through the monumental work of the National Advisory Commission on Criminal Justice Standards and Goals. The Commission, instead of attempting another major study of crime in America, concentrated its efforts on molding the recommendations and findings of other blue-ribbon commissions into clearly outlined personnel, organization and performance standards for states and local units of government.

The 500-plus standards and goals recommended to the SPAs by the National Advisory Commission are far-ranging and forward-looking. Some of them will require difficult and even unpopular decisions by criminal justice agencies; others will be inapplicable to all states; and many will only become realistic as social, economic and political conditions change. Nevertheless, they stand as a guide for comparisons of progress in all states, and the National SPA Conference has already taken the position that each SPA should measure itself against them. Past action as well as present commitment therefore supports the thesis

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[12] *The Challenge of Crime in a Free Society*, p. 12. A strategy of standard-setting, instead of simply employing more and better personnel, was necessitated by Section 301(d) of the Safe Streets Act, which limits use of Part C moneys for "compensation of police and other regular law enforcement personnel" to no more than one-third of the SPA block grant. The original intent of this provision was to prevent Safe Streets funds from being used as a mere police salary supplement; but the distortion of regular spending patterns (according to the ACIR, 90% of overall local law enforcement expenditures are for personnel) has sometimes limited the SPA's ability to respond to the primary needs of the system, and has even forced some SPAs to allocate funds for capital improvements or equipment of secondary importance. The ACIR has recommended that LEAA be authorized to waive the one-third personnel expenditure limit if state plans demonstrate a need for such a waiver. (See *making the Safe Streets Act Work: An Intergovernmental Challenge*, pp. 65–66.)

that the SPAs are the best hope for acceptance and implementation of the standards themselves.

MEETING CRIME HEAD-ON: CRIME SPECIFIC PLANNING

System-wide planning, urban impact and statewide standards for criminal justice personnel and operations characterize the first years of SPA anti-crime efforts. Any concept of "crime," however, encompasses more acts, motivations and costs than normally imagined. Realistic prevention and control methods require detailed attention to and analysis of specific types of criminal behavior. As LEAA and the SPAs came to that realization, they pioneered "crime specific" planning aimed at particular crimes. For example, an SPA might analyze the conditions under which robbery occurs most frequently in a city, the type of offender and victim most often involved and the various means of prevention which could be employed. This basic information will then be used to develop new police patrol patterns, change court handling and sentencing of convicted robbers, influence correctional programming, and inform the public of particularly dangerous times, activities or places.

Crime specific planning is directed at stopping a certain crime, but it also serves two other principal purposes. First, it provides an automatic check on system-wide planning, for it traces how the system deals with a particular crime from prevention to rehabilitation of offenders. System upgrading should pass the test of actually improving the jurisdiction's ability to deal with crime. Secondly, crime specific planning stresses crime prevention and focuses attention on reduction of crime by means and agencies not ordinarily associated with the criminal justice process. For example, an effective anti-burglary program might involve city building codes (types of locks and lighting required in businesses) or a labeling service for frequently stolen items such as televisions, radios and phonographs.

Crime specific projects are gaining acceptance in individual jurisdictions across the country, but the California SPA began the first statewide crime specific program. Noting that burglary accounted for almost half of the state's serious offenses, the SPA designed a burglary impact program to utilize known methods of preventing burglary and to develop new ones.

The burglary program has elicited unique inter-agency cooperation and total public support. Special programs of public education and involvement, personnel training, residential and commercial security inspections, and field operations procedures have already reduced the number of burglaries by as much as 50% in target areas within within Los Angeles, Oakland, San Diego and San Francisco. Extensive project evaluation was required and will culminate with the publication of a comprehensive handbook on burglary prevention and control, describing overall achievements and the relative success and cost effectiveness of the various anti-burglary techniques begun. Local officials across the state and nation will then be able to implement proven anti-burglary programs tailored to the specific needs of their communities.

LEGISLATION

Many SPAs discovered that deficiencies in personnel, equipment, training, education and the like were only compounded by archaic and unexamined laws that did little to assist in the control of crime or achievement of justice. The comprehensive planning process mandated by the Safe Streets Act led naturally enough to examination of state and local law as one means of providing additional tools to law enforcement and achieving immediate as well as far-reaching system improvements. Most SPAs have not, therefore, confined their role to administration of available resources alone. By accepting the task of recommending—and sometimes drafting and supporting—legislation, they have often played an even more effective role than available federal resources would permit.

As with criminal justice standards, the SPA role in the legislative arena depends to an extent on the structure and responsibilities of the executive branch in each state. By any measurement, however, the SPAs have been responsible—in only four years—for an unusually significant amount of important and progressive legislation.

Perhaps the most outstanding example of legislative achievement is the program developed by the Kentucky SPA which will revolutionize the criminal justice system in Kentucky. A mandatory crime reporting law began the state's first effective collection of crime data. A $4.75 million police training and educational incentive program was approved in 1972, establishing for the first time statewide training, educational and operations standards for police. In corrections, laws authorizing probation and parole for misdemeanants gave local judges new alternative dispositions for minor offenders. Work and educational release legislation for both felons and misdemeanants adds another dimension to the rehabilitation options open to Kentucky's correctional agencies. Mandatory supervision of felons now insures that all offenders leaving prison, including the "hard-core" group denied parole, will be controlled and assisted upon release from prison. In courts, a statewide public defender system was established by law after successful SPA pilot projects, and the first-ever revision of the state's Penal Code was enacted. The effect of this legislation (researched, drafted and developed by the SPA itself) is only beginning to be felt, but the justice system in Kentucky is now providing services and performing tasks which it did not offer or attempt two years ago.

The following chart shows principal legislative accomplishments of the SPAs across the country.

ALABAMA

Elimination of office of justice of the peace; sheriffs made salaried officers.

ALASKA

Privacy and security of criminal justice information system data controlled.

ARKANSAS

Privacy and security of criminal justice information system data controlled.

COLORADO

Revised Penal Code and Code of Criminal Procedure.

DELAWARE

Police officer standards and training law.

HAWAII

Established statewide organized crime unit in the attorney general's office.

IDAHO

Revised narcotics laws; revised youthful offender statutes; mandatory fingerprinting reporting law.

INDIANA

Mandatory police training law.

IOWA

Reorganization of state crime laboratory; revision of narcotics law enforcement powers.

KANSAS

Established marijuana control committee; revision of state constitution and judicial article; public defender law; district attorney and court administrator laws; narcotics and controlled substances legislation.

KENTUCKY

Mandatory crime reporting; revision of Penal Code; police training and educational incentive law; public defender statute; misdemeanant work release; probation for misdemeanants; sheriffs' succession law; mandatory supervision of felons; work release for felons; parole board standards act.

MARYLAND

Unified district court system; statewide public defender; implementing legislation for adult community corrections system; established a corrections training commission.

MASSACHUSETTS

Decriminalized drunkenness; statewide alcohol detoxification and treatment centers; authorization of organized crime-oriented wire tapping; supervisory training for police command personnel; special witness immunity statutes; mandatory fingerprint reporting system; expanded powers of Chief Justice of District Courts; Juvenile Code revision (in progress); revised Penal Code (in progress).

MICHIGAN

Narcotics law reforms; public defender legislation (in progress).

MISSISSIPPI

Reformed Penitentiary Board; administrative reform of the state penitentiary; mutual aid compact for law enforcement; public defender office in three jurisdictions.

MISSOURI

Public defender law; authorization of release on recognizance procedures.

NEW MEXICO

Revised Juvenile Code.

NEW YORK

Organized crime task force; special narcotics courts for New York City; speedy trial administrative reforms; creation of Division of Justice (planning, grant administration, information systems, police officer standards and training and criminal justice research).

NEVADA

Statewide public defender; state court administrator; probation subsidy program.

NORTH CAROLINA

Established a criminal justice training council.

NORTH DAKOTA

Authorized work release; drug abuse and control act; decriminalization of drunkenness; uniform juvenile court act; appropriation for construction of law enforcement center.

OREGON

Revised Penal Code; decriminalization of drunkenness; 60-day limit for trial of incarcerated accused.

PENNSYLVANIA

Salary incentive programs for policemen with college credits in law enforcement.

SOUTH CAROLINA

Police officer standards and training act; creation of comprehensive criminal justice information system; reorganization of entire state juvenile services departments.

SOUTH DAKOTA

Revised sentencing procedures for courts; expungement of records of successfully rehabilitated first offenders.

TEXAS

Law enforcement mutual aid compacts authorized; revision of Penal Code (in progress); unified court system; revision of judicial article.

UTAH

Revised Penal Code (in progress); controlled substances act; unified court system.

VIRGINIA

Revision of Penal Code (in progress); reorganization of judicial system; drug abuse control council; public defender commission; state criminalistics laboratory.

WISCONSIN

Minimum training and standards for police; mandatory crime reporting and information system.

WYOMING

Juvenile court act; police standards act; crime reporting act; revised Penal Code; revised Juvenile Code; controlled substance act; professional parole board; reform of lower court system.

This list of legislative activity of the SPAs makes the following statement of the Lawyers' Committee for Civil Rights Under Law seem the result of an extremely poor research effort: "The independence of the SPAs from state legislatures . . . is probably the main reason why the majority of SPAs have failed to develop legislative programs of any kind. Reforms that can be effected only by state laws . . . are being ignored." As a matter of fact, only 16 states have revised their criminal codes in the past thirty years, and considering the fact that the American Law Institute took nine years (1953–62) to draft the Model Penal Code, it seems a bit naive and even presumptuous for the Lawyers' Committee to criticize the SPAs for not researching, drafting and gaining legislative approval of new Penal Codes in barely four years of existence. In those four years, 11 SPAs completed Penal or Juvenile Code revisions and 6 have already been enacted into law.

These legislative accomplishments do not include the considerable state commitment of matching funds to increase available planning and action funds under the Safe Streets Act. Without considering local matching commitments, in-kind contributions or appropriations direct to existing state agencies for match purposes, the states had appropriated approximately $8 million to their SPAs to match federal planning grants and another $48 million in action dollars before the cash match requirements of 1970 went into effect. These legislative commitments increased SPA effectiveness and provided over one-half of the required match for state level projects in cash—a significant and tangible indication of the states' commitment to making the Safe Streets Act work.

INNOVATION: CHARGES FOR A SAFER COMMUNITY

Existing laws and agencies seemed unable to reverse the rising crime rate that Americans feared in 1968. Less than one in five burglaries was solved,[13] two of every three persons released from prison were arrested within five years,[14] and the delay between arrest and trial in metropolitan areas was often twelve months or more.[15] The SPAs felt that change, experimentation and innovative solutions to old but growing problems were clearly required.

Innovation in criminal justice, however, is a relative concept. Any judgment of "innovation" should be based upon the status of the criminal justice system in the state or community involved. Even a computerized record-keeping system or an elaborate juvenile delinquency classification and treatment program in an urban community may represent less of a change in practice, retraining and attitudes than a regional law enforcement communications network in a rural community. Blanket statements and criticisms that individual programs are not "innovative" remain meaningless and uninformative, therefore, unless measured against prevailing practices and conditions.

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[13] F.B.I. *Uniform Crime Report*, 1969, p. 19.

[14] F.B.I. *Uniform Crime Reports*, 1969, p. 37.

[15] Professor Hans Zeisel of the University of Chicago Law School, writing in the October 1969 issue of *Judicature*, stated that "Pittsburgh . . . has one of the best records among metropolitan courts with an average delay of only 23 months." (p. 112) In the November 1971 edition of *Judicature*, Attorney General John N. Mitchell pointed out that more than 40 percent of the inmates in New York City's jails had been waiting "at least a year to be tried." (p. 139).

If by "lack of innovation," SPA critics mean an absence of visionary projects which hold but the slightest promise of measureable success, the SPAs are guilty of favoring more practical approaches. On the other hand, if innovation is understood to connote new standards and operations for the specific community or agency involved, the SPAs have made sizable gains.

In police, effective and innovative SPA projects have addressed both the ways police agencies operate internally and the ways police agencies relate externally to the citizens they serve. A police management study of the operations and administration of Detroit's Criminal Investigation Division, at a cost of $150,000, has saved the Division over $1,450,000 annually in terms of dollar value for man hours saved. The subgrantee's final report stresses that elimination of unnecessary duties and acceptance of streamlined procedures resulted in more time for "prompt, complete and thorough criminal investigation." It is perhaps not inappropriate to note that crime in Detroit was down 15.8% in 1972.[18]

The Texas SPA has developed a number of programs aimed specifically at improving police response to the special law enforcement needs of minority group neighborhoods. In Fort Worth, for example, SPA funds were used to establish police-community relations storefront offices in five high crime, minority group neighborhoods. A new system of two-man footpatrols, each including a minority group member, was instituted. The storefront offices and foot patrol teams are designed and officers are trained to provide a wide range of community services—including acceptance of citizen complaints, youth recreation organization, and employment counseling—in addition to the traditional law enforcement functions of the police. Index crime in the project areas was down 26% during the first year of operation, and accounted for over half of a citywide crime decrease of 7.6%.

In corrections, the District of Columbia SPA's Prison College Project has provided inmates with an opportunity to attend higher education courses at a local college. Eighty percent of these inmate students have re-enrolled in the college after release from prison. On the other side of the wall, the SPA's Inmate Personnel System and Career Structure Program has been successful in finding jobs for 800 of 1300 ex-offenders referred to the project during its first year of operation, and the restoration of a 100-unit public housing complex was accomplished by a construction team made up of released offenders.

This commitment to community-based corrections is manifested in dozens of half-way houses, work release and employment projects, and diversion programs across the country. The thrust of SPA funding has been to widen the range of correctional and rehabilitative alternatives within the criminal justice system in order to enable each offender to be dealt with on a more effective, individual basis.

In courts, innovative SPA projects have included eight revised state Penal Codes, three new State Juvenile Codes, and seven state public defender systems—all by July, 1972. Other SPAs have concentrated on improving the ability of established systems to administer present law. The Illinois SPA, for example, has developed a comprehensive study-demonstration project to assess the effectiveness of newly financed prosecutors' offices across the state. Tailored to meet local needs, the project has established a model District State Attorney's Office (five counties), a model Metropolitan Prosecutor's Office (Chicago), and a model State Attorney's Support Unit to provide supplementary and specialized professional services to prosecutors in rural regions.

The SPA commitment to change and improvement in state and local judicial systems is only now becoming visible across the country and includes a massive court reform effort in Philadelphia encompassing expanded probation and parole, new juvenile support services, and revamping and strengthening of both prosecution and indigent defense.

Delinquency prevention and drug abuse control programs have been developed in all states and represent some of the most significant innovations brought about by the SPAs. Both program categories have involved agencies outside the traditional criminal justice system; both attempt to divert people from criminal sanctions; and neither embraces the concept of punishment. Clearly innovative, they have been attacked for their failure to support the institutional justice system and as duplications of other federal programs.

The House Subcommittee on Legal and Monetary Affairs subscribed to both arguments. Delinquency prevention and methadone maintenance projects were

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[18] F.B.I. *Uniform Crime Report, Preliminary* 1972, March 28, 1973.

seen as "duplication[s] of other federal programs" and both were singled out for condemnation for not having "a direct impact on the criminal justice system." [17] These assertions were made despite the fact that almost one-half of those arrested for index crimes in 1971 were juveniles,[18] and despite the fact that drug-related crimes are responsible for one-third to one-half of the hold-ups, burglaries, muggings and thefts committed in the nation's 34 urban areas.[19] Moreover, the ABA Special Committee on Crime Prevention and Control has recommended that "federal expenditures on narcotics treatment programs should be increased five to ten fold" [20] over the current $300 million level. "Duplication" involves redundancy of programs—yet even the most cursory look at juvenile crime and drug crime indicates that all federal programs combined are clearly inadequate. What has a "direct impact on the criminal justice system" may be debatable; but a simple canvass of admittedly imperfect crime statistics shows that juvenile delinquency prevention and methadone maintenance have a direct impact on *crime*.

COOPERATIVE STATE AND LOCAL DECISIONMAKING

State and local decision making is at the heart of the Safe Streets Act. In one sense, the transfer of federal dollars and authority reflects Congressional determination to avoid a nationally controlled justice system in the United States. At the same time, it represents a practical understanding that coordinated planning (1) by separate arms of the criminal justice apparatus—police, courts and corrections; and (2) by state and local governments, each of whom has assumed responsibility for only limited parts of the criminal administration process, was an unavoidable precondition of success in the war on crime. The Advisory Commission on Intergovernmental Relations indicated the importance of the SPA role in coordinating this planning and decision-making process:

"[G]reater coordination and more integration of the various components of the several law enforcement and criminal justice systems are vital goals in our effort to develop effective and equitable crime reduction programs . . . The block grant . . . is designed to achieve just this kind of result. For the most part, present intergovernmental crime reduction activities are fragmented. If given a chance, the Commission is convinced that State comprehensive plans under the Act, as developed by SPA supervisory boards, will constitute key mechanisms for making State-local criminal justice efforts part of an interrelated system." [21]

The new state and local relationships being forged through the SPAs are one of the principal accomplishments to date under the Safe Streets Act and are critical to continued success of the program. Strict federal control of anti-crime programming discourages local initiative and innovation. City block grants, on the other hand, encourage continued fragmentation by allowing both state and city governments to look after their own needs without considering overall system-wide priorities.

Since city and county governments have primary responsibility for police and jails, it seems reasonable to expect direct local block grants to be directed to these responsibilities. Similarly, with direct block grants, state governments will tend to look after their part of the justice system—felony corrections, courts, juvenile services and state police—to the exclusion of critically needed central services for localities. The SPAs, however, represent local as well as state government, and agency heads from both have had to openly justify their own needs, priorities and practices over the past four years.

Some mayors will continue to push for complete autonomy in receiving federal block grants for law enforcement despite the fact that their own police chiefs and other local representatives have influential roles on SPA Supervisory Boards. The national organizations representing city governments may continue to support a go-it-alone and leave-us-alone policy. Nevertheless, two important facts pre-

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[17] *Block Grant Programs of the Law Enforcement Assistance Administration*, Twelfth Report by the Committee on Government Operations, 1972, p. 61. Hereinafter cited as the *CGO Report*.

[18] F.B.I. *Uniform Crime Report*, 1971, p. 34.

[19] *New Perspectives on Urban Crime*, A Report by the American Bar Association Special Committee on Crime Prevention and Control, 1972, p. 25. Henry S. Ruth, Director of the New York City Criminal Justice Coordinating Council, has also disagreed with the CGO Report. See *Hearings*, Part 2, p. 503.

[20] *Ibid.*, p. 62.

[21] Advisory Commission on Intergovernmental Relations, *Making the Safe Streets Act Work: An Intergovernmental Challenge*, 1970, pp. 60–61.

sented in this *State of the States* Report demonstrate that the SPAs can and are responding to the needs of localities, and more particularly, the high crime areas of the country: 60% of the SPA Board members represent local government and 65% of all local funds awarded by the SPAs have gone to major urban areas containing 48% of U.S. population and reporting 70% of its crime. Moreover, under the current Safe Streets Act or President Nixon's special revenue sharing proposal for law enforcement, SPAs may choose to create local block grant programs, if, for whatever reason, that appears desirable. In both Ohio and Florida, the SPAs have exercised that option but each retains authority to review local plans and programming.

In 1967, the President's Crime Commission spoke to the problem:

"[M]uch of the planning for action against crime will have to be done at the State level. Every State operates a court system and a corrections system, and has responsibility for certain aspects of law enforcement. The States are in the best position to encourage or require the coordination or pooling of activities that is so vitally necessary in metropolitan areas and among rural counties." [22]

Traditional city-state antipathies have not disappeared because of the block grant, but it cannot be denied that the Safe Streets Act is forging new links of cooperation between cities and states. What began with doubts, misunderstandings and suspicions is now leading the way to a revitalization of intergovernmental cooperation.

Development of SPA Capabilities

The growth of most SPAs has followed a natural progression from planning through grant administration, monitoring, audit and evaluation. Whether the staff had 6 or 100 employees, each of these functions was being performed in 1972. But in 1969 and 1970, action and planning funds were made available simultaneously and the SPAs did not have the benefit of experienced staffs or defined procedures. Problems were bound to occur and did. Furthermore, by the time a planning and administrative capability had been built, auditors from LEAA and GAO were pointing to deficiencies in monitoring, audit and evaluation. Often right, but never with an appreciation for realistic timing and always with a penchant for generalization from egregious example, these outside financial and program evaluators probably helped the states overcome early mistakes and move toward acceptance of their role in the Safe Streets program.

Planning: Filling the Vacuum

The first step for state and local governments was to develop a system-wide intergovernmental planning capability. Because of the obvious need to rethink criminal justice policies, goals and practices and to consider the needs of the system as a whole, planning was essential to organize a process and attract the people who might design and implement ways to reduce crime in America.

The SPAs began by obtaining the advice and guidance of the best criminal justice practitioners the country had to offer. In June, 1972, fourteen hundred citizens—criminal justice experts and laymen alike—were members of SPA Supervisory Boards. Another nine thousand persons had accepted membership on regional or local supervisory boards. At the staff level, almost 1,500 individuals were working for the SPA Boards and 1,100 were employed by the regional and local planning agencies.

Development of an adequate planning capability was the key to early SPA success. Police representatives on SPA boards had to accustom themselves to the fact that courts and corrections could also alleviate the crime problem; judges had to come from behind their benches and examine the judiciary's contributions to a larger system; and corrections officials had to put their theories to the test rather than rely on the time-worn excuse that no one cared about rehabilitation and there was no way they could succeed under the circumstances.

In many respects, it would have been much easier to plan for the expenditure of $20 billion than for the $1 billion actually received by the SPAs in action funds by the end of FY 1972. Limited funds automatically excluded many badly needed but expensive projects such as jail, prison and courthouse renovation and construction, or major increases in probation and parole services, police manpower and prosecution/defense personnel. Although Safe Streets Act appropria-

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[22] *Challenge of Crime in a Free Society*, p. 280.

tions grew rapidly,[23] they were and are only a small fraction of total criminal justice expenditures throughout the country. As the following chart shows, responsible use of these public funds required detailed, comprehensive plans which incorporated tough decisions on geographic as well as program priorities.

COMPARISON OF SAFE STREETS ACT FUNDING AND TOTAL CRIMINAL JUSTICE SYSTEM EXPENDITURES

[In thousands of dollars]

Period	Direct total criminal justice system expenditures	Total Safe Streets Act appropriation	Appropriations as a percentage of total criminal justice expenditure	State and local government criminal justice expenditures	Total SPA bloc grants (pts. C and E)	Bloc grants of total State and local criminal justice expenditure
Fiscal year:						
1969	7,340,305	63,000	0.86	6,562,058	24,650	0.38
1970	8,571,252	268,100	3.13	7,592,778	182,750	2.41
1971	10,165,068	529,000	5.20	9,026,580	365,000	4.04
1972	11,750,819	698,900	5.95	10,434,727	464,945	4.46
Total	37,827,444	1,559,000	4.12	33,506,143	1,037,345	3.10

Source: For fiscal years 1969 and 1970—"Expenditure and Employment Data for the Criminal Justice System," 1968–69 edition, pp. 11–12; 1970 edition, pp. 7–8 (published by LEAA/Bureau of the Census); for fiscal year 1971 State/local total, "State-Local Proportions and Classification Procedures for Variable Pass-through," Statistics Division, National Institute of Law Enforcement and Criminal Justice, July 1972; total criminal justice system expenditures for fiscal year 1971 are based on a ratio of 11.2 percent/Federal and 88.8 percent State/local (Federal expenditures averaged 11.2 percent of total for fiscal year 1969 and 1970); total for fiscal year 1972 and State/local share are based on a 15.6 percent increase over 1971 (15.6 percent is the average annual increase, 1960–70) and an 11.2/88.2 percent Federal-State/local split.

Henry S. Ruth, Director of the New York City Criminal Justice Coordinating Council, dramatically illustrated the funding limitations faced by the SPAs:

"[The thought that money abounds from the Federal Government in the criminal justice system is one I also find disturbing. I notice the fiscal year 1971 authorization for LEAA is $650 million. That is what we spend in New York City every year for our police department alone. We have a criminal justice budget in New York City of $850 million. The Federal funds that we received in the last 3 years would run the New York City criminal justice system for about 7 days." [24]

Planning funds generally average no more than 10% of SPA action monies. Thirty-two of 50 SPAs[25] have 20 or fewer staff professionals to develop and operate the five basic SPA functions of planning, grant administration, monitoring, audit and evaluation. In fact, 24 of 50 SPAs had no more than 15 professional staff members by the close of FY 1972.[26]

In the smaller SPAs, the need for technical expertise remains acute and even large planning staffs have been hard pressed to find specialized personnel. [This was particularly true during the earliest stages of the federal transfer of authority and responsibility to the SPAs. Every SPA has therefore turned to consultants for expertise not otherwise available. Even as SPA staffs are built and competencies developed, consultants will continue to be used in specialized areas such as computers, communications, management studies and law.

By 1972, every SPA had developed an in-house planning capability and the early reliance on consultants steadily declined. Even though the SPAs created the nation's first criminal justice planning capability, consultant expenditures were never inordinately high, as the following chart shows:

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[23] A complete listing of Parts B, C, and E funds for each State is provided in Appendix II.

[24] *Hearings*, Part 2, p. 490. This comparison has unfortunately been overlooked by some observers. In *Law and Disorder III* (p. 8), the Lawyers' Committee for Civil Rights Under Law has criticized SPA administration of the Safe Streets Act for not having "initiated a basic reform of the criminal justice system." For fiscal years 1969 through 1972, SPA "action" money was barely 3% of total state and local criminal justice system expenditure. To expect this small investment to produce "basic reform" of a 200-year-old system is a case of very poor judgment or a very bad case of over-optimism.

[25] Data on Louisiana, Guam, Virgin Islands, Puerto Rico and American Samoa not included. At least the four territories also have less than twenty professionals.

[26] Survey conducted by National Conference of State Criminal Justice Planning Administrators, June 1972. The unsupported claim of the U.S. Conference of Mayors that the SPAs are establishing a "substantial and unwieldly bureaucracy" (*Hearings*, Part 2, pp. 719–720) thus appears a misrepresentation of fact. The Advisory Commission on Intergovernmental Relations also rejected USCM's claim in its report *Making the Safe Streets Act Work: An Intergovernmental Challenge*, p. 56.

CONSULTANT EXPENDITURES BY SPAS FROM PLANNING GRANT FUNDS

	Fiscal year—				Total
	1969	1970	1971	1972	
Total pt. B SPA consultant expenditures	$1,540,653	$1,438,997	$1,382,489	$1,080,915	$5,443,054
Total SPA share of pt. B (60 percent)	$9,289,800	$10,246,800	$12,627,000	$16,940,400	$49,104,000
Expenditures as a percent of the SPA share of planning funds	16.6	14	10.9	6.4	11.1

Source: June 1972, survey conducted by the National Conference of State Criminal Justice Planning Administrators. A State-by-State breakdown of the data is included as app. III.

GRANT ADMINISTRATION AND MONITORING: SAFEGUARDING THE TAXPAYER'S MONEY

Just as the SPAs faced the challenge of developing the nation's first comprehensive criminal justice planning capability, they also had little precedent or early technical assistance to help them establish fiscal and administrative procedures for the nation's first block grant program.

The SPAs had to remain accountable under the laws and regulations of federal and state governments, using appropriate reporting forms and accounting procedures of both. In addition, they had to create: (1) application forms and procedures; (2) budget and program review functions; (3) award and rejection standards; (4) monthly fund disbursement schedules for hundreds of projects; and (5) monitoring guidelines and policies.

In retrospect, it appears that many problems could have been avoided or ameliorated—SPA drawdowns and subgrantee disbursements could have been better controlled; uniform grant management data might have been recommended or required by LEAA; model administrative forms might have been designed; a list of consultant competencies ought to have been developed; and technical assistance in financial management should have been offered before 1971.

LEAA promulgated its Financial Guide in 1969 and an Audit Guide in 1970. They are used by all SPAs in addition to the OMB Circulars generally controlling expenditures of federal funds. Compliance with state laws and concern for program integrity and fiscal accuracy, however, led to the development of separate, more specific guidelines by most SPAs. By the end of FY 1972, 43 SPAs had developed their own written financial guides; 31 had printed formal audit guides; 29 had published monitoring manuals; and 25 required a formal orientation conference with *all* subgrantees in addition to numerous informal contacts during the planning and implementation process. All SPAs now offer technical assistance to subgrantees and, without exception, they also require subgrantee fiscal and program progress reports on monthly, quarterly or semi-annual schedules, depending on the nature of the grant and state financial policies.

These extensive grant administration and monitoring systems demonstrate convincingly that the forerunner of revenue sharing is being handled with a concern for financial and program integrity that few, if any, federal agencies can match. In part, of course, this is possible because of the proximity of the grantor agency to the grantees. More importantly, the fact that effective reporting and monitoring systems have been implemented by every SPA lends credence to the theory that one governmental level can act responsibly as spending agent for another.

AUDIT AND EVALUATION

It was natural to expect that audit and evaluation capabilities would be developed after planning and administration. To some extent, this was a result of a brand-new program whose primary emphasis was on action for desperately needed change rather than a penny-wise pound-foolish approach. More importantly, the SPAs have seen audit from a proper perspective: an *ex post facto* function which can only discover, not prevent, mismanagement of public funds. It is the stringent monitoring and grant administration controls established by every SPA which must be the primary insurance against financial malfeasance. As the Comptroller General of the United States has noted, "The audit process should not be considered as a substitute for internal control. It is management's responsibility to institute adequate procedures and controls to prevent irregularities and improprieties . . . Auditing is primarily a test of these procedures and controls and is not a substitute for them." (*Standards for Audit of Govern-*

mental Organizations, Programs, Activities and Functions—1972) At the same time, an effective monitoring system [27] can provide much-needed information for later use in evaluation.

The purpose of audit is three-fold: (1) to examine and evaluate financial transactions, accounts and reports; (2) to review the efficiency and economy of procedures and policies adopted; and (3) to determine whether desired program results are being achieved. All SPAs have developed such an independent audit capability, although practices vary from state to state.

In some states, the SPA staff includes auditors; in others, the audit function is a responsibility of a specific state agency or is performed on contract by independent CPA firms. Generally speaking, audits performed by federal authorities encompass only a representative sample of individual grants made by the SPAs,[28] but as evidence of state concern for strict financial accountability the National Conference of SPA Directors adopted a 100% audit requirement in 1972.[29] The cost-effectiveness of this standard is currently being evaluated, with some Directors arguing that program and fiscal integrity can be substantially assured with an audit schedule which covers 50% of total funds awarded.

Evaluation of crime control programs—like assessment of the success of any social service delivery program—is often complex and can be ambiguous. Reliable base data are usually non-existent in the criminal justice field and the possible measures of "success" or "improvement" a subject of debate: for example, is a patrol demonstration project successful if officers solve more crimes, make more arrests, allay public fear of crime, reduce the crime rate or maintain better community relations?

The National SPA Conference, through its Guidelines Committee, has worked with LEAA to develop adequate evaluation procedures and policies. Effective with the FY 1972 comprehensive plans, 15% of all subgrants must be formally evaluated. The National SPA Conference evaluation standard is more specific:

Each state planning agency shall develop annually a specific evaluation strategy. A program shall be evaluated if it meets one of the following criteria:

If it proposes to reduce the incidence of a specific crime or crimes;

If it purports to produce quantifiable improvement of some aspect of the criminal justice system; or

If there is potential for technology transfer.

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[27] The National SPA Conference has adopted the following standard for monitoring: "Each action project administered by the state planning agency shall be monitored at least one time per year during the life of the project. Such monitoring shall include both on-site fiscal and programmatic review. This monitoring may either be conducted by the state planning agency or by the appropriate local or regional planning unit. Joint monitoring is encouraged.

"In a case of equipment purchase and projects of less than six months' duration, the monitoring function may be merged with the final audit.

"Each regional or local planning unit shall be visited at least once a month by a representative of the state planning agency, who shall offer whatever assistance the regional or local planning unit may require and shall report on its progress.

"Each action project in which an on-going program is contemplated, or which will involve more than $25,000 of LEAA funds, shall be monitored at least once every six months. If more than $100,000 of federal funds is involved, such project shall be monitored at least once every three months.

"When for individual grants the director of a state planning agency (or local or regional planning agency when that authority has been passed through) determines that more or less frequent contacts are advisable, he shall establish a schedule of visits which he deems appropriate.

"Monitoring shall be defined as periodically determining, by on-site inspections, whether the subgrantee is fulfilling the fiscal and programmatic conditions of this grant award, during the lifetime of the project."

[28] See *Standards for Audit of Governmental Organizations, Programs, Activities and Functions*, by the Comptroller General of the United States, 1972, pp. 6, 19, 25, 33 and 35; *LEAA Audit Guide for Review of State Planning Agencies, Subgrantee and Contractors* (1971), pp. 24–30, and LEAA Audit and Inspection Manual, Volume I, Chapter VII, Transmittal #1 (1970), p. 1.

[29] Standard for SPA Operations Number 2, adopted by the National Conference of State Criminal Justice Planning Administrators at its Semi-Annual Meeting, February 27, 1973. The full Standard is as follows: "Every state planning agency shall audit or ensure the audit of each and every action grant administered by the state planning agency, within one year of its completion. In the cases of local planning and continuation action grants, audits shall be conducted no less than once every twelve months. Auditing staff should report to the SPA director, the governor, or to the appropriate state auditing agency.

"At any time that information is received by the state planning agency director that a grant is being mismanaged and that the effectcive utilization of grant funds is in jeopardy, he shall order a special investigation to be conducted immediately and, where appropriate, a special audit shall also be conducted."

Evaluation shall be defined as determining whether the project or program accomplished its objectives, in terms of either preventing, controlling or reducing crime or delinquency or of improving the administration of criminal justice within the context of the state comprehensive criminal justice plan. Such evaluation shall include, whenever possible, the impact of the project or program upon other components of the criminal justice system.[30]

SPA evaluation activity has varied according to available funds, staff size and competencies. The larger states have so far been the leaders, and their different approaches are an indication of the diversity of opinion concerning evaluation. In fact, the SPAs are currently working out evaluation policies and procedures which may point the way toward the country's first effective evaluation model for social services.

Some states, like New York, provided funds for evaluation in every project from 1969 forward—until they determined that arbitrary evaluation percentages could not be assigned to all components of the annual comprehensive plan and that some action projects could not be evaluated against objectives in anything approaching a cost-effective manner. It became clear that some evaluations were best left to user and client observation; some to SPA judgment and comparison of existing data before and after project implementation; and others required the creation of new statistics systems and independent consultant participation.

Perhaps the most comprehensive SPA evaluation program is that developed by the Virginia SPA. As of this writing, the SPA has formally evaluated all its FY 1969 grants and nearly 80% of its completed FY 1970 and 1971 grants. Evaluation strategy varies with the size and scope of the grant, but 200 of 530 grants so far reviewed have been evaluated using a structured questioning format in personal interviews of subgrantees by independent consultants. Smaller grants incorporate a self-reporting evaluation system, with additional coverage in telephone interviews using the structured questioning format. A formal staff evaluation is also made of any grants considered for continuation funding.

A Perspective on Controversy

Crime rates and measures to reduce crime and improve justice were being debated in Congress and town councils well before 1968. The very lack of unanimity, a plethora of conflicting philosophies and proposed solutions, and the complexity of crime causation assured that any program charged with the job of reducing crime and improving justice in America would have its critics.

When chosen to serve as the test vehicle for block grants to states and as the forerunner of revenue sharing, the Safe Streets program was assured a birth in controversy. Transfer of federal tax dollars to the states with few strings attached was considered imprudent by some groups: cities that did not receive the same bloc grant financing to fight crime were less than satisfied; new communication channels had to be established with state agencies by local governments that were accustomed to Washington categorical grant programs; and many agencies as well as local governmental units were skeptical of state ability to

[30] Standard for SPA Operations Number 4, adopted by the National Conference of State Criminal Justice Planning Administrators at its Annual Meeting, August 10, 1972. The common claim that the SPAs should be "evaluating" a major portion of funded projects, instead of projects which lend themselves to useful evaluation (such as those mentioned in the Standard), is a misunderstanding of what comprehensive evaluation requires. For example, the Lawyers' Committee for Civil Rights Under Law has criticized the Safe Streets program because "most of the programs funded by LEAA at the state and federal levels continue to operate without evaluation," the implication being that "most" projects should be "evaluated." (*Law and Disorder III*, 1972, p. 15). How difficult would this be? In mid-1971, it was estimated that SPAs had made some 55,000 grants, or an average of 1,000 subgrants per SPA. If one grant could be completely "formally evaluated" in two and one-half days by one staff professional, then such a professional could "evaluate" one hundred grants a year (250 working days). To achieve even a 20 percent coverage would require two professionals full time for one year. Considering the fact that 24 SPAs have 15 or fewer staff professionals, such a 20 percent coverage would seem an extremely difficult task.

A similar case of egregious expectation is the complaint, voiced by the Lawyers' Committee and others, that LEAA has not developed a "clearinghouse of information and technical assistance of what kinds of reform programs are being tried or which ones work." Such a statement not only ignores the efforts of the SPAs and LEAA's National Institute to provide technical assistance and limited clearinghouse services, but displays an obvious disregard for an appreciation of what a *real* clearinghouse, which would collect detailed reports and usable data on a mandatory compliance basis, would involve in terms of cost and work time for LEAA and for the SPAs (which would have to furnish all the raw data).

handle funds or come to grips with a national problem like crime reduction and control.[31]

The nation's anti-crime program thus began with its goals—crime reduction and justice improvement obscured by dissension and even acrimony over the manner of fund delivery and decision making. The first *State of the States Report on Crime and Justice* would be incomplete without attempting to provide a perspective on that controversy.

FILLING IN THE BLANKS

Congress recognized that "crime is essentially a local problem that must be dealt with by state and local governments if it is to be controlled effectively."[32] Consistent with this philosophy, Congress established program objectives for the Safe Streets Act designed to give states and localities flexibility and control over their own anti-crime projects. It was left to the SPAs to set priorities within the broad congressional objectives and that alone made controversy inevitable.[33]

The flexibility and latitude permitted the SPAs by Congress encouraged special interest groups to evaluate the Safe Street Act in light of their own priorities to the exclusion of others. With the best of intentions, some reports have assessed SPA programs in a vacuum, without a common frame of reference or an obligation to consider the effects of recommended policies on other parts or goals of the criminal justice system.[34] Agreement has been fairly easy on the outline of the goals of the Safe Streets Act but filling in the blanks is quite another question.

Objective appraisals of the Safe Streets Act have been infrequent. Opponents of revenue sharing have seldom passed up an opportunity to criticize SPA programs in hopes of discrediting the concept of bloc grants to states. Stanley Vanagunas of the Marquette University Law School Center for Criminal Justice put it this way:

"A disadvantage of using law enforcement assistance as one test case of congressional attitudes on revenue sharing has been that major political issues involved tended to override the essence of the problem at hand—how can the national government best assist state and local governments to upgrade their law enforcement capabilities. This key consideration has been obscured by influential opposition to the overall concept of revenue sharing.[35]

SCYLLA AND CHARYBDIS

Impartial consideration of controversy surrounding the Safe Streets Act during its early years requires a realization that the proponent of a particular point of view can best be understood in terms of self interest. More often than not during the first years of the program, the SPAs have been caught between Scylla and Charybdis—the rocks of one public interest group and the whirlpools of another.

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[31] The ACIR Report, *Making the Safe Streets Act Work: An Intergovernmental Challenge*, contains an excellent discussion of how different levels of government and interest groups have "taken sides" on the Safe Streets Act.

[32] Omnibus Crime Control and Safe Streets Act, "Declarations and Purposes".

[33] Former Congressman John S. Monagan failed to question the reasons for giving SPAs wide program latitude but he opened Congressional hearings on the Act in 1971 with a feeling understood across the United States (*Hearings*, Part 1, p. 1): "LEAA was established by the Omnibus Crime Control and Safe Streets Act of 1968 in response to the growing awareness that America's law enforcement effort was in need of improvement and reinforcement. Crime rates were soaring. Fear of crime was keeping many citizens from the streets of our cities, even in daytime. Homeowners and businessmen were fleeing our cities before a rising tide of violence. Something clearly had to be done."

[34] *Law and Disorder III*, prepared by the Lawyers' Committee for Civil Rights Under Law, for example, states that the "report stems from a concern with the problems and rights of the poor and minorities," (p. 5) predictably depreciates the LEAA/SPA focus on serious crimes (p. 16), and notes that LEAA should orient its police discretionary grants toward improving "the way in which law enforcement agencies handle the range of problems that typically consume most of their time . . . property offenses, drunkenness, disorderly conduct, petty traffic offenses, narcotics offenses, assaults, vagrancy, non-support and family offenses, gambling, sex offenses and many other forms of deviant behavior." (p. 17) LEAA recently announced a $160 million Impact Cities project to reduce stranger-to-stranger street crimes and burglary in eight major cities by 20 percent in five years. The program has been favorably received by the public. While the Lawyers' Committee's concern with the treatment of the poor and minorities by the criminal justice system is both well-intentioned and justified, it would be very interesting to see how the public (both liberal and conservative) would react to a $160 million program to improve police handling of the offenses mentioned by the Lawyers' Committee, at the expense of a serious crime impact program.

[35] *Public Administration Review*, March/April, 1972, p. 127.

Issue	Scylla	Charybdis
Innovation	SPAs must reduce funding for innovative" projects.[36]	SPAs have devoted too much money for traditional purposes and not enough for experimentation.[37]
Fiscal Controls	SPAs must strengthen financial controls at all levels of the Safe Streets program.[38]	SPAs should reduce red tape and give cities more flexibility.[39]
Program Controls	LEAA and SPAs must set rigid program guidelines, if necessary by limiting funding for certain categories.[40]	SPAs must relax strict controls over local project selection since this is in direct contradiction to locally identified needs and priorities.[41]
Fund Flow	SPAs must disburse funds more rapidly to cities; money is moving too slowly.[42]	SPAs should insure accountability and program integrity by careful review of all project proposals and by stringent financial regulations.[43]
Equipment Expenditures	SPAs must substantially reduce expenditures for equipment and concentrate on system reform.[44]	SPAs must respond to locally identified needs where equipment receives a high priority.[45]
Geographic Impact	SPAs ought to devote a larger percentage of funds to high crime rate areas.[46]	SPAs must direct more funds to rural and suburban areas before they experience the same crime problem seen in today's cities.[47]
Police Versus the World	SPAs must spend less money for police—more for courts, corrections and juvenile delinquency.[48]	SPA spending for police programs is not too high if you understand that the policy system accounts for over 60% of all criminal justice expenditures annually.[49]

[36] Gregory Ahart, Deputy Director, Government Accounting Office, *Hearings*, Part 1, p. 137.

[37] *Law and Disorder III*, a report by the Lawyers' Committee for Civil Rights Under Law for the National Urban Coalition, 1973, p. 9.

[38] *CGO Report*, pp. 78–95, 17–47.

[39] Draft Report on LEAA for the Federal Assistance Review Program, prepared by the International City Management Association, May 1, 1972, passim.

[40] *CGO Report*, pp. 61–69, 17–47.

[41] *ICMA Report*, p. 42.

[42] Congressman James V. Stanton, *Congressional Record—House*, November 16, 1971, p. H11138.

[43] *Committee on Government Operations Report*, pp. 17–47, 78–95.

[44] *Ibid.*, pp. 17–47.

[45] *The Cities and Law Enforcement Assistance: A Review of the Need for Federal Assistance to Cities*, testimony of the National League of Cities/United States Conference of Mayors before the House Judiciary Committee, March 23, 1973, p. 6.

[46] Stanton, op. cit., pp. H11138–H11145.

[47] It is impossible to establish a nationally recognized source for this viewpoint, since the rural and suburban areas do not have professional lobbying organizations like the National League of Cities/United States Conference of Mayors. Every SPA, however, can produce dozens of letters maintaining this viewpoint from state legislators, rural police and governmental officials and local non-metropolitan planning regions.

[48] *Law and Disorder* III, p. 9.

[49] Again, since this viewpoint is not "fashionable" in the literature criticizing the SPAs, nationally known sources are difficult to find. Each SPA can produce many letters from local police chiefs irately complaining about refusals to support police programs to an even greater extent.

System Support

SCYLLA	CHARYBDIS
SPAs should support and improve the criminal justice system.[50]	SPAs must reduce crime by whatever means available, including projects outside the traditional criminal justice system.[51]

Which Crime?

SPAs must spend more money on white collar and high volume crimes that clog the justice system like drunkenness.[53]	SPAs must concentrate their resources on serious crimes which threaten the security of person and property such as robbery and burglary.[52]

Bureaucracy

SPAs must cut red tape and avoid multiple reviews of local proposals.[54]	SPAs must submit each and every local project proposal to regional and state clearing houses for revivew prior to action.[55]

Consultants

SPAs should not utilize consultant services, which are generally overpriced and abused.[56]	SPAs must provide specialized knowledge and assistance to localities that only consultants can offer.[57]

The issues drawn above are illustrative of early debate over SPA administration of the Safe Streets Act. Every equipment expenditure dismays reform-oriented critics while every delinquency prevention program is suspect to traditionalists. Furthermore, new federal controls imposed on the SPAs (deadlines for expenditure, disbursement and reporting) have sometimes been lamented by city officials as time-consuming state bureaucracy. The "issues" of fund flow and equipment expenditures stand out as excellent examples of the dilemma faced by the SPAs who stand between Scylla and Charybdis.

FUND FLOW

The fund flow "issue" has, unfortunately, been based on the mistaken notion that block grant funds appropriated for one fiscal year should be expended during that same fiscal year.[58] This is a misconception carried over from federal categorical grant programs, but it is entirely inappropriate for analysis of the block grant system of funding established by the Safe Streets Act. As a matter of fact, SPAs are legally authorized to expend one fiscal year's funds during the two succeeding fiscal years (i.e., FY 1970 monies need not be expended until the end of FY 1972).

Perhaps more important, the one year appropriation and expenditure cycle is only valid for a theorist's flow chart—not for the real world. Funds appropriated for one fiscal year should be expended by the end of that fiscal year *only* if the money is appropriated at the beginning of the fiscal year, *only* if the state compresive plans required by law have been drawn, submitted and approved prior to the beginning of the fiscal year, *only* if local units of government are willing to hire staff and set up record keeping systems before any money has been appropriated or awarded, and *only* if all these highly improbable steps are taken soon enough so that the SPA itself can actually receive applications on a competitive basis and choose among them rationally before the 12 month grant period.

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[50] *Committee on Government Operations Report*, pp. 61–69.
[51] *Law and Disorder III*, pp. 8–9.
[52] *Ibid.*, p. 16–17.
[53] "LEAA's overriding objective should be to increase [the criminal justice system's] ability to reduce crime. . . . The criminal justice system is not an end in itself. . . . Crime reduction is our basic objective." LEAA Administrator Jerris Leonard, August 10, 1973, at the Annual Meeting of the National SPA Conference, Boston.
[54] National League of Cities/United States Conference of Mayors, *op. cit.*, at note 45, p. 5.
[55] *OMB Circular A–95*, Attachments, A & D.
[56] *Committee on Government Operations Report*, pp. 48–60.
[57] *Law and Disorder III*, pp. 8–9.
[58] See, for example, the remarks of Congressman James V. Stanton, *Congressional Record—House*, Nov. 16, 1971, p. H11139.

Unfortunately, these ideal conditions do not obtain in the real world. Safe Streets Act monies have never been available to SPAs prior to the beginning of the fiscal year—in fact, almost 70% have not been available until four months after the beginning of the fiscal year and in FY 1970 the federal appropriation was delayed for a full 5.8 months. LEAA has never required submission of comprehensive plans until mid-way through the fiscal year, and state agencies as well as local units of government have been unable or unwilling to begin project implementation before federal funds are actually available.

The most serious confusion over fund flow has been generated by opponents of state block grants who argue that limited expenditures at the end of the fiscal year of appropriation prove that the SPAs cannot effectively administer federal funds. The following is obvious: they are measuring SPA performance by local ability to expend funds.

As far as an SPA is concerned, once a grant *award* is made, the total amount of funds awarded is committed and effectively programmed. How rapidly subgrantees request fund *disbursements* and actually *expend* funds is a matter almost entirely within the control of the subgrantee. For example, if an SPA makes a grant *award* of $480,000 to operate a public defender project for one year, the money will be *disbursed* during the succeeding year in $40,000 monthly portions, and *expended* according to the billing and payroll procedures of the subgrantee. Yet from the SPA viewpoint, *the funds have been "spent" since the day of the award.* The following chart shows the crucial difference between SPA award and subgrantee expenditure:

AWARDS, DISBURSEMENTS, AND EXPENDITURES OF SELECTED SPA'S

SPA	Fiscal year 1971 funds and percentage as of Dec. 31, 1971—		
	Awarded	Disbursed	Expended
Arizona	96.0	49.0	15.0
California	75.7	16.8	9.4
Maryland	61.0	21.0	8.6
North Carolina	99.6	23.8	16.0
Rhode Island	100.0	49.2	46.9
Texas	72.7	21.9	18.1
Utah	88.3	28.8	25.1

Although nationwide data on expenditures are not available at this time, the following chart gives accurate national totals for awards and disbursements as of December 31, 1972. It shows conclusively that the SPAs are moving funds into the "pipeline" on a timely basis and suggests that any "fund flow problem" is actually a function of the length of the "pipeline." The crucial factor in fund flow is how long it takes a subgrantee to complete a project, not how long it takes the SPA to commit all necessary funds.

SPA AWARDS AND DISBURSEMENTS

Funding year	Percent of funds as of Dec. 31, 1972—	
	Awarded	Requested by subgrantees
Fiscal year:		
1969	96.2	94.3
1970	95.0	92.1
1971	95.0	64.2
1972	67.7	20.3

Source: LEAA Office of Operations Support; total allocation amounts for fiscal years 1971 and 1972 include small State supplement discretionary grants; all figures are for all SPA's as of Dec. 31, 1972 except the following, which are Sept. 30, 1972: Fiscal year 1970—Maryland, Mississippi, Minnesota, South Dakota, Nevada; fiscal year 1971—Mississippi, New Mexico, South Dakota, California, Nevada; fiscal year 1972—Rhode Island, New York, Maryland, Mississippi, South Carolina, Minnesota, Colorado.

To deal with the problem of subgrantee delay in project implementation, the National SPA Conference has established a standard for automatic abort procedures, that calls for grant termination unless substantial implementation be-

gins within 120 days of award. The National SPA Conference has also addressed the fund flow issue recently:

"The ability of a state planning agency to promptly disburse funds should not be measured by either the date of approval of the state comprehensive criminal justice plan or by the rate at which fund sare expended by subgrantees. The efficiency of the state planning agency's fund flow procedures shall be measured only by the time elapsed between the project submission and approval, by the time elapsed between subgrantee requests and the correlative disbursements, and by the efforts of the SPA to maintain an amount of federal funds on hand at a minimum consistent with effective program management." [59]

The overall issue of fund flow includes numerous ancillary questions such as control of cash on hand at both state and local levels, subgrantee reporting and federal regulations governing SPA disbursements.[60] There is inherent conflict between what cities want (money with a minimum of state and federal controls) and what sound management and federal agencies require (strict disbursement controls). Michigan's Lieutenant Governor James H. Brickley put it succinctly before Congress in 1971:

"Major city complaints about State planning agencies' Bureaucracy, red tape, control and inflexibility are, in fact, complaints about administration of the Federal financial guide based on OMB (the President's Office of Management and Budget) requirements and the Crime Control Act. Such complaints will exist whatever the format of grants—categorical or block—whoever the administrator—the Governor of the State or the Attorney General of the United States." [61]

EQUIPMENT EXPENDITURES

Since the first year of the Safe Streets program, there has been a steady decline in SPA awards to meet state and local equipment needs. In point of fact, they were never inordinately high.

TOTAL EXPENDITURES FOR HARDWARE

	Fiscal year—				
	1969	1970	1971	1972	Total
Total for hardware	$4,828,127	$29,529,791	$34,860,175	$20,902,073	$90,120,166
Total part C money	17,148,904	129,998,000	238,654,000	196,611,000	482,411,904
Hardware as a percent of part C	28.2	22.7	14.6	10.6	15.5

Source: June 1972 survey conducted by the National Conference of State Criminal Justice Planning Administrators. "Hardware" is defined as communications equipment, helicopters, fixed-wing aircraft, police uniforms, motor vehicles for police, firearms, ammunition, and electronic and mechanical surveillance devices. A complete State-by-State breakdown is included in app. 4.

[59] Standard for State Planning Agency Operation #7, adopted by the National Conference of State Criminal Justice Administrators at its annual meeting August 10, 1972.

[60] Cash on hand, for example, became an issue when it was discovered that some subgrantees were receiving federal funds and then depositing them to earn interest before they were needed for expenditure. The National SPA Conference pointed out excessive cash on hand was merely an administrative matter wholly within LEAA's control, and not an illegal situation or a basic flaw of the block grant (Statement of Position, *Flow of Block Grant Funds Under Crime Control Act*, National Conference of State Criminal Justice Planning Administrators.) This analysis proved entirely correct: all subgrantees over $10,000 are now on a monthly drawdown schedule.

LEAA Administrative Memorandum Number 2 required all SPAs to reduce cash on hand to two weeks' needs by June 30, 1972, and one week's need for each succeeding quarter. The following chart shows SPA compliance with this requirement:

SPA cash on hand in terms of monthly needs—national averages by quarter

Quarter ending—	
June 30, 1971	1.39
Days	41.7
Sept. 30, 1971	.35
Days	10.5
Dec. 31, 1971	.10
Days	3
Mar. 31, 1972	.15
Days	4.5
June 30, 1972	.28
Days	8.4

Sources: State planning agencies: "Average Cash on Hand in Terms of Months," LEAA Program and Management Evaluation Division, Office of Operations Support, (June 30, 1971–December 31, 1971); "Summary of Federal Funds Status Reports," Form LEAA-152 (revised) for periods ending Mar. 31, 1972, and June 30, 1972.

[61] *Hearings*, Part I, p. 375.

Generalizing from isolated examples, critics of the block grant concept have claimed that "excessive and unnecessary amounts of hardware have been purchased; there is no reliable information of any resultant improvements; and federal funds have consequently been wasted." [62] The facts collected above bring both the competencies and motives of the critics into legitimate question.

If the SPAs had arbitrarily (for purposes of "comprehensive" planning [63]) limited the amount of funds which could be used for equipment expenditure—or any other type of project which localities have consistently identified as a high priority—they would have been accused of "not responding to local needs." They would also have abdicated their planning responsibilities. Planning is an assessment of real needs and the development of viable alternatives to respond to those needs, not the imposition of theoretical percentages on the real world. The President's Crime Commission provided an indication of what that real world of law enforcement is like:

"Too much of the [criminal justice] system is physically inadequate, antiquated or dilapidated. This condition goes beyond the obvious obsolescence of many correctional institutions and the squalor and congestion of many urban lower courts, which make it difficult to treat defendants or convicts humanely. The system's personnel must often work with poor facilities: record keeping systems that are clumsy and inefficient, communications equipment that makes speedy action difficult, an absence of all kinds of scientific and technological aids." [64]

There are legitimate criticisms of the SPAs and the SPAs have yet to completely overcome some early difficulties: many of these are discussed in the next section. It is unfortunate that the majority of criticism of SPA administration of the Safe Streets Act has not been a constructive attempt to identify and respond to these problems. Much of it, instead, has been a line-up of interest groups on different sides of a Scylla/Charybdis issue. Hopefully, this perspective on controversy has provided a framework for a substantive discussion of how to improve SPA performance in the future.

A Look to the Future

Revenue Sharing

The Safe Streets Act has proved a promising start—the first crime reduction in 17 years occurred in 1972; standards, legislation, and innovations sponsored by the SPAs lend credence to the view that even more important and dramatic results can be expected in the future; new and productive relationships between state and local governments have been forged; state commitment of resources to urban areas where most serious crime occurs is undeniable evidence of the revitalization of state government and its ability to set responsible priorities; local and state leaders in the criminal justice field have joined together in the SPAs to pool their knowledge and experience in a way that leads to practical results.

The Wickersham Report on Crime and Justice in 1931 is strikingly similar to the Report of the President's Crime Commission in 1967. By everyone's admission the needs and problems of America's justice system in 1931 were not solved—and hardly addressed—after exhaustive study. The 1967 Presidential study deserves better; it concluded with a recommended "National Strategy" which called for (1) planning by state and local crime prevention and control agencies to be followed by (2) substantial federal contributions to states and cities for improved law enforcement.

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[62] *CGO Report*, p. 18.

[63] The *CGO Report* asked "whether pouring of substantial Federal funds into police hardware, much of which has not been objectively evaluated, at the expense of other segments of the criminal justice system is justifiable in light of the goals of the Safe Streets Act—a 'comprehensive' attack on crime." p. 18.

The Lawyers' Committee Report *Law and Disorder III*, a major criticism of "traditional spending purposes" uses for Safe Streets funds, also notes as a significant criticism the fact that in California and Michigan "the state planning agency has often made grants in contravention of the local plan and the recommendations of the local agency." (p. 14) The obvious question is, "What if the local plan and local agencies call for 80 percent equipment expenditures?"

[64] *The Challenge of Crime in a Free Society*, p. 13.

Congress responded to the call for national action with passage of the Safe Streets Act in 1968. It required both state and local planning as a precondition of federal support for action projects. While the 1967 Commission did not specify that available federal funds should be the subject of state and local control through State Planning Agencies, Congress decided that action should follow planning, and implementation funds were channeled through the SPAs.

Large metropolitan areas argued that they too should receive planning and action dollars direct from Washington, but informed sources pointed out that cities, counties and regions had limited responsibilities within the justice system. They were ordinarily responsible only for local police and jails. Felony corrections (including institutions, probation and parole), courts and central law enforcement services were normally the subject of state control. Furthermore, local finances were usually affected if not controlled at the state level and minimum state standards for local jails and police were not uncommon. To assure adequate consideration for all aspects of criminal administration, therefore, Congress established the SPAs.

This brief summary of Congressional action and SPA development points to the future as much as the past. Authorization for the Safe Streets Act terminates June 30, 1973, and both Senate and House hearings are expected. Many of the same arguments raised in 1968 will be revived by the special interest groups who originally propounded them. For the first time, however, Congress will have the benefit of its own recent legislative experience, a proven nationwide reduction in crime, this first *State of the States Report*, and an improved understanding of the nature of any remaining controversy. All should assist Congressional deliberation and action in 1973.

The block grant concept embodied in the Safe Streets Act was not merely a forerunner of revenue sharing; it was also a gradual and controlled means of returning federal tax dollars to the states. Special revenue sharing represents yet another transfer of program authority that is justified in light of the progress and accomplishments of the SPAs.

Under President Nixon's proposal,[65] the state and local planning process will continue but action funds will not be delayed before plan approval, arbitrary percentages will not be established for any component of the justice system, and the Law Enforcement Education Program (LEEP) providing grants and loans to students will be transferred to the states.[66] Removal of the matching requirement will simplify record keeping at the local level and grant administration at the SPA; it will also eliminate "in-kind" match contributions which have presented the most troublesome audit problems encountered under the Safe Streets Act. Local governments will continue to receive a guarantee of 40% of all planning funds and that proportion of action monies which corresponds to the local share of total criminal justice expenditures in a state. The proposed changes are sound, and the National Conference of State Criminal Justice Planning Administrators has voted unanimously to endorse this second phase of the nation's law enforcement program.

ACCOUNTABILITY AND INFORMATION TRANSFER

With a total of nearly $1.6 billion appropriated to LEAA and the states over the first four years of the program, and in light of anticipated increases in the future, both the Congress and the public can and should expect a proper accounting. Reduction in the number of crimes committed is one form of visible results from the Act but increasingly detailed and accurate reports on the way in which the money is used and the progress as well as the failures of the SPAs and LEAA are needed.

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[65] S. 1234, The Law Enforcement Revenue Sharing Act of 1973, introduced by Senator Hruska, Mar. 14, 1973.

[66] 32 States have received less than a population share of LEEP monies from LEAA while 10 have acquired a proportion at least ⅓ higher than their population would justify. See Appendix VI.

To meet this objective, the SPAs have themselves begun a joint project to define the data elements required for proper grant management and public accountability. This Grant Management Information System (GMIS) will not only ensure responsible control of awards but it will also allow the SPAs to interchange project information and collect uniform data needed for national reports to the Congress, the President and the Governor's Conference.

In the interim, LEAA has created a GMIS with basic information on all discretionary awards subject to its control and complete up to January, 1973. It has also surveyed the SPAs and obtained basic information on all grants through March, 1972. This information is being updated on a continuous basis. The LEAA data center makes it possible at the present time to retrieve limited grant information on a nationwide basis. When the GMIS design initiated by the states is finished (May 1), and tested (July 1), it will be offered to all SPAs in both automated and manual versions. The variety of state needs and resources will require modification and study of the recommended GMIS, but by the target date of January, 1974, uniform and compatible program information should be available through the SPAs themselves.

SPA STANDARDS

The ten standards set by the National SPA Conference speak to issues ranging from staff organization and fund flow to monitoring and audit.[67] New standards addressing commitment of SPA resources to corrections and courts, an orderly transfer of LEEP to the states, public accountability and information dissemination among the states are currently under consideration and will be acted upon in conjunction with passage of a special revenue sharing program by the Congress.

The Standards Committee of the National Conference will serve as the evaluation arm of the SPAs. At the same time, a major state-to-state mutual assistance program has been undertaken and will be utilized first and foremost to assure compliance with the standards agreed upon by the SPAs.

NATIONAL SPA CONFERENCE

During 1969 and 1970, the Administrators of the 55 newly formed State Planning Agencies discovered their need for a formal mechanism through which they could exchange information and develop unified state views on the nation's crime control program. It was their hope and expectation that collectively they would be able to improve administration of the Safe Streets Act and develop a model for the return of decisionmaking to the states and local units of government.

To meet these needs, the National Conference of State Criminal Justice Planning Administrators was formed in June, 1971. The Conference has 55 members who serve by virtue of their respective positions.

The Conference has five basic objectives: (1) to improve state administration of the Safe Streets Act through the sharing and exchange of information and personnel among the states; (2) to inform the Governors, SPA Supervisory

[67] A complete text of the standards is included as Appendix V.

Boards and Congress of demonstrated needs and accomplishments under the Safe Streets Act; (3) to give specific attention to the unique crime and justice problems of the nation's cities; (4) to focus attention on national issues and developments related to the reduction of crime, revenue sharing, and the block grant concept of federal programming; and (5) to provide an orderly and effective means of determining and expressing the collective view of the Administrators on criminal justice matters.

The Conference has already taken the following actions:

(1) Proposed legislation (subsequently accepted by Congress) to amend the Safe Streets Act;

(2) Held Orientation Seminars for new State Planning Agency Administrators;

(3) Submitted nine position papers to LEAA on matters of common interest including appropriation levels, metropolitan criminal justice centers, fiscal reporting by grantees, discretionary funds, National Conference staff, grant management information systems, audit and guidelines;

(4) Provided ideas and support for the creation of a state-to-state mutual assistance program at the National Governor's Conference;

(5) Developed working procedures for SPA review of all major LEAA guidelines, including those for 1973 state criminal justice plans;

(6) Initiated and conducted semi-annual and annual SPA–LEAA Conferences since 1971;

(7) Designed and tested a recommended grant management information system for the use of all SPAs, beginning in the latter part of 1973;

(8) In March, 1973, the Conference expanded its training program for SPAs with a seminar on public education and the development of community support for crime prevention;

(9) In August, 1972, the Conference took an unprecedented step: self-regulating structural, operational and performance standards were developed and adopted for nationwide application by the SPA Administrators. The Conference's Standards Committee is now charged with the task of ensuring that all SPAs meet the standards which cover planning, audit, monitoring, evaluation, grant management information systems, grant administration, fund flow, SPA organization, technical assistance, and staff development; and

(10) the *State of States Report on Crime and Justice* has been prepared as a first attempt by the SPAs to offer a public accounting for the resources and responsibilities turned over to them under the Safe Streets Act. It will become an annual publication of the Conference.

Brief progress reports through June, 1972, have been prepared by the SPAs and included in Part II of this first *State of the States on Crime and Justice*. They serve to summarize the directions and priorities of each SPA.

The SPAs have been at the center of an experiment testing whether state and local governments can responsibly administer federal tax monies. They welcome the support, advice and constructive criticism of all who share with them the goal of improving the quality of American life by reducing crime and assuring justice.

APPENDIX I

SPA FUNDING FOR HIGH CRIME AREAS

HIGH CRIME/LAW ENFORCEMENT ACTIVITY AREA FUNDING

State	Fiscal year 1969 funds	Percent of local funding	Fiscal year 1970 funds	Percent of local funding	Fiscal year 1971 funds	Percent of local funding	Fiscal year 1972 funds	Percent of local funding	Total dollar amounts	Percent of local funding	Percent of State population	Percent of State index crime
Alabama	$96,497	29.7	$226,055	9.5	$1,275,405	30.1	$1,275,298	24.6	$2,873,255	23.7	14.1	48.6
Alaska	36,292	48.4	180,746	48.2	420,442	74.8	507,000	67.6	1,144,480	64.9	51.0	77.5
Arizona	55,248	36.7	698,974	60.2	1,913,093	87.0	(1)	(1)	2,667,315	76.7	74.0	86.0
Arkansas	24,767	13.7	327,663	24.4	447,537	18.9	326,657	11.8	1,126,624	16.9	10.0	36.0
California	1,520,801	86.2	12,523,931	96.6	20,405,546	82.5	36,233,960	120.9	70,774,238	101.8	89.0	92.9
Colorado	76,618	42.1	842,958	60.3	1,217,480	44.5	1,697,500	51.1	3,834,556	50.3	56.7	71.4
Connecticut	27,801	10.3	191,549	9.6	242,682	6.5	331,355	7.3	793,387	7.5	5.1	10.1
Delaware	42,976	57.3	177,965	44.9	405,264	54.0	(1)	(1)	626,205	51.3	14.0	39.0
District of Columbia	97,923	100.0	795,300	100.0	1,540,000	100.0	1,850,000	100.0	4,283,223	100.0	100.0	100.0
Florida	431,508	78.1	3,080,108	73.4	5,527,513	66.0	7,516,744	73.5	16,555,873	70.9	72.9	82.6
Georgia	213,566	51.3	1,427,749	46.1	2,740,473	48 6	4,061,250	58.8	8,443,038	52.6	39.7	69.1
Hawaii	42,161	56.2	545,498	94.6	619.514	59.9	(1)	(1)	1,207,173	71.6	78.1	90.4
Idaho	11,021	14.7	56,125	10.6	151,498	15.7	254,025	21.5	472,669	17.2	15.8	19.4
Illinois	496,503	49.5	4,578,821	61.8	8,911,022	64.7	8,891,364	53,1	22.877,710	58.8	53.8	68.6
Indiana	373,114	81.1	3,499,156	102.0	5,456,129	84.5	(1)	(1)	9,328,399	90.2	48.0	69.0
Iowa	44,118	17.4	725,874	38.7	1,011,324	28.9	2,885,093	67.8	4,666,409	47.2	25.0	55.7
Kansas	161,627	77.4	923,298	59.6	1,998,907	71.8	(1)	(1)	3,083,832	67.9	40.1	60.9
Kentucky	171,798	43.8	1,349,283	61.9	[2] 2,832,795	71.4	[2] 2,666,400	55.0	7,020,276	62.2	33.7	61.8
Louisiana [3]												
Maine	15,161	16.9	185,599	25.5	189,142	14.0	(1)	(1)	389,902	18.0	28.6	36.8
Maryland	247,208	73.1	1,590,238	63.3	4,003,646	82.3	4,677,000	79.2	10,518,092	77.2	76.7	88.8
Massachusetts	267,000	53.5	2,036,000	55.4	3,550,000	50.2	6,817,000	79.6	12,670,000	64.0	24.0	49.0
Michigan	231,655	29.3	1,264,265	21.6	3,613,832	27.0	(1)	(1)	[4] 5,109,752	28.9	23.1	41.9
Minnesota	202,644	61.6	1,360,552	54.9	1,707,125	36.1	(1)	(1)	3,270,321	43.4	37.7	68.8
Mississippi	120,016	55.5	838,647	52.8	1,427,132	52.7	1,035,729	31.0	3,421,524	43.6	11.8	20.6
Missouri	354,571	83.8	2,422,261	77.7	5,636,459	96.8	5,876,276	83.4	[5] 14,289,567	87.1	64.0	58.6

Montana [6]												
Nebraska	(1)	(1)	(1)	(1)	681,000	37.0	698,000	31.2	1,379,000	33.8	25.7	60.0
Nevada	90,000	120.0	300,000	80.0	532,800	80.0	735,750	91.7	1,658,550	86.5	81.5	90.0
New Hampshire	21,800	29.1	200,905	38.4	265,858	26.6	(1)	(1)	488,563	30.6	30.0	27.0
New Jersey	418,779	64.9	1,907,243	39.9	3,650,909	41.0	(1)	(1)	5,976,931	41.7	15.2	33.5
New Mexico	43,556	47.1	520,041	70.4	760,536	55.1	763,974	49.9	2,088,107	55.8	43.0	63.5
New York	1,447,994	85.8	13,527,348	110.0	22,667,927	100.4	26,320,939	96.1	63,964,208	100.0	50.3	79.2
North Carolina	72,037	15.5	1,093,533	31.4	2,063,385	33.1	2,733,230	35.7	5,962,185	31.2	35.9	45.7
North Dakota	36,863	49.2	95,869	20.7	7,106,024	12.5	[8] 36,000	7.5	238,756	17.3	18.2	36.1
Ohio	(1)	(1)	(1)	(1)	9,027,837	68.2	10,110,988	63.0	19,138,825	68.1	48.1	66.6
Oklahoma	102,247	44.6	862,782	50.2	1,437,115	45.8	[4] 1,939,081	50.3	4,341,225	48.6	47.9	68.9
Oregon	100,392	54.5	558,167	41.2	1,188,671	46.1	(1)	(1)	1,847,230	44.8	36.5	58.4
Pennsylvania [3]												
Rhode Island	50,787	61.6	105.00	15.5	27,829	2.2	109,531	7.3	293,147	8.3	18.6	32.0
South Carolina	154,676	64.9	569,585	31.6	1,126,259	35.6	1,011,382	25.9	2,861,902	31.4	30.2	53.2
South Dakota [3]												
Tennessee	(1)	(1)	1,093,131	40.9	890,309	18.5	(1)	(1)	1,983,440	26.5	43.3	77.0
Texas	735,594	73.6	5,802,344	77.9	9,396,213	68.1	[7] 5,404,478	73.8	21,338,629	72.2	61.6	73.9
Utah	32,169	34.1	189,556	32.0	641,067	57.0	311,138	59.0	[7] 1,173,930	50.2	45.0	63.0
Vermont	(1)	(1)	53,399	14.2	19,245	3.1	34,292	4.6	106,936	6.2	8.7	80.0
Virginia	317,590	76.0	2,004,926	64.4	2,599,427	45.6	(1)	(1)	4,921,943	53.3	61.4	86.6
Washington [3]												
West Virginia	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	[5] 1,436,806	45.0	31.6	53.8
Wisconsin	201,876	52.3	917,202	32.2	2,192,700	40.0	(1)	(1)	3,311,778	38.0	55.0	75.0
Wyoming	19,965	26.6	74,365	19.8	214,133	38.1	[5] 164,556	(1)	308,463	30.5	32.4	50.4
Total	9,208,919		71,724,011		136,733,204		137,165,434		356,268,374			

[1] Data not available at this time.
[2] Projected allocation based on current funding ratio.
[3] Data is not available for this State.
[4] Data for Detroit, Flint, Grand Rapids, and Warren only.
[5] Data for St. Louis, Kansas City, and Springfield only.
[6] Does not have a high crime/law enforcement activity area.
[7] To date.
[8] Data for this year not included in total due to unrepresentative amount.
[9] Funding for separate years not reported.

Note: Percentages are calculated against appropriate total local availability, e.g., if data for fiscal year 1972 are unavailable, percentages are calculated against fiscal year 1969, 1970, and 1971.

TOTAL SPA HIGH CRIME/LAW ENFORCEMENT ACTIVITY AREA EXPENDITURES

	Total to high crime areas	Total 75 percent passthrough	High crime areas' percent of passthrough
Fiscal year:			
1969	$9,208,919	$15,044,308	61.2
1970	71,724,011	113,700,312	63.1
1971	136,733,204	226,661,120	60.3
1972	137,165,434	192,445,892	71.3
Total	356,268,374	551,044,534	64.7

Note.—Percent of total population in high crime areas, 48.6 percent; percent of total crime in high crime areas, 70.2 percent.

Appendix II

Bloc Grant Funds Awarded to State Planning Agencies

TOTAL AMOUNTS OF BLOC GRANTS AWARDED TO STATES

[In thousands of dollars]

State	Fiscal year (actual)— 1969 Planning	1969 Action	1970 Planning	1970 Action	1971 Planning	1971 Action	1971 Bloc corr.	1972 Planning	1972 Action	1972 Bloc corr.	4-yr. cumulative totals Planning	Action	Bloc corr.	Grand total
Alabama	$338	$434	$369	$3,175	$440	$5,645	$418	$593	$6,915	$815	$1,756	$16,430	$1,233	$19,419
Alaska	118	33	121	249	130	493	37	143	1,000	71	510	1,745	108	2,363
Arizona	210	201	228	1,503	277	2,933	215	354	3,559	419	920	8,058	634	9,612
Arkansas	232	242	252	1,787	290	3,157	233	375	3,862	455	1,159	9,216	688	11,063
California	1,388	2,352	1,566	17,287	2,090	32,999	2,421	2,957	40,060	4,721	7,950	91,861	7,142	106,953
Colorado	233	243	258	1,863	320	3,646	268	416	4,432	522	1,216	10,004	790	12,010
Connecticut	297	360	326	2,669	401	5,001	368	534	6,088	717	1,556	14,082	1,085	16,723
Delaware	135	64	141	480	155	909	67	178	1,210	130	608	2,648	197	3,453
Florida	504	737	575	5,597	773	11,166	824	1,072	13,631	1,606	2,879	30,379	2,430	35,688
Georgia	404	555	450	4,127	553	7,518	557	757	9,215	1,086	2,174	21,575	1,643	25,392
Hawaii	150	91	159	699	176	1,253	93	210	1,701	182	697	3,791	275	4,763
Idaho	147	86	154	639	170	1,169	87	202	1,575	169	675	3,489	256	4,420
Illinois	833	1,339	938	9,877	1,207	18,368	1,348	1,691	22,314	2,629	4,670	51,906	3,977	60,553
Indiana	436	614	487	4,565	619	8,609	630	844	10,428	1,229	2,379	24,100	1,859	28,338
Iowa	285	338	312	2,501	382	4,670	----------	504	5,672	668	1,482	13,165	668	15,315
Kansas	253	279	275	2,065	324	3,712	273	422	4,516	532	1,282	10,702	805	12,789
Kentucky	315	392	347	2,906	419	5,290	391	561	6,464	762	1,649	15,169	1,153	17,971
Louisiana	346	449	384	3,344	460	5,966	442	622	7,315	862	1,827	17,329	1,304	20,460
Maine	165	120	175	882	199	1,636	121	243	2,000	235	782	4,642	356	5,780
Maryland	347	451	384	3,349	491	6,485	476	662	7,875	928	1,869	17,906	1,404	21,179
Massachusetts	465	666	516	4,902	668	9,424	690	914	11,422	1,346	2,545	26,109	2,036	30,690
Michigan	678	1,055	763	7,817	986	14,692	1,077	1,371	17,819	2,100	3,789	41,235	3,177	48,201
Minnesota	340	439	380	3,302	480	6,307	462	645	7,639	900	1,835	17,523	1,362	20,720
Mississippi	258	289	280	2,117	318	3,614	269	417	4,451	524	1,292	10,796	793	12,881
Missouri	409	565	452	4,155	568	7,760	565	770	9,391	1,107	2,197	21,842	1,672	25,711
Montana	147	82	153	627	170	1,162	84	199	1,534	164	669	3,410	248	4,327

APPENDIX II—Continued

BLOC GRANT FUNDS AWARDED TO STATE PLANNING AGENCIES—Continued

TOTAL AMOUNTS OF BLOC GRANTS AWARDED TO STATES—Continued

State	Fiscal year (actual)— 1969 Planning	1969 Action	1970 Planning	1970 Action	1971 Planning	1971 Action	1971 Bloc corr.	1972 Planning	1972 Action	1972 Bloc corr.	4-yr. cumulative totals Planning	Action	Bloc corr.	Grand total
Nebraska	$197	$176	$211	$1,310	$248	$2,457	$180	$312	$2,979	$351	$967	$6,902	$531	$8,400
Nevada	130	55	134	405	149	807	59	171	1,080	116	580	2,293	175	3,048
New Hampshire	146	84	154	634	173	1,210	90	206	1,630	175	677	3,527	265	4,469
New Jersey	571	860	641	6,372	816	11,870	870	1,126	14,388	1,696	3,153	33,476	2,566	39,195
New Mexico	168	123	176	896	201	1,671	123	245	2,040	240	789	4,726	363	5,878
New York	1,333	2,251	1,490	16,392	1,914	30,093	2,207	2,704	36,522	4,304	7,466	85,661	6,511	99,638
North Carolina	439	619	492	4,625	601	8,305	617	828	10,203	1,202	2,378	24,051	1,819	28,248
North Dakota	143	78	148	562	162	1,022	75	188	1,364	146	642	3,050	221	3,913
Ohio	803	1,284	911	9,563	1,164	17,645	1,292	1,625	21,386	2,520	4,512	50,025	3,812	58,349
Oklahoma	267	306	294	2,291	352	4,182	310	466	5,138	605	2,384	11,998	915	14,297
Oregon	234	246	253	1,806	307	3,442	254	399	4,199	495	1,189	9,612	749	11,550
Pennsylvania	882	1,427	998	10,591	1,278	19,532	1,431	1,788	23,679	2,790	4,956	55,401	4,221	64,578
Rhode Island	161	111	169	819	193	1,544	115	236	2,000	225	758	4,453	340	5,551
South Carolina	274	318	304	2,406	355	4,223	314	471	5,201	613	1,419	12,401	927	14,747
South Dakota	145	83	151	599	167	1,107	----------	195	1,471	158	658	3,268	158	4,084
Tennessee	362	478	402	3,562	487	6,425	476	662	7,878	928	1,926	18,554	1,404	21,884
Texas	831	1,334	942	9,926	1,209	18,393	1,358	1,703	22,480	2,649	4,689	52,208	4,007	60,904
Utah	169	126	179	929	207	1,775	----------	251	2,127	251	803	4,911	251	5,965
Vermont	128	51	133	387	144	733	54	164	1,000	105	568	2,157	159	2,884
Virginia	405	557	452	4,150	558	7,604	564	766	9,333	1,100	2,189	21,761	1,664	25,614
Washington	308	380	352	2,971	438	5,612	414	588	6,845	807	1,681	15,723	1,221	18,625
West Virginia	221	221	239	1,640	272	2,849	212	350	3,502	413	1,094	8,413	625	10,132
Wisconsin	382	515	422	3,795	541	7,309	536	733	8,870	1,045	2,063	20,241	1,581	23,885
Wyoming	121	39	125	290	134	556	40	148	1,000	79	527	1,869	119	2,515
District of Columbia	154	99	161	723	175	1,249	92	208	1,671	179	704	3,838	271	4,813
American Samoa	102	4	102	28	103	47	3	104	120	7	411	203	10	624
Guam	106	12	108	90	109	146	11	113	300	21	437	569	32	1,038
Puerto Rico	281	330	308	2,454	371	4,502	326	485	5,401	636	1,449	12,751	962	15,162
Virgin Islands	104	7	104	50	106	106	8	109	300	15	423	450	23	896
Total	19,000	24,650	21,000	182,750	26,000	340,000	24,447	35,000	416,195	48,750	100,859	963,604	73,197	1,137,660

Appendix III

SPA Expenditures for Consultant Services

EXPENDITURES FOR CONSULTANTS FROM STATE PLANNING FUNDS (AS OF JUNE 1, 1972)

State or territory	Amount, 1969	Percent of SPA share	Amount, 1970	Percent of SPA share	Amount, 1972	Percent of SPA share	Amount, 1972	Percent of SPA share	Total expenditures
Alabama	$16,000	4.7	$111,570	30.0	0	0	0	0	$127,570
Alaska	20,800	18.0	55,600	46.0	0	0	0	0	76,400
Arizona	26,536	22.0	0	0	$5,000	2.0	0	0	31,536
Arkansas	39,000	28.0	39,019	26.0	41,299	23.7	$34,916	15.5	154,234
California	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	
Colorado	0	0	3,600	2.3	2,785	1.5	3,449	1.4	9,834
Connecticut	0	0	0	0	0	0	0	0	
Delaware	66,818	82.4	0	0	0	0	0	0	66,818
District of Columbia	9,600	6.0	21,400	13.0	10,321	5.0	5,127	2.0	46,448
Florida	28,708	9.5	80.739	23.40	25,395	5.5	9,493	1.5	144,335
Georgia	0	0	0	0	0	0	0	0	
Hawaii	0	0	16,508	10.4	0	0	0	0	16,508
Idaho	31,575	21.5	0	0	0	0	0	0	31,575
Illinois	30,833	6.2	37,672	6.7	11,517	1.7	2,903	.3	82,925
Indiana	0	(2)	2,219	2.8	524	3.3	54,680	3 15.8	57,423
Iowa	86,030	50.3	0	0	0	0	0	0	86,030
Kansas	50,863	33.0	15,984	9.7	6,852	3.5	1,965	.77	75,664
Kentucky	13,696	7.3	9,535	4.6	7,664	3.1	73,693	21.9	104,588
Louisiana	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Maine	36,732	37.0	19,218	18.3	13,500	11.3	0	0	69,450
Maryland	0	0	0	0	0	0	25,000	4.0	25,000
Massachusetts	6,869	2.5	17,003	5.5	60,059	21.6	55,762	10.2	139,693
Michigan	12,584	3.1	61,306	13.4	814	0.1	125,408	15.2	200,112
Minnesota	21,990	19.9	73,342	29.7	87,941	26.3	3,000	.9	186,273
Mississippi	103,050	66.6	15,251	9.1	6,558	3.4	74,726	29.9	199,585
Missouri	67,280	27.4	59,065	21.8	36,988	10.9	7,458	1.6	170,791

APPENDIX III—Continued

SPA EXPENDITURES FOR CONSULTANT SERVICES—Continued

EXPENDITURES FOR CONSULTANTS FROM STATE PLANNING FUNDS (AS OF JUNE 1, 1972)—Continued

State or territory	Amount, 1969	Percent of SPA share	Amount, 1970	Percent of SPA share	Amount, 1972	Percent of SPA share	Amount, 1972	Percent of SPA share	Total expenditures
Montana	$33,816	38.3	0	0	0	0	0	0	$33,816
Nebraska	0	0	0	0	0	0	0	0	0
Nevada	0	0	$2,000	1.5	0	0	$10,000	9.7	12,000
New Hampshire	16,082	18.3	16,794	18.2	$19,367	18.7	16,987	13.7	69,230
New Jersey	66,781	19.5	0	0	28,789	5.9	45,697	6.8	141,267
New Mexico	18,874	18.8	0	0	3,085	2.6	11,171	7.6	33,130
New York	124,700	15.6	100,680	11.3	29,381	2.6	0	0	254,761
North Carolina	[3] 84,640	[3] 32.1	[3] 94,878	[3] 32.1	107,660	29.9	92,623	18.6	379,801
North Dakota	0	0	10,000	11.3	21,755	22.4	29,719	26.4	61,474
Ohio	88,139	18.3	104,497	19.1	188,220	26.7	[4] 166,255	17.0	547,111
Oklahoma	0	0	7,625	4.4	18,199	8.62	0	0	25,824
Oregon	0	0	25,000	16.5	0	0	0	0	25,000
Pennsylvania	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	
Rhode Island	0	0	0	0	0	0	0	0	
South Carolina	14,260	8.7	59,878	32.8	111,521	52.4	47,712	16.9	233,371
South Dakota	5,000	5.7	7,000	7.73	7,000	7.0	[1]	[1]	19,000
Tennessee	2,139	.98	23,502	9.74	5,319	1.8	18,458	4.7	49,418
Texas	87,200	17.5	68,640	12.1	245,590	33.7	120,623	11.8	522,053
Utah	32,778	32.4	5,549	5.2	20,263	16.31	18,725	12.43	77,315
Vermont	34,693	45.14	14,803	18.5	4,573	5.3	8,923	8.43	62,992
Virginia	230,307	94.8	182,470	67.3	209,242	62.5	0	0	622,019
Washington	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	
West Virginia	0	0	6,800	4.74	11,000	6,74	0	0	17,800
Wisconsin	26,475	11.6	38,582	15.24	11,208	3.5	13,487	3.1	89,752
Wyoming	5,805	8.0	31,268	41.7	23,100	28.7	2,955	3.3	63,128
Total	1,540,653		1,438,997		1,382,489		1,080,915		5,443,054

[1] Data unavailable at this time.
[2] SPA retained 30, 53, 34, and 41 percent of available planning moneys, instead of 60 percent.
[3] Total of 179,518 reported for fiscal years 1969 and 1970. Percentage of 32.1 percent reported for both years.
[4] As of May 1972.

Appendix IV

SPA Expenditures for Hardware

ACTION GRANT AWARDS FOR HARDWARE ITEMS

State	1969 Amount	1969 Percent	1970 Amount	1970 Percent	1971 Amount	1971 Percent	1972 Amount	1972 Percent	Total for State
Alabama	$323,289	74.5	$1,161,707	36.6	$795,063	14.1	$3,368,506	48.5	$5,648,565
Alaska	83,467	83.5	156,603	31.3	139,601	18.6	130,000	13.0	509,671
Arizona	109,842	54.7	500,214	33.3	912,121	31.1	(1)	(1)	1,522,177
Arkansas	119,176	49.3	474,330	26.5	593,212	18.8	199,013	5.4	1,385,731
California	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Colorado	111,894	46.1	729,533	39.2	643,597	17.7	42,121	.95	1,527,145
Connecticut	63,800	17.7	632,700	23.7	1,091,800	21.8	(1)	(1)	1,788,300
Delaware	86,447	86.5	164,214	31.1	108,450	10.9	(1)	(1)	359,111
District of Columbia	0	0	0	0	80,490	5.9	61,334	3.7	141,824
Florida	(2)	(2)	(2)	(2)	(2)	(2)	(1)	(2)	(2)
Georgia	55,872	10.0	1,366,728	33.1	2,459,366	32.7	2,061,807	22.4	5,943,773
Hawaii	0	0	19,684	2.6	168,777	12.2	(1)	(1)	188,461
Idaho	69,713	69.7	177,212	25.2	160,728	12.5	309,681	19.7	717,334
Illinois	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Indiana	53,261	8.7	1,024,308	22.4	2,172,957	25.2	(1)	(1)	3,250,526
Iowa	(1)	(1)	(1)	(1)	1,090,771	23.3	1,000,000	17.6	2,090,771
Kansas	50,873	18.3	565,257	27.4	566,823	15.3	703,963	15.6	1,886,916
Kentucky	46,625	11.9	914,425	31.5	786,000	14.9	850,000	13.2	2,597,050
Louisiana	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Maine	11,000	9.2	390,000	40.2	530,000	29.4	500,000	25.1	1,431,000
Maryland	254,700	56.5	551,200	16.5	542,400	8.4	(3)	(3)	1,348,300
Massachusetts	64,600	9.7	176,600	3.6	561,000	6.0	680,000	6.0	1,482,200
Michigan	204,528	19.4	77,666	9.9	1,458,712	9.9	2,386,173	13.4	4,820,079
Minnesota	109,163	24.9	452,664	13.7	(1)	(1)	(1)	(1)	561,827
Mississippi	28,840	10.0	820,041	38.7	1,274,085	35.3	169,730	3.8	2,292,696
Missouri	150,593	26.7	1,285,989	31.0	1,273,023	16.4	646,732	6.9	3,356,337
Montana	28,600	28.6	371,058	5.38	423,349	33.1	170,274	11.1	993,281
Nebraska	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Nevada	55,339	55.3	209,144	41.8	350,141	39.4	(1)	(1)	614,624
New Hampshire	36,650	36.7	366,669	52.6	449,561	33.8	496,340	30.5	1,349,220
New Jersey	363,837	42.3	907,845	14.2	1,220,953	10.3	(1)	(1)	2,492,635
New Mexico	66,555	54.0	453,100	46.0	202,290	11.0	448,800	22.0	1,170,745
New York	662,372	29.4	2,839,381	17.3	2,024,001	6.1	1,253,986	3.1	6,779,740
North Carolina	86,107	13.9	1,543,379	33.4	2,199,598	26.5	1,939,224	19.0	5,786,308
North Dakota	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Ohio	281,414	26.6	2,281,335	23.9	1,907,003	10.8	(1)	(1)	4,469,752
Oklahoma	147,116	48.1	443,740	19.4	500,569	12.0	0	0	1,091,425
Oregon	45,671	18.6	122,279	6.7	167,317	4.3	30,701	.65	365,968
Pennsylvania	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Rhode Island	90,000	81.8	502,184	55.7	686,412	40.4	275,247	13.7	1,553,843
South Carolina	77,445	24.4	580,437	24.1	688,850	16.3	978,447	16.8	2,325,179
South Dakota	73,260	73.3	278,150	72.2	300,000	24.6	(1)	(1)	651,410
Tennessee	(1)	(1)	1,929,114	54.2	1,162,213	18.0	0	0	3,091,327
Texas	222,321	16.7	1,790,055	19.0	2,110,687	11.5	1,250,372	5.6	5,373,435
Utah	77,039	61.0	140,436	14.0	308,245	16.0	9,379	4.0	535,099
Vermont	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Virginia	163,723	30.0	324,285	13.0	300,000	5.0	(1)	(1)	788,008
Washington	122,428	32.2	818,243	27.5	866,000	15.0	541,081	8.0	2,347,752
West Virginia	60,300	27.3	289,400	17.7	529,493	18.6	153,746	4.4	1,032,939
Wisconsin	130,798	25.0	888,871	23.4	899,111	11.0	113,604	1.0	2,032,384
Wyoming	39,469	39.5	116,611	23.3	155,406	20.7	131,812	13.2	443,298

[1] Data unavailable at this time.
[2] Data is not available for this State.
[3] To date figures only.

TOTAL EXPENDITURES FOR HARDWARE

	Fiscal year— 1969	1970	1971	1972	Total
Total for hardware	$4,828,127	$29,529,791	$34,860,175	$20,902,073	$90,120,166
Total Pt. C money	17,148,904	129,998,000	238,654,000	196,611,000	582,411,904
Hardware as a percent of pt. C	28.2	22.7	14.6	10.6	15.5

Appendix V

Minimum Standards for State Planning Agencies

Adopted by the National Conference of State Criminal Justice Planning Administrators—Revised February 1973

1. *Planning.*—The state comprehensive criminal justice plan shall present a complete and accurate assessment of the crime and delinquency problem and its impact upon the state. Further, the plan should fairly portray the services rendered by its criminal justice system and where its deficiencies appear. Each SPA shall have sufficient in-house staff and capability to determine planning priorities each year and to manage and/or oversee the development of the state's annual criminal justice improvements plan.

The state comprehensive criminal justice plan shall specifically detail a coordinated attack upon identified criminal and delinquency activity and upon the identified deficiencies within the criminal justice system, coupled with evaluation criteria for determining the success or failure of the planning effort.

2. *Auditing.*—Every state planning agency shall audit or ensure the audit of each and every action grant administered by the state planning agency, within one year of its completion. In the cases of local planning and continuation action grants, audits shall be conducted no less than once every twelve months. Auditing staff should report to the SPA director, the governor, or to the appropriate state auditing agency.

At any time that information is received by the state planning agency director that a grant is being mismanaged and that the effective utilization of grant funds is in jeopardy, he shall order a special investigation to be conducted immediately and, where appropriate, a special audit shall also be conducted.

No state planning agency shall internally audit its own state planning grant, nor shall it audit any action grants in which the state planning agency is the implementing agency. In such cases, audits shall only be conducted by a certified public accountant, by the appropriate state audit agency or by LEAA auditors.

3. *Monitoring.*—Each action project administered by the state planning agency shall be monitored at least one time per year during the life of the project. Such monitoring shall include both on-site fiscal and programmatic review. This monitoring may either be conducted by the state planning agency or by the appropriate local or regional planning unit. Joint monitoring is encouraged.

In a case of equipment purchases and projects of less than six months' duration, the monitoring function may be merged with the final audit.

Each regional or local planning unit shall be visited at least once a month by a representative of the state planning agency, who shall offer whatever assistance the regional or local planning unit may require and shall report on its progress.

Each action project in which an on-going program is contemplated, which will involve more than $25,000 of LEAA funds, shall be monitored at least once every six months. If more than $100,000 of Federal funds is involved, such project shall be monitored at least once every three months.

When for individual grants the director of a state planning agency (or local or regional planning agency when that authority has been passed through) determines that more or less frequent contacts are advisable, he shall establish a schedule of visits which he deems appropriate.

Monitoring shall be defined as periodically determining, by on-site inspections, whether the subgrantee is fulfilling the fiscal and programmatic conditions of his grant award, during the lifetime of the project.

4. *Evaluation.*—Each state planning agency shall develop annually a specific evaluation strategy. A program shall be evaluated if it meets one of the following criteria:

If it proposes to reduce the incidence of a specific crime or crimes;

If it purports to produce quantifiable improvement of some aspect of the criminal justice system;

If there is potential for technology transfer.

Evaluation shall be defined as determining whether the project or program accomplished its objectives, in terms of either preventing, controlling or reducing crime or delinquency or of improving the administration of criminal justice within the context of the state comprehensive criminal justice plan. Such evaluation shall include, whenever possible, the impact of the project or program upon other components of the criminal justice system.

5. *Grants Management Information Systems.*—Every state planning agency shall develop by January 1, 1973, and shall have operational by July 1, 1973, a manual or automated grants management information systems which will accurately and speedily provide for access to grant information regarding such matters as the amounts and sources of funds received, awarded, disbursed and expended by local and state criminal justice agencies, including the state planning agency, classified by programmatic category and subgrant, whether planning, action, discretionary or Part E. Such system shall also indicate the status of each subgrant, as to spending level, reporting compliance and state of development. Planning grants and planning subgrants shall reflect major and minor object account expenditures.

6. *Grant Administration.*—Each state planning agency shall ensure that each project application is acted upon within ninety days from the time of submission to the state planning agency by the community or state agency, or from the time of the Federal approval of the state plan whichever is appropriate to each state's procedure.

Such action shall consist of mailing a signed grant award, a rejection of the application for specific instructions for modification or additional information. Grant awards shall be mailed with adequate forms and instructions, so that subgrantees may intelligently respond to demands for grant acceptance, periodic reporting and the submission of timely requests for additional funds. State planning agencies shall ensure that requests for information, additional forms, and technical assistance be answered promptly and efficiently, so that the success of projects will not be jeopardized. Each SPA shall take action for modification of block grant awards and shall insure that all requests for modification are processed within thirty days of receipt.

7. *Fund Flow.*—Each state planning agency shall ensure that funds will be distributed to subgrantees as quickly as state disbursement procedures, subgrantee expenditures and LEAA guidelines will permit. Upon receipt of a valid request for action or planning funds, the check or warrant shall be mailed to the subgrantee within thirty working days. With respect to subsequent disbursements, the same time constraints shall apply, upon receipt of timely and appropriate requests for funds from subgrantees and regional planning units. The ability of a state planning agency to promptly disburse funds shall not be measured by either the date of approval of the state comprehensive criminal justice plan or by the rate at which funds are expended by subgrantees. The efficiency of the state planning agency's fund flow procedures shall be measured only by the time elapsed between project submission and approval, by the time elapsed between subgrantee requests and the correlative disbursements, and by the efforts of the SPA to maintain an amount of Federal funds on hand at a minimum consistent with effective program management.

Each SPA should have an automatic abort procedure for cancelling grants that are not commended by the grantee within 120 days of award.

8. *Organizational Structure of State Planning Agencies.*—Each SPA shall have a full-time professional director.

Each SPA shall have a staff within its organization table, whose assignments shall be planning and research. Ideally, these positions should be full time: In no case should less than 75 percent of their time be devoted to planning and research activities.

Each state planning agency shall have full-time professionals assigned to fiscal operations, including responsibilities for internal administration of the SPA planning grant and for fiscal review of action and local planning grants. Where auditing is performed by the state planning agency, as opposed to another state office or private accounting firm, additional personnel will be required as the quantity of subgrants dictates.

Each SPA should conduct yearly evaluations of all regional planning units and coordinating councils involved in that state's comprehensive criminal justice planning or grant administration processes.

SPA staff level should be based upon, but not limited to, the following factors: Size of the state, number of active project applications, range of duties, the degree to which state planning agencies offer technical assistance to local communities and state agencies, number of active grants and the manner in which grants are processed, managed, and evaluated.

9. *Technical Assistance.*—The NCSCJPA shall work, together with LEAA, toward an orderly transfer of technical assistance funds and manpower, so that, within three years, technical assistance shall be the recognized responsibility of state planning agencies, backed up by a national LEAA consultants contract, similar to that presently in force. Such an objective is consistent with, and an important first step toward accomplishing, LEAA's desires to reduce its staff size and to create strong, self-sufficient state planning agencies.

10. *Training and Staff Development.*—Each SPA shall provide a formal orientation program for all new SPA professional staff personnel, all new regional staff personnel and all new coordinating council personnel. Subjects to be covered should include organization and functions of the SPA, standard SPA operating procedures, and SPA criminal justice improvement philosophy.

Each SPA shall provide a minimum of twenty-five hours of in-service training per year to all professional staff. This should be augmented by state or national training efforts geared to specific functional areas.

Appendix VI

Analysis of LEEP Funding—Fiscal Year 1969–73

Thirty-two States have received *less* than their population shares.

Twenty-three States have received *more* than their population shares.

Of those States which received less than their population shares, the following States have shown an appreciable difference:

	Percent of total LEEP funds received fiscal year 1969–73	Amount of population share received fiscal year 1969–73		Percent of total LEEP funds received fiscal year 1969–73	Amount of population share received fiscal year 1969–73
Arkansas	0.08	1/11	New Hampshire	.20	1/2
Alaska	.12	6/7	New Jersey	2.26	2/3
Hawaii	.37	3/4	North Carolina	1.16	1/2
Illinois	3.16	1/2	North Dakota	.25	6/7
Indiana	2.51	2/3	Ohio	3.08	1/3
Iowa	1.37	1/2	Pennsylvania	4.53	4/5
Louisiana	1.27	1/3	Rhode Island	.22	1/2
Maine	.27	1/2	Tennessee	.67	1/3
Michigan	3.67	6/7	Virginia	1.19	1/2
Minnesota	1.12	2/3	West Virginia	.61	3/4
Mississippi	.98	7/8	Guam	.01	2/3
Missouri	1.54	2/3	Puerto Rico	.24	
Nebraska	.61	7/8			

Of those States which received more than their population share, the following States received appreciable amounts:

	Percent of funds received	Percent over population share		Percent of funds received	Percent over population share
Alabama	1.94	20	New York	11.61	33
California	11.22	16	Oregon	3.54	300
Florida	5.85	33	Texas	7.61	33
Maryland	3.29	50	Utah	.76	50
Massachusetts	3.47	33	Washington	2.33	50
New Mexico	.76	33	District of Columbia	2.23	700

Appendix H

Testimony of Hon. Bella S. Abzug, House Committee on the Judiciary, Subcommittee No. 5

Mr. Chairman, it seems preposterous that the same people who bugged the Democratic Headquarters, mishandled funds and betrayed contributors, should be telling the nation how to handle crime. By their standard the theft of anything over a thousand dollars or so is not crime, it's politics. Hundreds of thousands of people are in jail for lesser crimes than those now charged against top Administration officials. So we should make it clear that when we talk of crime at these hearings, we are talking of mugging, shooting, drug pushing—not the big deliberate crimes for which we seemingly can find no solution.

Certainly we are all concerned about street crime. Coming as I do from the heart of Manhattan, I reflect the concern of thousands of citizens and am committed to finding long-term solutions. But I am also instructed by my constituents to remember that in our eagerness to restore safe neighborhoods we must not lose sight of civil liberties. Our system of justice is founded upon civil rights: if we lose them we lose *all* justice.

Many of us whom the President would call "permissive" believe that certain factors in our society tend to drive a person to drink or to drugs or to senseless violence. An example is an income of $2000 or less, in a culture which judges a person by monetary success and flaunts its affluence before the very eyes of the poor. Several million people in this country make less than $2000 a year, although the government defines the poverty level for a family of four as $4200. The President would have us believe that these people are poor because they are lazy and would rather steal. Most of us know from statistical evidence and personal observation that the poor work incredibly hard but stay poor because they're too young or too old, too unskilled or too disabled, to dark-skinned or too female, to make decent wages. Often they have families that can't be fed. Finicky Morris, the TV cat, eats better than thousands of Americans, and now they know it. The media has made the poor aware, as they were not a few years ago, of the discrepency between haves and have-nots. Furthermore, they're increasingly aware of how the haves got theirs. Every recent poll shows that public trust in the honesty of government officials is at a very low ebb. The moon-lighting taxi driver knows the names of the Watergate gang and the kind of perfidy that prevailed there.

The greatest thing that could happen to law enforcement in this country would be a demonstration of respect for law by the President and his cohorts.

The next greatest thing that could happen would be a restoration of communication between the citizen and his government—the feeling that one's votes and one's opinions count. It has been made "perfectly clear" that this Administration does not care what people think so long as it can trick them into believing that they are getting what they want. There is indeed a listening ear out for the public's mood, but only to play upon it for political gain. In his message on law and order this Spring, the President was responding to and playing upon the fears of the public and their understandable and perfectly sensible desire for protection from crime.

This suggests that LEAA has had considerable success and should be continued, with some reforms.

At present 85 percent of LEAA's $600 million grant budget is distributed to state and local government's criminal justice authorities in the form of block grants, with 15% being retained by LEAA for discretionary uses. The block grants have not been allocated to local authorities in proportion to their crime rates. Large cities have received far less than they should get in funds. The block grants program should be revised either by establishing direct block grants to large cities, or by requiirng states to distribute the funds to localities in proportion to their share of the state's total crime. The presen law merely requires "adequae assistance" in areas characterized by both high crime incidence and high law enforcement activity. According to the testimony of Henry Ruth, head

of New York City's Criminal Justice Coordinating Council, New York City has 10% of the nation's crime but receives only about 2 percent of the LEAA budget. In 1971, this was $13 million out of $650 million.

Block grants would also eliminate literally tens of thousands of bureaucratic steps annually, and would improve the quality of programs. Each time a locality wishes to apply for money, it must go through literally hundreds of steps.

An additional difficulty, Mr. Ruth says, is the overly limited usage permitted for LEAA funds. One example cited was that these funds probably could not be used to fund a recreation program in a ghetto neighborhood. Such a program could be more effective in preventing crime than 50 street lights.

The purpose of the Law Enforcement Assistance Administration was precisely to find ways to prevent crime by increasing federal spending in the anti-crime area. There has been much criticism of the LEAA and we must all admit that at least some of it is justified. Sarah C. Carey of the Lawyers Committee for Civil Rights Under Law says in a report called "Law and Disorder" that ". . . review of state expenditures shows that the funds are going for such outstanding needs as new communication equipment, information and intelligence systems, helicopters, vision equipment, new training facilities, crime labs and even nightsticks, helmets and street lighting. Many such items may in fact be needed but they are the bread and butter expenditures that states are supposed to fund themselves, not the kind of innovative projects that the Act was intended to fund."

It appears that too much of the fund has gone for hardware at profitable contracts for suppliers, and too little toward innovative programs that get to the cause of crime. This again is understandable because the LEAA specifically does not seek to solve social and economic problems. I suggest that this is what is wrong with the concept in the first place. Additional funding for hardware and more policemen, as greatly as these things are needed, will not get the causes of crime.

It is encouraging, however, that there has been a drop in crime .The latest FBI figures show that for the first nine months of 1972, the growth rate for serious crimes in America was reduced to 1 percent. That is the lowest rate of increase since 1969. In 83 of our major cities serious crime has actaully been reduced. In the District of Columbia it has been cut in half since 1969. Convictions for organized crime have more than doubled in the last four years. The rate of drug addiction has dramatically decreased.

The major problem, however, is that grants to the states for correctional purposes are being used almost wholly for state facilities and are not reaching local facilities. This must be a major function of any legislation to amend the Omnibus Crime Bill.

Further, all Federal funds should be conditioned on either formal opportunities for local community input or local community control. There must also be community input at the planning stage when the state and local criminal justice authority are drafting their plans for submission to LEAA or other funding sources.

Some of the funds should be freed for innovative community projects—for example, on subway security, it has been suggested that closed circuit television coverage be installed on platforms and at exits. Civilian patrols might help to police subway stations or walk people home from the subway late at night; they need not be armed but should have walkie-talkies.

Military reservists and guardsmen might spend some training time in precinct houses, freeing policemen for street duty; or they might work in drug rehabilitation programs or youth centers, which help prevent crime. Federal employees might be given a five-hour reduction in their work week upon certification that they are spending five hours in volunteer work for such a program. Such time might also be made tax-deductible, at minimum wage levels.

An especially helpful suggestion is the use of scooters rather than cars for police patrol. Scooters are less expensive; they enable an officer to cover a good deal more ground in a shorter time. Unlike cars, they cannot be used for "cooping" and a police officer on a scooter is far more likely than one in a car to take a look into building lobbies on a cold, rainy night. Projects of this nature would make excellent demonstration projects for LEAA funds and I hope we may see many of them implemented.

With the reforms suggested, I support the extension of the Law Enforcement Assistance Administration.

Appendix H.1

State of Idaho,
Office of the Governor,
Boise, April 11, 1973.

Hon. Peter W. Rodino, Jr.,
Chairman, House Judiciary Committee, Subcommittee No. 5, Rayburn House Office Building, Washington, D.C.

Dear Congressman Rodino: Having had the opportunity to review the efforts of the Idaho Law Enforcement Planning Commission in the administration of the LEAA program, I have found that a truly comprehensive approach involving state and local government in the planning process has resulted in the development of programs and projects which have contributed significantly toward the reduction of crime.

I am well aware of our need to coordinate, intensify, and make more effective our law enforcement efforts at the state and local level; therefore, my support for special law enforcement revenue sharing cannot be over-emphasized.

I would urge the passage of Senate Bill 1234 and House Bill 5613; however, as an alternative, it would be essential that the LEAA Block Grant Program be continued at the present level of funding, if not under an increased appropriation.

Sincerely,

Cecil D. Andrus, *Governor.*

State of Idaho,
Office of the Attorney General,
Boise, April 12, 1973.

Hon. Peter W. Rodino, Jr.,
Chairman, House Committee on the Judiciary Subcommittee No. 5, Rayburn Office Building, Washington, D.C.

Dear Representative Rodino: It is my understanding that the Sub-Committee which you Chair is presently considering House Bill 5613, commonly known as the Special Revenue Sharing Bill.

As Attorney General of the State of Idaho and as Chairman of the State Planning Agency for Criminal Justice, I am writing to express my wholehearted support of the subject legislation. It seems to me that this Bill provides the increased flexibility and autonomy which, at least in Idaho, is badly needed.

I urge your favorable consideration of HB 5613.

Very truly yours,

W. Anthony Park,
Attorney General.

Appendix H.2

State of Alaska,
Office of the Governor,
Juneau, April 13, 1973.

Hon. Peter W. Rodino, Jr.,
Chairman, House Judiciary Committee, Subcommittee Number 5, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

Dear Mr. Rodino: Through the National Governor's Conference and other sources I am closely following Congressional action relative to Law Enforcement Assistance Administration legislation. Alaska is vitally interested in this program.

Funds furnished to Alaska, while modest in amount, have played an important role in reducing crime in our State.

During the last four years State agencies have improved the level of training in every local police department and created a local law enforcement force to serve the remote villages of Alaska. We have upgraded communications available to the police and started a justice information system that will eventually provide the entire criminal justice community with the means to not only apprehend the criminal element, but assist in assuring a just and speedy trial.

Alaska has a highly integrated criminal justice system, and the federal dollars that LEAA has supplied have found a high degree of utilization. For that reason Alaskans can point to specific programs and projects with pride knowing that not only have we improved the basic system, but we have over the years reduced the rate of crime increase in Alaska.

The major projects funded (outside of the justice information system) have been in the area of training. A store-front probation center in downtown Juneau, Alaska's Capital City, was credited during its first year of operation with reducing juvenile delinquency in the area by over 50 per cent according to Juneau Police Chief Robert Bacolas.

Any loss or decrease in LEAA funding would have a very very adverse effect upon our State. State and local governments have continued to increase their support of law enforcement each year, but the major effort at lowering the crime rate still must be provided at the federal level. We know some of the goals we set three years ago are obtainable. I earnestly request that Congress continue to fund the LEAA with sufficient money to assure continuance of all State and local criminal justice programs.

Of particular interest to Alaska is Discretionary funding (small states supplement and funds made available to native communities). Projects which would generally have to go unfunded if only Part C funds were available are of such importance that they stand the test of national competition for these monies. Law enforcement in the remote areas has enjoyed a remarkable upgrading through the use of funds from this source. I cannot stress strongly enough the need for maintaining a high level of Discretionary funding.

Mr. Chairman, as Alaska's chief executive, I want to add my voice and support to not only the continuance of LEAA, but to the maintenance of a workable level of funding for those activities covered by this program.

Should you need a more specific description of Alaska's experience with LEAA, I will be most happy to provide additional information.

Sincerely,

WILLIAM A. EGAN, *Governor.*

APPENDIX H.3

STATEMENT SUBMITTED BY JOSEPH L. WHITE

Mr. Chairman and Distinguished Members of the Committee: My name is Joseph White. I am Deputy Director of the Ohio Department of Economic and Community Development, in charge of its Administration of Justice Division. Within this umbrella Department, the Administration of Justice Division is responsible for administering Ohio's funds under the Omnibus Crime Control Act (P.L. 90-351, as amended). I would like to add my endorsement, along with those of others, to H.R. 5613, presently under your consideration. While not without serious philosophical and bureaucratic problems, which I will later delineate and offer solutions, the Law Enforcement Revenue Sharing Bill of 1973 does offer a significant step forward in achieving not only a more reasonable federal-state relationship, but a more sensible way to handle the vast resources available to the federal government.

TAX CREDIT SYSTEM PREFERRED TO REVENUE SHARING

At the same time, Mr. Chairman, I want to say emphatically that Ohio does not favor revenue sharing, in whatever form, as an ultimate solution to the problem of equitably distributing governmental resources. It makes little sense for Ohio's two million families to send their taxes to Washington, where it is duly counted and deposited, and then to have Congress appropriate revenue-sharing funds to Ohio, requiring appropriate state legislation for distribution to state and local governments. Such bureaucratic procedures are wasteful of time, energy, talent and, above all, the very money which is being collected. Those taxes need never have left Ohio: we already have the machinery to administer the revenue. One need not be a pundit to observe that, just as H.R. 5613 is a natural extension of the "block-grant" concept, initiated under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351), so will tax credit legislation be the logical and ultimate extension of revenue sharing, sometime in the very near future. As revenue sharing becomes more and more imbedded into the American tradition, the sheer folly of returning revenue to the source of its generation will become increasingly evident.

Therefore, Mr. Chairman, please understand that my endorsement of H.R. 5613 is a qualified one, tempered by my view that revenue sharing, as a philosophy of federalism, is a transitory experiment which will inevitably lead to tax credits.

THE ADMINISTRATION BILL

A. Can the States handle the program? The Bill has many characteristics with which I am in agreement, including its single, most-controversial provision, i.e., total allocations to the States, with required pass-through to local communities. In all likelihood, testimony in opposition to the Bill and, indeed, the submission of amendments and substitute Bills, will all tend to focus on this single issue—the mechanism for actual distribution.

I can appreciate that you have heard many persons urge the Congress to return either to the categorical grant practices of the 1940's and 50's, or to direct grants to cities, consistent with the procedures under the Fiscal Assistance to State and Local Governments Act of 1972 (P.L. 92–512), the so-called General Revenue Sharing Act. The proposals are understandable, in light of the experiences that some communities have had with their State Planning Agency. I would venture the observation that these and other cities have had just as much difficulty with LEAA, in relation to the federal discretionary grant program under the present Act, as they have had with their state planning agencies. This is not meant to minimize the problem and to suggest that state governments are not sometimes at fault. Rather, I seek only to point out that, no matter how the program is structured, its benefits and dysfunctions will not be uniformly felt across the country; that some will like it and some will not; and that it is completely understandable for every governmental executive and administrator to seek as much funding and as few constraints on spending as possible.

The task of Congress in this matter is not an enviable one, for with the power to determine the manner in which nearly a billion dollar a year will be utilized goes the awesome responsibility of selecting the best course of action in stemming the rising tide of this country's crime and delinquency. I can readily sympathize with your predicament. In Ohio, Governor Gilligan has made the control of crime one of his highest priorities. But progress is slow, results are uneven, and experts differ on approaches to be taken.

It would seem to me that this Committee must not lose sight of the large issues presented by the Bill, taking official notice of discovered abuses and mandating the Administration to correct them. Certainly, this would be far better than creating legislation aimed at the abuses rather than at the positive intentions of Congress.

The largest question raised by H.R. 5613 is whether the States can adequately administer this program. Without reservation, I would say that they can and should, and I will share with you our experience in Ohio as justification for my conclusion. Without being presumptuous, I believe this Committee has received favorable comment about the "Ohio Plan" from several different sources. On March 20, 1973, The Honorable James V. Stanton, Congressman from the 20th District in Ohio, indicated that H.R. 5746, entitled the "Emergency Crime Control Act of 1973", was patterned after the Ohio Plan.

On March 27, 1973, The Honorable James Magee, Mayor of Dayton, Ohio, and Robert Igleburger, Dayton's fine Chief of Police, were both laudatory about how the Ohio Plan was working. Naturally, both those gentlemen would have preferred a direct, non-competitive grant to Dayton but they, nevertheless, noted their satisfaction with the reorganization of Ohio's program in the past two years. You also received proposed amendments from the National League of Cities, seeking to develop a pattern of funding to "special impact areas", with the amount of funding to be determined by a crime/population formula, both similar to what is presently done in Ohio. In all fairness to those honorable gentlemen, as well as to ourselves, I would like to describe how the "Ohio Plan" works, and in what one significant way it differs from the proposals made to this Committee by the persons referred to above.

When the Safe Streets Act was passed in 1968, Ohio reacted similarly to many other states: it created large numbers of multi-county Councils of Government (COGs), to coordinate the local planning efforts. Actually, the duties of these regional planning units included, at least theoretically, a wide range of tasks, including planning and Plan preparation, writing project applications and generating new projects, monitoring and evaluating on-going programs, rendering technical assistance and acting as a clearinghouse for federal and state information distribution. I said theoretically because, of Ohio's fifteen COG for criminal

justice "planning", thirteen had staffs of one man each, one had two and the last had four. That was all their budgets would allow, after secretarial and maintenance costs. In 1971, for example, the year in which our reorganization took place, the average COG planning grant was $31,266.00. What these alleged planners ended up doing was to take orders for equipment, much in America's tradition of traveling salesman.

The situation was exacerbated in 1970, when Congress rightfully mandated that all major cities and counties receive their own planning funds, independent of larger, multi-county, planning units. Ten such political subdivisions existed in Ohio. This would have meant that twenty-five local planning instrumentalities would have to be supported out of the same pot of money. The average, local planning grant in Ohio would then have been $18,760.00, making more ludicrous still, the illusion of local planning capability. While that was not Congress' intention, that was the result.

Even worse was the convoluted way in which funds flowed to the local community. In order to alleviate the collossal duplication of effort by extremely small local staffs, we resolved to:

1. Reduce the number of steps in the process;
2. Cut the processing time, at least initially, in half;
3. Reduce the number of COGs, which would:
(a) Allow for larger planning budgets and
(b) Allow greater focus in the state's high crime areas.

The result was the Ohio Plan. Its major features were:

1. The elimination of the fifteen COG's;

2. The creation of six, single-county planning units in our six, most-populous, crime-ridden counties. These six units now receive average, annual allocations of $150,000.00, and employ a minimum of eight staff members;

3. The absorption of planning, project review and monitoring into the state budget, through the provision of field teams to four, large, multi-county planning districts;

4. The elimination of the State's five Regional Offices, which reviewed the work of the COGs before it was again reviewed at the central office level.

5. Most important, and the distinguishing characteristic of the Ohio Plan from all other such state programs, is the fact that we give block grants or non-competitive funds to each of the six local, planning units, so that they may fund their own projects from their own, local accounts. No longer does the State of Ohio review their projects, once accepted into the State's Comprehensive Plan. No longer must checks pass through interminable hands in order to reach its destination. If the abbreviated preapplication documents are acceptable, the county-wide planning units are advised to fund their projects. All further negotiations take place at the local level. The State retains its right to monitor the work of the planning units and to audit their projects. Everything else is a local responsibility;

6. In the remaining multi-county districts, communities deal directly with our Columbus office, without the interjection of either traveling salesmen or regional offices. Checks go directly from the state to the local treasurer. The average processing time, after federal approval, is nine weeks from receipt of the full application. We presently fund about 500 projects a year.

Many states have looked at the Ohio Plan, but are reluctant to attempt such a drastic reorganization because of political considerations. With proper Congressional guidance, I am sure this can be overcome and would be preferable to direct federal grants to cities. My objection to this latter approach does not stem from a desire to retain power at the state level. Under the Ohio Plan, we have returned considerable power to local government. Rather, my argument in favor of block grants to states, with pass-throughs to local government, as contemplated by H.R. 5613, stems from a desire not to lose all we have learned from comprehensive, statewide planning over the past few years. Crime is not a problem that respects political boundaries. In some cases, like organized crime, even states are too small to meet the challenge alone. What we have today, as a result of the Safe Streets Act and the block-grant approach, is the first time in this country's history whereby states are developing multi-jurisdictional attacks upon crime. In Ohio, we have developed and are developing multi-jurisdictional narcotic units, jails, halfway houses, detention homes, crime labs, training programs, and dispatching and record-keeping units, most of which would not have been possible without the overview of state-wide, comprehensive planning. We have, therefore, managed to direct funds into high-crime areas, assured local

decision-making and fund control, and did it all within the context of state-wide, comprehensive planning. For that reason, I support the thrust of the Bill before you.

B. PROBLEMS WITHIN H.R. 5613. There are a number of minor problems which we see in the language of the Bill. I would only mention two:

1. Section 202(b) provides that a majority of the local advisory boards be elected public officials. While their participation is badly needed, the wisdom of Congress requiring a majority of such officials, as a national standard, is highly questionable.

I would recommend deleting the word "elected" in the sixth line of the subsection, and replacing it with "public". Also, there is no provision for citizen involvement on such boards. Surely, the users of the system are entitled to representatives, along with the public officials.

2. When the Act was first passed, it provided that 15 percent of the Part C (Action) funds would be reserved to the federal government, to be awarded at its "discretion". In the 1970 Amendments, 50 percent of Part E (Corrections) was similarly held back. Initially, it was argued that the federal government had an obligation to see that local governments were adequately funded in states where the SPAs pointedly ignored certain localities. In fact, the money has never been used that way and, as the Program has grown, the so-called discretionary grant program has correspondingly grown. The FY 1974 Appropriation Bill requests $120,000,000 for discretionary programs. Such an appropriation is excessive, in a Program that is variously touted as the "Governors' Program" and as Special Revenue Sharing. It breeds devisiveness and frustrates the objective of comprehensive planning. The National Conference of State Criminal Justice Planning Administrators has recommended a smaller percentage. We agree with that recommendation.

Discretionary and other LEAA funds, currently supporting programs which are to be turned over to the states, should directly follow such programs into those states which are now being called upon to support them. LEEP is a good example, having received a FY 1973 appropriation of $45,000,000 nationally. The states will now be expected to pick up that cost from the expanded state allocations. The end result may be that Ohio may have the same or less real dollars to utilize than we have now. In FY 1973, LEAA controls $268,600,000 out of $855,400,000 (31%). In FY 1974, LEAA will control $211,100,000 out of $891,100,000 (24%). This would appear to be a withdrawal of federal influence, until one recognizes that LEAA will have divested itself of well over $60,000,000 in FY 1973 expenditures. Therefore, the federal presence is unabated, perhaps a little larger and much more flexible, while the states will be weighted down supporting existing programs which heretofore came from allocations above and beyond the state block grants.

In my judgment, the solution is simple: reduce the Discretionary Grant Program to 5 percent and increase the funds allocated to the states to 95 percent. This would mean, on the basis of the Administration's appropriation bill, that LEAA would still receive $40,000,000 for Discretionary Grant Programs. The states would receive $720,000,000, as Special Revenue Sharing Funds, which would, in turn, require substantially more money to pass through to units of general local government. This would enhance the philosophical basis for the Bill and more realistically reduce the federal presence in this program.

Mr. Chairman, this concludes my testimony. I am deeply grateful for the opportunity to submit these comments.

Appendix H.4

STATEMENT BY JAMES L. MCGOVERN, PRESIDENT, NATIONAL ASSOCIATION OF CITIZEN CRIME COMMISSIONS BEFORE SUBCOMMITTEE NO. 5 OF THE HOUSE JUDICIARY COMMITTEE

Mr. Chairman I wish to thank you and the members of the committee for the opportunity to present my views concerning legislation relating to the Law Enforcement Assistance Administration which is now under consideration by this committee.

While my remarks are being presented by me as President of the National Association of Citizens Crime Commissions I believe it would be well to evaluate them in light of other aspects of my background which may qualify me to speak with some degree of authority to the matter now before this committee.

I was privileged to serve for in excess of twenty-five years with the Federal Bureau of Investigation as Special Agent, as a headquarters Supervisor, as a field Inspector and also as a field Administrator in the position of Special-Agent-in-Charge. Following my retirement in 1967 I was employed by the Metropolitan Atlanta Commission on Crime and Juvenile Delinquency as its Executive Director, and as such have been involved on a daily basis in developing support through citizen action of efforts having to do with the improvement of the Law Enforcement Delivery System, efforts to improve upon the procedures followed by courts in the prosecution of criminal matters and in developing support for a more effective corrections and rehabilitation program.

I also have been privileged to serve on the Supervisory Board of the Georgia State Crime Commission which is the State Planning Agency responsible for the dvelopment of the Georgia Comprehensive Plan, as required by the Omnibus Crime Control Act of 1968, as amended, and for the allocation and administration of grants under that Act. For the past year I have served as Chairman of this State Planning Agency and have therefore developed a rather intimate knowledge of the criminal justice planning program in the State of Georgia.

By reason of my law enforcement experience through employment with the Federal Bureau of Investigation which has been broadened during the past six years to include an accurate knowledge of the police, courts and corrections operations in the State of Georgia, also as a member of the New York and Georgia Bars, I believe I am in rather a unique position to objectively evaluate the impact of the Law Enforcement Assistance Administration resources in the State of Georgia.

Since June 1968 following the enactment of the Omnibus Crime Control Act I have followed the development of the Law Enforcement Assistance Administration. I have observed the development of the amendments which have refined the Act and in some cases corrected its original weaknesses. I have observed the development of the guidelines published by the Law Enforcement Assistance Administration under which the Act is administered by the various states.

I was pleased to observed the efforts to correct one of the basic administrative weaknesses of the Act which had to do with the creation of an impossible administrative condition involving the division of authority of the administrator. That position without the authority and responsibility to make independent decisions free of the threat of veto by an associate administrator was a built-in weakness of the Act which in my opinion was responsible for some of the early difficulties experienced by LEAA.

As I attempt to evaluate the performance of LEAA I do so in relation to the conditions as I witnessed them prior to the passage of the Omnibus Crime Control Act and the creation of the Law Enforcement Assistance Administration. I review the conditions which existed with respect to police planning research and development. I recall that these were terms little known in the criminal justice system as a whole and law enforcement in particular. I recall that each of these segments of the so-called criminal justice system was either unaware or failed to understand the problems of the other. The police segment had little or no understanding of the problems relating to the administration of the courts, however, the courts in turn were unaware or at least not sensitive to the practical problems of law enforcement and neither of these areas of the system were understanding or appreciative of the problems relating to the corrections or rehabilitation system.

Today we find each of these components of the system represented in the criminal justice planning process assisting in the development of the total or the comprehensive plan adopted by the respective states for the improvement of the criminal justice system and reduction of crime.

I find a greater awareness and understanding of the problems which confront each of these components and a better understanding and communication between them in arriving at solutions to a mutual problem.

This coordinated planning effort did not exist prior to 1968 and would not be present today had it not been for the foresight of the United States Congress which led to the enactment of the Omnibus Crime Control Act of 1968.

I regard this as a major contribution which is still in its early stages of development.

I do not view the administration of the Law Enforcement Assistance Administration to be without fault either at a national level nor at the state level and regional Atlanta level which I have observed.

In its early stages of development I would suggest that LEAA was weak in its leadership by failing to give to the individual states sufficiently clear and con-

crete guidelines to enable the states to establish an effective planning process. I recognize that it was the philosophy of LEAA to structure a program which would have a minimum of federal control during the development of comprehensive criminal justice plans. While agreeing with this concept, I nevertheless consider as a weakness the failure by LEAA to have included in its guidelines the nature of the planning structure to be developed in each of the states. Had LEAA set forth such structural guidelines we would have avoided the situation which has resulted in a total lack of uniformity in state planning in the individual states.

I feel that the philosophy which appeared to encourage the distribution of federal funds with little provision for monitoring programs and audit of funds was unsound and led to the allocation of funds to programs which were not based on planning nor on criminal justice needs.

In retrospect I recognize also that some criticism directed toward the early days of LEAA administration may be directly related to the desire to immediately fund programs to reduce crime and improve on law enforcement with little regard to comprehensive planning. I recognize further that in the desire to fund such programs an undue emphasis was placed on the funding of programs involving the purchase of equipment by police agencies. In that regard I believe that we must take into consideration the absence of law enforcement planning capability during the early stages of this program. Further we should recall that requests were directed primarily toward police agencies to participate in this program through the submission of grant applications without prior planning and identification of priorities. In the absence of a planning capability it was only reasonable to expect that police agencies would identify their needs in terms of equipment, manpower and training, which incidentally were then of poor quality and represented pressing law enforcement weaknesses. With the development of the planning capability this so-called shopping list approach has come to an end and a true planning process has developed.

As I view the criminal justice system today and compare it with that which existed prior to the creation of the law Enforcement Assistance Administration I do so in terms of then existing conditions in the areas of law enforcement training, police management, records-keeping systems, communications capability, regional cooperative law enforcement efforts, academic level of law enforcement officers, court administrator positions, courts record-keeping systems, the public defender system, coordinated effort to combat organized crime, cooperative metropolitan law enforcement effort to control narcotics, implementation stages of the National Crime Information Center, rehabilitation and corrections system, the juvenile court system and in crime prevention programs.

These are areas in which we find that but for the financial support provided through the Law Enforcement Assistance Administration we would probably find little or no change from the conditions which existed in 1968.

As I view the criminal justice effort in Georgia today, I observe many changes from conditions which existed in 1968.

We see the statewide planning effort, funded primarily through the Law Enforcement Assistance Administration, reaching into every city and community within the State. I see this planning effort identifying the extent of crime in all communities, whereas in the past the level of crime was known only within those areas in which the police agencies participated in the F.B.I. Uniform Crime Reporting Program. Through this statewide planning effort, I observe the identification of law enforcement needs in terms of employees, training, qualifications, communications equipment, records keeping capability and mobility of manpower.

I observe the planning processes examining the matter of trial delay in criminal prosecutions, the adequacy of prosecution manpower, the matter of court's records systems, the administration of the courts and the capability of sentencing judges to make intelligent sentencing decisions through the services of their staff and probation officers.

I observe the planning effort examining the matter of the juvenile court system, its availability to all accused youthful offenders throughout the state, the adequacy of juvenile court staff to administer justice in cases involving the accused juvenile, the ability of the juvenile court system to refer the declared delinquent to rehabilitative services and the adequacy of juvenile detention centers.

I observe the planning process evaluating the corrections system at all levels within the State and the identification of the needs of the corrections' effort to provide a true rehabilitative service to the convicted offender.

I observe the input from the planning components throughout the State, representative of the entire Georgia community, both rural and urban.

I have observed the administration of the Law Enforcement Assistance Administration grants in Georgia and the allocation, under the Block Grant Program, to areas which have identified their criminal justice needs.

I have observed the development of an audit and grant monitoring procedure to insure that within the State of Georgia these funds are being properly used.

I have witnessed the leadership and direct involvement of the Governor of Georgia in this program.

I have observed the personal commitment and dedication of the members of the Georgia State Planning Agency and all of its components to the effort to insure the intelligent use of LEAA grant funds in this State.

I have witnessed the close partner relationship between the State Planning Agency and the Atlanta Regional Office of LEAA.

Among the tangible results of the LEAA effort in the State of Georgia, I will name, but not limit comments to the following:

1. The development and pending implementation of the statewide criminal justice information system which will serve all communities and all criminal justice agencies throughout the State of Georgia and have access to the National network.

2. The development of an organized crime prevention council and statewide criminal intelligence network through which the inroads of organized crime may be detected and through a concereted and coordinated effort, eliminated.

3. The development of a statewide mandated police basic training program through which all police officers in the State of Georgia will receive basic training.

4. The development of incentive pay for police officers who, while so employed, improve upon their academic qualifications.

5. The development and full implementation of a cooperative law enforcement drug abuse identification effort in Metropolitan Atlanta.

6. The development of innovative rehabilitative programs within the State's corrections system.

7. The funding of the court administrator concept in several of the judicial districts.

8. The updating and expansion of police communications of a statewide radio communications network.

9. The modernization of courts records keeping system.

10. The development of innovative programs within the juvenile court system.

These are examples of the manner in which the LEAA funds have been used within the State of Georgia. They are merely representative. As an overview, I see great advances which have been made in the delivery of criminal justice services during the past several years which could not have occurred in the absence of the LEAA support. I view these advances as early steps in the continuing effort toward the goal of a crime-free society.

I view as a necessary amendment to the effective administration of the program the removal of the matching fund requirement. This requirement regardless of the extent of the match has been, in my opinion, a deterrent to full participation by all communities in the total objective which is early reduction and ultimate elimination of crime, accompanied by effective and true administration of justice. Lack of full participation because of matching requirements in some cases was due to the absence of available local funds while in other cases it was due to the administrative fact that some local governments operate on a calendar year basis whereas the Act is administered on a fiscal year basis.

The elimination of the matching requirement will, in my opinion, result in the development of a more effective law enforcement planning process and involve a broader cross-section of the National community in the total effort in elimination of crime.

Permit me also to include in this record a resolution which was adopted by the Board of Directors of the National Association of Citizen Crime Commissions at its December, 1972 meeting. This resolution represents the position of the membership of 21 Citizens Crime Commissions now in existence.

"Whereas the Law Enforcement Assistance Administration has been the first massive partnership between Federal, State and local governments to consolidate assets of manpower and money to challenge the failures of the entire criminal justice process; and

"Whereas the Law Enforcement Assistance Administration has made possible achievement of some extraordinary improvements in methods and attitudes; and

"Whereas much of this progress has evolved from the willingness to explore novel approaches to long-stagnant problems; and

"Whereas in its trial and error period there were evidences of waste and blunder, nevertheless, the overwhelming impact of LEAA has contributed to exceptional improvements in crime control; and

"Whereas progress made obviously has just begun to fill the needs of public safety and impartial justice; and

"Whereas we believe LEAA has proven its worth as the method for developing and implementing programs to improve police, courts, corrections and crime prevention: Therefore be it

"*Resolved* that the National Association of Citizen Crime Commission in convention assembled does hereby urge Congress to renew and extend the authority and financing of LEAA to effectively continue the drive toward minimal crime and maximum justice in our nation."

In summary, Mr. Chairman, the Law Enforcement Assistance Administration, during its short history, has been instrumental, under the terms of the Omnibus Crime Control Act, in accomplishing many improvements in the criminal justice system. The allocation of planning funds to the individual states has resulted in a coordinated effort in criminal justice planning and the development of an intelligent approach to the all-out war against crime.

We must recognize the mistakes which occurred during the developing period of the LEAA administration and its programs and accept them as such, noting that these mistakes have in many cases been corrected through the process of self-evalution by the agency.

We should view the total program in terms of its present administration in light of its past accomplishments and potential for further progress.

In my opinion, the continuance of LEAA is vital to our Nation-wide effort to control crime. It provides a vehicle for national leadership. It recognizes the financial needs of the individual states and local communities in their efforts to maintain an effective criminal justice system.

I hope that you will give favorable consideration to the continuance of this very necessary Federal, State and local partnership effort.

Appendix H.5

National Legislative Conference,
Washington, D.C., April 17, 1973.

Hon. Peter W. Rodino, Jr.,
U.S. House of Representatives, Committee on the Judiciary, Rayburn House Office Building, Washington, D.C.

Dear Congressman Rodino: At its meeting in Washington on March 30 and 31, the Intergovernmental Relations Committee of the National Legislative Conference adopted a policy position supporting the Law Enforcement Revenue Sharing Act of 1973. I attach a copy of this resolution, and I would appreciate you insuring that this resolution become a part of the LEAA hearing record.

The Intergovernmental Relations Committee of the National Legislative Conference is comprised of over 200 members. The Committee is truly National in scope with State Legislator representation from all 50 States.

The primary focus of the Committee is on the development of policy on key state-federal issues. This policy provides an invaluable representative state legislative viewpoint on significant intergovernmental issues. It also serves as a framework to guide legislators and staff representing the National Legislative Conference in extensive contacts with Congress and the federal executive departments. In addition to policy development, Committee members maintain contact with all segments of the federal establishment.

Thank you for your consideration.

Sincerely,

EARL S. MACKEY.

Attachment.

LAW ENFORCEMENT REVENUE SHARING

Violence and serious crime have plagued America for decades, eroding the quality of life in our urban areas and threatening the security of our citizens everywhere. There are promising signs that crime is being overcome. However, much more remains to be done.

During the last four years substantial strides have been taken to slow the increases in lawlessness.

During 1972, serious crime nationally decreased by three percent.

Nonetheless, new steps must be taken to assist this country's hard-pressed state, county, and municipal governments in their struggle to adequately support their law enforcement and criminal justice institutions.

In 1968, the Congress passed the Omnibus Crime Control and Safe Streets Act, which established the principal of help for state and local governments without the dictation of Federal policy making.

The Safe Streets program, which is run under the supervision of the Law Enforcement Assistance Administration, has made more than $2.4 billion available for criminal justice support in the fiscal years 1969 through 1973.

LEAA has been the moving force in a broad range of projects that have brought more innovation and reform to policing, adjudication, and corrections than the country has seen in its entire history.

Useful as this help has been, there are problems in the present legislation and program—with too many needless strings still tied to funds.

The National Legislative Conference commends the President for offering his proposed Law Enforcement Revenue Sharing Act of 1973.

The Administration's bill removes Federal interference from the assistance to the states and localities, thereby increasing their freedom of action and self-determination. It considerably reduces the redtape and complicated matching-fund regulations. It encourages innovation and fosters local progress.

The National Legislative Conference endorses in principle the Revenue Sharing for Law Enforcement bill and calls upon the Congress of the United States to give it favorable consideration.

PROPOSED AMENDMENT TO LAW ENFORCEMENT REVENUE SHARING ACT OF 1973

Part B is hereby amended by adding a new Section 204 as follows:

Section 204(a) Notwithstanding any other provision of this Act to the contrary, the Attorney General is authorized to make grants to organizations composed or predominantly composed of local elected officials from the general purpose governments within any interstate metropolitan area, which is capable of developing an effective comprehensive planning and coordination process to cope with the metropolitan-wide law enforcement and criminal justice needs and problems within such interstate areas. Such interstate metropolitan-wide planning shall include but not be limited to:

(1) Identifying general metropolitan needs, problems, and resources to meet needs and problems on a metropolitan scale;

(2) Preparing, as an aid to state and local governments, comprehensive law enforcement and criminal justice plans for meeting metropolitan-wide problems;

(3) Developing physical and fiscal proposals for implementing plans and policies on which local governments in the metropolitan area agree;

(4) Proposing organizational systems and administrative machinery for implementing plans and policies;

(5) Coordinating related plans and activities of state and local governments and agencies concerned with metropolitan-wide planning; and

(6) Encouraging states and local governments to combine or provide for cooperative arrangements with respect to services, facilities, and equipment.

Section 204(b) The amount of any federal grant made under this Section shall not exceed one hundred per centum (100%) of the expenses for preparation, development, and revision of such interstate metropolitan planning and coordination. All interstate metropolitan plans developed under this Section shall be consistent with the comprehensive state plans and program priorities developed under Section 202.

Section 204(c) Funds are authorized to be appropriated for the purposes of this Section not to exceed $1,500,000 for fiscal year ending June 30, 1974, and $2,000,000 each for fiscal years ending June 30, 1975, and June 30, 1976. Funds appropriated to make grants under this Section for a fiscal year shall be allocated by the Administration among the interstate metropolitan areas on the basis of $25,000 to each such area which makes application for such funds; and it shall then allocate the remainder of such funds available among such areas according to their relative needs and population.

Appendix H.6

State of Montana,
Office of The Governor,
Helena, April 16, 1973.

Hon. Peter W. Rodino, Jr.,
Chairman, House Judiciary Committee, Subcommittee No. 5, Rayburn House Office Building, Washington, D.C.

Dear Congressman Rodino: As you know, the Omnibus Crime Control and Safe Streets Act of 1968 expires this June. Considerable congressional debate is expected concerning this nationwide fight to reduce crime, and the administration of this program by the Law Enforcement Assistance Administration.

I have been told that the Administration will very shortly submit to Congress a special revenue sharing bill which would continue federal assistance to states to improve criminal justice systems and reduce crime. I support this concept.

The Safe Streets Act has permitted Montana to develop, over the past 4 years, the necessary administrative systems and planning expertise to implement a new special revenue sharing law enforcement program if enacted by Congress.

Crime is basically a local problem. Only after local police, prosecutors, judges and politicians decide to reduce crime in their community can significant use be made of additional financial assistance. The Board of Crime Control, which is appointed by myself, has made meaningful progress toward developing state-local, city-county, and inter-county relationships among criminal justice personnel. These working relationships will have an impact on crime in Montana. As one example, I am enclosing Senate Joint Resolution Number 16, which asks continuance for federal block grant assistance to upgrade law enforcement and criminal justice in Montana.

The Safe Streets Act with block grant funding has been a highly experimental federal program. It was very difficult to implement, but I am convinced it has been successful and meaningful. Most of the problems—both philosophical and administrative—which faced us 4 years ago have been resolved.

I urge you to read the enclosed resolution and to support the special revenue sharing concept if it is submitted to Congress. In the alternative, I encourage you to renew Title I of the Omnibus Crime Control and Safe Streets Act for an additional 5 years. Thank you for consideration of this matter.

Sincerely,

Thomas L. Judge,
Governor.

Enclosure.

93-629 O - 73 - 60

SENATE JOINT RESOLUTION NO. 16, INTRODUCED BY HAZELBAKER, MCKEON

IN THE SENATE

January 17, 1973, Considered read and referred to Committee on Judiciary.

January 25, 1973, By request time extended for additional seven days.

February 2, 1973, By request time extended for additional seven days.

February 10, 1973, Committee recommend bill do pass. Report adopted. Referred to Bills Committee for printing.

February 12, 1973, Reported correctly printed. Report adopted. Referred to second reading.

February 13, 1973, Passed consideration.

February 14, 1973, Recommended favorably by Committee of the Whole. Report adopted. Referred to Bills Committee for engrossing.

February 15, 1973, Committee recommend bill be considered correctly engrossed. Report adopted and referred to calendar for third reading.

February 15, 1973, On motion rules suspended. Bill placed on calendar for third reading this day.

Read third time and passed. Title and history agreed to. Transmitted to House for concurrence.

IN THE HOUSE

February 16, 1973, Considered read and referred to Committee on Judiciary.

February 23, 1973, Committee recommend that bill be concurred in. Report adopted. Bill referred to second reading.

February 27, 1973, Committee of the Whole recommend that bill be concurred in. Report adopted and bill referred to calendar for third reading.

February 28, 1973, Read third time and concurred in. Title and history agreed to. Returned to Senate.

IN THE SENATE

March 1, 1973. Referred to Bills Committee, for enrolling. Reported correctly enrolled.

A joint resolution of the Senate and the House of Representatives of the State of Montana to the Honorable Mike Mansfield and the Honorable Lee Metcalf, Senators from the State of Montana, the Honorable Richard Shoup and the Honorable John Melcher, Representatives from the State of Montana, and to the Congress of the United States asking that Federal block grant assistance to upgrade law enforcement and criminal justice in Montana be continued.

Whereas, statistical reports from the Federal Bureau of Investigation show an increase in serious crime of eight percent (8%) in Montana during 1971, and

Whereas, during the past four (4) years, State and local governments have developed plans and resources for a coordinated effort to reduce crime and increase the effectiveness of Montana's criminal justice system, and

Whereas, if Congress reduces or terminates block grant funding assistance to the State of Montana now available through title 1 of the Omnibus Crime Control and Safe Streets Act, coordinated statewide efforts to control crime will be greatly jeopardized: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana:

That the Congress of the United States maintain either a block grant or a special revenue sharing program of financial assistance to the State of Montana for the purposes of reducing crime and increasing the effectiveness of Montana's criminal justice system; and be it further

Resolved, That copies of this resolution be sent by the Secretary of State of Montana to the Honorable Mike Mansfield and the Honorable Lee Metcalf, Senators from the State of Montana, the Honorable Richard Shoup and the Honorable John Melcher, Representatives from the State of Montana, and to presiding officers of the Senate and the House of Representatives of the United States.

I hereby certify that the within Joint Resolution originated in the Senate.

_____,

Secretary of the Senate, Acting.

_____,

President of the Senate.

_____,

Speaker of the House.

SENATE JOINT RESOLUTION No. 16, INTRODUCED BY HAZELBAKER, MCKEON

A joint resolution of the Senate and the House of Representatives of the State of Montana to the Honorable Mike Mansfield and the Honorable Lee Metcalf, Senators from the State of Montana, the Honorable Richard Shoup and the Honorable John Melcher, Representatives from the State of Montana, and to the Congress of the United States asking Federal block grant assistance to upgrade law enforcement and criminal justice in Montana be continued.

This bill was received by the Governor this 6 day of Mar. 1973.

THOMAS K. JUDGE, *Governor.*

STATE OF CONNECTICUT,
Hartford, Conn., April 17, 1923.

Hon. PETER W. RODINO, Jr.,
Chairman, House Judiciary Committee, Subcommittee Five, Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE RODINO: The purpose of this letter is to indicate my support of the Administration's Law Enforcement Revenue Sharing Act of 1973 which would replace the 1968 Omnibus Crime Control and Safe Streets Act.

In the five years since Congress passed the Safe Streets Act, the Connecticut Planning Committee on Criminal Administration has granted more than $30 million in Law Enforcement Assistance Administration funds to local, regional, and state agencies to reduce and improve the state's criminal justice system. And I firmly believe the LEAA "block grant" revenue sharing program has had a significant impact on fighting crime in Connecticut. Since 1970 Connecticut's crime rate has steadily declined to a point where it is significantly below national and New England regional crime statistics.

Also, last year, there were actual decreases in crime in our five largest cities for the first time in two decades. The Connecticut state planning agency has concentrated LEAA funds in these urban areas, and I believe we are now seeing the results of this anti-crime funding effort.

Because of the availability of sizable LEAA funds, local and state criminal justice agencies have been able to develop and implement anti-crime efforts that otherwise would have been out of reach because of limited budgets.

In conclusion, I believe that the LEAA program has had a significant impact on controlling and reducing crime in Connecticut and across the country. I respectfully request the support of your committee in continuing this vital program under special revenue-sharing.

Sincerely,

TOM MESKILL,
Governor.

OFFICE OF THE GOVERNOR,
Salem, April 13, 1973.

APPENDIX H.7

Hon. PETER W. RODINO, Jr.,
Chairman, Subcommittee No. 5, House Judiciary Committtee, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN RODINO: As your subcommittee is now deliberating the future of federal aid to city, county, and state criminal justice agencies, I wish to offer my sincere and enthusiastic commendation and support of the programs launched under the Omnibus Crime Control Act of 1968–1970. Further, I urge you and your subcommittee to continue this federal aid to the nation's hard-pressed criminal justice agencies, either in its present form or under the special law enforcement revenue sharing act proposed by President Nixon.

We in Oregon have seen tremendous strides taken to upgrade the quality of our police, courts, corrections, and juvenile agencies. We have seen an emphasis upon reducing street crime through better trained and equipped police agencies, while at the same time we have been preventing crime through programs ranging from elementary schools to the maximum security prison. We had the ideas, the expertise, and the will to do these things, but it took federal funds to bring them into being. Oregon has received a total of more than 15.7 million dollars in Part C and Part E action funds and discretionary grants from Fiscal Year 1969 through Fiscal Year 1973. In addition, the City of Portland has been designated as an Impact City eligible to receive as much as $20,000,000.

We feel this money has been and will be wisely and effectively expended in making Oregon a safer and more livable state. There have been some false starts, a few projects which did not reach their glowing promises. But, like Ivory soap, we feel we can say we are 99.9 percent pure in achieving not only Congressional intent, but meeting our own needs.

As grand a start as this has been due to the federal partnership, it is still only a start; and many needs will remain to be met—problems yet to be solved, priorities yet to be fulfilled. Federal help is still needed. The cities, counties, and states cannot win the war against crime without their federal ally.

I urge you and your committee to continue the Law Enforcement Assistance Administration program, to fund it as generously as possible—at least no less than present levels, and eliminate all requirements for local and state government matching funds.

Sincerely,

TOM MCCALL, *Governor.*

APPENDIX H.8

THE NATIONAL CENTER FOR LAW INFORMATION,
Washington, D.C., March 27, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary,
U.S. House of Representatives, Washington, D.C.

DEAR MR. RODINO: The proposal contemplating the formation of the NCFLI-Washington, D.C. as a National System of Law Information has been rejected both prior to and following my extensive field research program. Correspondence relating to this rejection by the Department of Justice and the Law Enforcement Assistance Administration, as well as correspondence from the White House, e.g., from Mr. John Dean, III, Counsel to the President, and letters from the Mitre Corporation, McLean, Virginia and the U.S.A.F. (joint recipients of a $5,000,000 grant from the Law Enforcement Assistance Administration), are submitted for examination and investigation. The author is unable to submit to the Committee copies of reviews made by the staff member of Mr. L. M. Pellerzi, Assistant Attorney General, and Mr. Glen E. Pommerening, Acting Assistant Attorney General for Administration, Department of Justice and Mr. Jerris Leonard, Administrator, Law Enforcement Assistance Administration, Department of Justice, as the reviews and any subsequent discussion on the subject matter have been denied repeatedly by the agencies.

Exertion of this controlling influence has also diminished any hope of examination, criticism and improvement on the method of their decisions. But the author is pleased to submit to the Committee, the public and the professionals (lawyers and information systems specialists) evaluations of the NCFLI-concept, which are contrary to the views of the agencies. Moreover, congressional investigation and the twelfth report issued by the Committee on Government Operations (House Report No. 92–1072) has made persistent rejections by the Department of Justice and the Law Enforcement Assistance Administration increasingly unreal.

Letters from Mr. John Dean, III indicate that the Department of Justice and the Law Enforcement Assistance Agency's review of the NCFLI-concept cannot be made public, and furthermore the White House agrees with these decisions. This has complicated the situation and there seems to be cause to speculate that the rejection of the NCFLI-concept has been based upon solo determination by a staff member. Due to the fact that Mr. Laurence B. Donaghue and Mr. George Kondos, both of the office of the Assistant Attorney General for Administration, have indicated that time has not yet allowed them the review of the NCFLI proposal, and since this review has employed the determination of what is good for the public, the U.S. Congress and the state governments, it is crucial that the Committee hear argument and expert testimony from all three sectors and make its own evaluation of this grave national issue.

In a historic survey following the development of the NCFLI-concept, the author conducted an extensive and systematic field research. In a report to the United States Congress on the results of this investigation, as well as conclusion and recommendations were submitted to the Committee on the Judiciary and the Committee on Government Operations of the U.S. Senate and the House of Representatives. The support of this concept has come from several members of Congress and state bar associations. Material substantiating this national sentiment is enclosed herewith.

Furthermore, during the investigative period of 1970/71 the Mitre Corporation of McLean, Virginia conducted several sessions of the NCFLI-concept discussion with the author, and as a result an initial review supporting the NCFLI concept was developed in cooperation with the author. However, in June 1972 some $5,000,000 were granted by L.E.A.A. to the Mitre Corporation/USAF group to conduct three isolated studies as indicated in the L.E.A.A. Grant Report. It is the opinion of the author, and the testimony of other experts can delineate, that the Mitre/USAF studies could have been developed within the scope of the NCFLI-concept. In fact, a proposed study entitled "Law & Criminal Justice" was submitted to L.E.A.A. This study was denied grant by L.E.A.A. on May 4, 1972. L.E.A.A. also rejected an objective and comparative discussion with the author. All this surprisingly took place during the period that followed the investigative report by the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations. This report describes 25 counts of failures and neglects against L.E.A.A., and the report also reaffirmed the need to create a better management information system. But, despite these findings and the discussion in Section VII of the report entitled "Failure to Evaluate" the Law Enforcement Assistance Administration has continued to reject the NCFLI-concept, and unless a significant legislative provision is made to provide for a full-scale evaluation of this document under conditions which would permit the author to participate in the discussion, there is little hope that L.E.A.A. would ever develop a program to measure and evaluate the performance of Federal law enforcement assistance efforts.

In the NCFLI-concept there is a research and development blueprint which focuses on the information needs of law and society. It is believed that the development of a national system of law information would avert any future crisis of information need in the areas discussed. The concept holds considerable promise in improving the law information need of our society. The network is designed to benefit every sector where the need and impact of uniform law information dissemination has been measured and observed. Those who have generalized too extensively or dismissed the NCFLI-concept as "irrelevant" have seriously hampered the development of an adequate organized program that was outlined in the proposed study of law and criminal justice. This action has raised serious and substantive issues which leads to the heart of this request—to appear for hearing before the Committee. The NCFLI-concept offers the development of a new capability to improve the L.E.A.A. investigatory process.

In closing, it is sincerely requested that the Committee exercise caution against too hasty a conclusion of these hearings. Expert testimony must be heard to gain knowledge about the magnitude of the clear and latent potential demands of the public and more importantly about the extent and nature of the problems of law information. These investigations are essential if national answers are ever to be given to the basic question of the relevance of the NCFLI-concept to the public, the U.S. Congress and the governments.

Respectfully,

CHARLES NASEM.

Enclosures.

STATEMENT OF NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATIONS

INTRODUCTION

We feel that some of the statements and suggestions advanced by the National League of Cities and the U.S. Conference of Mayors in their document entitled "The Cities and Law Enforcement Assistance: A Review of the Need for Federal Assistance to Cities", dated March 23, 1973 are so vague and inaccurate that a response is warranted, if for no other reason than to assure a degree of integrity in the contents of the record of hearings at which the NLC–USCM document was presented.

References here are to the NLC–USCM document.

THE RESPONSE

In commenting upon the Administration's revenue sharing proposal (HR 5613), the NLC–USCM document contains a statement that under both the existing and

the proposed legislation, a state must set up what is in effect a categorical grants program in order to expend the available federal funds. (This comment accompanies another comment relating to the time within which funds reach the cities.) (See pp. 3 and 4, NLC–USCM document.)

There is nothing in the existing legislation or in the proposed revenue sharing legislation requiring any state to establish a categorical grant program. Under both the existing and proposed legislation, a state *may* establish a combination of these two types of programs. In fact all of the proposals which the NLC–USCM seek to have imposed at the federal level, may be presently done by the states and may be done under the proposed revenue sharing legislation. In effect, the National League of Cities is requesting the Congress to do exactly what the states may already do. To suggest, as the paper does, that the states are compelled under the existing and proposed legislation to establish a "categorical grant program" is simply not true. Under the existing and under the proposed legislation each state has an unlimited variety of options with reference to the method by which it will make funds available to its local units of government. And one of those options is exactly what the National League of Cities now wants Congress to mandate. Numerous states have adopted block grant programs for their local units of government. There are also some which use a categorical grant process. We read nothing proposed by the NLC–USCM for legislative action which could not be done already by the states under the existing and proposed revenue sharing legislation.

In Section II, page 5 of the NLC–USCM paper, there is a broad generalization to the effect that "the time lag between submission of an application and receipt of funds (by a locality) to begin a program is typically six to twelve months." No examples or other supporting data are cited in support of this statement. The statement is in direct opposition to the practice in 95% of the states and to the requirements and standards which the state criminal justice planning agencies have imposed upon themselves to the effect that "each state planning agency shall insure that each project application is acted upon within 90 days upon submission to the state planning agency." [1] We challenge the contention of the NLC–USCM. We know of no state where there is any six-twelve months time lag. Apparently the NLC–USCM does not know of any either since they do not cite any specific examples. To state that a 6–12 month's time lag is "typical", as the NLC–USCM paper does, is a gross distortion of the facts.

Further, on page 5 of the NLC document, it is suggested that there are perhaps "ten different review levels" of grant applications in many, if not all, states. Again, no examples are provided. We are not aware of any state in which there are ten different review levels. If such a situation does exist it certainly is a glaring exception. Generally, review levels are at three levels; local, regional and state. To imply, as the NLC does, that ten review levels is a common practice is again a gross attempt at distortion.

Again, Section II, page 5, of the NLC document, it is suggested that programs for training, education, improved services and new services are discouraged by the "current funding uncertainty," whatever that means. The implication is that applicants are encouraged to seek funding for "hardware projects" because of the alleged lengthy review process. The fact is that less than 15% of FY 1971 block grant funds were granted or expended for hardware projects. That fact alone completely repudiates the NLC contention. An additional fact is that 39 states have a centralized law enforcement officers standards and training program, operated at the state level, providing basic recruit training for local police departments throughout the state. All 39 of these state-wide police training efforts are geared toward assisting local law enforcement and receive block grant funds from the states. Thus, contrary to what the NLC would have the reader believe 39 states are receiving block grant funding for a state-wide system of law enforcement training for local police officers. When this fact is coupled with the fact that only 15% of one year's funds were spent for hardware, there remains absolutely no substance to the NLC contention. Local units of government, including cities, are, in fact, applying for funds to support all kinds of programs for training, education, improved services and new services. Indeed, applications and expenditures for "hardware" are and have been a very small part of the total block grants to states.

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[1] See Subsection 6, Minimum Standards for State Planning Agencies, adopted by the National Conference of State Criminal Justice Planning Admrs. Revised February, 1973, copy attached.

At various points in the NLC document, particularly in Section II, there is an implication that priorities established at the local planning level are completely ignored by the states when the states prepare the state comprehensive plans. Again this implication is not supported by specific examples in the NLC paper nor is it supported by the facts. The mayors of Detroit, Dallas and Dayton testified that their local planning priorities *are* in fact recognized by the state and that funds for the implementation of priorities established at the local level were made available to them by the state. Thus, the evidence presented by the NLC is quite contrary to its own contention. We are familiar with the planning process in the states. Local priorities *are* given full attention, at both the regional and state levels.

Local priorities *are* the very foundation of each state's planning process. It is impossible to imagine a state plan that is not a reflection of local planning. This is not to say that *each* state must accede to each locally-established priority. Funds are simply not available to satisfy every priority need of every city. A city whose pet project was omitted from a state plan in preference to a greater need in another city could see in that choice failure of the state to consider local planning input, when in fact local planning was the very element contributing to the state decision.

Unfortunately, throughout the NLC document, there pervades a rather cynical point of view with respect to planning. The statement is made several times that planning is paper work for paper work's sake and that the state preparation of comprehensive plans is simply a paper work exercise. One cannot help but conclude that the sentiment of the NLC is in direct opposition to the whole concept of statewide comprehensive planning for the improvement of the criminal justice system. The reader has the distinct impression that the NLC is advocating that the cities really should be little islands, completely separated from and playing no part in the overall statewide effort to plan for and implement improvements in law enforcement and criminal justice throughout each state. We find this attitude to be particular appalling because it clearly demonstrates the attitude which has pervaded local government and the criminal justice system for so long, i.e. "I am an island, don't bother me, just give me the money and I will do my own thing." This attitude assumes, of course, that what occurs in other areas of the state has no impact upon the particular locality involved, a concept which is, of course, ridiculous.

On page 6, under a paragraph labeled "Superimposed Priorities", the NLC document suggests that the local priorities are ignored at the state level and that priorities established "are a reflection of what state planners think local units of government should be doing." And on page 11, Section IV, there is an argument in favor of providing for a more specific local role. Obviously, there must be a local role in the planning process; but that local role must be a part of the overall regional and state planning process. It cannot be an island unto itself. Again, in this area of argument, we find that the NLC document stresses a desire for the cities not to be a part of any statewide planning process. In fact, it is all too clear that the NLC position is that cities should no be part of a statewide planning process. We are told that cities want to set the priorities in their own jurisdictions (an absolute necessity, with which no one could possibly quarrel!) but then they want the matter to go no further than that. They do not want to be involved in any regional or state planning effort. On page 11, for example, the generalization is again made that the state is trying to "second-guess" local priorities, and that localities and local officials play no real part in establishing the priorities in state comprehensive plans.

Interestingly, an analysis of the composition of supervisory boards of state planning agencies in 54 jurisdictions (excluding American Samoa) indicates that there are 1,415 individuals serving on these boards and that of this number 860, or 61%, represent local units of government, 539, or 38%, represent state agencies and 16, or 1%, represent federal agencies. Of the total number of 1,415 individuals, 244 or 17% are elected officials. Only 13 of these elected officials are governors, the remaining 231 being officials elected to serve local units of government.

With respect to regional planning units, there are 478 separate such regional planning units in the 54 states and territories (again excluding American Samoa). There are 13,569 individuals serving on these regional planning units. *All of these 13,569 individuals represent local units of government.* Of this total number 13,569, 2,219, or 19%, are elected officials serving local units of govern-

ment. In summary, there are 1,415 individuals serving on state supervisory boards, 1,091 of whom represent local units of government. There are 13,569 individuals serving on regional planning units, all of whom represent local units of government.

In short, the contention that local officials and local priorities are being ignored at the local, regional or state level is totally unfounded. (It is to be noted again, by the way, that the NLC document sets forth no data to support its contention of local interests being ignored.)

On page 8 of the NLC document, Section III, the NLC suggests that the states should provide more leadership in establishing standards for the criminal justice system. With this we certainly concur. This is why all the states supported the work of the National Advisory Commission on Criminal Justice Standards and Goals, instead of each state developing standards and goals independently. The National Conference of State Criminal Justice Planning Administrators is initiating action to assure the adoption and implementation of the goals and standards recommended by the National Commission. We know of no one who quarrels with the suggestion that the states should be about the business promptly of implementing many of the recommendations of the National Advisory Commission. We agree that standards and goals should not be imposed by the grant process. Each state must develop its own method of adoption and implementation. Perhaps this could best be accomplished by the establishment of a standards commission in each state, with the authority to require the imposition of selected standards on various components of the criminal justice system. We thoroughly agree with the NLC observation on page 9 of their document that the method selected "needs to be developed through the political process, with the consent of elected local and state officials." We also agree that the state planning agency should be involved in this development process and should work with governors and legislators to that end. We agree that as of this date the state criminal justice planning agencies have not devoted enough attention to this problem. But again, most states have been awaiting the work of the National Advisory Commission so that each state could avoid duplicating the effort of another.

On page 10 of the NLC document, one is left with the impression that the states have done very little about providing training and education for the criminal justice community. Again, factually, the NLC is uninformed. Thirty-nine states have established law enforcement standards and training programs and a state agency to administer them and have instituted statewide systems to provide basic recruit and other training for local police departments. The statement on page 10 of the NLC document to the effect that "almost none (referring to states) have moved to provide comprehensive recruit and in-service training for . . . local government" is simply and completely false.

Again, the NLC is uninformed in statements on page 10 indicating that the states have shown a lack of leadership with respect to up-dating criminal codes. Currently seventeen states have a recodification effort in progress. An additional 16 states have completed their recodification projects and the recodifications are currently pending before their legislatures for approval. Since 1971 alone six states have enacted revised or recodified criminal codes. In every one of these efforts, the state criminal justice planning agency has been involved, either acting as the recodifying staff or assisting the state code commission, or other commission established by the legislature, in the recodification.

On page 12, the NLC document suggests that urban communities are not receiving sufficient pass-through funds. Again, this statement is not supported by any specific examples. In fact, the witnesses for the National League of Cities, namely, the mayors of Detroit, Dallas and Dayton, testified that their jurisdictions were receiving an ample supply of funds from their state's block grant. All they could say in support of the suggestion that urban communities were not receiving sufficient funds was that "they understood" that communities in other states (not Ohio, Texas and Michigan) were not receiving sufficient funds. But no evidence was ever presented by the National League of Cities, or by any other party, specifically identifying any urban community where in fact there was a feeling that that community had not received sufficient pass-through funds. All the National League of Cities' witnesses could say was that they had no problem but they understood that somebody else did!

The State of the State's Report prepared by the National Conference of State Criminal Justice Planning Administrators does contain the facts. And those facts indicate that in excess of 65% of the block grant awards through fiscal year 1972 have been awarded by the states to large urban communities.

The contention of the National League of Cities that there should be a direct pass-through provision enacted by Congress requiring the states to provide a fixed amount of money to each urban community, apparently rests upon the theory that this is needed because the existing legislation and the proposed revenue sharing legislation have not provided, or will not assure, sufficient funds for the urban areas. However, the theory is premised upon no facts which can be cited by the NLC. Indeed, the facts indicate quite the contrary—the urban communities *have been* receiving 65% of the block grant funds. In short, the NLC has based its recommendation for a mandated pass-through requirement on a premise that is totally and completed false!

One final observation. The NLC paper seems inconsistent, in that on the one hand it calls for strengthening the planning process at the local level, but on the other hand suggests that planning processes are cumbersome and restrict the flow of funds. It is very difficult to reconcile these opposing contentions.

As we have mentioned, throughout the NLC document there is the overriding contention that there really needs to be no statewide planning process for improving the criminal justice system. There is the pervading argument that the cities should be localized and should do their own planning without any relation at all to regional and state planning within the criminal justice system. In fact, in several places the NLC document suggests even that corrections and courts are a basic responsibility of local units of government. The influence that local governments bear the major financial responsibility for all criminal justice system expenditures is clearly not accurate. This argument is presumably made to support the contention that the cities should receive all of the money since they run all of the criminal justice system. We know of no state in which municipalities and local units of government have basic responsibility for the criminal justice system, particularly courts and corrections. These are and have always been the primary responsibilities of the states.

The NLC paper suggests that funds should be awarded according to a formula that incorporates crime incidence. Aside from the fact that, at present, data on criminal activity is not reliable enough for use in determining expenditure of funds, it seems to us that even if these statistics were reliable it would be unwise to use crime statistics to determine fund award levels. The potential recipients of the funds would then be in the position of being dependent upon a rising crime incidence to maintain a given level of funding, at a time when they are theoretically working to reduce the incidence of crime.

Undoubtedly, the most irresponsible aspect of the NLC Report is the suggestion that the states be permitted to retain an amount equal to only 10 to 15% of the block grant awards and that 85% of the block grant be mandated as a pass-through to localities with a population in excess of 50,000. We have already pointed out the non-existent premise upon which this recommendation is founded. Aside from that, however, even if there were concrete evidence that urban communities had not been receiving the great majority of block grant funds, to recommend that urban communities receive 85% of the funds, leaving the states only 15%, is totally irresponsible. This means essentially, that 85% of the funds awarded to each state would be used to assist the police, to the almost total neglect of corrections and courts. Cities and local units of government simply have no basic overall responsibility for courts and corrections. Courts and corrections are state responsibilities. The NLC recommendation would leave a state only 15% of the funds with which to improve courts and corrections on a statewide basis, in addition to the new responsibilities of LEEP, technical assistance, manpower training, etc.

The recommendation of the Administration in the revenue sharing proposal would leave the states 30%, an amount which is reasonably equal to allocations under the current Safe Streets Act legislation, i.e. manpower-LEEP, 8%; corrections (Part E) 15%; technical assistance 2%; and statewide courts improvement, 5%. Consequently, the 30% retention recommendation at the state level in the revenue sharing proposal is merely related to the current funding situation. To suggest a figure of 10 to 15% to support all of the above-listed activities on a statewide basis is completely irresponsible. There is no way that a state could support manpower, corrections, technical assistance, and statewide courts improvement with a mere 10 to 15% of the available fund. The result would be, as already indicated, a massive inflow of funds to improve police, to the almost total neglect of all other components of the criminal justice system. We might have gold-plated police cars in all major urban areas, but corrections and courts would still be living in the dark ages.

Minimum Standards for State Planning Agencies

Adopted by the National Conference of State Criminal Justice Planning Administrators

(Revised February 1973)

1. Planning.—The state comprehensive criminal justice plan shall present a complete and accurate assessment of the crime and delinquency problem and its impact upon the state. Further, the plan should fairly portray the services rendered by its criminal justice system and where its deficiencies appear. Each SPA shall have sufficient in-house staff and capability to determine planning priorities each year and to manage and/or oversee the development of the state's annual criminal justice improvements plan.

The state comprehensive criminal justice plan shall specifically detail a coordinated attack upon identified criminal and delinquency activity and upon the identified deficiencies within the criminal justice system, coupled with evaluation criteria for determining the success or failure of the planning effort.

2. Auditing.—Every state planning agency shall audit or ensure the audit of each and every action grant administered by the state planning agency, within one year of its completion. In the cases of local planning and continuation action grants, audits shall be conducted no less than once every twelve months. Auditing staff should report to the SPA director, the governor, or to the appropriate state auditing agency.

At any time that information is received by the state planning agency director that a grant is being mismanaged and that the effective utilization of grant funds is in jeopardy, he shall order a special investigation to be conducted immediately and, where appropriate, a special audit shall also be conducted.

No state planning agency shall internally audit its own state planning grant, nor shall it audit any action grants in which the state planning agency is the implementing agency. In such cases, audits shall only be conducted by a certified public accountant, by the appropriate state audit agency or by LEAA auditors.

3. Monitoring.—Each action project administered by the state planning agency shall be monitored at least one time per year during the life of the project. Such monitoring shall include both on-site fiscal and programmatic review. This monitoring may either be conducted by the state planning agency or by the appropriate local or regional planning unit. Joint monitoring is encouraged.

In a case of equipment purchases and projects of less than six months' duration, the monitoring function may be merged with the final audit.

Each regional or local planning unit shall be visited at least once a month by a representative of the state planning agency, who shall offer whatever assistance the regional or local planning unit may require and shall report on its progress.

Each action project in which an on-going program is contemplated, which will involve more than $25,000 of LEAA funds, shall be monitored at least once every six months. If more than $100,000 of Federal funds is involved, such project shall be monitored at least once every three months.

When for individual grants the director of a state planning agency (or local or regional planning agency when that authority has been passed through) determines that more or less frequent contacts are advisable, he shall establish a schedule of visits which he deems appropriate.

Monitoring shall be defined as periodically determining, by on-site inspections, whether the subgrantee is fulfilling the fiscal and programmatic conditions of his grant award, during the lifetime of the project.

4. Evaluation.—Each state planning agency shall develop annually a specific evaluation strategy. A program shall be evaluated if it meets one of the following criteria:

If it proposes to reduce the incidence of a specific crime or crimes;

If it purports to produce quantifiable improvement of some aspect of the criminal justice system;

If there is potential for technology transfer.

Evaluation shall be defined as determining whether the project or program accomplished its objectives, in terms of either preventing, controlling or reducing crime or delinquency or of improving the administration of criminal justice within the context of the state comprehensive criminal justice plan. Such evaluation shall include, whenever possible, the impact of the project or program upon other components of the criminal justice system.

5. Grant Management Information Systems.—Every state planning agency shall develop by January 1, 1973, and shall have operational by July 1, 1973, a normal of automated grants management information system which will accurately and speedily provide for access to grant information regarding such matters as the amounts and sources of funds received, awarded, disbursed and expended by local and state criminal justice agencies, including the state planning agency, classified by programmatic category and subgrant, whether planning, action, discretionary or Part E. Such system shall also indicate the states of each subgrant, as to spending level, reporting compliance and stage of development. Planning grants and planning subgrants shall reflect major and minor object account expenditures.

6. Grant administration.—Each state planning agency shall ensure that each project application is acted upon within ninety days from the time of submission to the state planning agency by the community or state agency, or from the time of the Federal approval of the state plan, whichever is appropriate to each state's procedure.

Such action shall consist of mailing a signed grant award, a rejection of the application for specific instructions for modification or additional information. Grant awards shall be mailed with adequate forms and instructions, so that subgrantees may intelligently respond to demands for grant acceptance, periodic reporting and the submission of timely requests for additional funds. State planning agencies shall ensure that requests for information, additional forms, and technical assistance be answered promptly and efficiently, so that the sources of projects will not be jeopardized. Each SFA shall take action for modification of block grant awards and shall insure that all requests for modification are processed within thirty days of receipt.

7. Fund flow.—Each state planning agency shall ensure that funds will be distributed to subgrantees as quickly as state disbursement procedures, subgrantee expenditures and LEAA guidelines will permit. Upon receipt of a valid request for action or planning funds, the check or warrant shall be railed to the subgrant within thirty working days. With respect to subsequent disbursements, the same time constraints shall apply, upon receipt of timely and appropriate requests for funds from subgrants and regional planning units. The ability of a state comprehensive criminal justice plan or by the rate at which funds are expended by subgrantees. The efficiency of the state planning agency's fund flow procedures shall be measured only by the time lapsed betwen project submission and approval, by the time lapsed between subgrantee requests and the correlative disbursments, and by the efforts of the SPA to maintain an amount of Federal funds on hand at a minimum consistent with effective program management.

Each SPA should have an automatic short procedure for cancelling grants that are not commended by the grantee within 120 days of award.

8. Organizational structure of State planning agencies.—Each SPA shall have a full-time professional director. Each SPA shall have a staff within its organization table, whose assignments shall be planning and research. Ideally, these positions should be full time: In no case should less than 75 percent of their time be devoted to planning and research activities.

Each state planning agency shall have full-time professionals assigned to fiscal operations, including responsibilities for internal administration of the SPA planning grant and for fiscal review of action and local planning grants. Where auditing is performed by the state planning agency, as opposed to another state office or private accounting firm, additional personnel will be required as the quantity of subgrants dictates.

Each SPA should conduct yearly evaluations of all regional planning units and coordinating councils involved in that state's comprehensive criminal justice planning or grant administration processes.

SPA staff level should be based upon, but not limited to, the following factors: Size of the state, number of active project applications, range of duties, the degree to which state planning agencies offer technical assistance to local communities and state agencies, number of active grants and the manner in which grants are processed, managed, and evaluated.

9. Technical assistance.—The NCSCJPA shall work, together with LEAA, toward an orderly transfer of technical assistance funds and manpower, so that, within three years, technical assistance shall be the recognized responsibility of

state planning agencies, backed up by a national LEAA consultants contract, similar to that presently in force. Such an objective is consistent with, and an important first step toward accomplishing, LEAA's desires to reduce its staff size and to create strong, self-sufficient state planning agencies.

10. Training and staff development.—Each SPA shall provide a formal orientation program for all new SPA professional staff personnel, all new regional staff personnel and all new coordinating council personnel. Subjects to be covered should include organization and functions of the SPA, standard SPA operating procedures, and SPA criminal justice improvement philosophy.

Each SPA shall provide a minimum of twenty-five hours of in-service training per year to all professional staff. This should be augmented by appropriate state or national training efforts geared to specific functional areas.

Appendix H.9

The New Jersey Association on Correction,
New Brunswick, N.J., April 17, 1973.

Hon. Peter W. Rodino, Jr.,
Chairman, House Judiciary Committee,
Washington, D.C.

Dear Congressman Rodino: Enclosed you will find the Association's position paper on community-based corrections programs, which I am offering as our testimony on the Committee's inquiry into LEAA-funded criminal justice programs. Please excuse the delay in getting this to you.

In addition, I would like to indicate that the Association subscribes to and endorses the testimony offered by John F. X. Irving, Dean of Seton Hall Law School.

We will be awaiting the outcome of your committee's deliberations on this critical issue with great interest.

Sincerely,

Philip S. Sowell, Jr.,
Executive Director.

Enclosure.

Community Correction: Low-Risk, High-Reward

Last year's rebellions at Attica and Rahway dramatized anew that the nation's prisons succeeded only as instruments of punishment and dehumanization. Despite the growth in number and sophistication of remedial programs offered inside their walls, prisons demonstrably fail to either rehabilitate offenders or to deter them from a return to crime. Upwards of 70% of the nation's prison inmates are recidivists serving second, third and fourth terms.

Who are these recidivists? In New Jersey the average inmate—who exists only statistically, of course—is a Black or Puerto Rican male from the inner city. He is 24 years old, with an eighth grade education, low or no job skills and only intermittent work experience. He is serving a second term for a drug-related offense. Along with more than 95% of his fellow inmates he ultimately will be released, ill-equipped to succeed in an urban job market—unemployment is currently running 40% for adult Black males in Newark—and predestined by economic frustration to return to crime, and to prison.

Thus, the crime rate climbs. The number of offenders incarcerated mounts. And so does the cost of keeping them in custody and their families on welfare. This "combined cost" of keeping an inmate in the New Jersey State prison system is now estimated to be $10,000 a year. Taxpayers, understandably, are asking why they should continue to invest the bulk of their correction dollars in a prison "system" that virtually assures an ever-rising crime rate.

There is another way, one that promises to break the cycle of recidivism that marks our prisons as the nation's most conspicuous institutional failure. It is the Community Correction Program, centering on small residential facilities for 20 to 50 offenders and offering a package of personal counseling, narcotics rehabilitation, vocational training and job placement—utilizing, through staff-sharing or referral, existing community agencies and services. The offender's readjustment to society takes place in the community he "offended" and must ultimately come to terms with. The process is facilitated by proximity to family, friends and potential employers, and by minimum-security residence that allows participation in work or study-release programs by day, socializing and personal problem counseling in one-to-one or supervised group situations at night, and home furloughs on weekends. Will it work?

Preliminary indications are that such facilities, even in the developmental stages, have reversed the standard 70% rate of recidivism.

The costs of operating such facilities, which can provide resident and out-mate services for up to 600 a year, are a fraction of those incurred for prison custody—from one third to one half the current $4,500 annual custody bill for an inmate in the New Jersey state prison system.

The home-like atmosphere, combined with a staff focussed on individual problem-solving rather than on large group control, eliminates much of the bitterness stemming from day-to-day dehumanization of a prison routine, bitterness which creates a barrier to even the most effective institutional rehabilitation efforts.

Since penologists estimate that only 15 to 20% of any inmate population requires confinement in conventional prisons, the vast majority could be "readjusted" more cheaply and effectively in community programs.

Community programs offer a focal point for citizen participation in efforts to develop a more coherent and socially effective criminal justice system—something that simply cannot be achieved through remotely-located "file and forget" prisons.

In the urban Northeast both Massachusetts and New Jersey have begun to implement this "community corrections" concept. In New Jersey there are four community programs now in operation; two operated by the Morrow Projects Division of the New Jersey Association on Correction and two by the state's Division of Correction and Parole. The state plans to open two and possibly three more this year. All but one depend on federal funding.

The Division of Correction and Parole's fiscal 1973 budget request proposed funding for:

Three Community Treatment Centers—including one already operating in Camden—each serving 35 juveniles on probation.

Three Community Service Centers—each serving up to 50 inmates prior to release on parole or completion of sentence, and providing work and study-release. vocational training, out-patient drug services, intense parole supervision and "hotline" service for residents and parolees.

Three Residential Group Centers for 18 to 24-year-olds, each serving 20 residents admitted by the courts as a condition of probation, and providing vocational training, work opportunities and daily "group interaction" meetings for all residents.

Two Community Residential Centers—including one already operating in Jersey City—each serving 15 parolees who enter these "half-way" houses voluntarily for counseling, educational and vocational assistance under close supervision of parole officers.

Based on varying terms of residence—four to six months—these 11 facilities would have an annual capacity of 960, or nearly one quarter of the current population of the New Jersey state prison system. Their total annual operating cost represents a potential yearly saving of $2,614,000 over that of maintaining the same number of offenders in prison.

These facilities are urgently needed to support both expansion of the successful work-release program and any increase in parolees resulting from anticipated reform of parole eligibility rules. Yet cuts in the budget request will stretch out delivery of most of these proposed community programs by two or three years—even though no construction of facilities is required.

This "stretch out" is traceable to a number of factors:

The concept of institutional custody dies hard in the state Division of Correction and Parole, evidenced by competing budget and special appropriation requests for $14.7 billion in new prison facilities to relieve overcrowding and to provide for segregation of disruptive prisoners. (Capacity: 350 at a cost of nearly $50,000 per bed, as compared with 960 community program beds at $755 each.)

Needs of other, more favored state agencies create a very real overall budget squeeze: Increased costs of operating the existing, and failing, prison system limit the ability to provide the hard cash state match for LEAA-funded community programs.

Community resistance to establishment of new correctional facilities within their boundaries requires more intensive educational "advance work" than the Division of Correction and Parole can provide with its limited administrative staff.

There is no reason to believe New Jersey's experience is a typical.

Community corrections programs show real promise of cutting the cycle of recidivism. But who is to cut the budgetary bind which inhibits state correction

departments from changing course toward more effective resocialization of offenders? It would seem both sensible and necessary for LEAA to provide the incentive for states to deliver the promise of community corrections. By shifting its priorities to favor community programs, LEAA would, in effect, limit the ability of states to either expand or "refine" prison systems designed for failure. LEAA might also re-define grant guidelines to encourage states to contract with private organizations to operate community facilities, as is now being done in Massachusetts.

Without such incentives, it would seem that we are condemned to continued investment in prisons—an unconscionable waste of tax dollars and human resources. The Law Enforcement Assistance Administration alone has both the funds and influence to produce this constructive, nationwide change in the way we deal with offenders, a change that might lose us our reputation as a society that repairs TV sets and junks men.

Appendix H.10

Statement of Hon. Elizabeth Holtzman on Law Enforcement Revenue Sharing Proposals

There are few problems which concern my constituents more than the high crime rate. According to FBI statistics, one-tenth of the nation's crime is committed in New York City. Last year, New York City police received reports of approximately 80,000 robberies, 37,000 aggravated assaults, and almost 150,000 burglaries. One half of the country's narcotics addicts reside in New York City.

Mere statistics alone do not convey the human dimension of the problem. People, especially in New York City, are terrified to leave their residences at night or to walk the streets or travel on public transportation. Crime has drastically altered and restricted their normal life style.

As disturbing as the problem is, there are no simplistic solutions to curbing crime. But it is clear that we will begin to make inroads in this area only when we revitalize our law enforcement agencies so that they can cope efficiently with the complexities of this problem. We will never beat the crime phenomenon of the late twentieth century with the methodology and techniques fostered in the nineteenth.

It is for this reason that the Law Enforcement Assistance Administration appeared to be a breath of fresh air when it was conceived by the Congress in 1968. For this agency was designed to be a federal catalyst spurring local institutions to utilize careful planning and budgeting rather than mere rhetoric to halt the rise in crime. The Safe Streets Act represented a dollars and cents commitment by the federal government to stomping out crime on a local basis.

In practice, LEAA's foremost accomplishment has been its efforts to encourage state and local governmental units to create planning bodies which would improve the effectiveness of law enforcement agencies within their jurisdiction including the police, the courts, and correctional institutions. It has also spurred governmental units to create priority law enforcement targets given limited resources and funding.

However, one overwhelming difficulty with LEAA has been the incredible administrative mire in which it is entangled. For example, the City of New York's Criminal Justice Coordinating Council has estimated that for each grant it processes through the state administrative machinery—and as of this date it is administering 100 such grants each year—it must clear 190 different administrative steps.

The administrative tangle has produced staggering delays—which are especially damaging because the need for funds is so great. It takes 6–12 months in most localities to get grants.

This red tape has prevented crime-fighting dollars from reaching local law enforcement agencies. The figures are deeply disturbing. Thus, for example, as of September 30, 1972, 85% of the appropriations for fiscal year 1972, 46% for 1971, and 20% for 1970 were not spent by New York State because of the delays in processing grant requests.

The National League of Cities has reported that governmental units investment in overhead to obtain and administer grant awards range between 50% to 100% of the grants received. The Office of Management and Budget has indicated that 5% to 10% is an appropriate figure.

The Administration's Law Enforcement Revenue Sharing proposal does not address this critical problem of delay and red tape in a meaningful manner.

The primary intention of the Administration's proposal is to eliminate a large part of the federal bureaucracy through revenue sharing. The difficulties in administration, however, have not principally been between the federal and state governments.

Instead, the bureaucracy has bogged down between the local governments and the state. And the Administration's bill does not address these problems.

In reviewing the Administration's proposal I would urge the subcommittee to consider the following points:

1. States should be mandated to simplify the procedures for local planning agencies in obtaining grants.

2. Proposals to permit large urban areas to receive automatic funding upon filing a yearly comprehensive plan with the state should be seriously considered. Such a procedure would get money most rapidly to high-crime areas. Obviously, a requirement that the state monitor these expenditures would have to be appended to such a proposal.

3. Most experts agree that planning for local governmental jurisdictions should take place at the local level. Local officials are in the best position to evaluate local needs. Yet the Administration's proposal appears to place a heavy emphasis on the state's developing plans for local governmental bodies.

4. The state should be compelled to publish clear guidelines for the funding and the awarding of grants to local planning agencies. Under the present system, local bodies do not have sufficient information from the state to determine the best manner in which to present a grant proposal. This is largely due to the fact that states tend to make determinations on a case by case basis thereby increasing the uncertainty for local planning agencies.

5. The federal government must be responsible for monitoring the states to ensure that an effort is being made to minimize administrative log jams.

Aside from my concerns relating to bureaucratic tie-ups there are two other points I would hope could be considered when the Administration's proposals are examined.

6. Both the present Act and the Administration proposal provide that the states be funded according to their population. However, distribution of law enforcement funds on the basis of population alone is absurd. Money should be spent where crime occurs, not simply where people live. For example, Wyoming does not need proportionate funding to New York State. Moreover, a rural area in New York does not need the proportionate funding that New York City needs.

It is crucial that funding *at all levels* should be based on formulas that account for both population and *crime rate*.

7. Attention should also be paid to the amount of LEAA funds being wasted on "hardware" purchases. The Government Operations Committee has reported:

Tens of millions of block grant dollars have been spent on helicopters, airplanes, automobiles, firearms, ammunition, computer information systems, communications control centers, police radio equipment, electronic surveillance equipment, and a range of other hardware items, often without competitive bidding or prior evaluation . . .

In states such as Arkansas, Mississippi, and Oklahoma, the expenditures for police hardware, made with LEAA's approval, have been so heavy that to label their overall programs as "comprehensive" is a charitable use of that term.

This problem is aggravated by procedural delays. It is much easier for a request for a tank to be processed through the administrative mire than for a sophisticated proposal relating to court reform, for example. Hence there is an incentive to apply for the former rather than the latter.

Appendix H.11

Office of the Governor,
Frankfort, Ky., April 16, 1973.

Hon. Peter W. Rodino, Jr.,
U.S. House of Representatives,
Committee on the Judiciary,
Washington, D.C.

Dear Congressman Rodino: I want to take this opportunity to support President Nixon's special revenue sharing proposal for law enforcement (S. 1234) and briefly review the progress we are experiencing in Kentucky as a result of the Safe Streets Act.

During 1972, serious crime in Kentucky was down eight percent from 1971, the first decrease in memory. A three percent decrease was recorded nationwide. Kentucky's decrease can, in part, be attributed to the efforts and leadership of the Kentucky Crime Commission.

The majority of Crime Commission funds have been allocated in accordance with an "urban impact" strategy. Louisville, Lexington and Kenton/Campbell Counties report over sixty percent of Kentucky's serious crime, and last year reported decreases of 10.8 percent, 7.1 percent and 9.0 percent, respectively.

At the same time, the Commission has balanced its urban impact strategy with major programs available to every community in the state—a $4.75 million police training and educational incentive program; a $3.1 million police communications network providing 24-hour police service for all citizens; modern sound and recording equipment for every county courthouse; and recruit and in-service training for all police officers in Kentucky.

In the corrections area, we have established two first offender institutions with resources from the Safe Streets Act. Probation and parole supervision has been improved statewide by a fifty percent increase in the number of officers and removal of appointment from the patronage system. Additionally, the state's last large institution for juveniles, Kentucky Village, has been closed. Commission funds permit younger offenders to be handled in their home counties.

A new Penal Code and public defender system, study of the judicial structure and operational changes that will reduce the time between arrest and trial, and full time assistance to prosecutors in urban areas characterize the broad based efforts we have begun in Kentucky's courts.

This progress toward crime reduction and improvement in Kentucky's criminal justice system illustrates the importance of coordinating state and local law enforcement planning. The President's Law Enforcement Revenue Sharing Act will permit continuation of this very successful crime control program. It will also give each state enough flexibility to assess needs and determine its own priorities for reducing crime and improving the administration of justice.

Sincerely,

Appendix H.12

State of Wisconsin,
Office of the Governor,
Madison, Wis., April 16, 1973.

Hon. Peter W. Rodino, Jr.,
Chairman, House Judiciary Committee,
Subcommittee No. 5,
Rayburn House Office Building,
Washington, D.C.

Dear Representative Rodino: The purpose of this letter is to convey to you my interest in the continuation of the Safe Streets program. The federal assistance made available to Wisconsin through this program has enabled us to improve the general quality of our law enforcement services by increasing the training available to recruits and offices and by providing law enforcement agencies with modern equipment. We have been able to improve the operation of our courts by providing adequate public defender services, judicial education and improved management techniques. We have developed, among many programs designed to improve the rehabilitation of offenders, alternatives to incarceration for juveniles and reintegration facilities for adults.

Many of the achievements Wisconsin has made in the improvement of its criminal justice system would not have been possible without the Safe Streets Program. More importantly, Wisconsin could not have supported a state planning agency and therefore would not have had the benefit of professional criminal justice systems planning on a state-wide basis.

I have studied S. 1234, the Law Enforcement Revenue Sharing Act of 1973, and feel that I can be generally supportive of this proposed legislation. The Act embodies the important concepts of local governmental participation in statewide planning and of state determination of goals and priorities. My criticism of the proposed legislation is that it provides that only 5 percent of the annual allocation be used for support of the state and local planning process. It is our

experience that at least 8 percent of the allocation is necessary to adequately support the planning and administrative process.

In closing, I would like to reiterate my support for this legislation and encourage you and your committee to recommend an appropriation which provides for the continuation of the Safe Streets Program at least at its present level.

Sincerely,

PATRICK J. LUCEY,
Governor.

APPENDIX H.13

STATE OF VERMONT,
EXECUTIVE DEPARTMENT,
Montpelier, Vt., April 14, 1973.

Hon. PETER W. RODINO, Jr.,
Representative, State of New Jersey, Chairman, House Judiciary Committee, Subcommittee No. 5, Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE RODINO: The advent of the Law Enforcement Assistance Administration marked a historical turning point in this nation's approach to the multitude of problems which beset the criminal justice system. In Vermont, as elsewhere, there were initial growing pains associated with the implementation of this program; however, I have no hesitation in stating that the Law Enforcement Assistance Administration has had a significant beneficial impact on our state in the areas of law enforcement, courts, corrections and community crime prevention.

It is the firm intention of my administration to see that our state planning agency, The Governor's Commission on the Administration of Justice, fully utilizes all available resources in continuing its effort to develop and implement meaningful new programs for the improvement of Vermont's criminal justice system.

I strongly endorse the efforts of the Law Enforcement Assistance Administration and urge its continuation as well as a significant increase in the appropriations for its future endeavors.

Sincerely,

THOMAS P. SALMON.

APPENDIX I

CITY OF TULSA, OKLAHOMA,
OFFICE OF THE MAYOR,
June 15, 1972.

Mr. JERRIS LEONARD,
Administrator, U.S. Department of Justice,
Washington, D.C.

DEAR MR. LEONARD: I am pleased to respond to your recent letter asking for an assessment of programs funded by the Law Enforcement Assistance Administration here in Tulsa. Having served personally on the Oklahoma Crime Commission for about one year, I became well acquainted with the concept and program administration.

I feel that the program has been very successful in Tulsa and has contributed to the slight reduction in major crime in our city. Major impact from these programs have been felt in training of our officers, in establishment of intelligence and tactical units to deal with specific problem areas, and to a lesser extent in equipment which has been made available to the city.

We are expecting to receive considerable benefit from LEAA funds to utilize in Police Community Relations and in the proposed Police Information/Communication System which will greatly expedite the channelling of information to officers in the field.

The third beneficial impact from the LEAA program has been the need to establish sound planning practices which leads to better assessment of existing

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programs as well as defining desirable objectives for improving law enforcement capability.

LEAA funds have also been well utilized in Tulsa to assist programs dealing with problems of juvenile delinquency. Tulsa programs in this area have been exceptionally well administered, and while quantitative analysis is somewhat difficult to obtain for evaluating these programs, I would like to endorse the general concept of having a portion of LEAA funds allocated in this area.

I appreciate your inquiry and hope this information is helpful.

Sincerely,

ROBERT J. LAFORTUNE, *Mayor.*

DEPARTMENT OF POLICE,
Topeka, Kans., June 15, 1972.

MR. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. LEONARD: Your inquiry into how the city was able to reduce crime in 1971 and the first five months of 1972 as it relates to LEAA support is at hand, and I appreciate the opportunity to comment on these veritable programs we have initiated due to this support.

(1) Prior to LEAA, this city had three old heavy walkie-talkie radios that were inoperable and, realizing that every officer must be in constant communication with his home base, we rectified the situation by obtaining forty-nine walkie-talkies from LEAA; which increased the efficiency of the men in the field, provided necessary protection to them, and improved morale. Subsequently, with these factors, increased the police image.

(2) Our Junior Police Aide Program and Police-Community Relations Program permitted us to pay boys 14–16 years of age and teach them of the rules of the police department and the laws of the community, giving the officers a better insight into some of the problems of our youth today. Several school administrators have stated that it was the young men involved in this program that kept the schools "cool" during the 1971–72 school year. One black youth, after being a part of this program, was selected to attend the Air Force Academy for the coming fall term.

(3) The helicopter program was initiated in this city in July, 1971 and has proven to be an effective deterrent to crime, and must be credited with the large decrease in burglaries and robberies in this city. It has also provided the county and smaller cities within the county with quick response and support of the ground units. It has aided our fire department by lighting areas around fires. It has reduced the time for patrolmen finding lost and run-a-way persons from the various mental and rehabilitation institutions we have in our city.

(4) In November, 1971, through a discretionary grant, we developed a ten-man Strike Force which has greatly reduced crime because of its flexibility in working on crime categories in some areas of the city, particularly the lower economic areas where crime statistics reflected the highest increase. By the utilization of the Strike Force, we were able to change that picture to where now any developer or finance company could loan money and build without using the old cliche "high Crime in the area would hurt their investment".

(5) We have also developed, without any aid from LEAA, a Reserve force of eighty-four men, due to our being able to utilize money in the budget for communications and other programs being freed to develop the Reserve Program.

(6) The TAC (Topekans Against Crime) volunteer group have done an outstanding job in printing and issuing brochures on what to do on armed robberies; also on shoplifting, personal safety. They have been involved in school dropout programs, court watching (limited), surveys in street lighting; resulting in the taxpayers voting for $50,000 per year for increased and improved street lighting. This program was also funded by LEAA.

I have made the statement publicly many times that without the support of LEAA funds this city would be fifteen years behind the times in operational equipment and educational programs. Even though LEAA has, in my opinion, done a very outstanding job, I would like to see another Chief's meeting held where we could discuss regionalization in broader terms and where we might discuss additional funding on programs where it would necessitate utilization of manpower such as our Strike Force.

As you know, there is a feeling among many, and I am one of them, that city problems must be resolved at the city level. Therefore, police administrators

3-YEAR COMPARATIVE REPORT—1ST 5 MONTHS TO DATE, PT. 1 CLASSIFICATION OFFENSES

Offense	1970			1971				1972			
	Actual offenses	Cleared by arrest	Percent cleared	Change Actual offenses	Change past	Cleared by arrest	Percent cleared	Change Actual offenses	From year past	Cleared by arrest	Percent cleared
Murder and nonnegligent manslaughter	0	0	0	5	+100.0	4	80.0	2	−60.0	2	100.0
Rape	10	6	60.0	11	+10.0	5	45.5	23	+109.1	9	39.1
Robbery	47	15	31.9	101	+114.9	24	23.8	54	−46.5	8	14.8
Assault—Aggravated	147	86	58.5	135	−8.2	67	49.6	140	+3.7	62	44.3
Burglary	577	61	10.6	566	−1.9	30	5.3	494	−12.7	22	4.5
Larceny ($50 and over)	945	49	5.2	772	−18.3	25	3.2	714	−7.5	28	3.9
Auto theft	113	27	23.9	136	+20.4	24	17.6	92	−32.4	8	8.7
Total, indexed pt. I crimes	1,839	244	13.3	1,726	−6.1	179	10.4	1,519	−12.0	139	9.2
Manslaughter by negligence	1	1	100.0	2	+100.0	2	100.0	1	−50.0	0	0.0
Assault—Not aggravated	122	63	51.6	98	−19.7	58	59.2	127	+29.6	52	40.9
Larceny (under $50)	975	173	17.7	863	−11.5	55	6.4	805	−6.7	46	5.7
Total, other pt. I crimes	1,098	237	21.6	963	−12.3	115	11.9	933	−3.1	98	10.5
Total, all pt. I crimes	2,937	481	16.4	2,689	−8.4	294	10.9	2,452	−8.8	237	9.7

Note: Numerical change from past year, −237.

Source: Topeka, Kans., Police Department.

have tried to develop their budget upon the enforcement of municipal and state statutes; —but, because of the division in our country over foreign and national policies, these problems are now being felt at the local level, i.e., on Memorial Day the veterans, with General Lewis Walt as speaker, held services at a local cemetery and it was necessary to have additional police manpower on overtime to see that this service was carried out peacefully. An anti-war group had also formed wanting to execute their constitutional rights, therefore, extra men on duty calls for money from the budget. When this happens five or six times a year, on a department this size, we easily can spend $15,000.

You have asked that this be brief, so I will make one brief comment—I feel that the LEAA in the State of Kansas has done a very outstanding job. We will have some minor problems; and we will have some criticism of some grants, particularly when we see so much money going into the state to operate state programs, and whose resources are much greater than local political sub-divisions.

But, I am sure that if we all work together we can turn the crime picture around and we are very happy about our statistics for the first five months of 1972, which I am forwarding to you. They reflect that Part I crimes are down —12%; armed robberies are down; burglaries are down; larceny over $50 is down; auto theft is down. While rapes and assaults are up, we hope to have the TAC develop a brochure on how women can protect themselves against rape.

One last comment—I understand that the Kansas Legislators have stated that no Municipal Police Chief will be on the GCCA committee. I feel this is a mistake. I would rather see more local police representation and fewer state officials.

Here in Kansas, we have the Director of KBI, the Attorney General, the Superintendent of Highway Patrol, the Director of Penal Institution, and the Director of Administration on the committee.

I question Regionalization being forthcoming without representation from local law enforcement officials.

Sincerely,

DANA L. HUMMER,
Chief of Police

TITUSVILLE, FLA.,
May 22, 1972.

Mr. GEORGE M. MURPHY,
Regional Administrator, U.S. Department of Justice, L.E.A.A.,
Atlanta, Ga.

DEAR MR. MURPHY: On behalf of the City of Titusville, I wish to express our deep appreciation for the assistance furnished by your agency in paying for the college educations of our police officers. Our records indicate that, as of June, 1972, L.E.A.A. assistance will have enabled six officers to secure Associates of Science degrees and one officer has secured a Bachelor of General Studies degree.

Only through upgrading the academic and overall intellectual abilities of police officers can we meet our community needs and secure adequate compensation for police officers. L.E.A.A. academic assistance has been one of those unique instances where federal dollars have been provided at the right time and in the right place. For this we are most grateful.

Sincerely yours,

LEE S. AYRES,
City Manager.

COUNTY OF SAN JOAQUIN,
Stockton, Calif., March 2, 1972.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration,
Department of Justice, Washington, D.C.

DEAR MR. LEONARD: Thank you for taking the time on Monday to discuss those problems that seemed to me to be most acute that are facing law enforcement throughout the United States, especially the local policing jurisdictions.

Because of the willingness of you, your associates and your agency, and the Attorney General of the United States, to assist us, there has been a tremendous impact of change for the better, of law enforcement throughout the United States. I witnessed this first hand during my recent tenure and travels as President of the National Sheriff's Association, and noted that there has been a tremendous affect upward on the quality in that loosely organized, coordinated, although

informal, network of exchange of services by local jurisdictions that extends throughout the entire fifty States.

At a time when change is so rapid and the need so great, you have met the challenge by the resourcefulness of your administration, directing and managing the act and its allocations.

Through you, the government's assistance in this area, has really kept us full competitors in an arena that formerly was fraught with ill equipped gladiators against full time criminal competitors.

Forgive me for taking this time, but I felt compelled to relate the above from a distance, and especially now at a time when we have no applications pending, or any other such requests, so that you could not consider this flattery, which however it is in its sincerest form of grateful recognition.

Cordially,

MICHAEL N. CANLIS,
Sheriff-Coroner.

OFFICE OF THE MAYOR,
San Francisco, July 27, 1972.

Mr. CLARENCE COSTER,
Associate Administrator, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. COSTER: On Tuesday of this week Mayor Alioto appeared with 15 of his fellow mayors from around the country before the Senate Finance Committee to urge prompt action on the general revenue sharing legislation.

As you know, one of the eligible categories for general revenue sharing funds in the bill which has already passed the House is public safety. I thought you would be pleased with the references found on page three of the Mayor's statement, in which he indicates that San Francisco has been significantly helped by programs funded through the LEAA. As the Mayor indicates, we are hopeful of continuing our successes with LEAA funds, and in addition, supplementing these programs through the general revenue sharing funds.

Please be assured of the continued support of the City of San Francisco for your programs.

Sincerely,

ROBERT E. JOSTEN,
Washington Representative.

STATEMENT OF MAYOR JOSEPH L. ALIOTO, CITY OF SAN FRANCISCO

Mr. Chairman, I welcome the opportunity to join this group of distinguished mayors speaking in support of the State and Local Fiscal Assistance Act of 1972.

The fiscal crisis facing America's cities grows in magnitude with each passing day. Vital programs in transportation, public safety, and environmental protection—the very areas covered by this bill—are straining under the burden of rising costs, greater public demands, and shrinking tax dollars. Many will have to be curtailed unless relief, such as general revenue sharing, is enacted quickly. I want to give you some specific examples from my City.

In San Francisco, reserve funds are being diverted to maintain existing levels of essential functions such as our municipal railway. These services are destined for drastic cutbacks unless revenue sharing can be moved forward promptly.

During the past four years, reserve funds from our municipal water and power revenues have been reassigned to public transportation to permit an adequate level of service to continue in the City. Under normal circumstances, these reserve funds would be maintained for future capital improvements in the City's long range power and water programs. This also means that less revenue will be available to finance maintenance and repair work, in turn causing replacement and reconstruction costs to increase and eventually forcing a greater reliance on bond issue financing.

The City of San Francisco is reaching a limit, like many other cities, beyond which depleted reserves cannot offset rising costs of providing minimum levels of vital municipal services. Our local property tax rate is $12.73 per $100 assessed valuation. We are determined to hold at that figure in recognition that the property owner is at the breaking point. We cannot hold the line and still provide the full services demanded by the public without revenue sharing or meaningful tax relief by our State Legislature.

The funds flowing to local communities as part of the measure which has passed the House and is now before this Committee will alleviate only a part of the general crisis we face. For example, San Francisco's Municipal Railway has major additional needs in both capital improvements and operations over the next five years, all vitally important to maintain existing levels of service.

Next year, for example, the total added need over and above current funding is $17.4 million. Under the present general revenue sharing formula, the San Francisco allocation of funds would be $14 million annually. Obviously, this entire amount could be devoted just to meeting our mass transportation needs.

But we have tremendous needs in many other areas as well, most notably pollution abatement and public safety. San Francisco is committed to an immediate program of dry weather sewage abatement costing $200 million over the next five years. This will be followed by a wet weather abatement program, at an estimated cost ranging from $300 to $800 million, depending on state clean water requirements.

San Francisco has made significant strides in crime prevention in the past four years. Part of the credit goes to the implementation of innovative programs funded through the Law Enforcement Assistance Administration of the U.S. Justice Department. We want to continue this trend of reducing the crime rate with additional programs in communications, emergency operations and minority recruitment, but they can only be funded with outside assistance.

In closing I would like to touch on an aspect of this bill that is particularly important to the San Francisco area.

A certain amount of the total funds for general revenue sharing—$1.8 billion—will go directly to the states. Unlike local communities, the states have no restrictions on the use of the funds.

I believe there is an important functional level to which some of these state funds should be diverted. That is to the increasing role of regional agencies usually established by state edict. In the San Francisco Bay area, there are twelve such agencies, two of which take about 6% of the annual San Francisco tax dollar. The state should pay more for the support of these regional agencies, and I recommend that Federal guidelines be established to direct a portion of the state general revenue sharing grants to assist regional governments and agencies.

In conclusion, I fully support the general revenue sharing legislation. It is a vital supplement to our efforts to maintain existing levels of essential public services.

CITY OF SAN ANTONIO,
San Antonio, Tex., August 4, 1972.

MR. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. LEONARD: I have consulted with Chief E. E. Peters and Associate City Manager Geo. W. Bichsel and they have advised me that the various grants of L.E.A.A. funds that the City of San Antonio has received during the past three years have contributed markedly to retarding the growth of the crime rate in San Antonio.

	1967	1968	1969	1970	1971
Murder	82	100	95	73	96
Rape	124	164	215	207	217
Robbery	460	784	895	1,062	911
Burglary	8,730	12,060	11,533	11,660	10,579
Theft	5,030	7,358	7,058	7,353	8,008
Auto theft	2,835	4,643	5,136	4,959	4,801

I have enclosed brief summaries of some of the outstanding programs that we have benefitted from.

Sincerely yours,

JOHN GATTI, *Mayor.*

Grant Title: Regional Crime Laboratory.
Grant Period: December 1, 1971 thru November 30, 1972.
Grant Award: $160,091.00.
Grantee Contribution: $64,485.00.

These funds will enable the existing resources of the SAPD Crime Lab and the Bexar County Medical Examiner's service and pathology lab to be combined, enlarged and improved sufficiently to provide crime lab service to the nine counties contiguous to Bexar County. The crime lab service is to be patterned after that provided by the Texas Department of Public Safety Lab which offers chemical analysis, polygraph examinations, firearms examinations, document examinations and latent print processing.

The Department of Public Safety has a tremendous case load, and our Regional Crime Lab will help to reduce the burden on the DPS Lab and to expedite the processing of evidence and thereby getting cases to trial more quickly.

Grant Title: Training and Education Innovations.
Grant Period: August 15, 1971 thru December 14, 1972.
Grant Award: $60,670.00.
Grantee Contribution: $30,000.00.

Audio-Visual Aid Training Equipment has been purchased under this grant award and is used extensively in the training of Police Cadets, In-Service Training and Instructor Training Courses.

Professors from San Antonio College are conducting classes in Introductory Sociology and History and Philosophy of Policing. (Each course is rated at three hours of college credit.)

All officers are being provided with IACP Training Keys as part of an In-Service Training Program.

Grant Title: Crime Task Force.
Grant Period: January 15, 1972 thru January 14, 1973.
Grant Award: $84,966.00.
Grantee Contribution: $52,659.00.

The Crime Task Force is in its second year of operation. Composed of twenty-seven patrolmen and three sergeants, the purpose of the Task Force is to provide a means of saturating any given current problem area with the necessary police strength to expedite the solution. The manpower situation was critical at the time the program was instituted; therefore, the grant award was to pay the salaries of men working on an overtime basis until such time as the department's personnel strength reached the point where thirty men could be assigned to the Task Force as a full time assignment. This goal was accomplished on July 15, 1972.

During the first six months of 1972 the Task Force has concentrated on the crimes of burglary, robbery and theft and has made 314 felony arrests and 278 misdemeanor arrests.

Grant Title: Police Community Relations Units and Police Agencies.
Grant Period: September 1, 1971 thru August 31, 1972.
Grant Award: $63,038.00.
Grantee Contribution: $21,012.00 (Model Cities Match).

The project involves the utilization of six civilian community service officers, three patrolmen and one police sergeant who provide immediate response to incidents and needs that occur within six Model Neighborhood Areas and thereby enhance the police-citizen relationship thus helping to reduce crime. Indigenous civilians, who are familiar with the problems of the area to which they are assigned, are employed and provided with police support. They are readily able to identify and alleviate many problems, offer advice and make referrals to social service agencies as the need may be.

This project is often referred to as the decentralization program.

Grant Title: City-County Police Helicopter Patrol.
Grant Period: January 1, 1971 thru June 30, 1972.
Grant Award: $34,358.00 by LEAA; $34,358.00 by NHSB.
Grantee Contribution: $40,726.00.

This project established a helicopter patrol as a support unit for all mobile ground police units in the City of San Antonio and Bexar County, and, when requested, support for sheriff's mobile ground units in contiguous counties.

It provides surveillance of rooftops, brush, river bottoms and other inaccessible areas at night, with the aid of a powerful searchlight, as well as during the day. Pursuit of stolen and wanted vehicles, suspects fleeing on foot, spotting traffic congestion, aerial photography, location of mobs and fires, and more adequate direction of ground officers are benefits derived from having a helicopter patrol.

Bexar County shares the grantee's contribution and has use of the helicopter 50% of the time.

This project is funded by LEAA and the National Highway Safety Bureau, a Division of the Department of Transportation, on a 50–50 basis.

Grant Title: Citizens Intelligence (Crime Stop).
Grant Period: January 15, 1972 thru January 14, 1973.
Grant Award: $26,644.00.
Grantee Contribution: $8,978.00.

The Crime Stop Project is in its second year of operation. The purpose of this project is to enlist the aid of citizens, in fighting crime, by encouraging them to telephone the police when they observe suspicious acts or have information that may help the police solve a crime.

The news media, civic organizations and large retail stores have been very cooperative in helping to keep the public's attention focused on Crime Stop.

During the first six months of 1972 Crime Stop received 16,993 telephone calls, and 447 apprehensions were made as a result of these calls.

BOARD ON POLICE STANDARDS AND TRAINING,
Salem, Oreg., March 29, 1972.

JERRIS LEONARD,
Director, Law Enforcement Assistance Administration,
Washington, D.C.

DEAR MR. LEONARD: It is difficult nowadays to find time in the work day to just stop and say "thanks." On behalf of the Oregon Board on Police Standards and Training we do want to thank LEAA and its staff for the many contributions they have made to our agency and all law enforcement in Oregon. It was through an LEAA grant that our agency received the "boost" that has made it the success that it is today. We hope that you can continue to assist, particularly those states that do not have police standards commissions as yet.

We found your Omaha meeting beneficial and worthwhile; Carl Hamm and Marty Gardner are to be comended for their efforts in making this meeting a success. Please express our thanks to them and to their staff.

Sincerely,

PAUL BETTIOL,
Executive Director.

CITY OF SAINT PAUL, MINN.,
OFFICE OF THE MAYOR,
March 1, 1972.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, Department of Justice, Washington, D.C.

DEAR MR. LEONARD: Saint Paul is pleased with the results of programs which were initiated through funding provided by the Omnibus Safe Streets Act. Good progress has been made despite some intra-state problems, which while possibly transitory in nature, continue to hinder us in 1972. Obviously, we are pleased with the considerations given these programs by your staff and are particularly impressed with the capability, courtesy and concern shown by your staff at the seat of government.

Saint Paul to date has had nine programs approved by your office. All have played a part in responding to the legislative intent of the Omnibus Safe Streets Act. Two in particular, truly demonstrate what benefits may accrue to a community working in concert with a good federal program. Project HELP, designed for policing in housing projects and adjacent impacted areas, has clearly demonstrated the effectiveness of returning the policeman to the community. The broad based support for the program is finally found in the fact that, as of June of 1972, the program as originally designed will be funded 100 percent at the local level—truly a response to the intent of the legislation.

The take-home cars is a program which was filled with implementation frustrations, but which nonetheless was launched as a result of your continued support during trying times. After some nine months of activity, we are able to

demonstrate the impact of high visibility on the rate of crime in a local community. Again, because of the measurable benefits of the program, we are adding additional take-home cars from local funds.

The LEAA program, and you as its director, should be justly proud of its record which is unexcelled in its cooperation with local government. It is my sincere hope that your program continues and that its funding requests are looked at favorably by the national legislature.

Sincerely yours,

CHARLES P. MCCARTY, *Mayor.*

POLICE DEPARTMENT,
Rockford, Ill., June 19, 1972.

Mr. JERRIS LEONARD,
Administrator, U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: Your letter of June 8, 1972 to Mayor Benjamin T. Schleicher has been referred to this office. The City of Rockford has been fortunate to experience a reduction in major crime during the year of 1971. The City of Rockford and other agencies within the city have received grants from the Illinois Law Enforcement Commission that have been of assistance in the discharge of the duties of this department and have, I feel, contributed somewhat to the decrease of crime.

The Rockford Police Department did receive a grant for additional vehicles that enabled us to put more officers on the streets at the peak hours involving both criminal and traffic activities. The Northern Illinois Council on Alcoholism and Drug Dependence received a grant regarding the Detoxification Program for alcoholics which has been of assistance to this department. The same agency received a grant for a Methadone Program for the treatment of heroin addicts.

These programs along with the additional manpower that the City of Rockford has seen fit to add the past several years have played, I feel, a significant role in the reduction of crime.

Very truly yours,

DELBERT E. PETERSON,
Chief of Police.

PROVIDENCE POLICE DEPARTMENT,
Providence, R.I., July 22, 1971.

Mr. JAMES I. DEVINE,
Acting Assistant Administrator, Office of Criminal Justice Assistance, Law Enforcement Assistance Administration, Washington, D.C.

DEAR SIR: I have read the national press accounts of criticisms of the organization and use of state planning agencies (such as the Governor's Committee on Crime, Delinquency and Crimial Administration in the State of Rhode Island) by the Law Enforcement Assistance Administration for purposes of comprehensive planning for local law enforcement and the disbursement of funds for local planning and action programs accruing from the Omnibus Crime Control and Safe Streets Act of 1968.

The fact that objection to the concept of central planning at the state level for more effective local law enforcement action has come from some public officials in other states is somewhat astonishing to me. It is apparent that these critics have failed to recognize a fundamental goal described in the Act which is to "encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement."

In my professional capacities as a police commander, formerly the Executive Director of the Governor's Committee on Crime. and now as the chief of this department and Chairman of the Governor's Crime Committee, I have been involved in the administration of all federal funds awarded to the City of Providence for fighting crime since the advent of federal asistance to local law enforcement, beginning with the Law Enforcement Assistance Act of 1965.

This experience has convinced me that combatting crime today demands planning of a scope that encompasses the entire law enforcement system, and that it must transcend jurisdictional and individual agency responsibilities if we are

to avoid duplication, overlapping, gaps and inconsistency and assure the inclusion of peripheral activities that are closely related or associated with law enforcement. Only by such planning can the entire criminal justice system achieve frameworks for action and improved capacities for coordinated efforts.

I am sure comprehensive planning with close collaboration between state and local planning agencies is vital in every state or region in the nation and that it can work with the same degree of efficiency demonstrated in Rhode Island. Such planning is virtually a necessity in this state where the court and correctional systems and other agencies involved in criminal justice are all state-operated. I cannot conceive of any other way for a local community accepting federal assistance to meet the responsibilities it then has under the provisions of the Act.

Any alternative to the concept of the state agency planning system such as direct workings with your office in Washington for purposes of planning or the awarding of subgrants would ultimately prove unsatisfactory, in my opinion. I believe all of the planners in agencies making up the criminal justice system in Rhode Island share my opinion that the present arrangement is superior to any alternative method proposed thus far by your critics. This department and the local crime committee have been afforded constant assistance and cooperation by the local state planning agency which operates under the fine directorship of Mr. John J. Kilduff and his staff of professional planners whose expertise in the law enforcement planning field is well-known. Their work is invaluable to the local committee and others in Rhode Island in developing our action programs that come together with their own supportive and coordinative plans which finally emerge as the realistic, practical and meaningful state comprehensive plan needed to successfully combat crime in every community in the state.

The current state planning system operated under the administration of your Office of Criminal Justice Assistance has my enthusiastic endorsement and I take this opportunity to express the great appreciation of the officers and men of this department, the members of the local and state crime committees, and indeed all of the citizens of the City of Providence and State of Rhode Island for the assistance we are receiving from your administration through our state planning agency.

Sincerely yours,

WALTER A. MCQUEENEY,
Colonel, Chief of Police.

CITY OF OAKLAND,
Oakland, Calif., June 22, 1973.

Mr. JERRIS LEONARD,
Administrator, U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: During my brief visit to Washington last week, I decided to take the opportunity to personally respond to your letter of June 8 asking for my comments and views concerning the impact of LEAA support to local units of government. Because my visit was on such short notice, I certainly appreciate the willingness of your colleague to meet with me and his courtesy in listening to my comments.

For a number of years the City has been interested in using the 911 Emergency Telephone Service. Realizing that there has been equipment and other technical difficulties that had to be overcome, I was going to suggest that perhaps funds from LEAA might be used to implement such a program on at least an experimental basis in the City of Oakland. I was therefore very pleasantly surprised to learn that Oakland has been chosen as a location for such a pilot study.

We here in the City of Oakland are most grateful for this opportunity to use this much needed emergency service. I assure you that we will do everything we can to cooperate and assist in the implementation of this important new service.

The work that LEAA is doing for the City of Oakland, and I am sure the other cities throughout the nation, is indeed important and helpful, and I certainly hope that this kind of effort can continue for everyone's benefit.

Sincerely,

JOHN H. READING, *Mayor.*

CITY OF NEWPORT NEWS,
Newport News, Va., July 14, 1972.

Mr. JERRIS LEONARD,
Administrator, U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: Your letter of June 8, 1972 addressed to Mayor Hornsby has been referred to me.

The receipt of LEA funds and the subsequent purchase of equipment has helped reduce crime in Newport News considerably. We have been involved in Federal Funding since February, 1969 in several categories such as: Communications, Training, Drug Abuse, Community/Police Relations and improvement of Detection and Apprehension of Criminals.

Equipment purchased includes: Color photo lab equipment, dictating equipment, surveillance equipment, polygraph, identikit, mobile crime lab; closed circuit TV equipment (instant replay tapes) and money for drug buys and information.

New equipment has aided our efforts in crime detection and apprehension of the law violator. I feel that the most important factor contributing to the reduction of crime during the past year has been the direct result of our efforts in the field of narcotics investigations. The utilization of federal funds for the purchase of evidence against drug pushers has been extremely effective. As you know, addicts will commit any type of crime that will help support their habit.

I highly commend the LEA program and recommend its continuation and expansion to insure that the detection and apprehension of law violators will continue.

Very truly yours,

W. E. LAWSON, Jr.,
City Manager.

CITY OF MOBILE,
Mobile, Ala., June 14, 1972.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice Washington, D.C.

DEAR MR. LEONARD: In reply to your letter of June 8, 1972, we offer the following:

During the calendar year 1971, our major crime index crimes did fall 3.6% below the calendar year 1970. It was not large, but was significant since the trend nationwide was generally in the opposite direction.

We can attribute the decrease in part to local efforts and, in part, to L.E.A.A. support.

Through L.E.A.A. support, we obtained equipment that we probably would have never obtained otherwise. The riot control equipment enabled us to better train our men in its use and even though we did not have to use this equipment to inflict physical injuries or casualties upon those engaged in civil disturbances, the fact that our men were on the scene with the equipment had a psychological effect of confidence on the part of the officers and of respect on the part of the participants, thereby minimizing our need to use force and the desire to commit serious crimes on the part of the participants.

Better equipment also enabled our one-man units to do a better preventative patrol job, which in turn kept down the number of burglaries and robberies.

We have planned for this calendar year of 1972, an ambitious program designed to increase our efficiency throughout the department. Our overall program depends a great deal on assistance from the L.E.A.A.; and our allotment through the Alabama Law Enforcement Planning Agency will be in the neighborhood of $500,000. We are confident that this help will enable us to further effectively fight crime in the City of Mobile.

Some 30 of our officers have been enrolled in the University of South Alabama, majoring in Criminal Justice Administration being supported by L.E.A.A. funds; and this is making our men more professional and enabling them to do a better crime-fighting job. We are also planning other training and educational programs utilizing L.E.A.A. funds.

In our major crime index, crime has decreased 11.1% during the first five months of this year; and, with the continued support of L.E.A.A., we hope this trend will continue.

Very sincerely yours,

ROBERT B. DOYLE, Jr.,
Public Safety Commissioner.

OFFICE OF THE SHERIFF,
COUNTY OF MISSOULA,
Missoula, Mont., November 24, 1972.

EDWIN R. LAPEDIS,
Regional Administrator, LEAA,
Federal Building, Denver, Colo.

DEAR MR. LAPEDIS: Many thanks for your letter of November 17, 1972.

A large part of any success of the Region 1 Anti-Drug team can be attributed to the assistance and guidance furnished by Professor Larry M. Elison, Chairman of the Montana Board of Crime Control and the Montana Director, Brinton Markle.

On behalf of the Missoula County Sheriff's Department and other law enforcement officers in Montana Region 1, I wish to sincerely thank you and other LEAA personnel who have contributed so much to up grading law enforcement in Western Montana.

Without LEAA funds for training, essential equipment, and to cover costs of per diem and mileage of officers of the Anti-Drug team, our abiilty to conduct complicated dangerous drug investigations would have been severely handicapped.

Sincerely,

JOHN C. MOE, *Sheriff.*

CITY OF MEMPHIS,
Memphis, Tenn., March 16, 1972.

Hon. JAMES V. STANTON,
U.S. Congressman, House of Representatives,
Longworth Building, Washington, D.C.

DEAR MR. STANTON: Your letters of December 3, 1971, and March 2, 1972, pertaining to crime control legislation and its implementation are appreciated.

In response to your letters, I wish to say that we have excellent relations with the Tennessee State Law Enforcement Planning Agency and with the Atlanta Regional and National offices of the LEAA offices as well. We receive excellent support from each of these offices. We believe we have been given full consideration and a fair share of the LEAA funds available to the state. Additionally, we have not been so bound up in red tape as to delay unnecessarily funding of projects. The key to this has been sound, well-coordinated advance planning at local and state levels supported by well-developed projects. We believe we have such planning and project development and that it pays off.

The key point in all of this is the funding level, I urge that the full amount of funds requested by LEAA be authorized and appropriated.

I hope these remarks are helpful.

Sincerely,

WILLIAM M. FONDREN,
Federal Programs Coordinator.

CITY OF LOS ANGELES, CALIF.,
March 1, 1972.

Mr. CLARENCE M. COSTER,
Associate Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.:

With the assistance of Law Enforcement Assistance Administration (LEAA), law enforcement in the City of Los Angeles has been able to progress to a level of service otherwise unobtainable.

It is a matter of record that because of the fiscal squeeze experienced in large cities, many sorely needed law enforcement programs never see the light of day. In spite of a scarcity of municipal funds Los Angeles, with the assistance of LEAA, has had many solid and innovative police programs initiated.

The attached list of grant projects is evidence of LEAA's responsiveness to our needs.

E. M. DAVIS,
Chief of Police.

DISCRETIONARY FUNDS

Firearms training facility grant.—Type of grant: Discretionary. Total amount: $250,000. Funds are being used to develop a facility to train police officers in the use of firearms under stress situations.

Restructuring of narcotics enforcement for the eradication of organized trafficking grant.—Type of grant: Discretionary. Total amount: $750,000. This project is designed to utilize a multi-phased approach to the problem of narcotic enforcement.

Management development center grant.—Type of grant: Discretionary. Total amount: $50,000. This provided consultant services for the design and implementation of in-house management training programs.

Executive development fellowships grant.—Type of grant: Discretionary. Total amount: $16,000. This enabled one lieutenant and one sergeant to attend the University of their choice in order to complete the requirements for a masters degree.

Demonstration and evaluation of CCTV capabilities grant.—Type of grant: Discretionary. Total amount: $65,000. This enabled the Department to develop a helicopter CCTV system in a universal package to eliminate air-frame modifications.

Police task force—National Advisory Commission on Criminal Justice Standards and Goals grant.—Type of grant: Discretionary. Total amount: $285,000. The Police Task Force will develop national goals, standards, and priorities within the police service to improve the police branch of the criminal justice system.

Total discretionary funds awarded to date: $1,416,000.

BLOCK FUNDS

Multimedia instruction for law enforcement (MILE) grant.—Type of grant: block. Total amount: $1,010,341. This has enabled the Los Angeles Police Department to utilize the latest scientific technology in developing a training program based upon multimedia individualized instruction.

Automated field interview system expansion (AFI) grant.—Type of grant: Block. Total amount: $74,085. This expands the present system to include pedestrian interview information and to significantly reduce search time by "indexing" the file.

Pattern recognition and information correlation (PATRIC) grant.—Type of grant: Block, Total amount: Phase I, $633,698, Phase II, $596,315. These are the first two steps leading to implementation of a computerized police information processing system which will provide tactical information correlation retrieval in support of crime investigation and patrol deployment planning.

Automated worthless document index (AWDI) grant.—Type of grant: Block. Total amount: $313,977. This will allow LAPD to develop a computerized system for storage and retrieval of worthless documents and related information.

Law enforcement manpower resource allocation system (LEMRAS) grant.—Type of grant: Block. Total amount: $329,610. This will result in a computerized predictive resources allocation system in which optimal deployment of police field forces is determined.

Training system study grant.—Type of grant: Block. Total amount: Phase I, $93,000, Phase II, $77,000. This grant enabled our Department to complete a requirements analysis and, considering the state-of-the-art in instructional technology, to design a police training system to meet the requirements.

Crime specific—Team policing grant.—Type of grant: Block. Total amount: $259,843. This program will experiment with the concept of team policing to reduce the crime of burglary.

Airborne television grant.—Type of grant: Block. Total amount: $55,100. This enabled LAPD to develop a closed circuit television system to be mounted on a helicopter for visual transmissions during unusual occurrences.

Master plan for departmental information systems grant. Type of grant: Planning. Total amount: $28,350. This establishes guidelines, costs, and alternatives that will provide the focus for development of a working document for the implementation of all computer-based information systems within the Los Angeles Police Department for the next ten years.

Total block funds awarded to date: $3,471,319.

In addition, over $4 million have already been earmarked by LEAA for the Los Angeles Police Department in 1972.

CITY OF LOS ANGELES, CALIF.,
April 12, 1972.

Mr. DON HEWITT,
Executive Producer, 60 Minutes, Columbia Broadcasting System, Broadcast Center, New York, N.Y.:

The April 9th telecast of "60 Minutes" regarding the misuse of federal monies through the disbursement of Law Enforcement Assistance Administration (LEAA) funds was of interest to this Department.

During the introduction of the aforementioned program several items of police hardware were flashed on the screen. Among these was a 206A Bell Jet Ranger Helicopter with the words "Los Angeles Police Department" stenciled on the side of the aircraft. The camera then focused on the Los Angeles Police Department's Mobile I Tactical Command Post Communication Center. At this time the inference was made that these items were purchased with federal funds (LEAA) and the policing agencies that had acquired these items were not proficient in their use.

Neither the helicopter nor the mobile command post were purchased with LEAA or any other federal funds. This equipment was purchased with City funds to fill a demonstrable need. Our Department is constantly striving to advance. the state-of-the-art in the field of police operations. As a part of this effort, we have received tremendous cooperation from LEAA. With the aid of LEAA, law enforcement in the City of Los Angeles has been able to progress to a level of service otherwise unobtainable.

It is a matter of record that because of the fiscal squeeze experienced in large cities, many sorely needed law enforcement programs never see the light of day. In spite of a scarcity of municipal funds, the Los Angeles Police Department, with the assistance of LEAA, has developed new and dynamic programs that are beneficial to the improvement of law enforcement and service to the citizens.

The attached list of grant projects is evidence of LEAA's responsiveness to the needs of the Los Angeles Police Department.

Attachment.

JACK G. COLLINS,
Assistant Chief, Acting Chief of Police.

Police task force—National Advisory Commission on Criminal Justice Standards and Goals

The Law Enforcement Assistance Administration has taken the lead in improving the overall performance of the Criminal Justice System. A National Advisory Commission on Criminal Justice Standards and Goals was organized, and task forces were instituted to aid the Commission in the study of the multifaceted Criminal Justice System. In Los Angeles, Chief of Police E. M. Davis, heads the Police Task Force. The objective of the Commission is to upgrade the standards of performance of the justice system throughout the Nation.

Firearms training facility

Public safety requires that a police officer exercise extreme discretion in the use of firearms. It has been learned that an officer is apt to use poor judgment in stressful field situations. The Firearms Training Facility being developed with funds from LEAA, will require each officer to repeatedly perform in simulated field situations. The experience gained on the training field will prepare the officer to act prudently in an emergency.

Restructuring of narcotics enforcement for the eradication of organized trafficking

The elements of organized crime have reaped vast profits with relative safety in organized narcotics trafficking. The organized criminal is insulated from the street peddler by several levels of intermediaries. With the aid of LEAA, the Los Angeles Police Department is restructuring its narcotics enforcement machinery to attack the major distributors, and dry up the flow of narcotics at the source.

Automated field interview system, pattern recognition and information system, automated worthless document index

The Los Angeles Police Department has always been a leader in applying the latest advances in scientific investigation techniques and information management. Three grant projects, Automated Field Interview System (AFI), Pattern Recognition and Information Correlation (PATRIC), and Automated Worthless Document Index (AWDI), have been undertaken with LEAA support. These

projects demonstrate a high level of sophistication in crime investigation, and patrol deployment planning. Computer technology has been utilized with a high degree of proficiency in assisting the investigative mission of the Department.

Crime specific-team policing

The Los Angeles Police Department has initiated an innovative technique for police deployment and patrol. With assistance from LEAA, the Team Policing project is being tested in one particular geographic patrol division. The specific objective is to substantially reduce burglaries in the test area.

LITTLE ROCK POLICE DEPARTMENT,
Little Rock, Ark., June 15, 1972.

JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. LEONARD: I have been requested by the Mayor to submit to you an assessment on the ways in which funds from the Law Enforcement Assistance Administration may have aided us in reducing serious crime last year.

It is rather difficult to adequately express how we feel here in the department about the assistance that we received from your agency. We now have programs on board that certainly would not have been possible with local funding only.

I feel that the monies used to expand our Training program have certainly provided the citizens of this community a much better trained Police Department to serve them, and having well trained officers certainly helps combat the criminal.

Additional man power made available as the result of LEAA funds have also been of great benefit. Being able to establish an active Police-Community Relations Section within the department has been an asset too, I feel in reducing the crime rate of last year.

We have been able to combat the drug and narcotic problem as a direct result of the funds made available by your agency. The Drug and Narcotic Section was non-existent in this department as such, prior to our receiving the funds that we did for this program. The funds we received to set up an Organized Crime Unit within our department certainly equipped us to provide critical intelligence information to the line officer as well as the Staff and Administrative personnel.

I do not know what the crime rate might be for the current year compared to last year, however I feel that the programs that we have been able to implement certainly assisted us greatly last year, and I feel, contributed directly to the reduction of serious crime in this city during 1971. We are still receiving benefits from programs during this current year.

I do not feel that the worth of this contribution should be restricted only to those cities that had a serious crime reduction. I sincerely feel that those departments that had an increase in the crime rate certainly received great benefits from your program, and had it not been for these funds, who is to say that the crime rate might not have been much higher.

I also feel that there are areas such as training, which can not be accurately evaluated in such a short time. Young officers coming into our department will not immediately show the results of such a program, however over the long haul, five (5) to ten (10) years from now, we shall still be reaping the benefits from such programs.

I would like to take this opportunity to express my sincere appreciation to you and your organization for a job well done, and I feel that by working together as we have in the past, we will make our communities a better place in which to live and recognizing too, that the crime rate could fluctuate from year to year as we progress.

Sincerely,

GALE F. WEEKS,
Chief of Police.

THE CITY OF LITTLE ROCK, ARK.,
June 14, 1972.

MR. JERRIS LEONARD,
Administrator, United States Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: It is a great pleasure for me to be able to comment on the great value the Law Enforcement Assistance Administration has been to our

Little Rock Police Department. We feel we have one of the finest police departments in the country. The assistance from LEAA has made a difference in our city being able to build a police department that is able to cope with the many crime problems of today. We are just so proud of our police department here in Little Rock and we know without your assistance we certainly could not have accomplished so much.

Sincerely,

GEORGE E. WIMBERLY, *Mayor.*

OFFICE OF THE MAYOR,
Kansas City, Mo., July 27, 1972.

Mr. JERRIS LEONARD,
Director, Law Enforcement Assistance Administration, Department of Justice, Washington, D.C.

DEAR MR. LEONARD: This letter is in response to your earlier request for my assessment on the ways in which funds from the Law Enforcement Assistance Administration have aided Kansas City in its anti-crime efforts.

First of all, let me state that I believe the assistance of the Law Enforcement Assistance Administration in helping Kansas City mount an attack on crime has been extremely valuable. I believe that our reduction in serious crime can be traced in part to the funding which this community has received from your agency. Although local resources enabled us recently to increase the size of the Police Department by nearly one-third, it was Federal resources which enabled us to pyramid this expansion to impact the crime situation.

I would like to cite four areas where assistance from your administration has been particularly critical. First, we were able to establish a Regional Center for Criminal Justice, a much needed modern training facility used heavily by the Kansas City Police Department. Second, we were able to develop computer-based information systems which enable us to more fully and rapidly utilize police and court records. Third, our police helicopter patrols were expanded with LEAA funds, giving us a vital crime deterrent and prevention tool. Finally, we have developed a criminalistics laboratory, one of the finest in the Midwest, which greatly aided in solving major crimes.

I would like to add that I am most optimistic about a continued reduction in major crime in this community. This will be accomplished by not only continuation of effort in the above mentioned areas but also by renewed efforts in other segments of our criminal justice system. I would particularly like to cite needed improvements in our correctional programs, drug abuse prevention programs, and youth offender programs. We look forward to working with your administration in these areas.

Yours truly,

CHARLES B. WHEELER, Jr., M.D., J.D.
Mayor of Kansas City.

CITY OF KNOXVILLE, TENN.,
June 21, 1972.

Mr. JERRIS LEONARD,
Administrator, U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: We feel that the funds awarded the Knoxville Police Department by the Law Enforcement Administration did assist the Knoxville Police Department in reducing crime.

We are of the opinion that the grant for increased police vehicles, which are utilized in additional coverage, was definitely an asset, also our radio grant improved our communications ability considerably. The drug enforcement funds were very beneficial in obtaining buys and information concerning the local drug problem.

Basically, the funds that were made available through your agency enabled us to expand our enforcement action to a greater degree and to increase our proficiency in other areas.

Very truly yours,

DUANE J. AUSETTS,
Director of Public Safety.

CHIEF OF POLICE,
Kansas City, Mo., March 3, 1792.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. LEONARD: Those of us in law enforcement who have been the beneficiaries of federal grants do not on the occasion of receiving these grants, express our appreciation for the great help we obtain through this additional money. I want to rectify this and tell you very frankly that if we had not had assistance from you here in Kansas City, we would indeed be in bad straits.

One of the particularly helpful group of grants has been that for our Regional Center which includes an Academy and a Laboratory. Grants totalling $739,262 were given us for the Academy from 1969 through 1972, and $463,712 for the Regional Laboratory. The Academy has been particularly successful and has enabled us on our Department, for example, to train 350 additional officers in the past fourteen months, in addition to approximately fifty officers who replaced those we lost by attrition. The Academy has proved to be a most fine facility for training of all police in the Kansas City metropolitan area, even including some in nearby counties in the State of Kansas. One of the more helpful accomplishments through this grant has been the development of an atmosphere for learning which we never had before. This institution is attractive as well as utilitarian and is widely accepted throughout the entire area.

The Laboratory is also a very fine institution and although it has not been officially opened, it has been staffed by most competent people and equipped with the most modern apparatus which should render us capable of making even the most sophisticated examinations. This too was brought into being only through the great aid of the L.E.A.A.

Another of the beneficiaries of LEAA aid has been the development of our computer complex and most recently the planning for a state-wide computer interface known as MULES. We have been trying to bring our computer installation to the peak of performance, a procedure which has been greatly accelerated by virtue of federal funds. A total of $906,390 has been given us in this area for this purpose from 1970 to the present. Beyond question, we now are in a position where we can truly assist law enforcement in increasing its capabilities and can further, through the institution of numerous programs, assist other departments throughout the land by making available to them the programs we have brought into being.

These enterprises have been assisted during this period to the total of $2,109,-364. I can say without fear of contradiction that these funds have helped us immeasurably in achieving our goal of justice for all and professionalization of our officers. It appears to me that this is most significant as a means whereby the attack on crime on the street and in the homes can be most successfully launched. Already we have made great inroads into this problem and with continued operation at the desired level, I feel confident that we will make even further inroads.

We are again most appreciative of your attention to our problems, and look forward to a continuation of a fine relationship.

Sincerely,

CLARENCE M. KELLEY.

CITY OF KANSAS CITY, KANS.,
DEPARTMENT OF POLICE,
June 15, 1972.

Mr. JERRIS LEONARD,
Administrator, U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: We are extremely pleased to learn that Kansas City, Kansas was one of fifty-three (53) major cities that experienced a reduction of crime in 1971.

This reduction in crime was not a chance event, but instead accomplished by the means of progressive police leadership, diligent work on the part of our officers along with the federal and state assistance through the Law Enforcement Assistance Administration.

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The role of state and federal financial assistance has been most helpful by establishing such projects as:

1. A police cadet program which enabled the department to recruit minorities.
2. Extensive in-service training to better prepare the officers.
3. Intelligence affairs to help combat organized crime and drug abuse.
4. To enter the world of data systems which provide extensive and rapid information to the officers in the field.

All of these programs have had a significant impact on decreasing crime.

It has been the policy of this city and its Police Department to study its needs and objectives quite carefully and only when they have been established have we requested funds. This policy has met with total success from both federal and state officials.

With the continuation of our presently established programs and the additional funded projects being completed by 1973, I feel assured that this city will again demonstrate a significant decrease in crime.

Sincerely yours,

RICHARD F. WALSH,
Mayor, Kansas City, Kans.
By JOHN J. DONNELLY,
Chief of Police.

POLICE DEPARTMENT,
CITY OF INDIANAPOLIS,
June 14, 1972.

Mr. JERRIS LEONARD,
U.S. Department of Justice. Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: In answer to your letter of June 8, I will briefly outline some of the programs that L.E.A.A. has funded in Indianapolis.

We consider two broad categories in our anti-crime efforts; Direct Line Activity and support services. Both should carry equal value to a well administered department and both will have an effect on crime.

PROGRAMS FUNDED

(1) Crime Laboratory Expansion—We received a grant of $58,370.00 for expansion and upgrading of the Indianapolis Police Crime Lab. This coupled with a grant to hire a Ph.D. chemist to head up the Lab has allowed us to make analyses never before possible here. We are now giving expert court testimony on lab analyses. This testimony has been indirectly and directly responsible for more guilty findings, particularly in drug cases.

In this same area we are receiving second year funding for the chemist plus funds to hire a lab assistant.

A $13,000 grant has been approved for purchase of a modern mobile crime lab. This will allow for professional on-scene crime investigation.

Training for lab personnel has also been funded through L.E.A.A. The crime lab is a vital support service. It's impact on crime is a long range one that will be reflected by better conviction rates brought about by professional analysis and collection of evidence.

(2) Regional Computer Program—The Indianapolis Police Department received $100,520.00 in L.E.A.A. funds for upgrading its computer program. This has allowed for conversion of criminal records, creation of new arrest files, stolen property file and wanted persons files. Information is now much more readily available to the field officer. This computer upgrading should have a long range impact on crime: in Indianapolis by providing necessary information about criminal activity to the working policeman.

(3) Radio Purchases—L.E.A.A. funds in the amount of $90,948 were awarded to the Indianapolis Police Department for the purchase of handi-talkie police radios. These radios allow the beat patrolman to become more versatile in his patrol techniques. He is no longer married to his police car and its radio. He can now walk and drive while on patrol and still be in constant contact with headquarters. He now has a device that will allow him to call for assistance should he need it when he is away from the police car.

(4) Leasing of Narcotics Cars—L.E.A.A. funds have allowed the Indianapolis Police Department to lease nondescript narcotic surveillance cars. In narcotic

investigations, Indianapolis Police Department's arrest figures indicate a 140% increase over previous years with the advent of this program.

(5) Helicopter Maintenance Grant—$43,800 in federal funds allowed the Indianapolis Police Department to fly over 700 additional hours of helicopter crime patrols. The use of the helicopter at sporting events and other events which drew large crowds has virtually stopped assaults, vandalism and thefts which usually accompany such crowds. The helicopter was directly involved in over 80 arrests of felons and suspected felons during the time its flights were federally supported. Crime has shown a substantial drop each month since the inception of this program. This is an area of police patrol that we feel can have a direct impact on the incidence of crime. It is an area that we hope to refine and expand to become even a better tool against crime in Indianapolis and Marion County.

These are but a few of the federally funded programs in which the Indianapolis Police Department is involved. These and the other programs contributed to our anticrime efforts by better training and equipping our personnel.

Another factor which I personally feel contributed to our lower crime rate was not federally funded. The take home car plan which we are credited with originating has most certainly had its effect on crime. The program allows the uniformed officer to keep his car 24 hours per day. We have almost tripled the number of marked police cars on the street. The criminal must see and feel their presence. We hope to make the criminal so aware of police presence that he will abandon his thoughts of crime in our city.

I hope I have answered your questions. Please feel free to call on any such matter of mutual concern.

Sincerely,

WINSTON CHURCHILL,
Chief of Police.

CITY OF GREENSBORO,
Greensboro, N.C., June 14, 1972.

MR. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. LEONARD: Our major programs in which assistance was received from the Law Enforcement Assistance Administration were in the areas of police communications, planning and training.

The communications system was funded under a grant made to the seven governmental institutions in Guilford and Forsyth Counties. This modernized system provides communication improvements, including additional channel utilization for departmental usage and a common mutual aid channel for all governmental units within the two-county area. Coupled with our State Police Information Network (PIN) and the National Crime Information Center (NCIC), it provides a comprehensive communications system.

Funds were also provided for the establishment of an area planning unit for police needs Through this agency, we have conducted jointly two-county schools in various police courses. These schools were attended by members of our Greensboro Police Department.

The establishment and operation of the Law Enforcement Assistance Administration has been and continues to be a great asset to law enforcement. We recommend continuation of this assistance.

Sincerely,

JIM MELVIN, *Mayor.*

THE CITY OF FORT WORTH, TEX.,
June 14, 1972.

MR. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, Washington. D.C.

DEAR MR. LEONARD: During 1971 the City of Fort Worth recorded a significant reduction in the rate of crime. Statistical analysis available indicates that crime was down 10.8 per cent over the previous year, and thus far in 1972, crime has continued to run 10 per cent below the 1971 rate.

The partnership which exists between the City of Fort Worth and LEAA has been of vital assistance in the City's war on crime. Due to some severe financial problems the City is experiencing, only by using financial assistance from LEAA

is Fort Worth able to attempt special projects in combating crime. Several special projects partially financed by LEAA have proven to be very successful. This includes the Fort Worth Foot Patrol Unit, the Organized Crime Unit, and the Police Helicopter.

In addition to financial support, LEAA and the Texas Criminal Justice Council have also provided significant technical support and conducted training programs for law enforcement personnel.

The crime problem in the United States today is bigger than just the City of Fort Worth. It is therefore necessary that we make this a joint project and coordinate our efforts and resources in an all out effort to make our streets and our cities a safe place to live. We appreciate very much the assistance of the Law Enforcement Assistance Administration.

Very truly yours,

R. M. STOVALL, *Mayor.*

THE CITY OF FORT WORTH, TEX.,
June 7, 1972.

Mr. DAVID J. DEHLIN,
Regional Administrator, Law Enforcement Assistance Administration, Dallas, Tex.

DEAR MR. DEHLIN: Thank you very much for your complimentary letter concerning the reduction in crime achieved in the City of Fort Worth as reported in the 1971 Uniform Crime Report.

The Law Enforcement Assistance Administration was very instrumental in this crime rate reduction as the City of Fort Worth was utilizing grant monies for several special projects. The largest crime rate reduction did occur in an area where a special project was being undertaken, that being the Fort Worth Foot Patrol Project.

The technical and financial assistance provided by LEAA has enabled the City of Fort Worth to initiate several different types of projects in combating crime. Due to the limited financial resources available for the City, these projects quite likely could not have been undertaken without LEAA's financial assistance. I sincerely trust that this partnership between LEAA and the City of Fort Worth can be continued in the future with even greater results than has been experienced thus far.

Very truly yours,

R. M. STOVALL, *Mayor.*

[TELEGRAM]

DETROIT, MICH., *June 15, 1972.*

JERRIS LEONARD,
Administrator, U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: LEAA support has been absolutely essential for the magnitude of change required to help Detroit and its police control and reduce on a sustained basis the current level of crime. Letter follows itemizing some interesting 1972 correlations between implementation of LEAA grants projects and latest crime trends.

Sincerely,

ROMAN E. GRIBBS,
Mayor, City of Detroit.

CITY AND COUNTY OF DENVER,
November 17, 1971.

Mr. JERRIS LEONARD,
U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: I read the report you sent to me with a great deal of interest not only in the nature of the criticism leveled at the LEAA programs but more importantly in the broad spectrum of positive programming. Within the structure of the Denver Police Department LEAA grants have served us well giving us the tools to build those programs we know have a far reaching effect on crime and as a deterrent to escalation in the Denver and in the Colorado crime rate.

Long ago the Denver Police Department addressed itself to the tremendous social upheaval in our city, in our nation, and in our world. We have seriously attempted to help reduce the causes of juvenile delinquency and crime, the narcotic abuse problem, serious crime committed by recidivists and have instituted and will continue to innovate in every way possible programs, projects, attitudes, and continuous training to resolve human conflicts in police-citizen relationships.

In January of 1968 the Denver Police Department dedicated itself to an effective police-community relations program that would foster and promote the best possible human relationships between all people in the Denver community. We have programmed long-range, full-scale efforts with functional organizational principles that will inculcate and develop proper attitudes and empathy in the training of police officers in order to specifically improve human relations between members of minority residents and the policy of the department mandated that every member of the department from the Chief to the Patrolman Recruit is dedicated to promoting this in all aspects of police duties.

I cannot think of any agency that has had a more important effect and given more direct benefit to police agencies in this country than the implementation of the LEAA and the services this agency has rendered to local governments. I am especially grateful for the Colorado LEAA so ably administered by Mr. Nicholas Pijoan and for the tremendous asset the cooperation of this staff have proven to myself, to the metropolitan area encompassing Denver and to the entire State of Colorado.

Cordially,

GEORGE L. SEATON,
Chief of Police.

CITY AND COUNTY OF DENVER,
June 14, 1972.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR LEONARD: I have consulted with the Division Chiefs of this department and determined that the funding from the Law Enforcement Assistance Administration has been extremely valuable in our anticrime efforts in Denver.

Specifically, the funding allowing the installation of a computerized information system has been the most beneficial program established consistent with evaluation techniques. Other LEAA programs such as Closed Circuit Television (CCTV), Police-Community Relations Storefronts, Portable Communications, School Resource Officer and Specialized Training grants have all assisted in the Denver Police Department's efforts to increase effectiveness and efficiency in the fight against crime.

The benefits derived from these and other funding grants are somewhat subjective in nature as to their evaluation, but have undoubtedly assisted in the prevention of criminality.

Sincerely,

ARTHUR G. DILL,
Acting Chief of Police.

CITY AND COUNTY OF DENVER,
Denver, Colo., June 15, 1972.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, United States Department of Justice, Washington, D.C.

DEAR MR. LEONARD: Your letter of June 8th addressed to me concerning comments on the ways in which funds from the LEAA have aided our anti-crime efforts has been referred to our Acting Chief of Police Arthur G. Dill for reply.

For my part, please allow me to state that we are most appreciative of all the assistance you and members of your staff have given us, and I know we could not have accomplished what we have done in Denever without both your financial and moral (as well as practical) support.

We work closely with your Regional Director, Mr. Ed Lapedis, who has been of great aid to my office as well as to our Police Department and our High Im-

pact Anti-Crime program. We are anxious to cooperate at all times with your agency which has been a boon to us.

Best regards.

Sincerely yours,

W. H. McNichols, Jr., *Mayor.*

Government of the District of Columbia,
Metropolitan Police Department,
Washington, D.C., March 20, 1972.

Mr. Jerris Leonard,
LEAA Administrator, U.S. Department of Justice,
Washington, D.C.

Dear Mr. Leonard: The Metropolitan Police Department's role in reducing Washington's crime rate has received nationwide attention. While we are proud of our accomplishments, we realize other agencies, playing less visible roles have also contributed toward this reduction. Prominent among this group is your agency, The Law Enforcement Assistance Administration.

As our silent partner, LEAA has underwritten significant police crime-fighting programs for the Metropolitan Police Department:

A $1,250,000 grant in the spring of 1970 giving us the equivalent of 1000 additional officers until additional men could be recruited. Overnight our force increased 20%, and crime declined with this extended police coverage.

A $157,000 grant for combating organized crime. The grant made possible the establishment of an organized crime section.

$342,000 in three different grants permitting the purchase of three helicopters and the training of nine helicopter pilots. Helicopters have been useful in fresh pursuit and on-scene arrest situations.

A $153,000 grant for improving police dispatch and control procedures. When completed, a computerized model for testing alternative police dispatching and patrol patterns will be available to police departments throughout the United States.

A $100,000 grant for developing a Command and Control Master Plan was recently approved. The plan will set forth our command and control needs, including detailed equipment requirements.

A $135,000 grant is enabling us to update our entire recruit training curriculum. Other grants totaling $76,000 have been used to improve a variety of operational and management areas within the department.

All these grants were received within the past two years; significantly, crime in Washington during this same period stopped spiraling upward and dropped 18 percent.

Yet much remains to be done. Our department's goal is to reduce crime to its 1966 level, and the decreasing number of monthly crime index offenses indicates this goal is within reach. With a concerted effort and your continued assistance, we can even drive crime down below that 1966 level.

Your "impact cities" program is a bold, crime-fighting initiative, which could help us achieve our goal. At the same time, it could make Washington a "case-book study" of LEAA assistance. Funds from the program could upgrade our communications, make our crime information processing more efficient, and implement a modern, up-to-date command and control system.

Our partnership was forced in the face of crisis, at a time when Washington was experiencing some 200 crime index offenses a day. Working together, LEAA and the Metropolitan Police Department helped turn the corner on crime in Washington, D.C. With your continuing help we will finish the job.

Sincerely,

Jerry V. Wilson,
Chief of Police.

[The District of Columbia,
Washington, D.C. June 27, 1972.

Mr. Jerris Leonard,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

Dear Mr. Leonard: In your recent letter to me you stated that Washington, D.C. was one of 53 cities in the Nation that reduced serious crime last year. I am

happy to inform you that crime in the Nation's capital continues to decrease. Two years after the President urged the city government to act and promised assistance and support in his State of the Union message in January, 1970, the city has made massive strides forward in the prevention, control and reduction of crime, and in the government of the city's criminal justice system.

The decline over the past two years, which is the period of intensive efforts in crime reduction, has been dramatic. The number of serious offenses reported declined by 5 per cent in calendar 1970 compared with 1969, and by 13.3 per cent in calendar 1971 as compared with 1970. During that two year period, the net decline in reported offenses was 10,973, down to 51,256 in calendar 1971 from 62,229 offenses in calendar 1969. The overall percentage decline in two years is 17.6 per cent, better than one sixth. And it is with pleasure that I can state that the decline has continued into the third year. The crime rate for the first quarter of this calendar year was 30.8 per cent lower than for the same three month period in 1971.

For the month of March, 1972, the rate was 3,077 serious offenses, or an average of 99.3 per day, down more than 50 per cent from the all time high average of 202.4 for December, 1969.

We attribute our success in bringing down the rate of crime to the increase in the size of the police force, to the increased visibility of policemen on the streets to a change in the views of citizens leading to improved cooperation between police and citizens in the pursuit of public safety, to a rapid and successful growth in our capability to respond to the overwhelming demand for treatment of narcotics addicts, to an increase in the numbers of skilled prosecutors and public defenders, to a growth in the numbers of judges and court support personnel, to the determination of the judges in our new Superior Court to speed the process of justice while maintaining due process and the highest level of attention to the rights of the accused, to greatly improved and expanded streetlighting of high crime areas, and to the involvement of an over-growing number of community groups and organizations in the effort to beat back the tide of crime.

One of the key factors in our success in the past two years has been the support and assistance which we have received from your agency, the Law Enforcement Assistance Administration. In each of the areas mentioned above, police, courts, prosecutorial, public defense, treatment of narcotics addiction, expanded streetlighting and community action, LEAA block and discretionary grant funds were used to support projects contributing to crime reduction. In total we have received over $8,000,000 in LEAA financial support during the last two years. The services, equipment and manpower resources which these funds procured contributed significantly to the reduction of crime in our city.

As the Chief of the District of Columbia Police Department, Jerry V. Wilson, stated in a recent letter to you "our partnership was formed in the face of crisis" and with your assistance we have significantly reduced the crime rate in the Nation's capital. With your continued support we shall strive to make Washington, D.C. a model for the Nation.

Sincerely,

GRAHAM W. WATT,
Deputy Mayor-Commissioner.

DALLAS POLICE DEPARTMENT,
Dallas, Tex., May 1, 1972.

Mr. JERRIS LEONARD,
LEAA Administrator,
U.S. Department of Justice, Washington, D.C.

DEAR MR. LEONARD: I would like to take this opportunity to express my warmest thanks to you and your staff for assisting in our many programs to reduce crime and upgrade law enforcement under the LEAA program. Over the years, I have found your staff to be the spirit of cooperation. Some of the programs we have initiated with their assistance are:

Operation Leader: The recent grant of $209,000 to allow a study of the total information system for the Dallas Police Department has been termed Operation LEADER, or Law Enforcement Automated Data Evaluation and Retrieval. This study will identify and define the information processing needs to upgrade the entire command, control, and information handling posture.

Educational Incentive Pay: This program was initiated in 1968, with a $114,722 grant from LEAA. At that time, there were only fifteen degree holders out of approximately 1,500 sworn personnel. Now, each officer receives $4.00 per month for each three-hour course completed with a maximum of $160.00 a month for those officers holding a bachelors degree. As a direct result of this program, since 1968 we have increased our degree holders to 117. Additionally, 1,183 officers have amassed 65,629 college hours for an average of 55.5 college hours for these officers.

Police Cadet Program: This program was initially funded for $23,720 with LEAA assistance and permitted twenty young men between the ages of 17½ and 19 years old to become involved in law enforcement as cadets. Since the program was initiated in 1969, fifty-eight cadets have been employed. At the present, twenty-five are still in the program. Twenty-four have been promoted to patrolmen and nine have resigned. One hundred percent of those promoted to patrolmen are still with the Department at this time.

Helicopter Program: Three helicopters have been purchased since 1968 with LEAA assistance. Additionally, $464,000 have been reserved for the purchase of three additional aircraft, support personnel, and facilities. This is of particular assistance to law enforcement in the City of Dallas because of the vast amount of land that must be covered in order to respond to citizen needs. These aircraft have been widely accepted by police personnel as demonstrated by 1,500 calls for assistance by ground units in the year 1970.

Police Expediter Unit: Initially, a grant for $150,000 in 1969, the Dallas Police Department initiated this program in order to free field units from routine assignments. Under this program and subject to permission from a complainant, a call may be processed over the phone which will initiate a follow-up investigation without a preliminary response by field units. From June 1970, through April 1971, this unit processed 72.4% of all reports called in by citizens and 37.7% of all reports from field officers. It is estimated that this unit accounted for 19,274 field man hours who were free from these routine duties to wage a more aggressive war against crime.

North Central Texas Crime Information Center: Utilizing a $235,711 grant in 1969, the Dallas Police Department and the Data Services of the City of Dallas formed a centralized system of daily exchange for the North Texas Region servicing an initial twenty-two terminals. A computer-to-computer interface was developed with the FBI/NCIC. Since that time, users and services have grown to a dramatic proportion and this has become a service in this region that is invaluable.

This brief description cites only a few of our accomplishments over the years. I am enclosing a booklet entitled "Innovations and Programs for 1971" which lists additional programs that we feel are both innovative and productive, and all of which we are proud. I think this booklet will demonstrate the success that can be achieved by local law enforcement agencies utilizing Federal assistance when there is a wholesome working relationship and a dedication on the part of local law enforcement to work hard.

Again, let me thank you for your assistance and interest to reduce crime and upgrade law enforcement in the Dallas area.

Sincerely,

FRANK DYSON,
Chief of Police.

CITY OF DALLAS,
February 23, 1973.

Mr. JERRIS LEONARD,
Director, Law Enforcement Assistance Administration, Department of Justice, Washington, D.C.

DEAR JERRY: In hopeful anticipation of continued LEAA funding, the City of Dallas would like to express its full endorsement of LEAA and the programs it encourages.

Since LEAA funding began in 1970, the index crime rate in Dallas has declined for the second year in a row. Statistics for the full calendar year of 1972 show that the index crime rate has fallen by 10.5% since December, 1970. Your assistance has also made possible several far-ranging programs of special success and note, among which are the development of a helicopter patrol, formation of a

metro-squad, the expansion of the tactical section of our Police Department, the First Offender Program, and the Educational Incentive Pay Plan.

The year of 1972 marked, as you know, the beginning of the "High Impact Anti-Crime Program". The program, funded by $20 million over a five-year period, has already brought about a close partnership between Federal and local authorities that will result in a coordinated, effective response to serious crime.

As Mayor of Dallas, I want to say that our city government accepts the challenge before us to reduce the number of violent crimes occurring in our community. Your fiscal assistance and technical expertise have been essential to our early success in meeting the important task before us. For this substantial support, I want to take this opportunity to express the heartfelt appreciation of all Dallas residents.

Sincerely,

WES WISE, *Mayor.*

CITY OF CHARLOTTE, N.C.,
June 16, 1972.

Mr. JERRIS LEONARD,
Administrator, Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: The support provided by the Law Enforcement Assistance Administration of the United States Department of Justice has been a vital factor in our crime reduction here in Charlotte. The wide latitude in project funding has allowed us to try innovative projects which could never have been attempted otherwise. This ability to try new ideas is critical in today's times. Many of these programs have been successful and have significantly contributed to our 13.2 percent decrease in the crime rate.

The Family Crisis Unit has not only allowed officers to more effectively deal with explosive domestic situations but has decreased the danger with which they are faced.

The subsequent improvement to the technical and professional capacity of our police crime lab has certainly been a key element in our efforts to reduce crime. The Charlotte-Mecklenburg Crime Lab has not only been of great assistance to this community but to law enforcement agencies from surrounding communities as well. The LEAA program is responsible for a large part of the lab's capabilities.

The Police Athletic League and the Model Cities programs have directly benefited the police and the entire community. Their effect in our community relations efforts has been invaluable.

The list of Law Enforcement Assistance Administration funded programs that have been assets to our city and area is long. Those listed above are just a few. Most of these would never have been possible without the help we have received from you and your agency.

Effective law enforcement today requires new ideas, better tools, and more training. Law Enforcement Assistance Administration funds have been an important part of our crime reduction.

Sincerely,

JOHN M. BELK, *Mayor.*

SHERIFF'S DEPT.,
Prattville, Ala., November 2, 1972.

Mr. JERRIS LEONARD,
Law Enforcement Assistance Administration,
U.S. Department of Justice, Washington, D.C.

DEAR SIR: Autauga County has greatly reduced crime as a direct result of assistance through your program. I wish to thank you and your department for the continued concern for our law enforcement problems. Your division in Alabama is doing a tremendous job and all are to be congratulated for a job well done. My county has a population of 25,000 people and without the assistance received through A.L.E.P.A. we could not have operated. Again please express our concern to President Nixon and his cabinet for having the fore-sight to see the need for this program.

Respectfully,

ROBERT L. TURNER,
Sheriff, Autauga County.

CITY OF ALLENTOWN, PA.,
DEPARTMENT OF PUBLIC SAFETY,
BUREAU OF POLICE,
April 18, 1972.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. LEONARD: By way of introduction, I had the pleasure of meeting you and hearing you speak at the Eastern Regional Organized Crime Law Enforcement Training Conference held at Williamsburg, Virginia, January 23 through February 1, 1972.

It was considered a great privilege to be selected to attend the conference, and the course content as well as the opportunity to communicate with persons representing all phases of law enforcement in the eastern United States was most gratifying. It had to rank with the best seminars I have attended in my twenty-six year career as a law enforcement officer; and for that I thank you and others responsible for LEAA programs.

It seems everything is taken for granted today, including programs such as LEAA; and lack of responsibility permits abuses which inevitably lead to discontinuing or taking away those things we need most. I am distressed by published reports recently which purported to show abuse, mismanagement, and criminal waste of funds which were vitally needed to aid this country's law enforcement agencies and improve our criminal justice system. Just as law enforcement was getting a much needed "shot in the arm" financially to improve training, facilities, and practical hardware that was not forthcoming from municipal budgets, the mismanagement by some is casting a pall over our future plans. Destroying a nationwide program on the basis of a few obvious faults is not a reasonable approach, but we seem to be heading in that direction.

I feel competent to speak on LEAA's impact on the City of Allentown, Pa. (109,000 population). Without going into detail, suffice it to say we have improved our training; developed a library; organized an inner city tactical group; developed a bomb disposal unit; and are beginning a cadet program in conjunction with advanced schooling, probably a first in the United States. Further, we are in the process of establishing a central communication system coupled with Bell Telephones 911 system for emergency calls, with some help from LEAA.

I assure you very few of the aforementioned projects would have been possible without LEAA.

With regard to waste of the taxpayers money, may I recommend Pennsylvania's system for distributing grants, verification and audits; at least insofar as Allentown has been involved. Every request has been carefully screened, and some rejected. Each approved grant has been followed methodically by the Governors Justice Commission, such as reason for request, purchase of materials or service, use of materials or service and subsequent audits of every dollar.

I trust many other law enforcement officials will go on record supporting LEAA and its accomplishments in increasing the capabilities of our profession at a time when it was sorely needed; and at the same time demonstrate the needs that must still be met if we are to remain a lawful society.

Very truly yours,

CARSON S. GABLE,
Chief of Police.

LAURIS S. PARKER,
Acting Director, Criminal Justice Planning Agency, Junea, Alaska

DEAR SIR: I would like to take this opportunity to express my sincere thanks, the thanks of our department and people of this community to you and the Criminal Justice Planning Agency, (SPA) The Governor's Commission on the Administration of Justice and the Law Enforcement Assistance Administration.

Since we have become involved in the Safe Streets Act of 1968 we have been most grateful for the assistance that we have received. Some of the undertakings that we have become involved in could never have been instituted without L.E.A.A.

As you know we have sent many police officers to specialized schools and universities in other States, and specialized schools both in and out of the State of Alaska. The greater worth of these men is something that can not be computed

into raw figures, however, a more highly trained and educated police officer adds to the professionalism of our department and is a greater asset to the community he serves.

Many other worth while and needed projects have been started and we have high hopes of increasing our participation in the over-all effort of making America a more safe and just place for our citizens.

I could continue on about our projects, however, I realize that you are aware of our efforts. I just wanted to pause in my daily work a moment to say that the L.E.A.A. program is one of the best assistance programs ever put forth by the Federal Government.

Sincerely,

JOHN C. FLANIGAN,
Chief of Police.

CITY OF VIRGINIA BEACH,
DEPARTMENT OF PUBLIC SAFETY,
Virginia Beach, Va., June 19, 1972.

Mr. JERRIS LEONARD,
Administrator, U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: Your letter to Mayor Rhodes has been forwarded to this office for reply and I am grateful for the opportunity to comment on the impact of Law Enforcement Assistance Administration funds upon our anticrime efforts.

As you are aware, pinpointing the causes for decreases or increases in serious crimes is virtually impossible. We are convinced, however, that the careful selection of personnel, thorough training and retraining, and effective utilization of available personnel with the most technologically advanced equipment are the key factors in any crime reduction effort by a law enforcement agency.

Virginia Beach has received funds for four programs designed to facilitate accomplishment of the latter two objectives. The first program encompassed improvements to our training facility and the acquisition of numerous training aids. The second provided the funds to send our narcotics unit supervisor to a ten week narcotic school. A completely equipped mobile crime lab was purchased in the third program, adding to our capabilities for collection, preservation and analysis of evidence. Portable recorders for investigators were acquired in the fourth program, decreasing the clerical workload of the investigator and increasing the time for his primary responsibilities.

Therefore, I can state with confidence that LEAA support has had a very beneficial impact on our anticrime efforts.

Very truly yours,

W. W. DAVIS,
Chief of Police.

SALT LAKE CITY CORPORATION,
POLICE DEPARTMENT,
Salt Lake City, Utah, April 11, 1972.

Mr. JOSEPH L. MULVEY,
Law Enforcement Specialist, Law Enforcement Assistance Administration, Denver, Colo.

DEAR MR. MULVEY: In response to your letter of March 30, 1972, concerning the success of the current Law Enforcement Assistance Administration Program in dealing with the problems of large city law enforcement agencies, it would seem that the program has some great strengths and some problems.

Without this type of assistance, many improvements and innovations would be lost to law enforcement. As you are well aware, every large city is currently facing monetary problems which will seldom allow enough budget increases to implement new programs. It is difficult from year to year to obtain little more than to maintain current operating levels, for the past several years, the only upgrading and innovating that could be accomplished was through administrative means of better manpower allocation and refined organization. Only so much can be accomplished through these means and then budgetary limitations cause a halt to the plans and progress.

In this department, we have been able to implement several good programs that have improved our efforts and effectiveness by the grants obtained from L.E.A.A. Among these programs has been the following:

Burglary Watch: This is a program of public education, but primarily a campaign to have each household in the City mark it's personal items with a electric engraver for identification if stolen.

Public Safety Athletic Program: This program is aimed directly at the disadvantaged and minority youths in the City and is designed to provide organized recreational activities for them.

Police Radio Frequency Conversation: Like most departments, communications become overloaded and new and/or additional channels must be implemented. By the use of this project, it has allowed conversion of all our radio equipment to updated models and multi-channel capabilities.

Educational Incentive Pay Programs: This provides some small incentive for officers to attend college and increase their educational standards. There are presently 85 officers taking part in this program which is 28% of the entire officer personnel of the department.

Special Tactical Forces: This project you are well aware of and has been very successful in developing new techniques and tactics in the high crime categories and areas. It has also improved communications with the community.

There have been several other projects that have added to the equipment or specific training of various areas of the department.

All of these projects are on the positive side of the program and without the L.E.A.A. Program would have been difficult to implement and may have taken many additional years.

Part of the effectiveness of the total program was deleted, however, when Large City Discretionary Grants were discontinued in favor of the Impact in Cities Program with the limited number of cities participating.

As you are aware, our Special Tactical Forces Program was originally funded through this source. When it became necessary to seek refunding and discretionary funds were unavailable, we had to seek State action funds to cover the project. The net effect was a serious limitation on the amount of funds available for this department and other areas of the State, resulting in an almost status quo situation where only on-going projects have had to be deferred indefinitely.

Our Special Tactical Forces Project has been very successful in reducing class I crimes in Salt Lake City. For the first time in many years, if the present trends continue, we should have a *substantial reduction* in this category. Further progress could be shown if other complimentary programs could be developed. We have been successful in the area of reducing crime in high incidence areas and in high crime categories, which is one of the primary goals of the Impact in Cities Program. Many of the innovations have been submitted to the International Association of Chief's of Police and are currently being phased into their training curriculum.

It is major projects such as this that because of cost, requires aid and with the limited funds available through the State Planning Agencies, place a real strain on their funds and are self-limiting. In a city, such as Salt Lake City, we are confronted with the same metropolitan problems as most major cities, whereby city budgets must provide services for many persons living outside the area, but using the capitol city's resources. We fortunately have been able to avoid some of the problems of the larger cities by maintaining an effective Police Department and with additional aid could ensure our continued effect.

I am looking forward to seeing you on your next visit to Salt Lake City, and be assured of our continued cooperation in this and any other matters of mutual concern.

Respectfully,

J. EARL JONES,
Chief of Police.

CITY OF PHILADELPHIA,
March 1, 1972.

MR. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration,
Washington, D.C.

DEAR MR. LEONARD: I thought you should know of the very favorable reaction of the citizens of Philadelphia to our recent meeting and the proposals currently before the Law Enforcement Assistance Administration.

The safety of our citizens is a main concern of our urban society today, and any measures which a local government can implement to insure the protection and pursuit of daily lives without fear receive widespread support.

The Law Enforcement Assistance Administration has provided funds to date for new concepts and innovations which have been advanced in the cause of justice in Philadelphia to enable us to improve capability through modernization of equipment and the institution of new procedures.

In these days when urban tax resources are strained by the municipal overburden of required services, the funds from the Law Enforcement Assistance Administration are all the more necessary, if we are to fulfill our commitment to the public.

We also gain in our knowledge and concepts by the input provided by other cities throughout the nation who have benefited by the Law Enforcement Assistance Administration.

I am hopeful that the Law Enforcement Assistance Administration will look favorably upon our current applications, because they are vital to our protection and our progress.

Sincerely,

FRANK L. RIZZO, *Mayor.*

DISTRICT ATTORNEY'S OFFICE,
Philadelphia, Pa., March 1, 1972.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration
Washington, D.C.

DEAR MR. LEONARD: During the most recent two fiscal years, the City of Philadelphia has received approximately eleven million dollars in action funds under the Omnibus Crime Control and Safe Streets Act, administered by the Law Enforcement Assistance Administration.

The problems of crime and the administration of criminal justice in this city require the infusion of funds from Federal, State, and local sources. Among the most serious of these problems is the juvenile gang homicide situation. During 1970 and 1971, there were 73 deaths as a result of this organized youth violence.

Furthermore, the drug problem has reached new heights. This can be seen from the fact that there were 187 drug-related deaths during 1970, and that figure rose to 274 during 1971. Roughly one-fourth of these were teen-agers or even younger children.

During the current fiscal year, we are planning to concentrate on these two areas by allotting a significant share of Law Enforcement Assistance Administration funds to innovative programs aimed at curbing juvenile violence and rehabilitating drug addicts.

Our aim is to further strengthen our efforts to turn back the rising tide of violent crime. Philadelphia continues to have the lowest major crime rate of any of the nation's ten largest cities.

I hope that we can further reduce this rate during 1972. I believe that the additional funds for law enforcement made available by the Law Enforcement Assistance Administration may make the difference in whether or not our efforts are successful.

Sincerely,

ARLEN SPECTER.

DEPARTMENT OF POLICE SERVICE,
New Haven, Conn., June 21, 1972.

Mr. JERRIS LEONARD,
Administartor, LEAA, U.S. Department of Justice,
Washington, D.C.

DEAR MR. LEONARD: I welcome this opportunity to respond directly to you as the Administrator of the Law Enforcement Assistance Administration re my assessment on the ways in which funds from LEAA may have aided the anti-crime efforts in New Haven, Connecticut.

Since the inception of the funding process by the Planning Committee on Criminal Administration (Conn.'s SPA), this Department, through applications submitted by the local government unit, has received approximately $1,000,000.00. In addition the Department has benefited from other regional action projects and planning grants. The following is a list of those awards coming directly to the police.

Category	Amount	Code	Dates
Regional supervisory training	$28,200	A69-93-4	Jan. 1 to Dec. 31, 1970.
	6,455	A69-93-4S	Jan. 1 to Mar. 31, 1971.
Police legal adviser	28,146	A70-176-100C	Apr. 1, 1971 to Mar. 31, 1972.
	15,000	70-DF-081	July 1, 1970 to Sept. 30, 1971.
LEAA civil disorder	18,550	A71-93-247	Aug. 1, 1971 to July 30, 1972.
Academy-field recruit training	37,590	71-DF-484	July 1, 1970 to Aug. 31, 1972.
Recruit training system	19,808	A70-93-95	May 1, 1971 to Apr. 30, 1972.
Summer intern and work experience	19,171	A70-93-23	July 1, 1970 to June 30, 1972.
	7,500	A70-93-18	July 1, 1970 to June 30, 1971.
	13,175	A70-93-18C	July 1, 1971 to June 30, 1972.
Operations planning unit	15,000	A71-93-18C	July 1, 1972 to June 30, 1973.
	23,325	A70-93-44	July 1, 1970 to Sept. 30, 1971.
Intensive recruitment	20,430	A71-93-44C	Oct. 1, 1971 to Sept. 30, 1972.
Penal code	11,050	A70-93-22	July 1, 1970 to June 30, 1972.
	55,000	A70-176-53	July 1, 1970 to June 30, 1971.
Investigative information and records system	30,000	A70-176-53CC	Do.
	49,920	A70-93-28	Do.
Organized crime control unit	110,000	A70-93-28C	July 1, 1971 to June 30, 1972.
Youth division caseworker	34,543	A70-93-92	May 1, 1971 to Apr. 30, 1972.
Systems analyst	9,324	A70-93-83	Do.
Civil disorder field communications	15,000	71-DF-813	July 1, 1971 to June 30, 1972.
Police aide	13,525	A71-93-162	Do.
Auxiliary police	39,310	A71-93-254	Nov. 1, 1971 to Oct. 31, 1972.
Pretrial services	11,700	A71-93-245	Do.
Diversion of petty offenders	33,940	A71-93-202	Do.
Police public education	60,325	A71-93-206	Do.
Release on recognizance	30,100	A71-93-212	Do.
Tactical patrol unit	23,030	A71-93-290	Jan. 1, to Dec. 31, 1972.
Misdemeanor citation	66,778	A70-93-301	Mar. 24 to June 30, 1972.
	4,340	A69-93-16	Jan. 1 to June 30, 1971.

As you can see from the above we have received funds for a variety of projects within the allocating ability of the SPA funding system. Additional civilian personnel with unique expertise, additional communication equipment, training materials, special unit funding, and regional crime and narcotic teams, collectively have allowed us to experiment with some innovative approaches to our problems. While it will take some time to properly evaluate the impact of these funds on our reduction of incidents of crime, I can at this time state that these funds together with the individual commitment of the majority of personnel of the department are probably the prime factors that contributed to the 1971 decrease.

It is only fair to state that not all of our projects have come up to expectations. Where this has occurred, we have either returned the balance of unexpended funds or asked for a redirection on a new project. With the excellent cooperation of Mr. Rollie Sterrett, Executive Director of the Connecticut Planning Committee on Criminal Administration and his staff, redirected 1970 funds have allowed for the purchase of fifteen fully equipped three wheel motorcycles which we believe will supplement our patrol deployment system with a number of interesting approaches. The equipment has not yet arrived but I am very optimistic as to our plans for its use.

It has become quite apparent to me that our requests for future funding will be much narrower, specifically in the area of personnel (legal adviser, planners), communications (information system, portable radios), equipment (support for tactical teams) and training. The SPA has indicated recently that the bulk of action funds will be directed to the larger urban centers of the state. If the evidence is there, in terms of additional funding of our priority projects, we will be well on our way toward the further reduction of crime in New Haven.

I recognize that federal funds are sometimes considered to be seed money with the expectation that the local unit of government will continue the support of successfully demonstrated projects. Hopefuly, New Haven will, where and when it can. This department is not always waiting for funds to demonstrate its capacity to deal with special problems. We have recently shown over a seven month period, that specially chosen personnel, highly motivated and committed to a specific task under able leadership, have had significant impact on street crimes such as muggings and purse snatchings. The cost of this project was mainly in terms of lost patrol manpower. I believe this cost was not too high to pay in order to successfully test a concept. While no federal funding was involved in the project, we must now seek such support to sustain the unit and eventually replace the personnel lost to the patrol function. Presently we have an application pending to obtain the necessary supportive equipment, etc., but no source is available to relieve the manpower problem. Consideration should be given to cities the size of New Haven when special impact funds are being allocated at the federal level.

I would welcome an opportunity to personally discuss this and other programs which I believe could be successfully tested in New Haven.

By and large I endorse LEAA and recognize it as probably the sole source of relief to the majority of police administrators who must fight crime within the reality of a limited municipal budget.

I have enclosed some material that may be of some interest to you or your staff.

Best wishes for the further success of your programs.

Sincerely,

BIAGIO DILIETO,
Chief of Police.

CITY OF JACKSONVILLE, FLA.,
June 14, 1972.

MR. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. LEONARD: Reference is made to your letter dated June 8, 1972, relating to the ways in which LEAA efforts affected the reduced crime rate in Jacksonville.

Jacksonville is indeed proud of the fact that it experienced a 4% decrease in Part I crimes in 1971 as compared to a 21% increase in 1970. Although it is somewhat difficult at this time to pinpoint with any degree of accuracy the impact of LEAA efforts on this reduced crime rate, primarily because of late funding of projects and the fact that many of our projects are still in their incipient stages, I am convinced that LEAA as assistance, to date, has certainly lent itself to the reduced crime rate. We have interpreted the philosophy of the Omnibus Crime Act as striving toward one goal—that of reducing crime—and the utilization of a number of means or programs to attain that goal, e.g., the upgrading of criminal justice personnel through training and education; improvement in the detection and apprehension of criminals; public education; improvement of community relations, etc.

Through the assistance of LEAA, we have broadened the training curriculum for police officers. We are now affording our police recruits over 500 hours of training and are placing increased emphasis on police-community relations. We have noted, as a result, that our police officers are operating more professionally and that there exists a better understanding on the part of our police officers of the social, behavioral and economic problems of the citizenry. Police-community relations, as you are aware, is a two-way street, i.e., there must also be an understanding of the police officers' problems by the citizenry. I feel that public education techniques (billboards and the like) which resulted from an LEAA Discretionary grant and which portrayed the police officer as the friend and benefactor of the citizenry, has certainly lent itself to better police-community relations. I was further pleased to note that we experienced a marked increase in offenses cleared in 1971.

During 1971, we had a slight decrease in juvenile arrests as compared to the year 1970. In consideration of the national picture of juvenile crime, however, we feel that this slight decrease was indeed significant. I feel that this decrease can be attributable, in whole or in part, to an LEAA grant which provided Jacksonville with a program which involved the coordinated efforts of the schools, the juvenile authorities, the police, public officials and interested citizens, as well as the utilization of ten Youth Specialists trained in the handling of youth problems.

Of particular interest is our Mobile Command Post. You undoubtedly recall the adverse criticism that a national television network directed against LEAA because of its funding of a mobile command post in a particular Northern city. At the time we applied for an LEAA grant, which in part called for a mobile command post to be used in connection with civil disturbances, Jacksonville was plagued with serious civil disorders which required an all-out call of manpower and other appropriate resources. At that time, we endured situations where some patrol cars could not even communicate with each other. Some cars were on UHF frequency and others on VHF. This situation, of course, did not lend itself to optimal control of civil disorders. To alleviate this problem, we upgraded our communications capability and built an all-inclusive mobile command post which was funded in part with $25,000 in LEAA funds. This Command Post was completed in about March, 1972. Fortunately, we have not, as yet, had occasion

to use the Post in Jacksonville despite the fact that the potential for serious civil disorders in Jacksonville continues to threaten. You are undoubtedly aware, however, that the State of Florida recently experienced a very serious disorder on the University of Florida campus in Gainesville. Because of communications and command control problems that ensued during that disturbance, the assistance of Jacksonville was requested. We responded and furnished to the Gainesville policing authorities our Mobile Command Post. I have been informed that the Post operated with 100% success and did in fact play a measured role in the control of that disturbance.

There are a number of other on-going LEAA projects which I am sure have contributed to Jacksonville's reduced crime rate. I believe that because they are just now being implemented, it is too early to make a judgment as to their efficacy and their effect on Jacksonville's reduced crime rate. I would like to emphasize, however, that probably one of the most significant beneficial effects of LEAA's programs stems from the fact that for the first time in the history of Jacksonville we have representatives of the three segments of the criminal justice system, governmental representatives, and our concerned citizenry sitting down and discussing as a group mutual problems and needs looking toward a streamlined and effective criminal justice system designed to reduce crime. Further, the publicity that has attended this activity as well as the several on-going projects, particularly those in the drug abuse field, has resulted in an increased public awareness of the crime problem and greater involvement of our citizens and government representatives. Although the effect of this on the criminal picture may be intangible, I am sure it has contributed to the reduced crime rate.

Projects implemented through LEAA funds, have been effectively complemented by locally funded and inspired projects which have significantly contributed to our reduced crime rate. In this connection, for your information, Jacksonville has embarked on several programs including a helicopter-patrol program and a zone policing program which have proven most beneficial in our crime reducing efforts. The reduction in the crime rate in Jacksonville, although highly significant and indeed representative of combined local and LEAA efforts, does not in the least portray a rosy picture. Please consider the fact that during 1970, Jacksonville experienced 4971.6 Part I crimes per 100,000 population which considerably exceeded the national average of 2740.5 Part I crimes. Again, I ask that you favorably consider Jacksonville to become a recipient of "High Impact" Discretionary funds in your continuing deliberations on that matter, the reasons and rationale for which were delineated in my previous correspondence with you. I am convinced that Jacksonville, a consolidated city with consolidated police services, an interested and involved populance, and a concerned, determined and progressive group of public officials, can and will demonstratively prove that LEAA assistance to local governments does in fact play a major role in making our streets safe and homes secure.

I sincerely hope that the foregoing is responsive to your inquiry. In the event you need any further details or elaboration, please do not hesitate to call on me.

Sincerely,

HANS G. TANZIER, Jr.,
Mayor.

CITY OF HOUSTON, TEX.,
June 14, 1972.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. LEONARD: This is in response to your request for an assessment of how Law Enforcement Assistance Administration funds have aided our anti-crime effort. The Police Department has received no funds from LEAA. There have been LEAA funds employed in areas associated with crime control and rehabilitation.

"Houston Opportunity House" has received LEAA money with the Houston Health Department as applicant. The prime objective of the project is the rehabilitation of chronic public drunkeness offenders. This project started in 1969. It was funded through April of this year by LEAA, and the city is in the process of requesting a renewal of assistance. In the meantime we are financing the operation. We feel that this is an invaluable project in that it restores the offender to a normal life in many cases. In so doing it relieves the police, courts, and the jails of the responsibility, and cost, of handling these offenders. Out of 366 persons who went to Opportunity House in 1971, 183 returned to work or family, or left the city.

Help for the juvenile offender is available through the "New Waverly Delinquency Prevention Program," in which the City is also an applicant. Primary goal of the program is to re-motivate 15 to 17 year old males who have dropped out of school or who are in danger of doing so. The primary goal of this program is being met in part by showing the need for academic skills in specific trades. It is also met through changing negative attitudes and behavior through a controlled living environment made possible in an isolated campus situation. This provides services and training that is not duplicated by other programs.

The City is also a participant in the following programs funded by LEAA. "Comprehensive Services to Juvenile Delinquents" provides rehabilitation services to delinquent youth and preventative services for potential delinquents. "Project for Early Prevention of Individual Violence" seeks to reduce the individual violent behavior by increasing the awareness and appropriateness of response to the problem behaviors of early childhood. "Houston Criminal Justice Area-Wide Information and Communication Plan" seeks to upgrade the Criminal Justice information and communication system by providing on-line communication between Criminal Justice agencies in the Houston area. This also includes access to national, state, regional, and local systems. "Houston Metropolitan Bail and Bond Survey" is examining the bail bond process in relation to all other areas of the Criminal Justice system.

The information and communications plan actually helps to form a nationwide network. The other programs funded here by LEAA can prove of broad value to all communities, through the lessons learned, as well as being of direct value to the Houston area. I feel this is a proper use of LEAA funds. My greatest concern occurs when LEAA money is used to buy the typewriters, dictaphone machines and tape recorders that should be a local responsibility, or provides a dozen shot-guns or tear gas guns for riot-control in a small community.

I feel that LEAA money has helped in the reduction of serious crimes in Houston through programs that reach to the causes of crime.

Sincerely,

LOUIE WELCH, *Mayor.*

CITY OF HARTFORD,
HARTFORD POLICE DEPARTMENT,
Hartford, Conn., July 25, 1972.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration,
Washington, D.C.

DEAR MR. LEONARD: I have just been forwarded a copy of your letter of June 8, 1972, requesting an assessment of the impact of LEAA funds in helping us to reduce crime in the City.

While I feel that the dramatic drop which we have experienced is primarily due to the strategic redeployment of the Patrol Division, LEAA-funded projects in related areas were of significant importance. Foremost among these were two awards totaling $169,595 which allowed us to initiate a twenty-man Burglary Squad. The effect of this unit in reducing serious crime against property has been significant enough to convince the City Council to continue the program with full funding after the awards terminated last March 31.

In-service training grants for line officers ($18,789) and management-level personnel ($13,687) contributed greatly to the mens' effectiveness in all areas of police operations. Line officers were familiarized with new developments in jurisprudence as these affect their performance of duty. Superiors were trained in personnel supervision and the optimal use of available resources. All personnel were thoroughly trained in the new Connecticut Penal Code under a program co-sponsored by the SPA and the New Haven Police Department.

Another award of $50,000 to begin implementation of a regional, multi-channel communications network was instrumental in acquiring sufficient mobile radios to support the Patrol expansion mentioned above.

The programs mentioned above are those which have had the greatest impact in reducing crime in the City. We have also received a number of other awards in diverse areas of the criminal justice field, all of which are helping to make our job easier. We look forward to the continuing close cooperation of the LEAA and the SPA in fostering our mission of making this City safe for those who live and work in it.

Sincerely,

THOMAS J. VAUGHAN,
Chief of Police.

93-629 O - 73 - 63

THE CITY OF WICHITA, KANS.,
June 14, 1972.

Mr. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. LEONARD: Your letter to former Mayor Jack H. Greene asking for Wichita's comments on the effectiveness of use of Law Enforcement Assistance Administration funds has been referred to this office for response.

Chief of Police Floyd Hannon advises me that the impact of LEAA funds has been most noticeable in communications and education of police officers. A large part of LEAA funds received in 1971 were used to update and expand our communications equipment. This has enabled the Police Department to respond quickly to calls for assistance in major crimes, which subsequently made apprehensions increase and decreased the incident rate through deterring crime.

Education of officers was made possible through LEAA funding when it would not otherwise have been possible due to budget restrictions. Officers have been able to attend the Southern Police Institute, The Delinquency Control Institute and other support schools which assisted in increasing the efficiency of the Department.

Additional equipment in the forensic laboratory has allowed the Department to expand its services to include surrounding departments to combat increasing narcotics and dangerous drug traffic. Equipment in operational areas allowed the Department to control criminal activity to a greater extent than it had previously been able to do.

Although LEAA contributions cannot be directly tied to the decline in incident rates, we have been able to place better qualified officers and supervisors plus up-to-date equipment in positions to make the fight against crime more productive through use of LEAA funding.

Sincerely,

RALPH WULZ, *City Manager.*

POLICE DEPARTMENT,
Fort Lauderdale, Fla., June 13, 1972.

Mr. JERRIS LEONARD,
Administrator, Office of Administration, Law Enforcement Assistance Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. LEONARD: In regard to your query concerning the contribution toward our reduced crime rate attributable to Law Enforcement Assistance Administration fiscal support, I have taken the liberty of attaching two reports which reflect that value.

During the periods reflected in the reports, the L.E.A.A. assistance program was limited to the grant which provided us with 34 police patrol units to be assigned to individual officers on a full time basis. This program was implemented on July 1, 1971. In the attached Memorandum No. 94 to our City Manager, Chart #2 reflects a sharp downward trend upon full implementation, a slight rise in the following quarter, but another sharp decrease in the first quarter of 1972.

The first decrease in the period July–September 1971 was primarily the result of the L.E.A.A. cars, in that no other programs toward crime reduction had been implemented. By the 1st Quarter, 1972, several other crime control measures had been initiated, therefore the entire reduction cannot be attributed to L.E.A.A. aid.

It is my personal and professional opinion, as well as that of my staff, that the additional police exposure engendered by the use of L.E.A.A. cars has materially increased the effectiveness of this department in its crime reduction program.

If I can be of further service in this or other matters of mutual concern, I am at your disposal.

Sincerely,

ROBERT W. JOHNSTON,
Chief of Police.

MEMORANDUM No. 94—POLICE DEPARTMENT, MAY 18, 1972

To: R. H. Bubier, City Manager.
From: R. W. Johnston, Chief of Police.
Subject: Crime in Fort Lauderdale, May 18, 1972.

We have studied the recently released Annual Report, 1971, of the Florida Department of Law Enforcement entitled, "Crime in Florida," and the 1971 pre-

liminary annual release of the Uniform Crime Report compiled by the Federal Bureau of Investigation. We have compared the information contained in these reports with the F.B.I. Uniform Crime Report, 1970, and have noted certain significant trends.

We have studied Fort Lauderdale's crime problem and in an effort to place our local picture into clearer focus, have compared our crime statistics with certain other areas. I would like to state at this time, that even though we can take pride in the fact that our crime picture is improving, there is still very little feeling of satisfaction because our crime rate remains entirely too high. The attached exhibits statistically indicate our crime trends and comparison with other agencies.

Exhibit No. 1 shows that while the population of our city increased some 5.3% in 1971 over 1970, we experienced no percentage increase in our total crime index. In the individual index crimes, we note rape and breaking and entering at a noticeable increase, while robbery increased very slightly. The crimes of murder, aggravated assault, larceny and auto theft were on the decrease. Our crime rate per 100,000 population shows a significant decrease in total crimes, violent crimes (which are murder, rape, robbery and aggravated assault) and crimes against property. The only increase in the crime rate was in the individual index crimes of rape and breaking and entering.

One other important consideration in evaluating our progress is the fact that our percentage of clearances increased at the same time our volume of crime was being reduced.

Exhibit No. 2 shows our crime trends on a quarterly basis and it is encouraging to note that our trend is still downward through the first quarter of 1972.

In Exhibit No. 3 we have compared our crime index trend with the crime index trends of the two other largest local jurisdictions, namely Hollywood and the unincorporated area of Broward County, with the total Broward County, with our population group in Florida and nationally, with the State of Florida, with our geographic area—the Southern States, and with the United States. It is most interesting to note here, that while Fort Lauderdale experienced no percentage change in the total crime index, crimes of violence and crimes against property, all of the aforementioned areas of comparison show a percentage increase in all categories.

A study of comparison in the individual index crimes shows that with the exception of rape, Fort Lauderdale has performed exceptionally well in its fight against crime.

In Exhibit No. 4, Crime Rates, and Exhibit No. 5, Arrests, we have compared our performance with the two other largest jurisdictions within the county, the total Broward County and the State of Florida.

Exhibit No. 4 reflects an increase in crime rates in the State of Florida, Broward County and in the City of Hollywood, with a decrease in the unincorporated area of Broward County and a considerably larger decrease in the City of Fort Lauderdale. It would also appear that as far as crimes of violence are concerned, the City of Fort Lauderdale is one of the most secure places to be.

Exhibit No. 5 shows the arrest activity in Fort Lauderdale to be greater than that of the other areas, with the exception of the City of Hollywood in total index crimes and crimes against property. Here again we note Fort Lauderdale's greater activity in arrests for crimes of violence. One further interesting note is the comparison of narcotics arrests, which most certainly indicates an aggressive approach to the problem by the City of Fort Lauderdale. A study of crime statistics and trends, particularly where our jurisdiction is showing a downtrend while most of the others are continuing an uptrend raises the logical question, "why?" I think we can safely attribute our success to the implementation of portions of our 5 Year Plan, as submitted some year and one-half ago. I refer specifically to the increase of personnel, the personal use of police vehicles, improved utilization of manpower, and increased use of aircraft. I would encourage you to give every consideration to not only the continuation, but the expansion of these programs.

One other factor that we feel certain has a bearing on our downward crime trend is the number of narcotics arrests. The narcotics user is also very frequently the armed robber, the burglar and the thief, therefore, each time an addict is removed from the street, he is unable to commit the other crimes necessary to support his habit.

I would once more repeat my earlier statement, that while we take pleasure in our aggressive programs that have forced our crime trend downward, neither the Police Department or the City of Fort Lauderdale can experience satisfaction until such time as our crime rates are considerably lower than they stand at this time.

CITY OF FORT LAUDERDALE, CRIME COMPARISON 1970 TO 1971

Population (1971, 146,970; 1970, 139,590; increase 5.3 percent)	Total crime index	Violent	Property	Murder	Rape	Robbery	Aggravated assault	Breaking and entering	Larcency $50 and over	Auto theft
LS:										
1971	8,515.0	741.0	7,774.0	13.0	53.0	412.0	263.0	3,643.0	2,902.0	1,229.0
1970	8,533.0	739.0	7,794.0	16.0	41.0	402.0	280.0	3,315.0	3,176.0	1,303.0
Percent of increase or decrease 1971 over 1970	0	0	0	−19.0	+29.0	+2.0	−6.0	+10.0	−9.0	−6.0
Per 100,000 population:										
1971	5,793.0	504.2	5,289.5	8.8	36.1	280.3	178.9	2,478.7	1,974.6	896.2
1970	6,112.9	529.4	5,583.5	11.5	29.4	288.0	200.6	2,374.8	2,275.2	933.4
Percent of clearances:										
1971	16.1	49.7	12.9	100.0	56.5	27.4	80.9	18.0	7.5	10.0
1970	15.0	49.9	11.7	93.8	46.3	32.3	73.2	16.5	7.0	10.8

CITY OF FORT LAUDERDALE, QUARTERLY CRIME COMPARISON

	Total crime index	Violent	Property	Murder	Rape	Robbery	Aggravated assault	Breaking and entering	Larceny $50 and over	Auto theft	Percent cleared
January to March:											
1972	2,132	185	1,947	9	17	90	69	983	702	262	14.0
Percent change 1972 over 1971	−13	−1	−14	+350	+89	−27	+33	−8	−12	−33	+1.5
1971	2,441	187	2,254	2	9	124	52	1,068	794	392	12.5
1970	2,157	204	1,953	5	10	115	74	825	841	287	14.1
Percent change 1971 over 1970	+13	−8	+15	−60	−10	+8	−30	+29	−6	+37	−1.6
April to June:											
1971	2,013	161	1,852	4	10	76	71	849	729	274	15.1
1970	2,061	174	1,887	3	12	93	66	749	859	279	17.9
Percent change 1971 over 1970	−2	−7	−2	+33	−17	−18	+8	+13	−15	−2	−2.8
July to September:											
1971	1,988	198	1,790	5	21	101	71	836	654	300	14.0
1970	2,319	151	2,168	3	16	64	68	952	825	391	9.4
Percent change 1971 over 1970	−14	+31	−17	+67	+31	+58	+4	−12	−21	−23	+4.5
October to December:											
1971	2,073	195	1,878	2	13	111	69	890	725	263	23.2
1970	1,996	210	1,786	5	3	130	72	789	651	346	15.4
Percent change 1971 over 1970	+4	−7	+5	−60	+333	−15	−4	−13	+11	−24	+7.8

CRIME INDEX TRENDS

[Percent change 1971 over 1970]

Population group, 10,000 to 250,000	Total crime index	Violent	Property	Murder	Rape	Robbery	Aggravated assault	Breaking and entering	Larceny $50 and over	Auto theft
Fort Lauderdale	0	0	0	−19	+29	+2	−6	+10	−9	−6
Hollywood	+13	+26	+12	−80	+28	+17	+41	+8	+24	0
Incorporated Broward County	+4	+6	+4	−24	+61	+32	−10	+26	−13	−29
Total Broward County	+20	+28	+19	−26	+5	+23	+34	+18	+32	+6
Population group—Florida	+8	+20	+6	+20	+22	+6	+3	+7	+7	+1
State of Florida	+16	+14	+17	+8	+13	+6	+20	+11	+29	+3
Southern States	+4	+6	+4	+7	+11	+1	+9	+5	+4	−2
Population group—National	+6	+14	+6	+12	+17	+17	+10	+9	+4	+2
United States	+6	+9	+6	+10	+10	+10	+8	+8	+5	+2

CRIME RATE PER 100,000 POPULATION

	Population		Total		Violent		Property	
	1971	1970	1971	1970	1971	1970	1971	1970
Fort Lauderdale	146,970	139,590	5,793.7	6,112.9	504.2	529.4	5,289.5	5,583.5
Hollywood	112,500	106,873	5,054.2	4,690.6	449.8	376.1	4,604.4	4,314.5
Incorporated Broward County	138,520	129,567	4,285.6	4,399.2	568.9	571.9	3,716.4	3,827.4
Total Broward County	655,633	620,100	4,880.8	4,303.7	503.5	416.4	4,377.3	3,887.3
Florida	7,041,073	6,789,443	4,039.1	3,599.7	547.8	498.2	3,491.3	3,101.5

ARREST COMPARISON 1971

	Total arrests	Total arrests, index crimes	Violent	Property	Possession of narcotics	Sale of narcotics	Total narcotics arrests
Fort Lauderdale	13,470	1,652	314	1,338	648	90	738
Rate per 100,000	9,165.1	1,124.0	213.6	910.4	440.9	61.2	502.1
Hollywood	4,541	1,326	238	1,088	303	78	381
Rate per 100,000	4,036.4	1,187.6	211.6	967.1	269.3	69.3	338.7
Incorporated Broward County	2,485	855	255	600	164	76	240
Rate per 100,000	1,794.0	617.2	184.1	433.2	118.4	54.9	173.3
Total, Broward County	32,987	6,874	1,165	5,709	1,654	348	2,002
Rate per 100,000	5,031.3	1,048.5	177.7	870.8	252.3	53.1	305.4
Florida	388,481	75,637	14,804	60,833	12,034	3,075	15,109
Rate per 100,000	5,517.4	1,074.2	210.3	864.0	170.9	43.7	214.6

DISCRETIONARY GRANT, PROGRESS REPORT, No. 70-DF-198, OCTOBER 1, 1971

This project became operable on 1 July, 1971. Prior to this date, all necessary vehicles and equipment were purchased, and required installations were effected. Participating police officers were selected on a volunteer basis. Final assignment of the vehicles to the officers was made with all due consideration to equitable distribution by shift, by squad, and by areas of residence.

Also, prior to the actual date of implementation, residents of the neighborhood in which the officers live were contacted in order to explain the purpose of the program to them and to obtain their reaction. This personal contact will be repeated again at a later date in order to ascertain what, if any, differences in opinion arise.

To date, the reception of the program has been excellent on the part of the police officers and has met with enthusiasm from the public. There have been no complaints lodged as the result of any off-shift activities. During the three months this project has been actively in existence, the participating officers have provided the City of Fort Lauderdale with an additional 732 "patrol shifts" on their off-shift hours. For the purpose of analyzing productivity in this project, a "patrol shift" is defined as the average number of miles driven per officer, per shift, for a given month. This average is then used as the individual officer's standard to translate the miles driven off-shift into the number of patrol shifts gained. (See Exhibit 1.)

During this quarterly report period, the officers assigned to this project conducted a total of 65 investigations during their off-shift hours. (See Exhibit 2.)

While final tabulations for the period are incomplete at the moment, it is estimated these officers have written approximately 150 Traffic Citations, and made several misdemeanor arrests. No felony arrests have been noted.

In addition to the above productivity, these officers on numerous occasions report to the communications center information regarding incidents and problems which is relayed to other police units. City, and/or private agencies for resolution.

It is interesting to note that during this first three months of this project's operation, Part I offenses have decreased 14.4% as compared with the same quarter of 1970.

It is also somewhat intriguing when this third quarter decrease is compared with the 5.6% increase experienced during the first two quarters which were prior to the project's implementation. Clearances for Part I offenses have also increased from 13% for the 3rd quarter of 1970 to 14% for the same period of 1971. (See Exhibit 3.)

While a three month period is too brief a time in which to reach definite conclusions regarding the impact of this project on the Part I offenses, it must be viewed as having some probable significance. Because we have made no changes in operating procedures other than instituting this project, we view these statistics with cautious optimism and encouragement.

On the negative side, we have experienced no significant problems. These vehicles have been involved in only four minor accidents. Three during regular working hours, and just one, off-shift. There have been two incidents of vandalism, one of which was the smashing of a rear window, resulting in the arrest of the culprit. The other, a minor scratch inflicted by a sharp instrument.

PERSONAL USE VEHICLES, LEAA GRANT 70-DF-198

Vehicle number	On shift		Off shift	
	Miles driven	Average per shift	Miles driven	Number of patrol shifts gained
July 1971:				
710	1,206	57	333	5.8
711	1,214	55	553	10.0
712	1,316	67	677	10.0
713	1,108	41	749	18.3
714				
715	1,563	71	616	8.7
716	1,066	46	655	14.2
717	1,445	69	428	6.2
718	780	52	339	6.5
719	1,215	67	296	4.5
720	1,257	70	456	6.5
721	401	57	113	2.0
722	1,361	68	359	5.3
723	1,180	74	628	8.5
724	1,078	54	926	17.1
725	1,171	62	868	14.0
726	1,361	72	462	6.5
727	1,313	73	209	2.8
728	1,315	57	645	11.3
729	1,101	48	649	13.5
730	1,388	82	695	8.5
731	461	46	218	4.7
732	690	46	493	10.7
733	1,274	56	379	6.8
734	905	47	600	12.8
735	1,160	61	288	4.7
736	1,076	54	306	5.7
737	1,650	72	218	3.0
738	434	54	163	3.0
739	1,046	48	840	17.5
740	1,141	52	598	11.5
741				
742	364	30	198	6.6
743				
August 1971:				
710	1,232	65	254	3.9
711	1,274	58	601	10.4
712	1,524	67	284	4.2
713	1,274	61	463	7.6
714				
715	432	48	63	1.3
716	211	42	84	2.0
717	1,674	73	245	3.4
718	1,328	60	370	6.2
719	746	57	85	1.5
720	1,112	56	185	3.3
721	939	52	144	2.8
722	1,570	83	351	4.2
723	1,400	61	383	6.3
724	1,034	52	581	11.2
725	1,338	74	249	3.4
726	379	63	37	.6
727	1,245	66	128	1.9
728	1,145	52	535	10.3
729	945	48	192	4.0
730	1,750	76	245	3.2
731	1,024	47	323	6.9
732	628	48	290	6.0
733	979	70	203	2.9
734	1,190	54	688	12.7
735	944	73	165	2.3
736	1,099	52	154	3.0
737	877	43	265	6.2
738	1,332	58	586	10.1
739	1,414	64	465	7.3
740	118	59	46	.8
741	946	45	556	12.4
742	835	38	249	6.6
743	885	40	256	6.4
710	316	105	146	1.4
711	1,141	54	448	8.3
712	1,156	64	174	2.7
713	1,211	58	616	10.6
714				
715	1,568	71	417	5.9
716	936	52	304	4.8
717	1,124	62	677	10.9
718	1,363	68	428	6.3
719	1,375	63	474	7.5
720	1,203	67	332	5.0
721	1,314	55	275	5.0
722	1,671	84	298	3.5
723	1,075	57	349	6.1
724	1,080	51	609	12.0
725	486	81	79	1.0
726	1,518	76	311	4.1
727	1,437	72	146	2.0
728				
729	967	46	206	4.5
730	1,445	72	107	1.5
731	976	46	379	8.2
732	935	52	412	7.9
733	1,499	71	397	5.6
734	486	44	174	4.0
735	1,310	69	340	4.9
736	668	61	97	1.6
737	893	56	516	9.2
738	1,189	54	596	11.0
739	1,268	75	672	9.0
740	1,703	95	567	6.0
741	1,056	66	363	5.5
742	1,325	95	170	1.8
743	779	36	424	11.8

Off-shift investigations

	Accidents
July 1971:	
Accidents (vehicular)	4
Accident (nonvehicular)	1
Animal bite	1
Animal complaint	1
B&E residence	1
Burglar alarm	2
Disturbance	4
Found property	1
Miscellaneous	5
Missing juvenile	1
Purse snatching	1
Sick person	2
Suspicious incident/car/person	4
Towed vehicle	1
Weapons	1
Total (9.3 hr)	30
August 1971:	
Accidents (vehicular)	3
Disturbance	5
Larceny/bicycle	1
Open door/window	1
Sick person	1
Suspicious incident/car/person	1
Total (3.6 hr)	12
September 1971:	
Accidents (vehicular)	5
Assault and battery	1
Burglar alarm	2
Disturbance	2
Extortion	1
Fire	1
Pickup (wanted person)	1
Purse snatching	1
Robbery	4
Sick person	1
Towed vehicles	2
Traffic (all other)	2
Total (8.3 hr)	23

[From the Fort Lauderdale News, July 29, 1971]

Policeman Saves Little Boy—"Off-Duty Plan" Reaps Rich Reward

(By Ann Wrobleski)

Mrs. Craig Sebastian is happy the Fort Lauderdale Police Department has inaugurated the "Indianapolis Plan".

Two weeks ago it saved her son's life.

Mrs. Sebastian was at her mother's house at 713 SW 22 Ter. last week when she noticed 2-year-old Chris was missing. She found him minutes later at the bottom of the backyard pool.

Patrolman James Dodgen was on his way home from work when he heard the distress call go out to the "on-duty" police car in the area.

He rushed to the scene, began giving Chris mouth-to-mouth resuscitation and had him in much better condition when the on-duty police and an ambulance arrived a few minutes later.

The plan, which has been in effect since the first of the month, allows policemen to drive department cars while off duty as long as they keep their radios on while driving.

According to Police Chief Robert Johnston the plan is proving very beneficial. Dodgen agrees saying it gets more cars out on the road thus allowing distress calls to be answered sooner.

The plan is sponsored by the Law Enforcement Agency Administration (LEAA) which gave the police department a grant to buy additional cars to implement the program.

Meanwhile, little Chris who lives at 413 Carolina Ave., Melrose Park is doing fine after being released from the hospital last weekend.

PART I OFFENSES

	July		August		September	
	1971	1970	1971	1970	1971	1970
Murder	2	1	0	1	3	1
Rape	9	8	4	4	8	4
Robbery	30	12	43	38	28	14
Aggravated assault	23	25	20	25	28	18
Burglary	279	346	323	342	234	264
Larceny	205	269	231	258	215	298
Auto theft	107	130	108	126	85	135
Total	655	791	732	794	601	734

	3d quarter [1]			1st 6 months [2]		
	1971	1970		1971	1970	
Murder	5	3	+2	6	8	−2
Rape	21	16	+5	19	22	−3
Robbery	101	64	+37	200	208	−8
Aggravated assault	71	68	+3	123	140	−17
Burglary	836	952	−116	1,917	1,574	+343
Larceny	651	825	−174	1,523	1,700	−177
Auto theft	300	391	−91	666	566	+100
Total	1,985	2,319	−334	4,454	4,218	+236

[1] 14.4 percent decrease
[2] 5.6 percent increase.

CLEARANCES—PART I OFFENSES

	July		August		September		Quarter		Difference
	1971	1970	1971	1970	1971	1970	1971	1970	
Number	97	91	90	120	92	91	279	302	−23
Percent	14.8	11.5	12.3	15.1	15.3	12.4	14.0	13.0	+1.0

You're traveling along in your automobile when suddenly you realize there's a Fort Lauderdale police car behind you.

You slow down to less than the normal speed limit as the police car passes you. You look over and—there's a girl in the police car.

That cute blonde you may see riding in that police car was there for a reason. She may have been either the wife or daughter of an off-duty Fort Lauderdale policeman.

Since the police department initiated the "Indianapolis Plan" last week, the switchboard at headquarters has been lighting up like a Christmas tree. Concerned residents are wondering what women are doing riding around in patrol cars.

The reason, according to Police Chief Robert W. Johnston, is to cut down on traffic accidents and crime.

For Lauderdale's pilot program is the first of its kind in Broward County and possibly the first in the state where an off-duty policeman has as much freedom to use the authorized marked car for personal use.

The program is designed to reduce the increasing crime rate in the city by allowing officers to use the vehicles with a minimum of restrictions, Johnston said.

Under a federal grant the police department was able to buy an additional 34 marked patrol cars.

Theoretically, it isn't costing taxpayers a penny more and the policemen, theoretically, are "working" 24 hours a day.

A Fort Lauderdale policeman may now use his patrol car for personal use and drive his family anywhere he wishes in the area bounded by the Dania Cut-Off canal on the south, Florida's Turnpike on the west, and the Pompano Beach Canal on the north. He also can drive no farther east than the Atlantic Ocean.

There are some restrictions car off-duty. The policeman must leave his radio on at all times although it isn't necessary for him to check with headquarters. If he is close to an emergency situation, he must notify the police dispatcher of his location and respond if requested. The city policemen are actually on duty any time they are in their cars.

The off-duty policeman is required to maintain a mileage log on social, personal, or household journeys, and he is required to drive off his car and respond to action when necessary.

The plan is called the "Indianapolis Plan" because it was first used in that Indiana city where it resulted in decreased crime and accidents due to the availability of off-duty policemen.

CITY OF EVANSVILLE,
EVANSVILLE, INDIANA, *July 14, 1972.*

Mr. JERRIS LEONARD,
Director, Law Enforcement Assistance Agency,
Washington, D.C.

DEAR MR. LEONARD: In response to your letter concerning the role that the Law Enforcement Assistance Agency has played in the reduction of crime in our city, I would like to furnish you with the following information.

First, I believe that the federal funds channelled through the Indiana Criminal Justice Planning Agency to the city of Evansville have played an important part in the reduction of crime and the improvement of the Police Department of the city of Evansville. Over the past three years we have introduced many innovative and progressive programs with the use of LEAA funds. These programs have been of two types; the first solved temporary problems, such as the acquisition of certain types of equipment and the up-grading of certain practices; and the second type is more long-range in nature and serves to improve the Police Department in a different way.

I take, for example the first type of program, the acquisition of portable communicative devices with the use of LEAA funds. For many years it was extremely difficult for members of the Evansville Police Department to engage in such things as on-scene surveillance, direct communication between units, etc. But, with the acquisition of "walkie-talkies" by the partial use of LEAA funds, we have been able to provide this service within the Evansville Police Department when it was never possible before. This type of aid serves a temporary purpose and assists us in providing a service which could never be provided before. Naturally, this is not the only type of temporary improvement with which the LEAA funds have assisted us, but I use it as an example.

The second type of assistance provided by LEAA to our City has assisted us in our fight against crime in long range programs to improve systems, divisions, and community relations. Such programs as the Police-School Liaison Program will provide improvement for police and community relations far into the future and their affect will be felt far beyond the grant period. In this same way, the hiring of the police legal adviser has also served to up-grade the quality of the Police Department and not only will show temporary improvement, but long-range improvement in the type and quality of case presentation to our courts.

By assisting police officers to improve such case presentation, the police legal adviser has helped to set standards which not only will be temporarily followed, but will set the standards for years to come.

I feel that the use of the LEAA funds should be geared now more toward the second type of grant which I mentioned above. Long range improvement should be our goal rather than "stop-gap" measures with which we concerned ourselves at first. Now, after three or four years of LEAA funds, some of our original long-range programs have begun to pay off. We must continue to im-

prove the quality of our police officers and the assistance provided to them and I feel that within this area LEAA has its primary responsibility.

Thank you for your concern about the crime situation here in Evansville and LEAA's participation. If I can be of any further service to you, please feel free to call upon me at any time.

Sincerely,

RUSSELL G. LLOYD,
Mayor.

CITY OF DETROIT,
DEPARTMENT OF POLICE,
Detroit, Mich., April 19, 1972.

Mr. JERRIS LEONARD,
Law Enforcement Assistance Administration,
Washington, D.C.

DEAR MR. LEONARD: In view of the current furor involving the use of LEAA monies and without being presumptuous, I thought you might like to know what we in the Detroit Police Department did several weeks ago to attempt to put things into a correct perspective.

We found that through the early phases of consultant work, many misconceptions arose and many misinformed individuals were making pronouncements which were not in the best interests of the Department, of the City, or of the Program. I recognize that here in Detroit, the assist we have received from LEAA is truly making our Department far more responsive and far more effective. We wanted *all* our supervisors to know and to recognize this fact.

So, for whatever it may be worth to you, I am quoting direct from our document. I take the liberty of enclosing an actual copy that was disseminated to all Police Department supervisors of the rank of Sergeant and above.

DETROIT POLICE USE OF LEAA GRANTS

(A Special Report to Detroit Police Department Supervision From Commissioner John F. Nichols)

From My Vantage Point . . . the $5.1 million in Federal funds granted to Detroit by the LEAA since 1969 for police department improvements is an unprecedented assist that any municipal police administration would welcome eagerly. It behooves all of us to make the maximum use of the resources that have been made available to us through funding of this magnitude.

I include among these resources items of needed *equipment*, such as special equipment for electronic robbery stakeout, and for fingerprint facsimile transmission . . . expanded *training* opportunities, as for the Youth and Women's sections . . . hiring of additional special *personnel*, such as a police legal adviser and staff, and community service officers . . . and the opportunity to develop new *methods and procedures*, as for organized crime control, scientific services, narcotics intelligence, and testing of police candidates.

However the key extra advantage to us has been the opportunity these funds provided to acquire the services of skilled consultants to help us find answers to the problem of a crime load that was rising faster than our existing organization and methods could adjust to cope with it.

Since questions have been raised publicly about the use of consultants by the city in a number of areas, let me tell you why consultants became involved in police operations, and why I think their help is a valuable and essential part of the sweeping changes we are in the process of bringing about.

The police department traditionally has operated under a tight budget, with very little margin to provide for forward planning and in-depth research. Keeping up with the day-to-day crises has been a full-time job for every police supervisor, from the man with three stripes on his arm to the man who sits in the commissioner's chair.

The changing climate of the 1960's taxed all our resources. Changing patterns of crime were complicated by tensions within the community, eroding standards of individual conduct, and an atmosphere of rising dissent.

The U.S. Omnibus Crime Control bill became law in 1968. This made Federal dollars available to cities for improving police operations, and gave the Detroit Police Department access to the means of securing additional help on a substantial scale.

Eight major consulting firms in Detroit had provided varying degrees of assistance to Mayor Gribbs and his administration during 1970. The one which seemed to have best capabilities for assisting police department management was chosen to work with us—Touche Ross and Co.

Touche Ross consultants have been involved with us since early in 1971. They brought to us additional manpower and brainpower. They brought experience in administrative techniques and use of mathematical and computer tools for problem solving—techniques and tools that could be applied to forward planning, research, and testing of solutions in many areas, including police operations.

They provided a time-and-talent service to manage change within the department, and to handle coordination with other city departments and agencies.

It has been suggested that outside consultants are contributing nothing to the advancement of the department that we could not do ourselves, without such assistance.

It should be self-evident to anyone with supervisory responsibility in this department that this is not true.

This department has no untapped reserve that would permit us to "spin off" the numbers of police personnel with analytical, research and managerial skills necessary to handle the volume of work that is being performed by consultants in all areas of department operations.

In fact a major thrust of the grants projects has been to free up more police personnel for street and police service functions.

The role of the consultants has not been to usurp the management authority of police department executives, to dictate "civilian" solutions to police problems, or to give advice that is not backed up by effective implementation.

The role of the consultants has been to bring to police problems the kinds of new management tools that the most advanced business and government institutions are employing.

Their role is to combine their knowledge of these tools with your knowledge of police problems and operations, to come up with better ideas than either of us could come up with separately.

The consultants' role is to take these better ideas, and provide the man-hours and expertise necessary to test them fully and put them to work-man-hours that we could not provide without diverting irreplaceable executive and supervisory time from the administration of current operations.

I believe our consultants have been fulfilling these roles properly, and our project teams of consultants and police officers have been achieving solid progress in important operational areas.

I do not expect all the changes resulting from this association to be comfortable. Any change in existing patterns involves some dislocation.

I have not "bought" every new idea that has come down the pike, nor do I expect you to, until you have applied to it your own personal experience and creative intelligence.

The Toucshe Ross consultants are now past the halfway point in completing the assignments we have established for them. Three things are critical:

(1) Each supervisor must do everything possible to see that he and his subordinates understand the direction and details of our reorganization or operations improvement programs. Implementation problems will occur, and your understanding of the program objectives will help to quickly solve the problems.

(2) Each supervisor must assume a personal responsibility for contributing ideas or questions to the reorganization teams of consultants and police officers.

(3) Each of you must assume responsibility for the success of the reorganization. The operational improvements now being planned and implemented must clearly improve the quality of service we deliver to the citizens of Detroit—today and in the future.

This does not mean that I expect a rubber-stamp approach toward each idea and recommendation. Incisive questions and honest, objective comments early in the discussion process can save time and sharpen planning.

There is nothing to be lost and everything to be gained by subjecting each idea to careful and constructive evaluation. If you see flaws, point them out promptly.

The Grants Story . . . There have been 31 LEAA grants to the city on behalf of police department operations during the period 1969–1971. Eleven involved the participation of consultants, and 20 were totally administered within the department. Six grant projects have been completed, and 25 are current.

During the first year of grant applications, individual units within the department suggested projects for grant support on the basis of individual needs. With

the participation of Touche Ross and Co., a coordinated program of interlocking grants providing for operating improvements in all four bureaus was successfully presented and approved in 1971.

With the help of the consultants, our own Grants Management unit has been formed to continue this systematic and essential coordination of grant requests. This is necessary to avoid duplication, and to make sure that future programs continue to build on what has already been accomplished, in logical steps, according to department-wide priorities.

Grants administered by the police department have totaled $1.37 million in Federal funds. Grants involving the consultants totaled $3.77 million, of which $2.1 million has been budgeted for consultant services during 1971 and 1972, including the time and skills of 30 to 40 members of the Touche Ross organization.

The rates and services are fully competitive with what private industry itself pays for similar services.

I personally would not have endorsed this overall effort if I had not been convinced that it would give both the city and the police department full dollar value for the expenditure involved.

During 1971 Detroit enjoyed a reduction in crime for the first time since 1965. We have indicated publicly what we believed were some of the contributing factors—the individual efforts of members of this department, special department tactics, city anti-narcotics programs.

I think we should also take these things into account:

Changes in investigative operations to improve detective efficiency.

Reduction of paperwork, freeing more men for the street.

Better utilization of men and scout cars in two test precincts.

If police operations can have a deterrent effect on crime, as we all believe, then certainly such improvements in efficiency, workload distribution and service to citizens represent a factor to be reckoned with. And in most of these areas, we have barely scratched the surface.

We may be in the midst of a revolution in police department management that can set an example for urban police departments for years to come.

The prospect can be fully realized only if all of us in supervision take the fullest advantage of the unprecedented help that is being provided.

I recognize that this may not be a document that will go down in history as the greatest piece of prose or win the Nobel Prize, but we do believe that it has had the effect of putting things at Department level into the proper perspective so that the best use, the most practical use, and the most effective use, may be made with dollars for which we are extremely grateful.

Sincerely,

JOHN F. NICHOLS,
Commissioner.

CITY OF CHARLOTTE,
Charlotte, N.C., June 20, 1972.

Mr. JERRIS LEONARD,
Administrator, U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: Your recent letter to Mayor Belk asking for information concerning reduction in crime in our city has prompted me to write you concerning my personal feelings concerning the Law Enforcement Assistance Administration.

Having been extensively involved in this program since its inception, and having served on the Governor's Committee in Missouri and been personally involved in the program in two different states, I feel some familiarity with the Act and its program.

Basically, most of the LEAA projects for city police departments are good. They are well operated and well funded. The only point that I wish to make in this memo—and I stress the fact that it is the only point—is that most police departments in this country had the know-how and the information and many were qualified to construct the programs which we are now doing with LEAA funds. In other words, we knew what we should do and knew how to do it, but we did not have the necessary funds. Now LEAA gives us the funds to start the job. This is great. But we do not get the funds to continue the job and this is bad because the only reasons we were not doing many of the projects in the first place was because we didn't have the money.

We certainly want to thank you and your administration for the fine cooperation you have given us here in Charlotte, and we hope to work with you very closely in the future. We sincerely hope that you will be able to realize and to help Congress realize the importance of the continuation of the funding of these programs.

Yours very truly,

DAVID A. BURKHALTER,
City Manager.

CITY OF BALTIMORE,
OFFICE OF THE MAYOR,
Baltimore, Md., June 15, 1972.

Mr. JERRIS LEONARD,
Administrator, U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR MR. LEONARD: It is extremely difficult to point to any single Law Enforcement Assistance Administration Program in any city and say that it caused a reduction in crime. To do so would be to mislead the public into thinking we have a better grasp of the causes of crime and the most appropriate program responses to crime than we really do.

I do think however, that the LEAA funds are making a significant impact: they are stimulating us to challenge traditional assumptions, to try new methods, and to improve the effectiveness of our system. Largely as a result of LEAA, our standards of judging ourselves are higher; our dissatisfaction with the *status quo* much greater; and our concern to find programs that work more intense. These may be intangibles, but they are exceedingly important to the entire anti-crime effort, and I think they ultimately will express themselves in the statistics of crime reduction.

We in Baltimore are deeply appreciative of the outstanding support given us by your agency. We believe we are building a capacity at the local level to use the resources you provide to make a significant impact on the problem of crime in our community.

Sincerely,

WILLIAM DONALD SCHAEFER,
Mayor.

CITY OF YORK, PENNSYLVANIA,
DEPARTMENT OF PUBLIC SAFETY,
August 23, 1972.

Hon. JERRIS LEONARD,
U.S. Department of Justice, Law Enforcement Assistance Administration, Washington, D.C.

DEAR ADMINISTRATOR LEONARD: From reading and listening to the news media, it appears that certain figures in public life and political committees take delight in condemning the LEAA assistance program. In my opinion they would be much better off to contact the majority rather than taking issue based upon the soundings of the minority.

Here in the City of York, Pennsylvania, I say "thank God for LEAA assistance!" We have received approximately $150,000 over the past three years. I can assure you that this money was spent most wisely and with excellent results.

The fact of the matter is, were it not for LEAA assistance, the York City Police Department, today, would be in the same inefficient doldrums as of five years ago.

I am enclosing a copy of the report I gave to the Mayor and members of City Council of York. I assure you that were it not for LEAA assistance this report could never have been written.

Sincerely,

LESLIE JACKSON,
Director, Department of Public Safety.

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