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ROLE OF THE FEDERAL GOVERNMENT IN STATE
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HEARINGS

BEFORE THE

COMMITTEE ON JURISPRUDENCE
AND GOVERNMENTAL RELATIONS

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

NINETY-SIXTH CONGRESS

SECOND SESSION
ON

ROLE OF THE FEDERAL GOVERNMENT IN STATE AND LOCAL
LAW ENFORCEMENT IN CRIMINAL JUSTICE

DECEMBER 3 AND 22, 1980

Serial No. 96-88

Printed for the use of the Committee on the Judiciary



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ROLE OF THE FEDERAL GOVERNMENT IN STATE AND LOCAL LAW ENFORCEMENT

WEDNESDAY, DECEMBER 3, 1980

U.S. SENATE,
SUBCOMMITTEE ON JURISPRUDENCE
AND GOVERNMENTAL RELATIONS,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 9:30 a.m., in room 2228, Dirksen Senate Office Building, Senator Howell Heflin (chairman of the subcommittee) presiding.

Present: Senators Heflin, Biden, and Dole.

Senator HEFLIN. If we can get started, I think we should. We have a large number of witnesses and I think this is an important hearing. I would like to get started as quickly as we can.

OPENING STATEMENT OF SENATOR HEFLIN

I believe today's hearing will be an informative and constructive mechanism to examine the Federal responsibility to State and local law enforcement in the field of criminal justice.

Next to inflation and economic ills which plague this Nation, crime is probably the most serious domestic problem that the American people face today. During the past few years, there has been an alarming increase in overall crime in this country.

Current studies indicate that last year murder rose by 18 percent over 1978, forcible rape by 13 percent, and robbery by 10 percent. There is no reason to believe that these trends in violent crime will begin to reverse in the near future. FBI statistics for the first 6 months of 1980 reveal that violent crimes are up 10 percent over last year.

Recent surveys also suggest that fear of crime is having a chilling effect—if the word “chilling” can be used, and it probably is used very lightly—on the majority of Americans, causing many to drastically alter their lifestyle. This research reveals that 4 out of 10 Americans are highly fearful of becoming victims of a violent crime, such as murder, rape, robbery, and assault. One person in four has stopped going places he or she used to go at night because of fear of becoming a victim of a violent crime. Nine out of ten Americans lock the doors of their homes and apartments and ask visitors to identify themselves before allowing them to enter. Four out of ten people feel unsafe in their homes, neighborhoods, workplaces, and shopping centers.

In recent years, the United States has also seen a significant increase in white collar crime, which is resulting in staggering costs to our economy. In a 1976 study conducted by the Joint Economic Commit-

tee of Congress, it was estimated that such crimes as bankruptcy, fraud bribery and kickbacks, consumer fraud, credit card and check fraud, insurance fraud and securities fraud are costing our economy \$44 billion per year. As with crimes of a violent nature, white collar crime is increasing yearly by leaps and bounds.

All across this land, in our cities and in our towns, in our suburbs and in our rural areas, crime is soaring at an alarming rate and is, diminishing the quality of life for all Americans, regardless of race, sex, or creed.

It has long been my belief that if we are to significantly reduce crime in this country, the Federal Government must share the responsibility of law enforcement at State and local levels. I am therefore deeply disappointed at the demise of the Law Enforcement Assistance Administration, due to budgetary cutbacks, earlier this year. I believe this program has been of enormous benefit to our State and local governments in their efforts to improve the administration of criminal justice at every level. By providing financial aid and technical assistance to those governments, we have made vast improvements in the areas of crime prevention and control.

LEAA proved to be extremely successful in a number of programs, such as statewide court modernization, training of court professionals, jury management, uniform sentencing guideline, career criminal programs, prosecutor's management information systems, "sting" antifencing projects, law enforcement training programs, health care in jails, drug and alcohol diversion, victim/witness assistance, de-institutionalization of status offenders, and others. These programs have had clear and definable impacts on crime reduction all across this country. LEAA has a legacy of professionalizing law enforcement at every level of the criminal justice system.

In efforts by Congress to reduce Federal spending and bring inflation under control, LEAA has been reduced to a nominal existence. LEAA's critics cite inefficiency and waste as sufficient reasons to eliminate this program, and I can understand their concerns. However, with the abolition of LEAA, the Federal Government will have no program whose primary function is to assist State and local governments in their attempt to control crime and improve the criminal justice system.

During these hearings, this committee hopes to explore some of the problems of LEAA, as well as what role, if any, the Federal Government should take in criminal justice at the State and local levels of operation.

Shall the agency be reorganized under a new name? Should a new effort be limited to a few general overall programs? Is there a need for a different approach in such an assistance program?

These and other questions should be addressed by Congress, and this hearing today is, of course, a first step.

Today we will hear from three panels. Our first panel will provide us with statistical information regarding the current status of crime in this country and what trends we can anticipate in the future. Our other panels will consist of representatives from law enforcement and government associations, and will present their perception on Federal responsibility in the area of law enforcement.

We have a large number of witnesses today. Prepared statements have been prepared which have been carefully thought out in advance and contain very crucial and essential information. Those, of course, will be entered into the record and the record will be made not only for this Congress but for the next Congress.

Due to the large number of witnesses, we ask that each of the witnesses that testifies attempts to summarize or attempts to be succinct and be brief in his presentation.

Senator Dole is here. Would you like to make an opening statement before we start?

Senator DOLE. We have a number of witnesses. They would like to testify rather than hear me make statements. So I ask that my statement be made a part of the record. I would just say that I have introduced legislation, S. 3209. I hope it will address some of the problems that exist in our Nation's jails and prisons.

It also is designed to improve rural detention centers, halfway houses, reformatories, work farms, community based facilities as well as police facilities. The primary purpose is to provide technical and financial assistance to the State and local governments to undertake comprehensive criminal justice programs to improve the criminal justice programs in the State.

I discussed that at some length in my statement. I ask that it be made a part of the record.

Senator HEFLIN. So ordered.

[The prepared statement of Senator Dole follows:]

PREPARED STATEMENT OF SENATOR DOLE

Mr. Chairman, on February 2, 1980, the eyes of this nation were focused on the New Mexico Penitentiary which was the scene of an unprecedented rampage of killing. The prison's design follows the 100-year-old tradition of a series of long double-tiered cellblocks and dormitories for the efficient warehousing of the residents. The New Mexico Penitentiary is not this country's worst penitentiary, although it has been described as unfit for human habitation.

The New Mexico Penitentiary is typical of American prisons, which generally are underfunded, understaffed, and filled far beyond capacity. In some prisons two or more inmates are housed in single-man cells, bunks are lined up side-by-side in the dormitories and some men sleep on the floor because of the crowded conditions. Stabbings and rapes occur with garish frequency. Guards are ill paid. Medical treatment is inadequate. There are not enough prison jobs or classes so most of the prisoners are idle for hours on end.

It was reported in the New York Times for November 13 that in the first 8 months of 1980, felony reports—covering everything from murder to drug possession to car theft—totaled 407,630, an increase of 18.7 percent over the same period last year and 11.1 percent over the same period in 1976, the previous peak year for serious crimes.

The number of serious crimes in New York City is virtually certain to set a record this year and their occurrence is continuing to shift from high-crime areas to middle-income neighborhoods. Trend data from several years, beginning in the early 1960's suggest that there is an 18-month lag between increases in reported crime and a corresponding impact on the inmate population. In general, New York City has 10 percent of the Nation's reported crime and it generally is a bellwether for current trends in the United States. These data suggest that as overloaded as our criminal justice system is now, the situation will be much worse in the coming months.

I have introduced S. 3209, a bill that addresses the problems that exist in our Nation's jails and prisons. Additionally, this legislation is designed to improve rural courthouses, detention centers, halfway houses, reformatories, workfarms, and community-based facilities as well as police facilities.

The primary purpose of this bill is to provide technical and financial assistance to the State and local governments to undertake comprehensive criminal justice construction programs to improve the criminal justice system of the States.

Under S. 3209 a criminal justice facilities administration would be established within the Department of Justice to make grants to the State and local governments for the construction and modernization of criminal justice facilities. In making grants to a State, the administrator will take into account the population of the State and the volume of criminal justice activity. To insure that this agency operates smoothly, the administration will prepare and submit an annual report to the President, for transmittal to Congress on the activities and programs of the administration.

STATE PLANS

A State will be required to submit a State plan for a 7-year period. The plan will set forth a comprehensive statewide program for the construction and modernization of criminal justice facilities within the State. The State plan will include innovations and advanced techniques in the design of such facilities.

This legislation requires States to submit plans to modernize prison industries and work release programs. Additionally, to the extent that it is permissible under State law, convict labor could be used in projects that are funded by S. 3209.

HISTORIC PRESERVATION

Many criminal justice facilities have historic significance although some have been allowed to deteriorate and are in various states of disrepair. Since these buildings are important landmarks that are vital to the identity of the State and our Nation's sense of history, S. 3209 will encourage State plans to include the renovation and remodeling of these kinds of facilities, particularly county courthouses.

DUAL PURPOSE

Today many school buildings are not being used because they were built for an era when Americans had larger families. With today's trend toward smaller families, there is a lack of students to fill these schools. To prevent this kind of wasted resource, S. 3209 provides that to the extent practical criminal justice facilities be designed so that they could be used for other criminal justice purposes if they are no longer used for the specific purpose for which they were built. The dual purpose concept has particular relevance in the design of neighborhood justice centers and station houses for law enforcement personnel.

It is important to note that the Federal funds that are made available under this bill are not designed to supplant State or local funds, but are intended to be used to increase the amounts of funds that generally are available for the construction and renovation of criminal justice facilities in the State.

Whenever more than \$500,000 is spent on the construction or modernization of a criminal justice facility under criminal justice statutes that are presently in existence, the construction shall be consistent with the State master plan. The Senator from Kansas believes that this provision will prevent Government waste by requiring a unified Federal effort in a particular State.

DEMONSTRATION GRANTS

The administrator of the criminal justice facilities shall have the authority to make demonstration grants to the States. The demonstration grants would be designed to test the applicability of advanced practices to the design, construction and modernization of criminal justice facilities. These demonstration grants can also be used to test the need for the construction and modernization of criminal justice facilities.

CLEARINGHOUSE

A clearinghouse on the construction and modernization of criminal justice facilities will be established under this legislation. The clearinghouse will collect information pertaining to the construction and modernization of criminal justice facilities together with explanations of how the construction program can be used to improve the administration of the criminal justice system within each State. This information would be disseminated to architects, planners, and public officials interested in construction and modernization of criminal justice facilities.

CRIMINAL JUSTICE DEVELOPMENT BONDS

In an effort to generate additional funds for the construction and modernization of prison facilities, State and local agencies will be able to make bonds available. The Senator from Kansas has studied the various tax advantages that these development bonds will present to investors and it is hoped that these bonds will result in increased funding for construction and modernization projects.

REALITY

The Senator from Kansas has suggested two funding sources for this legislation, revenue bonds and a direct federal appropriation of \$6.5 billion over 7 years. It is my intention to offer these funding proposals in an effort to get Congress moving in this area.

In light of the top priority given by the incoming administration to cutting taxes and balancing the Federal budget, it is not the Senator from Kansas' belief that funds will be made available in the budget for the immediate, full-scale implementation of this proposal. However, S. 3209 is designed to serve as a catalyst for discussion between Members of Congress and representatives from criminal justice agencies and interested groups. It is imperative that this dialogue begin as soon as possible since there is an urgent need for concerted action in this area. This need is underscored by the fact that courts have already mandated the construction of an estimated \$3 billion for prison facilities to replace or upgrade facilities that fail to meet constitutional standards.

The figure will increase sharply with the implementation of legislation passed by Congress this year that grants the Department of Justice broad new authority to institute lawsuits against State and local agencies over alleged deprivation of rights of inmates residing in State owned, operated, or controlled facilities. Presently, in too many jurisdictions, funds are not available for construction, even if mandated by the courts.

What I do suggest is that this bill could serve as a vehicle for drawing attention to the critical shortfall in funding for criminal justice construction, a shortfall that grows worse with each passing day. Reformers who call for determinate sentencing legislation must also face hard reality that the net effect is to fill the corrections system to the overflowing mark.

Hopefully Congress will face the hard choice next year and seek to reorder national priorities to deal with these pressing needs.

Senator HEFLIN. Our first panel will deal with statistics relevant to crime

Mr. Paul Zolbe, section chief of the uniform crime reporting section of the FBI; Dr. Harry Scarr, director, Bureau of Justice Statistics, here in Washington; and Mr. Timothy Flanagan, project codirector, utilization of criminal justice statistics project, sourcebook of criminal justice statistics of the Criminal Justice Research Center in Albany, N. Y.

Mr. Zolbe, if you would begin, we would appreciate it.

PANEL OF EXPERTS ON CRIME:

STATEMENTS OF PAUL ZOLBE, SECTION CHIEF, UNIFORM CRIME REPORTING SECTION, FBI; DR. HARRY SCARR, DIRECTOR, BUREAU OF JUSTICE STATISTICS, AND TIMOTHY FLANAGAN, PROJECT CODIRECTOR, UTILIZATION OF CRIMINAL JUSTICE STATISTICS PROJECT, CRIMINAL JUSTICE RESEARCH CENTER

Mr. ZOLBE. I would like to read our statement. It is relatively short and I think it is pertinent to our inquiry today.

I welcome this opportunity to appear before your subcommittee to comment on the apparent increase of crime, as measured by the UCR program.

In order to put these comments in perspective, it may help to note the background of the UCR program. Prior to 1930, there was no gathering of criminal statistics nationally. Responding to this apparent need, the International Association of Chiefs of Police—IACP—developed a crime statistics program which met the needs of law enforcement and, at the same time, provided the American public information regarding this aspect of our society.

The majority of States have penal codes. The definitions of individual crimes within these codes vary from State to State. The counting of crime by State penal code definition would produce statistics of questionable value. To overcome this problem, the UCR program established uniform definitions. In 1930, the IACP initiated the UCR program with the advice and consent of the Nation's leading law enforcement executives, who agreed to count crime on the basis of the uniform definitions established by the program. Congress, recognizing the utility of the UCR program, empowered the Attorney General to designate the FBI as administrator of this national statistical effort. The FBI, having logical lines of communication with the Nation's law enforcement community, was well suited to serve as a clearinghouse for national crime statistics.

For the past 50 years, the FBI has issued periodic reports reflecting the incidence of reported crime based upon a crime index. Prior to 1979, the crime index consisted of those crimes which were (1) most likely to be reported to law enforcement, (2) which occurred with sufficient frequency that tabulation would have significance, and (3) which would be considered serious by virtue of their nature or volume. The crime index consists of murder, rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft. In 1979, arson was added to this list by congressional mandate.

At the inception of the UCR program, it was considered imperative that individual States establish UCR programs. The rationale for this concept provided a State with the capability to analyze crime problems unique to that State. There have been States sensitive to this need who have created their own UCR systems. In 1968, with the passage of the Omnibus Crime Control bill, Federal moneys became available to assist additional States in developing their own UCR programs. The bill also provided funds to support the national UCR program.

At the program's inception in 1930, 250 agencies participated. By 1968, this number had grown to nearly 8,000 agencies. As a result of the development of State UCR programs, this number has grown to over 15,000. These agencies serve nearly 98 percent of the Nation's population.

Each year there are two preliminary reports and an annual publication issued by the FBI reflecting the incidence of reported criminal activity. Over time these reports allow for an evaluation of the seriousness of criminal activity in our Nation.

By way of example, let it be noted that during the period 1960-69, crime, as measured by the crime index, increased 119 percent. This represented an annual average growth of nearly 12 percent. In the following 10-year period, 1970-79, crime rose 50 percent, representing an annual average of 5 percent.

To provide a greater understanding regarding reported crime, it is broken down into two groups: violent crime and crime against property. The violent crimes are murder, rape, robbery, and aggravated assault. During the 1960-69 period, violent crimes rose by 129 percent. In the period 1970-79, violent crimes rose 60 percent. The crimes against property—burglary, larceny-theft, and motor vehicle theft—rose 118 percent. In the period 1970-79, the increase was 49 percent.

In order that this committee may more fully understand the dynamics of crime statistics, a copy of the most recent publication, "Crime in the United States—1979," has been made a part of this statement. A graphic representation of the increase of crime, 1960-79, has also been affixed to this testimony.

While the FBI has never previously predicted the incidence of crime, the chart provided with this statement does suggest an anticipated number of original events perceived for calendar year 1980.

Thank you, sir.

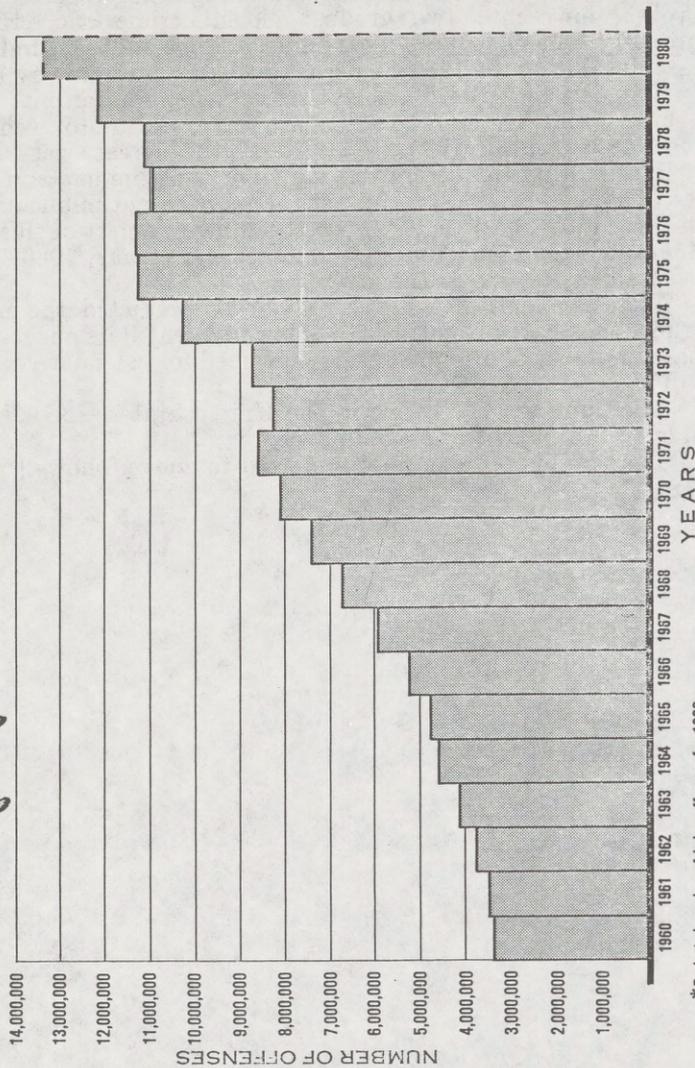
[The publication, "Crime in the United States—1979," referred to above is on file with the committee.]

[The graphic representation referred to above follows:]



CRIME IN THE UNITED STATES, 1960-1980*

NUMBER OF INDEX OFFENSES PER YEAR



*Projected number of index offenses for 1980.

Table 2.—Index of Crime, United States, 1960-1975

Population ¹	Total Crime Index	Violent ² crimes	Property ³ crimes	Murder and non- negligent manslaughter	Forcible rape	Robbery	Aggra- vated assault	Burglary	Larceny- theft	Motor vehicle theft
Number of offenses:										
1960-179,833,175	3,284,200	288,400	3,095,700	9,110	17,190	107,840	154,370	917,100	1,855,400	238,300
1961-182,927,000	3,453,000	289,800	3,168,600	8,740	17,220	106,670	156,760	949,600	1,913,000	330,000
1962-185,771,000	3,732,200	301,010	3,430,700	8,530	17,550	110,600	164,570	994,300	2,029,600	364,800
1963-188,633,000	4,109,500	316,670	3,792,300	8,840	17,550	116,470	174,210	1,085,400	2,297,600	428,200
1964-191,141,000	4,564,600	334,220	4,200,400	9,300	21,420	130,300	203,000	1,213,200	2,514,400	472,800
1965-193,528,000	4,739,400	337,800	4,352,000	9,900	23,410	138,600	215,330	1,282,500	2,572,600	496,000
1966-195,571,000	5,223,500	430,180	4,793,300	11,040	25,870	157,990	233,390	1,410,100	2,822,000	561,200
1967-197,427,000	5,903,400	499,300	5,403,500	12,240	27,630	202,910	257,160	1,622,100	3,111,600	639,600
1968-199,279,000	6,720,200	595,010	6,125,200	13,800	31,670	263,840	286,700	1,838,800	3,682,700	762,000
1969-201,883,000	7,410,900	661,670	6,749,000	14,760	37,170	298,850	311,090	1,981,900	3,888,800	878,500
1970-203,293,796	8,098,000	738,630	7,359,200	16,000	37,990	349,800	334,970	2,203,000	4,223,400	928,800
1971-205,212,000	8,888,200	814,500	7,771,700	17,780	42,760	387,700	368,760	2,229,900	4,454,200	948,200
1972-208,200,000	9,245,800	834,000	7,413,300	18,670	46,850	374,790	393,090	2,275,500	4,151,200	887,200
1973-209,651,000	8,713,100	873,010	7,842,200	19,640	51,400	384,220	420,650	2,565,500	4,347,900	978,800
1974-211,372,000	10,233,400	974,730	9,258,700	20,710	55,400	445,400	456,210	2,639,200	5,265,300	977,100
1975-213,134,000	11,256,800	1,074,260	10,239,800	20,510	56,600	464,970	484,710	2,822,100	5,877,700	1,000,000
Percent change 1960-1975	+232.8	+233.8	+233.5	+123.1	+226.3	+433.2	+214.1	+256.6	+222.3	+206.8
Rate per 100,000 inhabitants:										
1960	1,857.2	160.9	1,726.8	5.1	9.6	60.1	85.1	508.6	1,034.7	133.0
1961	1,906.1	158.1	1,747.9	4.8	9.4	58.7	85.7	518.9	1,045.4	143.8
1962	2,019.8	162.8	1,857.5	4.6	9.4	56.7	88.6	533.2	1,124.8	197.4
1963	2,180.9	166.2	2,012.1	4.6	9.4	61.8	92.4	576.4	1,218.1	216.6
1964	2,388.1	180.8	2,197.8	4.9	11.2	66.2	106.3	634.7	1,315.5	247.4
1965	2,449.0	200.2	2,248.8	5.1	12.1	71.7	111.3	652.7	1,329.3	256.8
1966	2,670.8	220.0	2,450.9	5.6	13.2	80.8	120.3	721.0	1,442.9	296.9
1967	2,969.7	251.2	2,738.5	6.2	14.0	102.8	130.2	826.6	1,575.8	336.1
1968	3,370.2	298.4	3,071.8	6.9	15.9	121.8	143.8	922.9	1,746.6	395.0
1969	3,663.0	328.7	3,334.3	7.3	16.8	148.4	154.5	984.1	1,930.9	436.2
1970	3,964.5	363.5	3,621.0	7.9	18.7	172.1	164.8	1,064.9	2,078.3	484.9
1971	4,164.7	396.0	3,768.8	8.6	20.5	183.0	178.8	1,163.3	2,145.5	458.8
1972	4,361.4	401.0	3,960.4	8.0	22.5	180.7	188.8	1,140.6	1,962.8	428.1
1973	4,154.4	417.4	3,737.0	8.4	24.5	183.1	200.5	1,222.5	2,071.9	443.8
1974	4,840.4	461.1	4,379.3	8.8	26.2	200.8	215.8	1,437.7	2,682.6	482.3
1975	5,281.7	481.8	4,800.2	9.6	26.3	218.2	227.4	1,525.9	2,894.8	498.4
Percent change 1960-1975	+178.8	+192.9	+178.1	+89.2	+174.0	+423.1	+164.1	+200.0	+171.1	+154.5

¹ Population in Bureau of Census provisional estimates as of July 1, except April 1, 1960 and 1960, census.

² Violent crime is offenses of murder, forcible rape, robbery, and aggravated assault. Property crime is offenses of burglary, larceny-theft, and motor vehicle theft.

³ Percent change and crime rates calculated per to rounding number of offenses. Revised estimates and rates based on change in reporting practices.

Table 2.—Index of Crime, United States, 1970—1979

Population ¹	Crime ² Index total	Modified ³ Crime Index total	Violent crime	Property ⁴ crime	Murder and non- negligent man- slaughter	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny- theft	Motor vehicle theft	Arson ⁵
Number of offenses:												
1970-203,235,299	8,098,000		738,820	7,359,200	16,000	37,990	349,860	334,970	2,205,000	4,225,800	928,400	
1971-206,312,000	8,588,200		816,500	7,771,700	17,780	42,260	387,700	368,700	2,399,300	4,424,200	948,200	
1972-209,340,000	8,248,800		834,900	7,413,900	18,670	46,850	376,290	393,090	2,375,500	4,151,200	887,200	
1973-209,851,000	8,718,100		875,910	7,842,200	19,640	51,400	384,220	420,650	2,565,500	4,347,900	928,800	
1974-211,392,000	10,253,400		974,720	9,278,700	20,710	55,400	442,400	456,210	3,039,200	5,262,500	977,100	
1975-213,174,000	11,256,600		1,026,780	10,230,300	20,510	56,090	464,970	484,710	3,252,100	5,977,700	1,000,500	
1976-214,659,000	11,304,800		986,580	10,318,200	18,780	56,730	420,210	490,850	3,069,800	4,270,800	957,400	
1977-216,332,000	10,935,800		1,009,500	9,926,300	19,120	63,020	404,850	522,510	3,052,200	5,905,700	965,400	
1978-218,059,000	11,141,300		1,061,830	10,079,500	19,560	67,130	417,040	558,100	3,104,500	5,983,400	991,600	
1979-220,099,000	12,152,700		1,178,540	10,974,200	21,460	75,990	466,880	614,210	3,299,500	6,577,500	1,097,200	
Rate per 100,000 inhabitants ⁶												
1970	3,984.5		363.5	3,621.0	7.9	18.7	172.1	164.8	1,084.9	2,079.3	456.8	
1971	4,164.7		396.0	3,768.8	8.6	20.5	189.0	178.8	1,163.5	2,145.5	459.8	
1972	3,961.4		401.0	3,560.4	9.0	22.5	180.7	188.8	1,140.8	1,993.6	438.1	
1973	4,154.4		417.4	3,737.0	9.4	24.5	183.1	200.5	1,222.5	2,071.9	462.2	
1974	4,850.4		461.1	4,389.3	9.8	26.2	209.3	215.8	1,437.7	2,489.5	462.2	
1975	5,281.7		481.5	4,800.2	9.6	26.3	218.2	227.4	1,525.9	2,804.8	469.4	
1976	5,266.4		459.6	4,806.8	8.8	26.4	195.8	228.7	1,639.6	2,921.3	466.1	
1977	5,055.1		466.6	4,588.4	8.8	29.1	187.1	241.5	1,410.9	2,729.9	447.6	
1978	5,109.3		486.9	4,622.4	9.0	30.8	191.3	255.9	1,423.7	2,743.9	454.7	
1979	5,521.5		535.5	4,986.0	9.7	34.5	212.1	279.1	1,499.1	2,988.4	498.5	

¹Populations are Bureau of Census provisional estimates as of July 1, except April 1, 1970, census.

²Due to rounding, the offenses may not add to totals.

³The collection of statistics on arson, a newly established Index offense, was begun in 1979. However, summary statistics are not yet available for inclusion in this table. The number of arson offenses reported by individual law enforcement agencies is displayed in tables 6 through 9 of this publication.

⁴Violent crimes are offenses of murder, forcible rape, robbery, and aggravated assault. Property crimes are offenses of burglary, larceny-theft, and motor vehicle theft. Data are not included for the property crime of arson.

⁵Crime rates calculated prior to rounding number of offenses.

APPENDIX IV

10-YEAR TRENDS IN CRIME, 1970-1979

This appendix graphically presents quarterly crime data for the 10-year period, 1970-1979, and examines basic crime trends. The approach taken herein supplements percent-change comparisons for two 1-year periods and yields a generalized perspective of the movement of crime.

While a particular offense may possess a substantial number of traits or attributes in common with other crimes, each offense has its own unique patterns and characteristics. Because of the emphasis on the individuality of each crime in the appendix, no higher level of aggregation was introduced.

Quarterly crime rates for each Index offense were computed for the period 1970-1979, utilizing data from agencies having submitted all 12 months of crime reports and the corresponding agency jurisdictional populations. Statistics on arson are not included in the appendix since the collection of data on this crime did not commence until April of 1979. Population figures were not adjusted to account for possible quarterly changes.

The first quarter of 1970 was selected as the base period and the quarterly crime rate corresponding to that period was equated to 100. The "relative" quarterly crime rates

resulting from the standardization process are presented in both graphic and tabular form.

In order to eliminate the effect of seasonal fluctuations, 4-quarter moving averages were computed for each Index crime. The results of these computations are presented in both graphic and tabular form. On the graphs, the moving average curves are depicted as smooth dotted lines that pass through the quarterly data.

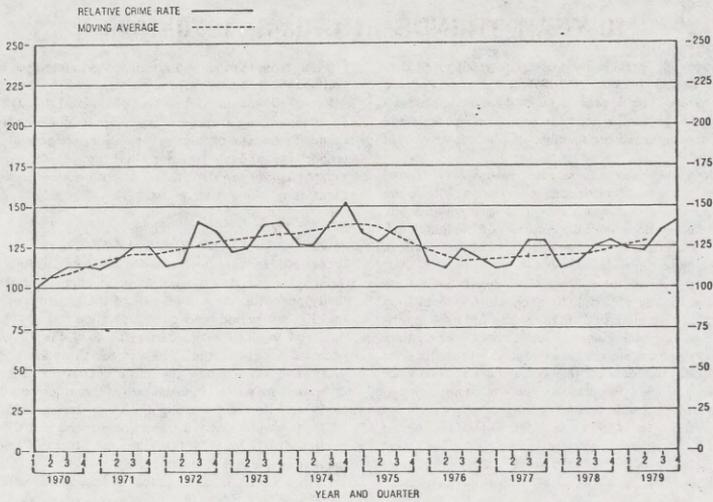
Murder Trend

During the 10-year period, 1970-1979, the relative crime rates for murder fluctuated between 100 and 153. Although seasonality was not pronounced, murder consistently peaked in the second half of the year throughout the 10-year period under consideration. Yearly highs occurred in the fourth quarter for 5 of the 10 years, occurred jointly in the third and fourth quarters for 3 years, and occurred in the third quarter for 2 years. Overall, there was a gradual increase in murder from 1970 to 1974, followed by a slight decline during 1975 and 1976. A gradual upward trend commenced in 1977 and continued through 1979. It is anticipated that this upward movement will continue into 1980.

Murder Trend by Quarter 1970-1979							
Year	Quarter	Relative Crime Rate	Moving Average	Year	Quarter	Relative Crime Rate	Moving Average
1970	1 January-March	100	106	1975	1 January-March	134	138
	2 April-June	106	108		2 April-June	128	136
	3 July-September	114	110		3 July-September	136	131
	4 October-December	114	113		4 October-December	136	127
1971	1 January-March	112	115	1976	1 January-March	115	123
	2 April-June	116	118		2 April-June	111	119
	3 July-September	125	120		3 July-September	123	116
	4 October-December	126	120		4 October-December	118	116
1972	1 January-March	114	122	1977	1 January-March	112	117
	2 April-June	115	124		2 April-June	113	119
	3 July-September	140	126		3 July-September	128	120
	4 October-December	130	128		4 October-December	128	130
1973	1 January-March	121	129	1978	1 January-March	111	120
	2 April-June	124	130		2 April-June	115	120
	3 July-September	138	132		3 July-September	125	121
	4 October-December	140	133		4 October-December	128	124
1974	1 January-March	127	133	1979	1 January-March	123	126
	2 April-June	126	135		2 April-June	122	128
	3 July-September	139	137		3 July-September	134	*
	4 October-December	153	138		4 October-December	140	*

*Final crime data for the first and second quarters of 1980 are not available for computing moving averages for the last two quarters of 1979.

MURDER TREND BY QUARTER, 1970-1979



Forcible Rape Trend

Between 1970 and 1979, the relative crime rate for forcible rape ranged from 100 to 221. The low occurred in the first quarter of 1970, while the high was reached in the third quarter of 1979. Forcible rape invariably peaked in the summer months and was lowest in the winter months of the year. As can be seen from the accompanying chart,

quarterly forcible rape rates are distinguished by undulations with pointed peaks and troughs.

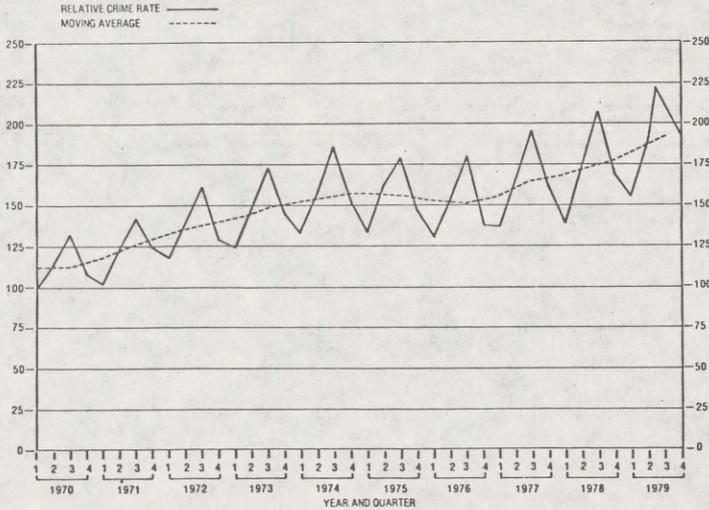
The moving average indicated (except for a slight decline during 1975 and 1976) a steady increase between 1970 and 1979. Further, forcible rape showed the highest increase among all Crime Index offenses during the past decade. The trend has shown no sign of mitigating.

Forcible Rape Trend by Quarter
1970-1979

Year	Quarter	Relative Crime Rate	Moving Average	Year	Quarter	Relative Crime Rate	Moving Average
1970	1 January-March	100	112	1975	1 January-March	133	156
	2 April-June	114	113		2 April-June	162	155
	3 July-September	131	113		3 July-September	178	155
	4 October-December	108	115		4 October-December	147	153
1971	1 January-March	101	117	1976	1 January-March	130	152
	2 April-June	123	121		2 April-June	151	151
	3 July-September	142	125		3 July-September	179	150
	4 October-December	124	129		4 October-December	137	153
1972	1 January-March	118	133	1977	1 January-March	136	156
	2 April-June	137	135		2 April-June	165	161
	3 July-September	160	137		3 July-September	195	164
	4 October-December	129	139		4 October-December	160	166
1973	1 January-March	123	141	1978	1 January-March	139	168
	2 April-June	148	145		2 April-June	174	171
	3 July-September	171	148		3 July-September	206	174
	4 October-December	144	149		4 October-December	168	177
1974	1 January-March	131	152	1979	1 January-March	154	181
	2 April-June	155	154		2 April-June	187	186
	3 July-September	183	155		3 July-September	221	*
	4 October-December	150	156		4 October-December	193	*

*Final crime data for the first and second quarters of 1980 are not available for computing moving averages for the last two quarters of 1979.

FORCIBLE RAPE TREND BY QUARTER, 1970-1979



* THE FIRST QUARTER OF 1970 IS EQUATED TO 100 AND IS USED AS A BASE PERIOD.

Robbery Trend

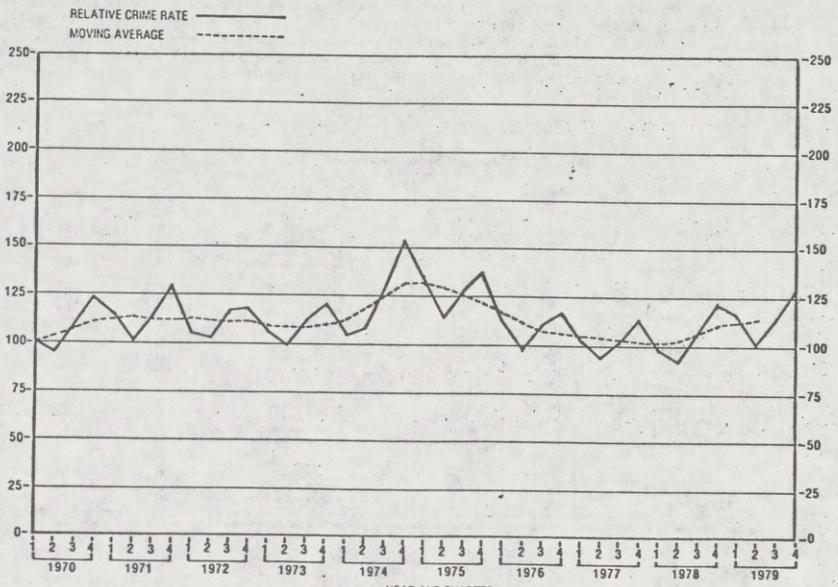
From 1970 to 1979, the relative crime rate for robbery varied between 91 and 152. The high was reached in the fourth quarter of 1974, while the low occurred in the second quarter of 1978. Although seasonality was generally mild, robbery consistently peaked in the fourth quarter and bottomed out in the second quarter of the year. It will be noted that the configuration of quarterly robbery rates is generally characterized by single peaks and troughs.

According to the moving average figures, there was a period of relative stability between 1970 and 1973. The robbery trend began to increase toward the end of 1973 and continued to rise until the close of 1974. This upward movement was followed by a steady decline between 1975 and 1977, which gave way to an upward trend that lasted into 1979. This latter trend increase, however, has not yet reached the peak experienced in 1974.

Robbery Trend by Quarter 1970-1979							
Year	Quarter	Relative Crime Rate	Moving Average	Year	Quarter	Relative Crime Rate	Moving Average
1970	1 January-March	100	100	1975	1 January-March	132	131
	2 April-June	95	104		2 April-June	114	130
	3 July-September	108	108		3 July-September	128	125
	4 October-December	123	111		4 October-December	137	121
1971	1 January-March	115	112	1976	1 January-March	112	116
	2 April-June	101	114		2 April-June	97	111
	3 July-September	113	113		3 July-September	110	106
	4 October-December	129	112		4 October-December	116	106
1972	1 January-March	105	113	1977	1 January-March	103	105
	2 April-June	103	112		2 April-June	94	104
	3 July-September	117	111		3 July-September	102	103
	4 October-December	118	111		4 October-December	114	102
1973	1 January-March	106	109	1978	1 January-March	98	102
	2 April-June	99	109		2 April-June	91	103
	3 July-September	112	109		3 July-September	106	106
	4 October-December	120	110		4 October-December	122	110
1974	1 January-March	105	113	1979	1 January-March	115	112
	2 April-June	108	119		2 April-June	100	114
	3 July-September	127	126		3 July-September	114	*
	4 October-December	152	131		4 October-December	129	*

*Final crime data for the first and second quarters of 1980 are not available for computing moving averages for the last two quarters of 1979.

ROBBERY TREND BY QUARTER, 1970-1979



* THE FIRST QUARTER OF 1970 IS EQUATED TO 100 AND IS USED AS A BASE PERIOD.

Aggravated Assault Trend

During the decade, 1970 to 1979, the relative crime rate for aggravated assault oscillated between 100 and 201. The rate was lowest in the first quarter of 1970 and reached a peak in the third quarter of 1979. Aggravated assault was consistently highest in the third quarter and lowest in the first quarter of each year. A review of the

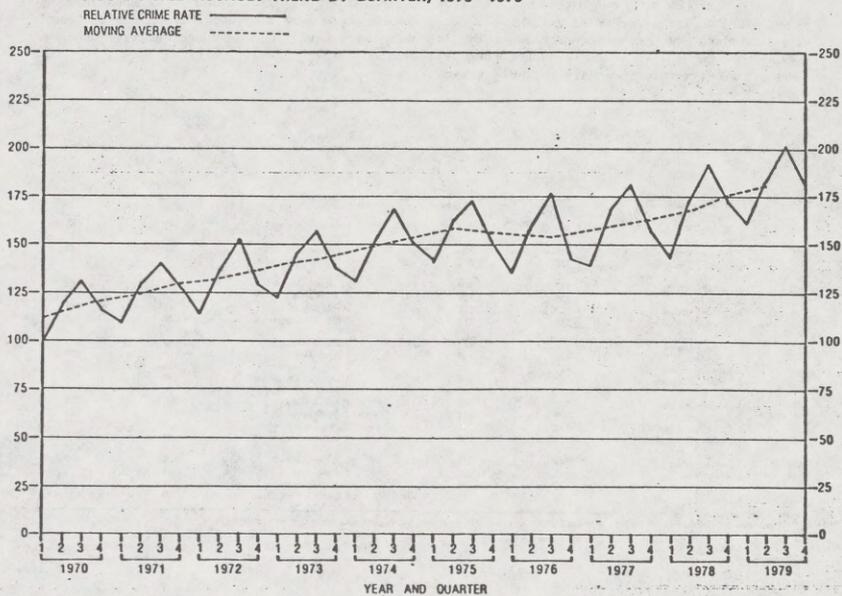
accompanying graph shows that undulations for quarterly aggravated assault rates were marked by single peaks and troughs.

The moving average trend generally displayed a steady upward movement, commencing in the first quarter of 1970 and continuing through the end of 1979. This steady increase shows no signs of abating.

Aggravated Assault Trend by Quarter 1970-1979							
Year	Quarter	Relative Crime Rate	Moving Average	Year	Quarter	Relative Crime Rate	Moving Average
1970	1 January-March	100	112	1975	1 January-March	141	156
	2 April-June	119	115		2 April-June	163	157
	3 July-September	130	117		3 July-September	173	156
	4 October-December	115	120		4 October-December	150	155
1971	1 January-March	109	123	1976	1 January-March	135	154
	2 April-June	129	124		2 April-June	158	154
	3 July-September	138	126		3 July-September	175	153
	4 October-December	126	128		4 October-December	143	155
1972	1 January-March	114	130	1977	1 January-March	139	157
	2 April-June	136	132		2 April-June	167	159
	3 July-September	151	134		3 July-September	180	161
	4 October-December	129	136		4 October-December	157	163
1973	1 January-March	123	138	1978	1 January-March	143	165
	2 April-June	145	140		2 April-June	173	168
	3 July-September	156	142		3 July-September	191	172
	4 October-December	139	144		4 October-December	173	176
1974	1 January-March	131	146	1979	1 January-March	160	178
	2 April-June	151	149		2 April-June	183	180
	3 July-September	168	151		3 July-September	201	"
	4 October-December	150	154		4 October-December	182	"

*Final crime data for the first and second quarters of 1980 are not available for computing moving averages for the last two quarters of 1979.

AGGRAVATED ASSAULT TREND BY QUARTER, 1970-1979



* THE FIRST QUARTER OF 1970 IS EQUATED TO 100 AND IS USED AS A BASE PERIOD.

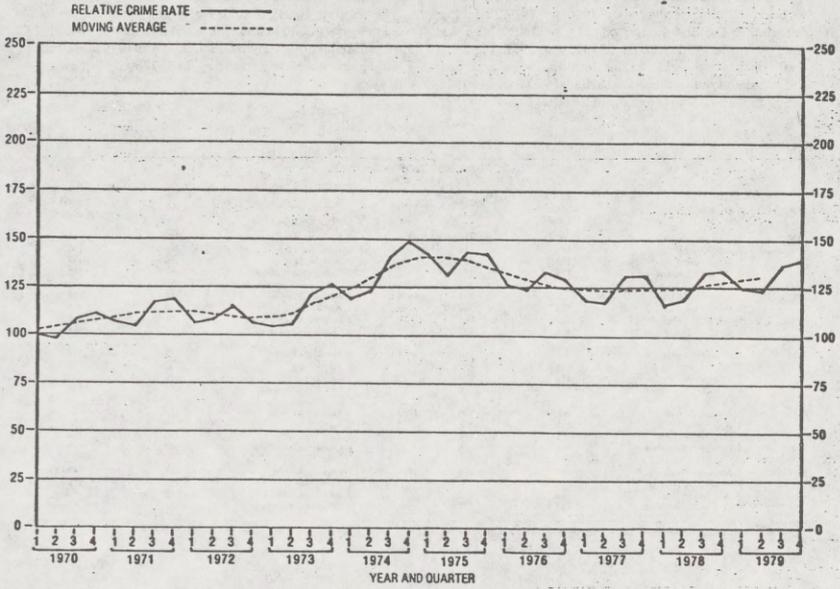
Burglary Trend

The relative crime rate for burglary fluctuated between 99 and 148. Burglary peaked in the second half of each year throughout the entire decade under study. In reviewing the graph, it will be observed that the burglary trend data were generally characterized by dual peaks and troughs.

The moving average curve began to rise in 1973. This uptrend lasted until the end of 1974, at which time the data began to show a decline. This decrease continued until the end of 1976, after which the curve remained relatively stable.

Burglary Trend by Quarter 1970-1979							
Year	Quarter	Relative Crime Rate	Moving Average	Year	Quarter	Relative Crime Rate	Moving Average
1970	1 January-March	100	101	1975	1 January-March	142	141
	2 April-June	99	104		2 April-June	131	140
	3 July-September	109	106		3 July-September	143	138
	4 October-December	112	108		4 October-December	142	135
1971	1 January-March	107	109	1976	1 January-March	127	133
	2 April-June	105	111		2 April-June	124	130
	3 July-September	117	112		3 July-September	133	127
	4 October-December	118	112		4 October-December	128	125
1972	1 January-March	106	112	1977	1 January-March	119	124
	2 April-June	108	110		2 April-June	118	124
	3 July-September	115	109		3 July-September	131	125
	4 October-December	107	109		4 October-December	131	124
1973	1 January-March	105	109	1978	1 January-March	117	125
	2 April-June	106	112		2 April-June	119	125
	3 July-September	121	116		3 July-September	133	127
	4 October-December	126	120		4 October-December	134	128
1974	1 January-March	119	125	1979	1 January-March	125	130
	2 April-June	123	130		2 April-June	124	131
	3 July-September	140	135		3 July-September	137	*
	4 October-December	148	139		4 October-December	139	*

*Final crime data for the first and second quarters of 1980 are not available for computing moving averages for the last two quarters of 1979.

BURGLARY TREND BY QUARTER, 1970-1979

Larceny-theft Trend

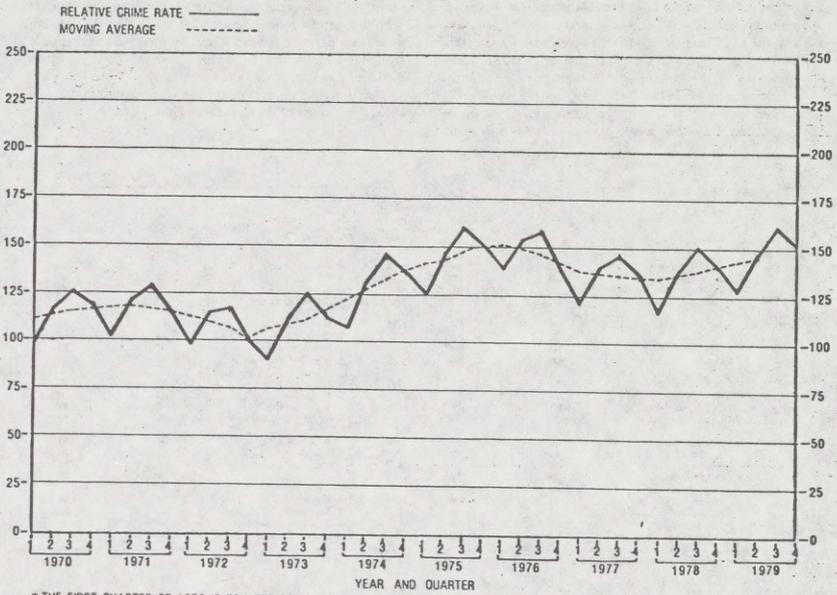
Larceny-theft relative crime rates fluctuated between 92 and 160 during the years 1970 to 1979. The low occurred in the first quarter of 1973, while the high was reached in the third quarters of 1975 and 1979. Larceny-theft consistently peaked in the third quarter of each year and bottomed out in the first quarter of all years but 1976, when the annual low occurred in the fourth quarter.

Generally, the configuration of quarterly larceny-theft rates was characterized by singular peaks and troughs.

The moving average curve for larceny-theft began to rise at the start of 1973 and continued its ascent until early 1976. Subsequently, a 2-year decline was experienced, but a rise again ensued, commencing in 1978 and continuing into 1979.

Larceny-theft Trend by Quarter 1970-1979							
Year	Quarter	Relative Crime Rate	Moving Average	Year	Quarter	Relative Crime Rate	Moving Average
1970	1 January-March	100	111	1975	1 January-March	126	141
	2 April-June	116	114		2 April-June	146	144
	3 July-September	125	115		3 July-September	160	148
	4 October-December	118	116		4 October-December	151	150
1971	1 January-March	103	117	1976	1 January-March	140	151
	2 April-June	121	118		2 April-June	154	149
	3 July-September	129	117		3 July-September	159	146
	4 October-December	116	115		4 October-December	138	142
1972	1 January-March	98	113	1977	1 January-March	123	138
	2 April-June	115	110		2 April-June	140	136
	3 July-September	117	107		3 July-September	146	135
	4 October-December	100	106		4 October-December	135	134
1973	1 January-March	92	106	1978	1 January-March	116	134
	2 April-June	111	109		2 April-June	138	136
	3 July-September	125	112		3 July-September	150	138
	4 October-December	113	117		4 October-December	141	140
1974	1 January-March	108	122	1979	1 January-March	128	143
	2 April-June	132	128		2 April-June	147	145
	3 July-September	146	133		3 July-September	160	*
	4 October-December	137	137		4 October-December	151	*

*Final crime data for the first and second quarters of 1980 are not available for computing moving averages for the last two quarters of 1979.

LARCENY—THEFT TREND BY QUARTER, 1970—1979

Motor Vehicle Theft Trend

The relative crime rates for motor vehicle theft fluctuated between 84 and 112, the lowest range of variation of any Index offense during the 10-year period under study. The low was reached in the first quarter of 1978, while the peak was reached in the fourth quarter of 1970 and the third quarter of 1971. Generally, motor vehicle theft peaked in the third quarter of each year. Only in 1970, when the relative crime rate peaked in the fourth quarter,

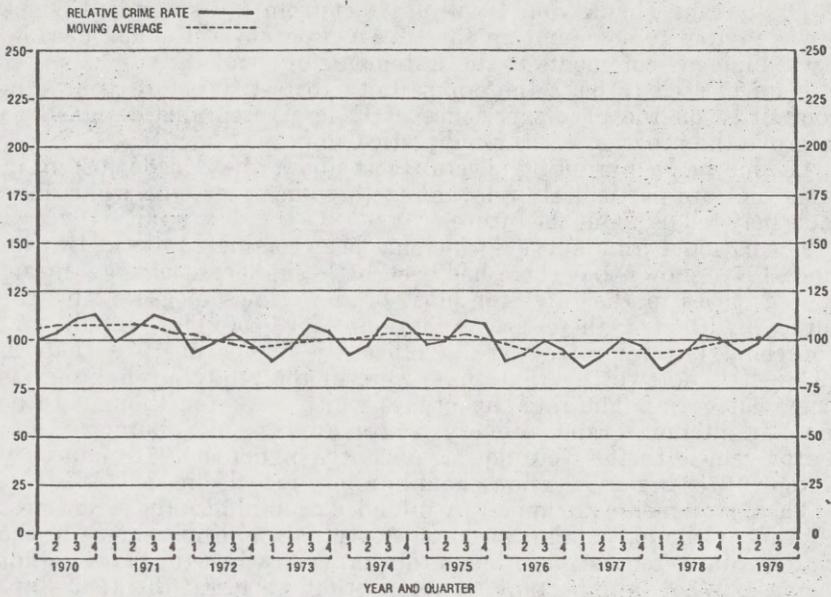
was this not the case. The low for motor vehicle theft consistently occurred in the first quarter of the year. It will be noted from a review of the graph that the relative crime rate data are characterized by dual peaks and single troughs, a departure from the types of configurations distinguishing the other Index crimes.

The moving average trend was generally stable throughout most of the decade under review.

Motor Vehicle Theft Trend by Quarter
1970-1979

Year	Quarter	Relative Crime Rate	Moving Average	Year	Quarter	Relative Crime Rate	Moving Average
1970	1 January-March	100	106	1975	1 January-March	97	103
	2 April-June	104	107		2 April-June	98	101
	3 July-September	111	107		3 July-September	109	102
	4 October-December	112	107		4 October-December	107	100
1971	1 January-March	99	107	1976	1 January-March	89	98
	2 April-June	105	107		2 April-June	92	95
	3 July-September	112	106		3 July-September	99	93
	4 October-December	109	104		4 October-December	94	93
1972	1 January-March	93	102	1977	1 January-March	85	93
	2 April-June	98	99		2 April-June	92	93
	3 July-September	103	97		3 July-September	100	93
	4 October-December	97	96		4 October-December	97	93
1973	1 January-March	89	97	1978	1 January-March	84	93
	2 April-June	95	98		2 April-June	91	94
	3 July-September	107	99		3 July-September	102	96
	4 October-December	104	100		4 October-December	100	98
1974	1 January-March	92	100	1979	1 January-March	94	99
	2 April-June	97	101		2 April-June	98	101
	3 July-September	110	102		3 July-September	108	*
	4 October-December	108	103		4 October-December	105	*

*Final crime data for the first and second quarters of 1980 are not available for computing moving averages for the last two quarters of 1979.

MOTOR VEHICLE THEFT TREND BY QUARTER, 1970-1979

Senator HEFLIN. Thank you.

Dr. Harry Scarr is our next witness.

Dr. SCARR. Thank you. I will abstract from my statement, since I was invited to comment on the LEAA program of the last decade. I will limit my comments to the statements of trends.

I am pleased to have the opportunity to testify before your subcommittee on the past experience of Federal programs designed to improve the program of criminal justice.

Let me begin by noting several facts about the decade just past, facts that are particularly relevant to these hearings, and what these facts may tell us about the future.

The national crime survey, which has been conducted by the Bureau since 1972, shows that there has been little significant change during the seventies in the rates for most of the crimes measured by the survey. Although there are exceptions—for example, assault and household larceny rates were significantly higher in 1979 than in 1973—it is noteworthy that these were in the relatively less serious crime categories. The rates for crimes which are often thought to be most frightening—rape, robbery, aggravated assault, burglary, and motor vehicle theft—were not significantly higher in 1979 than they were in 1973; in fact, the household burglary rate declined.

These statements are in no way intended to minimize the seriousness of crime. Criminal victimization of individuals and households in the United States remains a serious problem, even when the rates do not increase. What is important to note is that we begin the 1980's apparently in a considerably different stance than we began the 1970's, when the best information we had available at that time indicated that the serious crime rate had been increasing substantially throughout the previous decade, the 1960's. There are several things that will affect the crime rate.

First, our changing demography has potential implications for changing the allocation of resources across the different elements of the criminal justice system. The aging of the population in our country can be expected to result in a relatively diminishing demand for resources for apprehension purposes but, paradoxically, in a relatively heavier demand for resources for correctional purposes. Interestingly enough, although it is the young who commit the crimes that make the most intensive demands on the law enforcement community, it is the older, more persistent criminals who represent the major burden on our correctional systems.

This is not an original idea. Dr. Bernstein of Carnegie Mellon Institute advances it in a much more scholarly manner.

Thus, as the population distribution in the United States changes, with the aging out of the high-crime-rate teens into the high-imprisonment-rate twenties of those born during the period 1947-62 following World War II, known as the baby boom, the criminal justice system will be required to respond by redistributing its resources accordingly among the various components.

Second, in planning the redistribution of justice system resources to meet this population change, we must recognize the temporary nature of the pressure for more correctional resources in the United States. In about 10 years, those born during the baby boom will also have passed through the high-imprisonment ages. Thus, the appro-

ropriate response for the United States to the resulting pressure on corrections facilities may not necessarily be the expansion of prison capacity by building expensive new facilities that would have only a short useful life and that could not be otherwise justified. Rather, a more appropriate response may be to focus on the marginal prisoners for the purpose of finding other more creative ways for dealing with them outside the traditional prison setting, at least for the next decade.

Third, the experience of the United States suggests that successful approaches to crime prevention and offender treatment must rely increasingly on methods that are demonstrably realistic and cost effective. In my opinion, it is imperative that the Federal Government continue to support a vigorous research, development, and statistical program in the areas of crime prevention and offender management, principally to assure that the knowledge base from which we operate is the best that can be obtained. We can no longer afford the uncritical acceptance of ideas that we wish were true and the consumption of scarce resources to implement those ideas. We must satisfy ourselves on the basis of solid evidence, gathered according to the best scientific methods available, that the ideas upon which action is to be predicated are, in fact, true.

Fourth, shifts in the nature of crime require shifts in the nature of law enforcement responses to concentrate on different kinds of crime from those which have traditionally commanded the attention of law enforcement officials, and to focus some resources on different kinds of criminals. We are, for example, devoting much greater attention than we have in the past to white-collar crime, fraud, computer crime, economic and regulatory crime, environmental crime, political corruption, and terrorism.

Fifth, the need for international cooperation in dealing with crime will expand. Circumstances attending economic progress, such as inexpensive and rapid international travel, easily permeable borders, and technologically sophisticated means of communication, all reduce the historical significance of geographic boundaries. We believe that all countries will very likely increase their cooperative efforts to improve their collective ability to deal with criminals who today take advantage of the fact that international borders are currently less of a barrier to transnational crimes than they are to international law enforcement efforts.

Examining these trends—a relatively stable crime rate, shifts in the demography of the general population, expected changes in prison population, shifts in law enforcement resources to white-collar crime and international offenders, and diminishing resources that will put empirical information at a premium—trends which indicate to us the larger issues criminal justice has faced in the past decade, and having made some guesses about those we expect to need attention in the coming decade, let me now turn to the nature of the Federal involvement in criminal justice, what we have learned from that involvement in the past, and what I, from my limited perspective and specialized experience, think that involvement might be in the future, given those trends and lessons.

I would like to comment briefly on what we have learned from the past decade, even though this panel is limited to the statistics of the crime problem.

To begin with, it is difficult to recall just how little we knew about criminal justice 12 years ago compared to what we now know. The trends that I discussed just a few moments ago were, for the most part, unmeasurable with any meaningful degree of precision in 1968. It was through Federal leadership and funding that trend statistics like these were developed. Federal leadership and funding were also instrumental in establishing criminal justice research and development communities in academia, in nongovernmental think tanks, in research organizations, in universities, and in private industry. So the information we have available to us now is much better than the information we had available to us then to deal with this chronic and persistent problem.

The research and development community has taught us much of what we know about criminal justice today, information that was either directly funded by the Federal Government or was indirectly promoted by the Federal Government by creating interest in criminal justice in the research and development community.

Mr. Chairman, I think Federal leadership and funding during the seventies enabled us to develop better statistics describing crime. I believe that that funding affected the uniform crime reporting program and enabled us to begin the national survey of victims of crime which enabled us to look at the dark figures of crime, those crimes that are apparently committed in the population, but do not come to the attention of the police. That, Mr. Chairman, is one of the greatest challenges facing us in the eighties, to begin to understand what determines that particular figure.

Mr. Chairman, I think that the remainder of my remarks deal with the LEAA and the Federal Government's experience over the past decade, so I would like to conclude there.

Thank you.

Senator HEFLIN. Thank you.

Next we will hear from Mr. Flanagan.

Mr. FLANAGAN. Thank you.

My name is Timothy Flanagan. I will also abstract from the statement and concentrate on four areas: trends in official crime statistics over the recent 20 years, 7-year trend findings from the national crime survey program, some of the literature and the research that has been done on correlates of the national crime rate, and, finally, data from the periodic national public opinion surveys that have sought to measure the public's perception of the level of crime and the degree of public fear of crime.

As Dr. Zolbe mentioned, the uniform crime reports are the oldest and best known sources of data on the nature and extent of crime in this country. Some of the limitations of using the UCR data base essentially for trend analysis have been noted in the past.

One question of interest in the sixties was whether we were seeing an actual increase in the crime rate or whether we were seeing increases in reporting to the police and reporting of offenses by police agencies. Although those problems have not been resolved with any finality at this point, the data show from 1960 to 1979 the rate per 100,000 persons for the total index crime rate has increased by 193 percent. The violent crime rate demonstrates a greater increase over the 20-year period than the property crime rate. The rate of violent crime

in 1979 increased by 47 percent over 1970 and by 233 percent over 1960 levels.

The Northeast region led the country over the past two decades in increases in the total index crime rate, followed by the Southern region and the North Central States. The Western region recorded the smallest percent increase in the total crime rate from 1960 to 1979, but it must be observed that the Western region began and ended the time series with the highest actual crime rate. For example, in 1979, the total index crime rate for the Western States was 31 percent higher than the rate in the Northeast, 41 percent higher than the North Central region, and 35 percent higher than the Southern region.

For the violent crime rate over the period 1960 to 1979, the Northeast region rose 499 percent, the North Central 218 percent, the Southern 247 percent, and the Western States 274 percent. However, once again, the Western region began and ended the period with the highest violent crime rate. In 1979, the Western violent crime rate was 12 percent higher than the Northeast, 61 percent higher than the North Central, and 25 percent higher than the Southern region rate.

Historically, urban areas have been thought to be centers of criminal activity while suburban and rural areas have been characterized as comparatively safe locales. These assumptions are, in some respects, affirmed by the trend data on crime rates when examined in relation to size of place. However, in other respects, these assumptions are questioned.

In each year of the past two decades, the rate of reported crime in urban areas has been substantially greater than the rate for non-SMSA areas and rural areas.

The characteristics of arrests over time give us some indication of the changing nature of the crime problem. In recent years we have heard a lot of discussion about a juvenile crime wave, especially with respect to violent crimes. The pattern shows that the youth share of arrests varied by time of crime. In 1979, for example, persons under 18 accounted for 43 percent of arrests for property crimes and 20 percent for arrests for violent offenses. However, the proportion of arrests attributed to persons under 18 has remained stable over time, only varying between 20 and 23 percent of all of the rest of the violent crimes. Thus, these data would not lend credence to the arguments insofar as the relative contribution of youthful arrests to the total arrest picture, which appears to have been stable over the last decade.

With respect to the distribution by sex, however, we have seen a doubling of arrests attributable to females for property offenses during the past two decades. However, arrests attributed to females for violent crimes has remained stable during the past 20 years. Because property crimes make up the bulk of the index total, the total crime index also reflects a doubling of the proportion of arrests involving females.

The proportion of arrests for violent crimes that is attributed to whites has hovered at about 44 percent during the period of 1960 to 1979, while the white share of property crime arrests has been around 68 percent. The proportionate share of blacks has been roughly 54 percent and 29 percent, respectively. The proportion of arrests involving other races has never exceeded 2.5 percent. Thus, while blacks have been, and continue to be, overrepresented in the official arrest

statistics relative to the proportion of blacks in the general population, this fraction does not appear to be increasing over time.

The final measure of police activity to be examined is the clearance rate or the proportion of crimes known to the police that are cleared by arrests. Clearance rates for violent crimes are substantially higher than for property crimes. The clearance rates vary by size of place. These data show that rural areas have slightly higher clearance rates than cities or suburban areas for property crimes, but substantially higher clearance rates for violent crimes.

Also a pattern that emerges from the data is the relative stability of the clearance rates, especially during the last decade. In the total index crimes, the clearance rates for cities from 1970 to 1979 have ranged from 19 to 22 percent, for suburban areas from 16 to 20 percent, and in rural areas from 22 to 25 percent.

An alternative approach to the measurement and assessment in trends of criminal behavior is represented by the data collected through the national crime survey, as Dr. Zolbe mentioned.

The national crime survey is a continuous national survey of households that collects data on the criminal victimization experiences of household members. It attempts to get around the real limitation of the uniform crime reporting system, which is that it is restricted to crimes known to police.

The 1973 to 1979 data show that crimes of violence increased by 6.1 percent, led by a nearly 17-percent increase in the simple assault victimization rate and a nearly 14-percent increase in the rape rate.

In the household sector, rates of burglary and motor vehicle theft decreased by over 8 percent. However, household larceny was recorded at a 25-percent increase.

There has been some discussion among social scientists, especially since the data from the national crime survey has come out about the apparent inconsistency between victimization rates derived from the surveys and official estimates of crime rates as recorded by the UCR data.

In short, the two programs seem, at least on their face, to paint a different picture of the crime problem.

I think the conventional wisdom on the issue now is that neither of the programs is capable of providing us with a true estimate of the volume of crime in the United States. Both of the programs have inherent strengths, have inherent limitations; and I think that knowledge of both is necessary to fully understand the changes in the nature of crime.

With respect to forecasts into the future, the critical issue is to discover what factors in society drive the crime rate, what factors are associated with increases in crime over time. Once they are identified, then it becomes a relatively straightforward process of projecting those into the future. The critical issue which remains unresolved is to find those indicators.

The most clearly documented factor is the age composition of the population.

To the extent that we have a change in the age structure, we will have changes in the crime rate.

Other factors which are debated are mobility pattern, racial composition, economic trends, changes in lifestyle.

On the plane down this morning, I noted in the New York Times an article which indicated a Bureau of the Census report of data which indicated a 51-percent increase in female-headed families during the decade of 1970 to 1979. The implications and ramifications for the crime rate are largely unknown, but can be speculated.

Given the limitations of our ability to predict, recent forecasts can be noted.

In an analysis of crime rates from 1950 to 1978, Fox found that the proportion of young nonwhite males and the Consumer Price Index were both strongly related to the crime rate and, on the basis of that, predicted a general reduction in the 1980's and a trend increase in the 1990's.

The forecast of robbery, burglary, and auto theft rings for 1985 reported by Cohen, Felson & Land also incorporates anticipated shifts in the age structure of the population during the next 5 years.

Finally, one last measure of the problem of crime in this country are the periodic opinion surveys of the public that have been done by national polling organizations on fear of crime.

The trends are very disconcerting. The Harris survey shows that a plurality of the population feels that the crime rate in their own area has increased over the previous year. The Gallup organization and the National Opinion Research Center indicate that 40 to 45 percent feel that there are areas within a mile of their home in which they would be afraid to walk alone at night.

During the period 1966 to 1978, between 40 and 60 percent of the public told opinion survey interviewers that they felt more uneasy on the streets than they had in the previous year. Although this proportion has been falling somewhat since 1975, the difference is being made up in large measure by respondents who report that they feel not much different in terms of personal safety rather than less uneasy.

So in summary, while some of the projections are encouraging with respect to at least the short term, 5-to-10-year projections of the crime rate, the very real problem, fear of crime in the cities, and the consequences of that for the quality of American life, deserve equal attention.

Senator HEFLIN. Thank you.

Mr. Zolbe, I am interested in your testimony.

The crime rate index figures from 1960 to 1969, compared to the period 1970 to 1979—during the decade of the sixties, crime increased 119 percent; but in the seventies, it increased by only 50 percent. The same is true with violent crimes. There is a sizable reduction in the percentage of increase during the seventies on an annual basis.

Of course, the decade of the seventies did not have LEAA. LEAA was created by an act of Congress in 1968.

I make this observation and, because of your position with the FBI, I do not expect you to reply to this. It would appear that the growth of crime was reduced during the period that LEAA was operating at its fullest. That is a comment of mine. I think your statistics would support that.

Do you care to comment?

Mr. ZOLBE. When we compute the percentages, obviously we are dealing with a larger number, so that 50 percent might not be as inconsequential as it seems on the face of it because crime has in fact

continued to increase. What we don't know is what that growth would have been without LEAA.

Senator HEFLIN. I notice you have a graph attached to your written statement and I wanted Senator Dole to become cognizant of this.

It shows that in 1975, the total number of offenses was just slightly over 11 million. There was very little increase in the total; a decrease in 1977 and 1978.

I would like to comment that Mr Peter Velde was the Administrator of the LEAA during the 1974-76 period. So Mr. Velde, it appears that during your administration, you brought about a restraint on crime.

I am interested in the course of predictions of what might happen with crime in the future.

Your written testimony is very helpful. I do not know whether there have been any studies of, say, crime and its relationship to a recession, which would have an effect on unemployment.

Do any of you have any figures that show a relationship to years of recession and crime, in regard to those particular periods?

Mr. FLANAGAN. One of the studies I mentioned, the one done by Cohen, Felson & Land, took into account the changes in the employment rate in the future in calculating forecasts of the crime rate.

They note that the influence of increased unemployment varies by type of crime.

For the burglary rate, for example, increased unemployment might mean the presence of additional guardians around households, and they may have an effect which would decrease the household's burglary rate.

However, in robbery, for example, economic conditions may have the opposite effect. I would say at least the social science literature has not resolved that issue, however, the true effects of economic conditions measured on the crime rate. We can only speculate.

Senator HEFLIN. I have seen in recent reports in the media that there have been some statistics of crime in rural areas and that the increase in crime in rural areas in recent years has grown unusually large, particularly in comparison with urban crime.

Is there any significance to that fact that any of you gentlemen would like to point to?

Mr. ZOLBE. It could very well be the mobility factor that we are involved in, and it has been transpiring over the past two decades, as you are well aware.

In our most recent release, which reflects the reported crime incidence in the first half of 1980, as compared to that same period in 1979, we found that total crime increased by 14 percent, but the national experience was only 10 percent.

So there is, in fact, data available to indicate more crime is occurring in the rural areas than has occurred in the past, as opposed to what is happening in the larger core cities.

Mr. SCARR. Senator, this may be something that could be looked at as a possible consequence of the LEAA program. If one assumes that better crime reporting is available to rural counties, it would be more likely to have happened with Federal funds from the Federal Government. I had my place ripped off a couple of times in an area

where I wouldn't have thought it would happen. Better statistics might be a result of the LEAA.

Mr. ZOLBE. Yes; there is no question about that. With the moneys that have been made available, we have been able to assist sheriffs' offices, small- to medium-sized law enforcement agencies, to improve their record systems in order for them to provide us with a set of statistics with more credibility than in the past.

Senator HEFLIN. Has anybody made any studies? I realize that statistics were very inadequate during the period of the thirties when you had a depression, but of those existing statistics that would indicate that the economic ills have an effect upon the incidences of crime, do you know whether anyone has attempted to make any studies of this?

Mr. SCARR. I think, Mr. Chairman, there may have been some studies made. I can't lay my hands on it, but it was common wisdom, when I was studying criminology 25 years ago, that in depressions juvenile crime went down and adult crimes went up, and in good times, juvenile crime went up and adult crime went down. The validity of those statements, I would not want to attest to.

Senator HEFLIN. The factors that you have been listing for the eighties, a question of inflation, a question of unemployment and other matters of this sort, based on past history, if we have a period, a decade or periods within the decade, of economic ill, is it more predictable that crime would increase?

Mr. SCARR. Not in my judgment, Mr. Chairman. I think the major factor that we can look to, to be able to say something about crime, is the population factor at this point. The age distribution in the population is probably the best "predictor," and it is not much of a predictor.

Mr. VELDE. Thank you, Mr. Chairman.

Following up with the chairman's question about a study done by Johns Hopkins, which looked at 400 years of crime in Scandanavia, which has kept criminal statistics and I forget which country it was, but they kept accurate statistics on that period of time.

As I recall, one of their correlations showed a relationship between economic conditions and reported crime.

Mr. ZOLBE. They had a much longer period. I know 50 years sounds like a long period of time, but it is not very long when you are looking for hills and valleys, so to speak, in a trend table. We don't have enough experience yet.

Mr. VELDE. What about the trend in urban crime for the first 8 months of this year?

Mr. ZOLBE. The first 6 months.

Mr. VELDE. Isn't it fair to say as New York City goes so goes the rest of the country?

The New York Times reported for the first 8 months of this year that crime was up in New York City something like 16 percent for violent crimes and 11 percent for property crimes.

Mr. ZOLBE. We are only talking about 6 months, and you are absolutely correct; they have had quite a rise in crime.

Mr. VELDE. Is that a fair indicator?

Mr. ZOLBE. I would hesitate to say, as New York goes, so goes the rest of the country, because in the State of California, there are 21 million people. I am afraid our large population areas are increasing and New York is not as influential as it once was.

Mr. VELDE. What about juvenile crime. What does the UCR data show for the 1980 trends?

Mr. ZOLBE. We wait for the close of the calendar year before we aggregate all the data. We have found that individuals arrested for the commission of a crime, in terms of age structure, tends to be very static.

Unfortunately law, enforcement is, in fact, arresting the younger portion of our population for crimes.

Mr. VELDE. Have any of you looked at any of the indicators of narcotics-related crimes, seizure of hard drugs, and so forth? If so, what do those trends indicate this year?

Mr. ZOLBE. We can only address the arrest issues. As far as number of cases, volume of cases, the types of drugs involved in those cases, the FBI, through the UCR, cannot comment. However, we can provide this committee with data regarding the age, sex, and race of persons arrested for those crimes.

Mr. VELDE. Mr. Chairman, I believe the members of the Senate Judiciary Committee have recently received a letter from Mr. Morganthau—he is the district attorney in New York City—and other State officials, indicating a very severe epidemic, increase of heroin and heroin-related deaths and overdoses and so on. I just wonder if this showed up in any of your data.

Mr. SCARR. I think, Mr. Velde, that one of the things that indicates is, once again, the inaccuracy of the data base.

The Drug Enforcement Administration had several data systems that attempt to keep track of drug-related cases, but I think that we really don't have a very good indication at this moment of what the prevalence and indication of drug abuse is. There have been several studies done on a limited basis that attempt to determine, for example, the average age of initial use of soft drugs, when they are used, or the proportion of junior high school or high school students that are using hard or soft drugs.

Some of that information indicates that the use is perhaps more prevalent than it was in the recent past, but I would hesitate to generalize, because they were specific studies done on specific samples. There does not exist an adequate national data base to address those problems on a national basis.

Mr. VELDE. There are several surveys on censuses done of facilities in the criminal justice system, beginning with the national jail survey in 1970, and also a survey of the courts, and others.

I wonder whether it would be possible to submit to the committee summary statements on the surveys indicating what kind of inventory of facilities, what is the extent of overcrowding, if any, what are the needs for modernization, and particularly would be of interest, what facilities are under court order for overcrowding or upgrading or what have you?

Mr. SCARR. I would be pleased to submit whatever information the Bureau has with respect to those matters.

[The prepared statement of Mr. Scarr follows:]

PREPARED STATEMENT OF HARRY A. SCARR

Mr. Chairman and Members of the Subcommittee, I am pleased to be here today and to have the opportunity to testify before your subcommittee on the past experience of federal programs designed to improve the administration of criminal justice at the state and local levels and to share with you my thoughts on the role the federal government might play in this area in the future. I am particularly gratified that I, in my capacity as Director of the Bureau of Justice Statistics, have been invited to appear as your first witness because I think it important that such a reassessment of the past and consideration of the future take into account past trends in criminal justice, as well as trends we might expect to see in the future.

Let me begin by noting several facts about the decade just past, facts that are particularly relevant to these hearings, and what these facts may tell us about the future. The National Crime Survey which has been conducted by the Bureau since 1972 shows that there has been little significant change during the seventies in the rates for most of the crimes measured by the survey. Although there are exceptions—for example assault and household larceny rates were significantly higher in 1979 than in 1973—it is noteworthy that these were in the relatively less serious crime categories. The rates for crimes which are often thought to be most frightening—rape, robbery, aggravated assault, burglary, and motor vehicle theft—were not significantly higher in 1979 than they were in 1973; in fact the household burglary rate declined.

These statements are in no way intended to minimize the seriousness of crime. Criminal victimization of individuals and households in the United States remains a serious problem, even when the rates do not increase. What is important to note is that we begin the 1980's apparently in a considerably different stance than we began the 1970's when the best information we had available at that time indicated that the serious crime rate had been increasing substantially throughout the previous decade, the 1960's.

Not only does it appear that serious crime did not greatly increase in the seventies, we would hazard a guess, based on some projections from our data, that the crime rate will remain relatively stable and that the rates for some types of crime may actually decrease in the coming decade.

These projections are consistent with other trends that are related to the continually changing demography of our country.

In describing these trends, Mr. Chairman, let me take the liberty of quoting extensively from the U.S. Delegation's Report to the Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders held in Caracas, Venezuela, just this past August.

First, our changing demography has potential implications for changing the allocation of resources across the different elements of the criminal justice system. The aging of the population in our country can be expected to result in a relatively diminishing demand for resources for apprehension purposes but, paradoxically, in a relatively heavier demand for resources for correctional purposes. Interestingly enough, although it is the young who commit the crimes that make the most intensive demands on the law enforcement community, it is the older, more persistent criminals who represent the major burden on our correctional systems. Thus, as the population distribution in the United States changes, with the aging out of the high-crime-rate teens into the high imprisonment-rate twenties of those born during the period 1947-62 following World War II known as the "baby boom" the criminal justice system will be required to respond by redistributing its resources accordingly among the various components.

Second, in planning the redistribution of justice system resources to meet this population change we must recognize the temporary nature of the pressure for more correctional resources in the United States. In about 10 years, those born during the "baby boom" will also have passed through the high imprisonment ages. Thus, the appropriate response for the United States to the resulting pressure on corrections facilities may not necessarily be the expansion of prison capacity by building expensive new facilities that would have only a short useful life and that could not be otherwise justified. Rather, a more appropriate response may be to focus on the marginal prisoners for the purpose of finding other, more creative ways for dealing with them outside the traditional prison setting, at least for the next decade.

Third, the experience of the United States suggests that successful approaches to crime prevention and offender treatment must rely increasingly on methods

that are demonstrably realistic and cost-effective. In my opinion it is imperative that the Federal government continue to support a vigorous research, development, and statistical program in the areas of crime prevention and offender management, principally to assure that the knowledge base from which we operate is the best that can be obtained. We can no longer afford the uncritical acceptance of ideas that we wish were true and the consumption of scarce resources to implement those ideas. We must satisfy ourselves on the basis of solid evidence, gathered according to the best scientific methods available, that the ideas upon which action is to be predicated are in fact true.

Fourth, shifts in the nature of crime require shifts in the nature of law enforcement responses to concentrate on different kinds of crime from those which have traditionally commanded the attention of law enforcement officials, and to focus on different kinds of criminals. We are, for example, devoting much greater attention than we have in the past to white-collar crime, fraud, computer crime, economic and regulatory crime, environmental crime, political corruption, and terrorism.

Indeed, recent legislation enacted by the Congress enjoins the executive branch to increase its emphasis in these areas. It is our belief that these kinds of crimes will continue to require and to receive greater attention in the decade ahead, though continued attention to street crime will, of course, be necessary as well.

Fifth, the need for international cooperation in dealing with crime will expand. Circumstances attending economic progress, such as inexpensive and rapid international travel, easily permeable borders, and technologically sophisticated means of communication, all reduce the historical significance of geographic boundaries. We believe that all countries will very likely increase their cooperative efforts to improve their collective ability to deal with criminals who today take advantage of the fact that international borders are currently less of a barrier to transnational crimes than they are to international law enforcement efforts.

Sixth, we all recognize, Mr. Chairman, that we are entering an era of shrinking governmental resources and it is clear that all governmental agencies at the Federal, state and local levels will have to be increasingly more accountable for the expenses of their operations and programs. I believe this will have consequential implications in a demand for more empirical information of greater precision than was considered necessary in the past. It will no longer be possible to "make do" with incomplete or inaccurate statistics, as we frequently did in the past. Rather, detailed, accurate, and specific quantitative information, directed toward informing us about specific problems, will be the order of the day.

Finally, Mr. Chairman, I believe it is appropriate that the subcommittee that convened these hearings is concerned with that aspect of criminal justice where we have the greatest opportunity to enhance available quantitative information—the judiciary. Although it is widely believed that criminal and civil court case-loads have greatly increased over the past decade, and there are abundant numbers to support that belief, it remains unfortunately true that in too many instances we have no way of assessing with precision the real magnitude of this increase, because the necessary statistics do not exist in a sufficiently reliable form. One frequently offered theory for why our courts are so crowded is that our society is becoming increasingly litigious and that increases in the numbers of lawyers in the society may contribute to this to some as yet imprecisely known degree. In fact, law school graduates per year have doubled since 1969—from 17,000 graduates per year at the beginning of the decade to 34,000 per year by the decades end. It remains unknown, however, to what extent this actually affects litigation rates. We do know that judicial employment in this country in general has increased at about the same rate as overall criminal justice employment—that is around 60 percent since 1970, that the best information we have on the numbers of judges is that they have increased by a third of that rate, all facts that suggest that the business of the courts is booming—something that we really didn't need statistics to tell us, of course, but something that we certainly will need statistics and research to explain to us. Clearly one of the priorities for the coming decade must be the development of a judicial statistical series that can measure these types of trends better.

Examining these trends—a relatively stable crime rate, shifts in the demography of the general population, expected changes in prison population, shifts in law enforcement resources to white collar crime and international offenders, and diminishing resources that will put empirical information at a premium—trends which indicate to us the larger issues criminal justice has faced in the past decade,

and having made some guesses about those we expect to need attention in the coming decade, let me now turn to the nature of the Federal involvement in criminal justice—what we've learned from that involvement in the past and what I, from my limited perspective and specialized experience, think that involvement might be in the future given those trends and lessons.

To begin with, it is difficult to recall just how little we knew about criminal justice 12 years ago compared to what we now know. The trends that I discussed just a few moments ago were, for the most part, unmeasurable with any meaningful degree of precision in 1968. It was through Federal leadership and funding that trend statistics like these were developed.

Federal leadership and funding was also instrumental in establishing criminal justice research and development communities in academia, in non-governmental "think-tanks," in research organizations, in universities, and in private industry. Because Washington never will have all the answers to difficult policy questions, it was thought prudent to marshal the tremendous talent and resources represented by these organizations. Twelve years ago these resources were not directed toward the problems of criminal justice; it was only through Federal leadership and funding that a stable environment was provided in which this interest grew. Today we are fortunate to have some of the best minds in the country doing research in justice and developing new theories that will hopefully better inform policymakers in the 1980's.

This research and development community has taught us much of what we know about criminal justice today—information that was either directly funded by the Federal government or was indirectly promoted by the federal government by creating interest in criminal justice in the research and development community. As an example, the interdependence of the various sectors of the criminal justice system has been abundantly demonstrated. Whereas in the past we intuitively knew that a change in one part of the system would affect another part, we are in a much better position today to anticipate the extent of such an impact and prepare for it.

Another result of past Federal involvement in my opinion has been the establishment of a legitimated rational criminal justice planning capability throughout the justice system; a planning capability that in many instances is making sense of what has been called the "non-system" of criminal justice.

How, for example, does a case get processed in this "non-system"? Typically, a case begins in a municipal police department, proceeds through a state's attorneys office and a county circuit court, and may end in a county jail, a county probation agency, a state correctional facility, or even in a non-governmental treatment program.

We can see from this homely example, how criminal justice not only involves many disparate agencies, but crosses and criss-crosses levels and branches of government and why careful planning and intergovernmental diplomacy are required to insure that justice is indeed served for all of us, offenders and witnesses and victims alike and that criminal justice institutions perform according to the public interest. I believe that the Federal government can take credit for nurturing this capability over the past decade.

Federal leadership and funding during the seventies enabled us to develop better statistics describing crime, statistics that have measured crime's impact on society, and society's response to crime, statistics that get us closer to the events we are interested in. The federal government has done this primarily in two ways: first, through the establishment of the National Survey of Victims of Crime and secondly through the establishment of a network of state statistics bureaus that not only provide information needed for policy development and program planning at the state and local level, but that also have the potential of providing information necessary at the national level to inform decision-making there. Perhaps the best example of the latter is the transformation of the Uniform Crime Reporting program from a system based on reports from thousands of local police departments to a program based largely on reports from the states, who have already collated statistics from individual communities.

By examining the effects of federal involvement in criminal justice over the past decade, we have also learned several negative things that should guide us in deciding what kind of role the federal government should play in the future.

One thing we've learned, in my judgment, is something that perhaps we should have foreseen 12 years ago, namely the blunt fact that too much money too fast may not necessarily help a grant-in-aid program. Where the availability of funds

far exceeds the ability of existing criminal justice systems to monitor their expenditures adequately, the reputation of a program may suffer by money being spent, with the best of intentions, on programs that sometimes prove to be of questionable value.

Another thing I believe very strongly that we learned during the past decade is that grant-in-aid money, research and development money, and statistics program money are not fungible. Managers of operational programs are under great pressure to solve immediate operation problems using whatever resources are at hand; they usually have little time to develop innovative programs and statistical systems that will assist them in the long run. Consequently, when all moneys are mixed, the immediate operational demands consume the long-range research and statistics funds for needs of the moment. Such a circumstance prevents the development of the kind of capability which would help avoid the crisis management situation in the first place, by inhibiting the creation of an adequate flow of information to anticipate such "crises."

A corollary problem is that the type of risk capital, so to speak, needed to develop innovative programs and statistical systems is usually beyond the financial resources of most state and local governments. Such experimental programs usually cost too much for any single jurisdiction. I believe we learned that the Federal government is ideally suited to develop such innovative programs and statistics because it can test them in a few places and demonstrate to many jurisdictions the benefits they could derive if they implemented such "proven" programs.

Finally, to conclude this sample of lessons learned on a positive note, I think we've learned over the past decade that the federal government can and should play a role in improving the administration of justice at all levels of government, Federal, state, and local. It can do this by providing the kind of high-risk capital necessary to develop innovative programs and statistical reporting systems that can be implemented by numerous jurisdictions, by supporting research on the causes of crime and the management of offenders, and by supporting the development of national crime and justice statistics in cooperation with state and local governments—programs that meet the needs of the state and local governments as well as those of the Federal government.

In brief, I believe we have learned from the Federal criminal justice involvement in the past dozen years that the Federal government has been instrumental in the development of statistics and research findings that are necessary to inform policy makers at all levels of government, that the Federal government has played an important role in establishing a legitimated rational criminal justice planning capability at the state and local levels of government, that grant-in-aid programs can be harmed by the allocation of funds when existing organizations cannot adequately monitor the influx of funds, that moneys for grants-in-aid, research and statistics are not fungible, and that the Federal government has a legitimate and vital role to play in assisting state and local governments in improving the administration of justice.

Finally, Mr. Chairman, I would like to ask your indulgence, and share with you the things that I believe are necessary to allow the Federal government, using the Bureau of Justice Statistics, the agency I am privileged to head, to meet its own informational and statistical responsibilities in the coming decade.

Since assuming office two months ago, I have taken several steps that should bring the Bureau closer to the model envisioned by Congress, and, thus, improve the Federal government's stance in these matters.

First, perhaps the most important of these changes is a new emphasis on timely release of data. The Federal government must produce statistics in a timely manner and according to a publicly announced schedule if it is to adequately serve users of its data. The Bureau is currently developing a release schedule for major crime and justice indicators and is examining areas for more frequent release of data. For example, I intend shortly to release quarterly data on national victimization rates.

Efforts are also underway to shorten the time between data collection and publication. These focus on more rapid printing processes and on developing an in-house analytic capability that will afford the Bureau more direct control over the production and contents of the reports it issues.

Second, the Federal government must involve users of its data in their production, increase the utility of these data for their users, and minimize the burden on those from whom the data are collected. I am in the process of reassessing, in the face of drastically diminished resources, the extent to which justice data can be

obtained through a Federal-State Cooperative Program. Criminal and civil justice is primarily a state and local function, which is reflected in the Bureau's clear statutory mandate to involve state and local governments in the collection of justice statistics. Bureau staff are currently examining existing and potential data collection programs inherited from the Bureau's predecessor office, to determine which are candidates for "feeder-up" systems, in which states agencies collect data from agencies and governments within their states, collate those data for their own use and provide the data to the Bureau for use at the national level.

Third, the Federal government must assure that data needs are met and are met in a cost-effective and statistically sound manner. The new Bureau is reviving what I like to refer to as a "data needs assessment strategy." Under this strategy an objective, knowledgeable, outside group such as the National Academy of Sciences intensively studies data needed in a specific area and recommends an optimum data collection methodology.

For example, the National Academy of Sciences performed such an evaluation of our victimization survey program in the mid-1970's. Methodological work based on that assessment is currently underway to redesign the victimization survey. This work will incorporate advances in victimization methodology which have been made since the program's inception in 1972 and will broaden the scope of the survey—changes that are intended to further increase its usefulness to the Congress, the Administration, criminal justice professionals and the general public. We plan to fund a number of such assessments in the 1980's.

The Bureau is also working to close existing data gaps. For example, during the past few years, the Bureau's predecessor office had been attempting to establish a court caseload reporting program with the cooperation of state court administrators. Much has been accomplished in setting recommended standard definitions and reporting formats, and these are beginning to be implemented in various states. We plan to continue working with State court administrators toward the development of truly comparable national judicial statistics. Similar data gaps exist in prosecution and public defense and the Bureau will work during the coming decade to develop statistical information to support policy decisions in these areas.

Mr. Chairman, I know I've covered a lot of ground this morning—trends in criminal and civil justice that we've seen during the past decade, educated guesses about what we expect to see in the next decade, lessons we've learned from the Federal government's role in the administration of justice during the past 12 years.

Even though I may have said too much and overwhelmed you with detail, I want to be sure I leave the committee with four main points:

First, improving the administration of justice is a complicated and ambitious undertaking. There are no simple solutions, but, on the other hand, we have made progress and have every reason to believe we will continue to make progress in the decade ahead.

Second, the Federal government has a vital role to play in the undertaking; that is a clear message from our experience.

Third, the Congress and the Federal government are in a much better position to make informed decisions about criminal justice improvements and about their proper role, than they were ten years ago.

Finally, one key to progress in the coming years will be, as it has been in the past, continued attention to quality research and accurate statistics to guide us in this most complicated and important endeavor.

I thank you, Mr. Chairman, for the opportunity to share my thoughts with you today.

Senator HEFLIN. Thank you, gentlemen.

We appreciate your time.

Our next panel will consist of the Honorable Richard S. Gebelein, attorney general of the State of Delaware, and also representing the National Association of Attorneys General; the Honorable Dennis J. Roberts II, attorney general of the State of Rhode Island, and also representing the National Association of Attorneys General; Mr. John Lagomarcino, general counsel and director of legislative affairs of the National Association of Governors; the Honorable Carl A. Vergari, the district attorney for Westchester County, and also representing the National District Attorneys Association; Mr. Francis

Schneider, county commissioner of New Castle County of Delaware, and also representing the National Association of Counties; and Mr. Lee Thomas, chairman of the National Criminal Justice Association, and also director of the Division of Public Safety Programs in Columbia, S.C.

We are delighted to have you gentlemen with us today.

We will call on Attorney General Gebelein from Delaware to begin.

PANEL OF LEGAL EXPERTS:

STATEMENTS OF HON. RICHARD S. GEBELEIN, ATTORNEY GENERAL, STATE OF DELAWARE, NATIONAL ASSOCIATION OF ATTORNEYS GENERAL; HON. DENNIS J. ROBERTS II, ATTORNEY GENERAL, STATE OF RHODE ISLAND, NATIONAL ASSOCIATION OF ATTORNEYS GENERAL; JOHN P. LAGOMARCINO, GENERAL COUNSEL AND DIRECTOR OF LEGISLATIVE AFFAIRS, NATIONAL ASSOCIATION OF GOVERNORS; HON. CARL A. VERGARI, DISTRICT ATTORNEY, WESTCHESTER COUNTY, NATIONAL DISTRICT ATTORNEYS ASSOCIATION; FRANCIS SCHNEIDER, COUNTY COMMISSIONER, NEW CASTLE COUNTY, DEL., NATIONAL ASSOCIATION OF COUNTIES; AND LEE THOMAS, CHAIRMAN, NATIONAL CRIMINAL JUSTICE ASSOCIATION, AND DIRECTOR, DIVISION OF PUBLIC SAFETY PROGRAMS, COLUMBIA, S.C.

Attorney General GEBELEIN. Senator, Mr. Chairman, thank you very much for the opportunity to be here.

We have submitted testimony, and I would like to briefly summarize the testimony and ask that it be included in the record.

Before doing that, though, I would like to bring regards from the chief justice of our State, Daniel Hirshman, who indicated he knows you from your judicial base.

Mr. Chairman, we have come here to testify in support of assistance by the Federal Government to law enforcement agencies in general, and State and local governments. In doing that, we would like to mention just briefly a few of the successes that we have had, with a minimum amount of Federal investment.

In our State of Delaware, which is a small State, of course, the impact of a few Federal dollars has been significant.

In the area of prosecution of criminal cases, which resides in the office of the attorney general in Delaware, we received a grant for a 3-year period totaling a little over \$161,000. That grant, back in 1974 through 1976, allowed us to set up a felony screening project in our State. The results of that experiment, an experiment which we would not have been able to conduct but for the Federal money, was that we were able to redesign prosecution in the State of Delaware.

In 1979, we restructured the office of the attorney general to include a major felony screening effort, the purpose being to bring cases to an earlier conclusion.

As you know, a lot of time is wasted, a lot of money is wasted, in the criminal justice system. By bringing cases to a resolution earlier, you save time, you save effort.

In our office now, more than one-half of the attorneys are involved in felony screening and then earlier disposition of cases. We have been able to reduce by 30 percent the number of cases which are actually brought to trial in our State. This has enabled our major trial courts to devote time to civil cases.

The civil backlog had been growing and now it is beginning to be cut in two.

I raise that because it is the type of thing that Federal money can do and do well, to provide an opportunity for an innovative program, to provide an opportunity to test or to try something and then to be later implemented by State funds.

In another area, that of white collar crime and economic crime, again, the size of our State has been a problem. It is difficult in a State as small as Delaware to acquire the sophisticated equipment necessary, the manpower necessary to conduct in-depth investigations of economic or white collar crime.

In 1978, we acquired a Federal grant from LEAA to address the issue of economic crime and official corruption. The grant was in the neighborhood of \$350,000, and that was over a 3-year period that those funds were expended. As a result of that expenditure of funds, we were able to recover more than \$1½ million for the State of Delaware from fines and civil penalties and restitution. That money came back to the taxpayers as a result of the funds provided by the Federal Government.

That grant has been continued an additional 2 years and funding at a level of \$200,000.

In the last year, we have conducted some major investigations which would not have been possible before. We investigated organized gambling activity in northern Delaware and Pennsylvania, from the State of Delaware and cooperation with Pennsylvania authorities. We found that there was a disturbing trend that organized crime was moving across the border into our State. They were moving in because they knew that Delaware didn't have the resources. We didn't have a Federal strike force involved in the State of Delaware, and they felt that this was a protected haven, in effect, to hide from prosecution.

Because of the grant, we were able to put together a police supervisory board which decides how to investigate organized criminal activities and which draws from the various local, State, and in some instances Federal agencies, put together task forces and investigate specific activities.

We were able to, this past month, indict crime figures from Pennsylvania for controlling that activity from the State of Delaware.

In addition, arrests were made in Pennsylvania, based on the information we were able to gather. That is the type of results that we can get with Federal money. It is the type of results which we do not have now. It is the type of thing we need if we are going to keep up with crime.

The budget in my office is only \$3 million. That is less than one-third of the take of the gambling activity which we put an end to last month. In a given year, that would take in more than \$11 million in gross revenues. The total fund of the State is less than \$3 million.

I want to mention an area that is of grave concern to me as chairman of the Subcommittee on Corrections and Institutions of the National Association of Attorneys General. That is the area of corrections and correctional facilities.

During the past 2 years, we have had occasion to investigate our prison system in Delaware and we found that it is severely lacking. We have an overcrowding situation which is not unlike that of Federal institutions and other State institutions. It is severe and it has resulted in a situation where people simply do not go to jail for minor offenses and people who are charged with crimes like white collar crimes, while sentenced to jail, are released immediately; and the reason is, we do not have any place to put them.

During the past several years, we have added 310 bed spaces to our prison facility. Again, it sounds small because the State is small. We have done that at a cost of \$30 million, which our taxpayers have borne. We do not have the funds to get involved in innovative programs. We cannot try work-release programs simply because we do not have the money to build houses for the people. That is an area where I think the Federal Government should be concerned.

This past year, Congress passed, and the President signed, a bill of rights for institutionalized citizens. That bill directs the Department of Justice to bring law suits on behalf of people incarcerated.

The purpose of that bill was to provide humane treatment for these individuals. In fact, though the Federal Government doesn't recognize this, the States simply do not have the ability to provide the type of facilities that that law is designed to insure.

I think that just on a statistical basis in our State, we have one major prison that has close to 900 individuals right now. The prison is designed for 540, and a Federal court order tells us the maximum number should be 728.

In addition, we released 105 people who were serving sentences. It is a program called supervised custody. What it means is, they are out on the street and not in jail. People need to be protected from those individuals.

Basically, what I am saying is, in order for us to provide the types of innovative programs such as rehabilitation programs, such as halfway houses, work release centers, we are going to need Federal funds. We will need assistance from the Federal Government.

I think that basically concludes my remarks.

Thank you, Mr. Chairman.

Senator HEFLIN. Senator Biden, do you have an opening statement.

Senator BIDEN. Abe Lincoln tells a story about a man who was ridden out of town on a rail and said, "But for the honor, I would rather walk." That is how I feel about the new position I am about to assume as ranking minority Member.

I do have an opening statement, which I will not interrupt the proceedings to read now, but I would ask the permission of the Chair that the opening statement be put in the record.

I would like to amend my opening statement to the degree that I would like to personally welcome two Delawareans, Richard Gebelein and Franny Schneider, both of whom have a longstanding and practical knowledge of what we do up here.

Franny Schneider, Councilman Schneider, not only in his capacity as a legislator, deals with the issues that this committee is looking into, but he used to deal with it on the street as a police officer.

Our attorney general is a man who deals with it day to day.

I have read the statement. I am anxious to get a chance to question when we get to that point.

Last, I would like to apologize for being late. My two colleagues from Delaware will understand that there was a meeting going on this morning relating to the future of the automobile industry, and as important as this issue is, as my two Delaware colleagues are aware, in my State, other than little industry involved with chemicals, the automobile industry is the most important.

So I do apologize. That is the reason for my being late.

With that, I will cease and not interrupt until it is time to ask questions.

Thank you.

[The prepared statement of Senator Biden follows:]

PREPARED STATEMENT OF SENATOR BIDEN

I would like to commend Senator Heflin for holding this hearing on the Federal responsibility to State and local criminal justice efforts. It will serve as an excellent forum to discuss some of the problems and successes of the current Federal crime program, the law enforcement assistance administration. It should also shed some light on the role Federal Government should play in the future.

I am also happy to see that my State of Delaware is well represented to speak on this issue today, with the Honorable Francis Schneider, president pro tem of the county in which I live, New Castle. Mr. Schneider is the chairman of the Criminal Justice Planning Subcommittee for the National Association of Counties.

Also, the Honorable Richard S. Gebelein, attorney general of Delaware is here to testify. The concerns of government officials and prosecutors will be well represented by these two distinguished Delawareans.

With respect to the future involvement of the Federal Government in this area I can state that as the chairman of the Subcommittee on Criminal Justice, I am consistently reminded as to how perplexing the crime issue is to all elected officials at all levels of Government. These witnesses today will further document the frustrations of trying to address a problem that continues to apparently get worse. In yesterday's Wall Street Journal, I was quoted as saying that the issue of crime was not brought up in this last Presidential election because the American people may well believe that our last 10 year war on crime was a failure.

They have every right to believe that because that unfortunately is what we promised them when LEAA was created 12 years ago. We in the Federal Government promised a total war on crime as if the only thing we needed to do was declare war and a problem like crime would be solved. Our expectations of the LEAA program were grandiose and we are partially to blame for the scatter shot approach LEAA took in dispersing money over a vast field of dissimilar crime problems.

It was for this reason that last year I introduced several amendments to the Justice System Improvement Act of 1979 which were to refocus this criminal justice program on specific crime areas, instead of trying to throw a little money at many different crime problems. It was perposterous to think that this Federal program, which represented less than 2 percent of the criminal justice expenditures of State and local governments, could have a major impact on crime.

My amendments were intended to focus limited Federal dollars on experimental concepts which had shown some potential for success. I also wanted LEAA to produce an annual evaluation of the entire program and a report 3 years after the enactment of the bill which measured the success of the program. It was my hope that the LEAA program could be objectively evaluated if there were clear records of its accomplishments.

I believe that this more focused approach with emphasis on testing new criminal justice techniques and then collecting information in a consistent manner would have finally provided LEAA administrators the data needed to show Congress the accomplishments of the agency.

Also on this subject, I have in the past expressed concern about the Federal Government's involvement in an area that is largely the responsibility of local and State governments.

My contention is that the Federal Government's greatest contribution to solving crime problems is in the area of research and development of new ideas. Some of the more successful programs such as the prosecutor's management information system (PROMIS) mentioned by Senator Heflin, were the result of careful research and development. This particular program exemplifies the contributions the Federal Government can offer State and local agencies.

The PROMIS concept involved a great deal of time and effort exerted at Federal expense to develop and test the strategy. After this was completed the Federal Government was then able to offer something to state and local governments which many have since institutionalized and eventually financed with their own resources.

This is the kind of Federal effort I would like to see in the future. The Federal role should be to test concepts which are beyond the daily budget constraints of State and local government agencies. After the concepts have been proven successful they could then be offered to State and local governments with technical assistance if needed to set the program up in their jurisdiction.

It would then be the responsibility of State and local Governments to operate these programs and it will be their program, with no strings attached.

I do not want to hear horror stories in the years to come of wasted funds and unused equipment purchased under the auspices of the Federal Government's war on crime. I do not want to promise the public again that if we declare war on crime and spend \$7 billion that this problem will be solved. The Federal Government should focus its efforts and work on new concepts through careful research, development and testing. It is by this process that the Federal role can best contribute to addressing the problems of crime.

Senator HEFLIN. Thank you.

I am going down the list as they have it here.

Attorney General ROBERTS, of Rhode Island.

Attorney General ROBERTS. Good morning.

I appreciate the opportunity to be here this morning to express the views and the experience of the State of Rhode Island and, I believe, the views also of the National Association of Attorneys General.

We have prepared written testimony, which I would request to have inserted in the record.

Senator HEFLIN. So ordered.

Attorney General ROBERTS. And a brief summary of major activities and results of law-enforcement programs in Rhode Island.

I would request that that be inserted in the record.

And a resolution adopted by the National Association of Attorneys General at their winter meeting, November 16 through 19, proposing renewed funding for the Law Enforcement Assistance Administration.

With your leave, I would ask that that be included in the record.

[The resolution follows:]

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL MID-WINTER MEETING

RESOLUTION

Proposing renewed funding for the Law Enforcement Assistance Administration

Whereas, the Law Enforcement Assistance Administration and its component units have generated substantial amounts of federal revenue to assist state and local governments in law enforcement activity directly benefitting citizens of each of the fifty states and five territories; and

Whereas, budget restrictions for the current fiscal year have resulted in the Law Enforcement Assistance Administration being dismantled much to the detriment of the state and local governments, which have relied upon such funds in developing long-term comprehensive criminal justice plans; and

Whereas, the Attorneys General of the fifty states and five territories have been in a position to receive Law Enforcement Assistance Administration program funds and to implement innovative and creative criminal justice projects which are presently in substantial jeopardy: Now, therefore, be it

Resolved, That the National Association of Attorneys General urges the Congress and the President-Elect of the United States to reinstitute adequate funding for Law Enforcement Assistance Administration criminal justice programs for the federal fiscal year 1982.

Attorney General ROBERTS. In Rhode Island, like Delaware, and possibly unlike any other State, we have a unique situation. The attorney general of Rhode Island is the central law-enforcement office in the State. We have responsibility for central criminal jurisdiction. We have responsibility for all Federal felony prosecutions and we have responsibility essentially for serving as a clearing house for law enforcement programs.

Because of this unique role that the attorney general of Rhode Island plays in the State law enforcement, I think it is literally impossible to overstate the importance that the LEAA has played in the developing of programs there.

In the last 10 years, and specifically in the last 6 years, in our State we have begun a series of innovative programs that could not have begun but for the availability of LEAA funds. This covers the entire spectrum of LEAA programs. They involve corrections, prosecutions; they involve police on the street, courts. When we get criticism of LEAA because of its excessive emphasis on hardware, on the unnecessary buying of vans and radios and so forth—our experience has been that 85 percent of the programs funneled by LEAA have in fact been people oriented.

By way of illustration, at the present time, we have a number of training programs for law enforcement officers. We have programs in my office for the first time tying together all of the disciplines into a program such as the arson control program, and the statewide arson task force is the only one in the country funded by Federal funds.

We have in our office a family violence program, which is reaching out not only to the police, but to the volunteer sector and to those who have made a major contribution before, people who are involved in the kinds of problems we deal with daily in law enforcement. These are things such as the Rape Crisis Center, Women's Centers, organizations of this type that are an integral part of the justice system in reporting and working with criminal cases that involve family violence, making them realize the role they can play and should play in the family violence area, as an example.

From the point of view of the purpose of LEAA, I think in Rhode Island we have shown that the program can be successful in the sense that if its goal is to have programs initiated by LEAA and then picked up by the State programs, that in fact has happened.

I think some 23 or 24 programs that flow through the Attorney General, some 14 or 15 have been picked up by State funding, and some four, which we are presently operating under now, we would expect to have them picked up by the State.

We have shown a willingness there. We have shown that public demand does call for and does result in the development of innovative programs through LEAA.

I submit most of the States would be willing to pick up these programs.

At the present time, the zero budget for LEAA for the present fiscal year could curtail some of these programs before they reached the desirable point of maturity, such desirable programs as our arson unit and the family violence unit, and a time when they have just developed a constituency, developed a caseload, and have had some successful prosecutions; but they have not gone the whole way.

What we need is a restoration of Federal funding for the next subsequent fiscal years to pick up those kinds of difficulties.

I would say that perhaps one of the problems, as I understand it from the officials of the LEAA, is that until you, Senator, called these hearings into session, there was little or no organized input from law enforcement officials, be they police or prosecutors or judges, in calling on these priorities.

I think all of us in the national association have emphasized cooperation between our Association of Prosecutors and the Federal Government, the Department of Justice within our regions. We are most grateful to you for giving us the opportunity to have our views heard today.

Thank you.

Senator HEFLIN. Thank you, Attorney General Roberts.

Next we will hear from Mr. John Lagomarcino.

Mr. LAGOMARCINO. My name is John Lagomarcino. I am here on behalf of the National Governors Association, and particularly on behalf of Governor Robert List of Nevada, who is chairman of our Committee on Criminal Justice and Public Protection.

I would like to say that no group of individuals regrets the demise of the LEAA more than the National Governors. We have been long-standing supporters of the program and strongly hope that a continued coordinated national policy to deal with crime is discussed and debated and comes out of the next Congress.

In your opening remarks, Senator, you gave a rather extensive list of the successes of this program. These are very good examples of why the LEAA program, in our judgment, over the last decade or so, has been, on balance, a successful program.

Perhaps one of the greatest regrets we have, however, about the phase-out or demise of LEAA is that it will leave us with no overall program of the State-Federal relations to fight crime.

Systematic planning and coordination is necessary in developing a national policy on crime and justice. Coordination produces a more rational formulation of public policy and a more rational system of goals for each of the separate components of the criminal justice system. Coordination will help preserve scarce resources and improve management and efficiencies.

We believe, in fact, that one of the great accomplishments of the LEAA is the increased coordination that has resulted in this program between State, county, and local law enforcement officials. It almost seems trite and has been held out by some critics of the program as such an abstraction that it is meaningless; but in our judgment, and I think it has been well stated by the attorneys general, that kind of coordination produces results.

There are innumerable examples of law enforcement officials who believe that because of this improved coordination, the system is better able to fight crime than it was before LEAA existed in the development and improvement of coordination.

It is important, we believe, at the same time, if any new program is developed by Congress, passed into law, that the States must continue to be given the flexibility needed to handle their own unique problems. States should be encouraged through any such program to develop programs in consultation with the local units of government and with the other elements of the criminal justice system.

Federal, categorical programs, on the other hand, allow State flexibility. In these instances, States are often asked, sometimes, indeed, are required, to establish programs that have little or no relation to their major crime problems. I don't think I need to go into any great detail.

One other aspect of my statement that I wanted to mention deals with correctional institutions.

Suffice it to say the need is great.

The only additional point I would like to make is that I would hope Congress would give serious consideration to the legislation introduced by Senator Dole, which I think will be given full hearings next year in this committee, and similar legislative proposals.

Particularly noteworthy is the interest subsidy provision, which may be viewed particularly favorably by Governors and, I think, at the same time by voters.

Finally, the Governors have been active in the criminal justice area. I would like to describe very briefly, and in conclusion, some of our activities over the last few years to further the development of coordinated criminal justice planning at the State and local levels.

The National Governors Association is encouraging States to assume the cost of planning and coordination of criminal justice services. The Governors have conducted workshops in several States, involving Governors and State and local officials, in an attempt to discuss the benefits of managing criminal justice as a system.

In this regard, Mr. Chairman, the Governors recently published a book entitled "Criminal Justice: A Governor's Guide," which provides Governors with options for institutionalizing the process of coordinating criminal and juvenile justice services in State government.

At our recent annual meeting in Denver, the Governors repeated their strong support for juvenile justice programs and juvenile justice delinquency prevention, and called for the development of a concerted, coordinated, national program to fight crime.

As I said a moment or two ago, Mr. Chairman, we think, or we hope that this hearing today is a forerunner of a very serious comprehensive discussion and development of a national program to fight crime, that will come out of the 97th Congress.

The Governors look forward to being very active participants in that debate and discussion, and I can assure that, through our Criminal Justice Committee, chaired by Governor List, we can provide whatever assistance and help we can. We plan and look forward to being very active in that debate.

Senator HEFLIN. Thank you, sir.

Our next witness is the Honorable Carl A. Vergari of Westchester County, N.Y.

Mr. VERGARI. Good morning, Senator.

I am representing the National District Attorneys Association. It is our firm position, sir, that the Federal Government has, can, and should play an important role in the improvement of the criminal

justice services at the local level. LEAA, I think, left off with a valuable experience. While much of the criticism of that agency is perhaps justified, it proved that with Federal assistance, effective programs can be conceived, adopted, and implemented and become permanent enhancements to State and local justice systems.

I could cite for you a number of programs that have been put into effect. They are detailed in the prepared written statement which I am prepared to submit to you this morning.

I would like to cite the Commission on Victim and Witness Assistance, which was founded in 1974, which addressed the problem of the lack of public confidence in the willingness of the criminal justice system to protect the victims of crimes and witnesses. We turned that problem around with dissemination of experts to prosecutors, technical assistance, so that now in the United States, victim-witness assistance programs have become standard for prosecutors' offices. There is still a glimmer of life left in this program, and we think it is something that should be continued.

Another very successful program was the economic crime project that was begun in 1973. The National District Attorneys Association, together with LEAA, sought to focus the interest and concern of resources of local prosecutors on the problem of white collar crime. Over the years we have worked with LEAA and have developed programs and have demonstrated that local prosecutors can play an effective role in this area.

We have published a wide variety of publications. We have become a part of the national strategy on white collar crime. It is unfortunate that this fine program went out with the LEAA bath water because it was still going with the staff, expanding this concept among prosecutors' offices throughout the United States. The original 14 units have grown to 31 and are still growing, and all of those programs are locally funded. It is unfortunate that the funding for the national staff went down for expanding that program.

Another program is the career criminal prosecution program, a very successful innovative program designed to attack the crime rate. It has been shown that a very disproportionate number of crimes are committed by a relatively few number of persons, and the idea behind that program, which has been funded in LEAA offices around the country, was to target criminals, expedite their prosecution by vertical means to eliminate plea bargaining, and to seek jail sentences. In New York, in 12 areas in suburban and upstate New York, we prosecuted some 1,400 targeted career criminals who, among them, had 18,000 prior arrests and 7,000 prior felony convictions. Ninety-six percent of these individuals were convicted as charged; 92 percent received State prison sentences; 6 percent received local penitentiary sentences; and only 2 percent received probation, a truly smashing success, which is duplicated in all other States where that program was instituted.

Other programs include the major offenses bureau, the domestic violence program, pretrial services, juvenile justice enhancement, prosecution management services, "sting" operations. I speak from experience because I have participated in virtually all of these programs and know that they are effective and have instituted them in my own county.

These programs would not have been possible, would never have gotten off the ground, without the stimulus of Federal funding. So, to us, the issue is not whether the Federal Government should stay in the business, but how it should stay in the business.

First, we feel that policies for funding should be changed. No cash match requirement. Our feeling is that requiring a cash match for funding has a very inhibiting effect. This is true. I am telling you the way it is.

The local funding authorities are reluctant to get into the programs, refuse to get into these programs in the first instance because of that requirement.

Second, I think that the limits, 2- and 3-year limits on funding, should be extended with more gradual assumption by local authorities. We find that State and local governments are at the limit of their financial ability to meet the six services, and we find that when budget-cutting time comes, law enforcement budgets seem to be among the first to get the ax. So that is a problem.

I think also, quite frankly, that when the national impact, national benefit is shown, consideration should be given for permanent Federal funding. A good example is the economic crime project because this is a fight on a national crime rate. When the FBI publishes its report about crime rate, it talks about national crime rates going up 8, 9, 10, 11 percent annually, and this is a program that directly concerns itself with an effort to keep the crime rate down.

Second, we think that new administrative approaches must be found in managing this type of program. Our observations and impressions of the LEAA were that an inordinate amount of time and money was used by consultants, cumbersome auditing procedures, reporting procedures. Sometimes we had to hire statistical and clerical people and give up operational personnel just to meet reporting requirements. We found very often that evaluators came in and had little or no prosecutorial experience and would sit down with us, find out how our criminal justice system works, and find how a program fits and then later sit in judgment of our performance. Successful programs depend on successful professionals.

I think, personally, the promising approach, at least as far as program-oriented aid is concerned, is that we use these organizations to their maximum, organizations of professionals such as you have heard here this morning, through advisory boards or commissions composed of members.

The National District Attorneys Association is ready and eager to participate in any program of that kind.

One final note. There is another interesting and promising development which merits the support of the Congress. As our law enforcement resources at all levels of government seem to diminish, and our problems grow, Federal, State and local authorities are moving toward cooperation, coordinated activities. There has been set up in the Justice Department an executive working group which combines the Justice Department and representatives from the National Attorneys General Association and the National District Attorneys Association. What we are trying to do is eliminate conflicts and duplications that occur in areas of concurrent jurisdiction, and we are planning and

implementing programs to cross-designate assistance, form State and local committees, and establish models for mutual assistance in investigations on such things as toxic waste disposal, which is one current area of interest that is being worked on.

The Justice Department is to be commended for its leadership in this regard, and we trust that the new administration will keep this program going, and the Congress should fund it.

Thank you for the time you have given us this morning.

Senator HEFLIN. Thank you very much.

Next we will hear from Mr. Thomas.

Mr. THOMAS. You have a copy of my statement. Rather than read it or highlight it, I want to expand on it with a few comments of what our Association feels should be a proper Federal role as far as crime and crime control is concerned in the country.

Our association, as you probably know, is made up of directors, at a State level, who have been administering the LEAA program at the State level for the past 12 years. We feel, obviously, that there have been tremendous successes in the past as far as the LEAA program was concerned. We feel it was vital as far as the crime control programs and efforts in this country in the last 12 years.

I can tell you over and over of the successes in my State, and the impact they have had on a State and local level, the impact they have had on life in our State. You have heard that, and I will not go over that again.

I can tell you there is a long way to go. Crime is a major problem in my State. I live in a little town of less than 400 people, and have lived there all my life. Crime has had more of an impact on changing the quality of life in that town during the last 15 years, more than anything that has affected those people. There is a need for all levels of people to continue joining together in a partnership to deal with crime. I think that if we look at where we are going, where we are going with these three levels of government, I suggest first that we have, as John Lagomarcino and the National Governors Association has suggested—realize that our capacity to identify, analyze crime and develop solutions to crime has got to be a continued effort on all of our parts, and it has to be a joint effort. We have to have the capacity at the State level to continue to work on the problems that we know are there, problems in our criminal justice system, and our capacity to respond. I think that capacity at the Federal level, with the Bureau of Justice Statistics, a single Federal agency to provide that leadership and capacity, that the ability at the State level for that and on down to the ability of the local governments, to have that capacity, to deal with crime and have systemwide planning, is critical.

Second, I think we have to continue a major emphasis on delinquency prevention and delinquency control. We have the foundation in the Juvenile Justice and Delinquency Prevention Act, which is in the process of being authorized. I think that act gives us the capacity to deal more with delinquents, which always has to be a major priority.

Third, and the one we talked mostly about today, is our ability to deal with adult crime through the criminal justice system, dealing largely with adults. I think we all know what is happening with corrections in this country. It is nearing crisis, or has reached crisis in a number of States.

My State leads the Nation, and second in the world, in the number of people we incarcerate per thousand. That is a distinction we do not want, but it is a problem we are trying to address. In my State we are trying to address that in a number of ways.

Finally, we cannot do it alone. The legislation that Senator Dole mentioned, S. 3209, which is a correctional facilities, criminal justice facilities improvement act, is one we feel would help us in that regard, one that we feel is vitally necessary if we are going to be able to deal with that crisis.

Law enforcement and the kind of assistance law enforcement needs is ever increasing. I think we talk about the level of sophistication and the criminal level. The spread of the problem to urban areas and to rural areas shows that we need to work together jointly for the improvement of law enforcement. I think some of the improvements made over the last number of years are really significant. If you take them in a broad sense, you can see the impact they have had. Do not concentrate on how many single radios we may have bought. Concentrate on the fact that we have a statewide radio communication system that allows all our law enforcement agencies to communicate, to work together daily on an operational basis. That is where the impact has been.

I think there is a continued tremendous need for assistance and improvement. Obviously, prosecution, courts, defendants, we have heard about this today. There is a need there and a continuing need.

I would conclude by saying that the Federal role has got to be a strong role, has got to be an aggressive role and one of leadership, in partnership with State and local governments, to deal with crime, to deal with improvements in the criminal justice system. I would suggest that we take this opportunity not to continue too long the discussion of why the LEAA program has suffered a demise, but to talk about where we go from here, to talk about a new approach, a clean approach, a new delivery system, unencumbered by many of the things attached to delivery system under the LEAA program, one that recognizes and builds on the successes we have had in that program and eliminates the failures we have had in that program, one that we recognize is a proper role for each level of government to play.

I would suggest there is an immediate need for action by Congress. As many of you know, there is a continuing strong program at the State and local government level with LEAA funds. There is clearly \$1 billion in the pipeline out there that we are administering for crime control, criminal justice system improvement programs. We need to have a strong agency in Washington that we can deal with.

I am concerned with the reorganization plan that is pending with you for the reorganization of OJARS and the LEAA and the rapid phaseout of these programs. I think it is incumbent on you to look at that and be sure that they are not being phased out more rapidly than the program is being phased out at the State and local levels. The integrity of that program and the integrity of that money is crucial.

Finally, I would suggest another immediate area of concern is the appropriation for that agency for this year, specifically the Bureau of Justice Statistics. It appears that the appropriation will be at such a level that that agency will be in sore need of additional funds if it is

to provide the kind of information we need, the kind of information we need to move forward to determine what should be done about crime in this country.

I appreciate the opportunity, and my association appreciates the opportunity to be with you today. Thank you.

Senator HEFLIN. Thank you.

Next we will hear from Mr Schneider.

Mr. SCHNEIDER. Mr name is Francis Schneider. I appreciate this opportunity to be here. I am a county commissioner from New Castle, Del. More importantly, I serve as the chairman of the National Association of Counties, Subcommittee on Criminal Justice Planning. I appear in that role to testify today before the committee.

I do not think it is any secret that NACO has been a staunch supporter of the Law Enforcement Assistance Administration during the reauthorization process and, more recently, during the appropriations process. LEAA has provided necessary assistance to counties by funding innovative programs which our financially strapped counties could not afford to experiment with.

However, it now appears that the agency will be phased out, with little chance that LEAA, in its present form, will be resurrected. NACO looks upon the current situation as an opportunity. The LEAA program with its record of successes and problems is dying. Its demise has inspired a new and healthy dialog about exactly what the Federal role in criminal justice should be. NACO believes the Federal Government should have a role, and I shall outline our ideas later. First, what have we learned?

We have learned that there is a place in the criminal justice system for the types of programs LEAA has funded. State and local governments picked up the costs of 80 percent of the programs that were originally funded by LEAA and due for continuation—a very high success rate.

Among the programs that have been successful at the county level are victim-witness programs, et cetera. You have heard them all.

A thread that runs through these programs shows LEAA's most important contribution to the criminal justice system: cooperation and coordination among police, prosecutors, courts, and corrections. Any change in one area of the system affects the others. LEAA, through its support of system coordination, has encouraged the fragmented components to consider these impacts when developing programs and policies. It has also fostered this closer cooperation by funding programs that cross functional lines between police, prosecutors, courts, and corrections. Thus, system overloads, duplication of effort, and, therefore, costs have been reduced.

Many of these programs also promote cooperation between citizens and the criminal justice system. If they can expect sensitive treatment and efficient service, both victims and witnesses are more likely to report crimes. In addition, a well managed jury system can make this contact with the criminal justice system a positive experience for jurors, increasing their willingness to serve and participate.

A major reason that this cooperation and coordination have been possible is the development of criminal justice planning, which was fostered by LEAA. Good analysis and planning can help local government policymakers and criminal justice agency officials make more informed decisions about the operations of the system.

LEAA has, of course, had its problems. If it had been a trouble-free agency, we would not be here today talking about it.

The passage of time, I think, will allow us to be a bit more certain about LEAA's fatal flaws. However, unrealistic expectations, rather than poor performance, have done much of the damage. When LEAA was first established, it had a mandate to reduce crime, a mandate it has been saddled with for most of its existence. Today, 20-20 hindsight tells us it is unrealistic to expect such an impact for at least two reasons: First, at the height of its appropriations, LEAA contributed no more than 5 percent of the total criminal justice expenditures in the United States. That amount of money has not been enough to make inroads into the vast and varied problems of crime.

Even more important, it is becoming increasingly clear that even the criminal justice system as a whole cannot have a significant effect on the crime rate. Characteristics of our society, such as poverty, unemployment, and demographics, over which the criminal justice system has no control, have a much greater influence on the incidence of crime.

In the Justice System Improvement Act of 1979, Congress and the administration changed LEAA's mandate to improving the criminal justice system. This is a goal which the agency both could and should achieve. The programs listed earlier all accomplished some improvements in the system. Unfortunately, the JSIA was never really implemented, in part because LEAA was unable to survive its inability to meet the mandate to reduce crime.

In one case, complying an early mandate of the program has created problems for the agency more recently. Congress clearly intended that LEAA should fund hardware projects when the agency was established. Its concentration of hardware purchases in the first years of the program haunts the program to this day, 5 years after such expenditures were relegated to a very low priority in LEAA.

Another basic problem has been the absence of an equal partnership between State and local governments in the LEAA program. Until the recent passage of the Justice System Improvement Act, States had been given much more authority in the program than they have in the criminal justice system. Evidence for this can be seen in relative criminal justice expenditures, a good measure of authority; that is, decisionmaking occurs where appropriations are made.

In 1977, local governments accounted for 60 percent of the total \$21.5 billion in U.S. criminal justice expenditures. They spent \$13 billion; States spent \$6 billion, or 27 percent; and the Federal Government spent \$3 billion, or 13 percent.

Thus, when LEAA was made a State-level program, States were given power of the purse without political accountability. Crime occurs in communities: citizens hold accountable their mayors, police departments, county prosecutors, and sheriffs for crime, not the Governor. Yet he and his staff have had far more authority to determine the distribution of LEAA funds.

A related funding issues derives from the fact that local governments have been required to take over the costs of effective programs in 3 to 5 years following the original Federal funding. Since budgetary decisions regarding local programs are made by local elected officials, they should have a strong role in program development and administration.

Closely tied to program development is a determination of needs and priorities. Communities where crime occurs are best able to determine their own priorities and the best mechanisms for achieving them.

The Justice System Improvement Act addressed this problem of inconsistent authority, as well as that of unrealistic expectations. The act allowed large cities and counties to receive guaranteed allocations of funds, and gave them more authority to determine their priorities and administer their programs. As the Senate report states, "local governments performing the greater portion of criminal and juvenile justice responsibilities must have a larger say in the funding priorities."

States continue to have an important role, with responsibility for reviewing local programs and administering programs for smaller localities and State agencies.

Whatever the successes and problems of the past, the present situation, in which there is no Federal agency focusing on criminal justice assistance, is unacceptable. The problem can be described in the familiar good news/bad news characterization. The good news is that some of LEAA's programs are so successful they will not die with the agency. The bad news is that they are being transferred to other departments and agencies, creating a bureaucratic maze for State and local officials that will be almost impossible to decipher. Moreover, in the absence of financial and technical assistance to State and local governments, both the pertinence and dissemination of criminal justice research and statistics are likely to be diminished.

In the future, there must be an identifiable Federal office or agency responsible for coordinating Federal criminal justice activities.

The Federal Government should see its role as a catalyst for change and a forum for ideas. This implies a recognition that most of the innovative ideas that LEAA has funded as experimental programs have percolated up from State and local governments. The Federal Government should use its unique capabilities and resources to evaluate and disseminate effective programs through seed money, technical assistance, and information sharing.

Thus, a future Federal criminal justice assistance program should have a clear identity, should foster innovative ideas for improving the criminal justice system, and should encourage an equal partnership between States and localities.

Thank you. I will be happy to answer any questions you may have. Senator HEFLIN. Thank you.

Gentlemen, I realize that you made a lot of statements in your written reports. I have not read them all, so I am not completely familiar with each of them but as I view LEAA and the assistance program for crime, we are at a crossroads.

I have been handed a letter which was recently sent from the Department of Justice which will, in effect, as I understand it, dismantle the mechanisms of the LEAA. It is a letter addressed to Senator Strom Thurmond, the ranking minority member of the Judiciary Committee, from Kevin D. Rooney, who is the Assistant Attorney General for Administration.

I would like to ask that this be entered into the record.

[The letter referred to above follows:]

U.S. Department of Justice



MAY 26 1980

Washington, D.C. 20530

Honorable Strom Thurmond
Ranking Minority Member
Committee on the Judiciary
U.S. Senate
Washington, D.C. 20510

Dear Senator Thurmond:

The purpose of this letter is to notify you of the Justice System Improvement Act (JSIA) Reorganization Plan.

The JSIA of 1979 legislated substantial changes in the Federal criminal justice assistance program. The changes mandated by the JSIA were then effected by the President's FY 1981 budget. The Office of Justice Assistance, Research and Statistics (OJARS) has prepared a reorganization plan which is designed to meet the demands created by the legislative and Presidential actions.

The magnitude of the actions necessary to implement this plan are significant. Approximately \$650 million of outstanding Federal funds are involved. The jobs of approximately 30,000 State and local employees working on criminal justice programs in every State and major unit of local government will ultimately be affected. At least 500 Department of Justice (DOJ) employees will be directly affected by this reorganization.

From a policy standpoint, closure of, and accountability for a Federal grant program with the greater part of three years' funding still unexpended is a major new action for the Federal government. It is a significant responsibility for DOJ. Accordingly, the reorganization is designed to maximize accountability for these funds.

The reorganization assumes Congressional approval of the President's FY 1981 Budget, which contains no new program monies for the Law Enforcement Assistance Administration (LEAA) and establishes personnel ceilings of 421 permanent full-time (PFT) employees at the start of the fiscal year and 399 PFT employees at the end of FY 1981. Congressional approval of the reprogramming of \$3.2 million in administrative funds to support 79 additional PFT employees through FY 1981 is also essential to the orderly phase down of LEAA, with maximum accountability for grant funds, presented in this plan. The delicately balanced reorganization has been structured to achieve these goals:

- (1) To create an LEAA structure that will efficiently bring the State/local assistance program, as originally envisioned by JSIA, to a close;

- (2) To create an independent National Institute of Justice (NIJ) and Bureau of Justice Statistics (BJS); and
- (3) To be prepared to create an independent Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Achievement of these goals will not be easy under any circumstances. However, external events could occur which would make the goals even more difficult to attain. One or more State Criminal Justice Councils or State Planning Agencies may close for lack of administrative funds. Should this occur, it would create a substantial additional workload for LEAA and the support service offices in OJARS, and would increase the potential for fraud, waste, and abuse of Federal funds.

Enclosures I-V depict the proposed structure of LEAA, OJJDP, NIJ, BJS, and OJARS. Enclosure VI shows the proposed allocation of staff resources in FY 1980 and FY 1981. It is readily apparent that OJARS and LEAA will be reducing personnel, while OJJDP, NIJ and BJS will be increasing staff.

The organization is designed to take maximum advantage of the limited resources available and to balance the several, often competing demands for those resources. The significant remaining grant workload necessitates an OJARS and LEAA capacity that can carry out the administrative tasks necessary to responsibly phase out the program. At the same time, on-going programs must have the staff they need to perform their continuing and expanded responsibilities.

LEAA will focus its efforts on remaining grant administrative duties for the criminal justice assistance programs, including management and closeout of grants, contracts and interagency agreements. The organization provides for continued performance of these critical administrative duties and, concurrently, an orderly and steady contraction of LEAA program and structure. Over the next year LEAA staff will decline by more than half.

Reauthorization of the Juvenile Justice and Delinquency Prevention Act may result in the establishment of OJJDP as a separate, independent agency. Should such reauthorization occur, the plan allows the flexibility to accommodate growth in the OJJDP program. It is for this reason that a separate organizational chart is included for OJJDP.

The JSIA calls for strengthened and independent programs of research and statistics, and implementing this statutory mandate is a key goal of the reorganization. The NIJ has responsibility for the Federal leadership role in justice research. NIJ carries out a program of basic and applied research, testing and training, information dissemination and evaluation. The BJS has a broadened justice statistics collection and analysis mandate.

OJARS provides all support services for LEAA and OJJDP, NIJ and BJS. A key role for OJARS in FY 1981 is the coordination of transition planning and implementation. OJARS, like LEAA, will be reducing staff. However, OJARS will have a substantial workload in FY 1981, as it provides the core administrative services essential to phasing out the program--accounting, audit, information systems, and legal assistance. In addition, OJARS will give priority to ensuring that all civil rights complaints are investigated before the program is phased out.

Remaining program administrative duties require an OJARS and LEAA structure during the upcoming fiscal year. However, these duties will diminish over time. By FY 1982 the OJARS and LEAA structures will no longer be required. An efficient method of providing support services to NIJ, BJS and OJJDP (if it becomes an independent agency) is being developed by my staff and OJARS officials. Attorney advisors/program counsel will be assigned to NIJ and BJS. It has already been decided to transfer the OJARS audit function to the Department in FY 1981, in order to provide for orderly and timely auditing in support of program phase out. Other functions will be transferred at some time during the fiscal year to the Department. By FY 1982 only a small, residual capability will be needed to handle the final phase out of the program. A Joint Transition Team (JTT), comprised of former OJARS and LEAA staff, will be established to perform remaining tasks and wrap-up loose ends during fiscal year 1982. Persons on the JTT will be transferred to the Department when their work is completed.

An immediate effect of the budget changes is that no funds are provided to State and local governments for FY 1981 and beyond for the cost of administering LEAA programs. Since State and local administrative costs are funded on an annual basis, such an action could seriously jeopardize the continued existence of the State and local agencies which play a pivotal and vital role in administering the criminal and juvenile justice formula grant programs and assuring that accountability requirements are met. However, as you are aware from our letter of August 5, we have taken action which will allow States to use unexpended action funds for administrative programs. The States will be reprogramming only unobligated or reverted monies; no action projects will be terminated solely for the purpose of providing administrative funds.

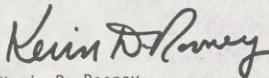
A principal issue in any reorganization is its impact on personnel and productivity. Over the years, the LEAA/OJARS organization has attracted and developed many dedicated program and support personnel. To retain experienced personnel to staff the new organizations and to maintain accountability over continuing programs OJJDP, NIJ and BJS will be developing their staffs to their projected FY 1981 levels through internal recruitment.

Several LEAA programs of proven effectiveness and value can be transferred to other Federal agencies. These programs include initiatives such as the community anti-crime program, drug treatment programs, arson prevention and control, corrections standards and training, courts improvement efforts, and enforcement activities. Formal negotiations to transfer these worthwhile programs to other agencies will begin immediately.

In conjunction with the implementation of the reorganization several important amendments need to be made to pending legislation: to ensure that OJJDP will have an alternate administrative structure at the State level; to vest grant property inventory ownership with the States; and to relieve LEAA of Section 816(b) reporting requirements. Such additional statutory language which is required to implement major elements of the reorganization will be developed during implementation. The Department will be forwarding the necessary legislative proposals to you.

If you have any questions or comments concerning the reorganization plan please feel free to contact Mr. Guy K. Zimmerman, Director, Evaluation Staff, Justice Management Division, at 724-5705.

Sincerely

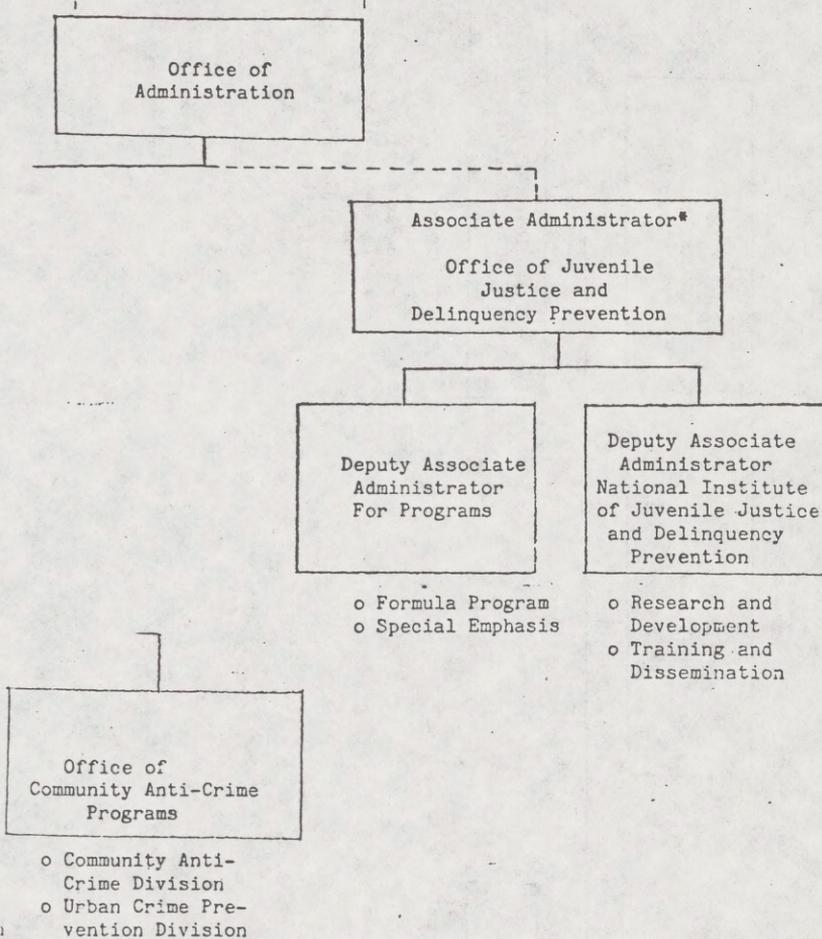


Kevin D. Rooney
Assistant Attorney General
for Administration

Enclosures

Enclosure I

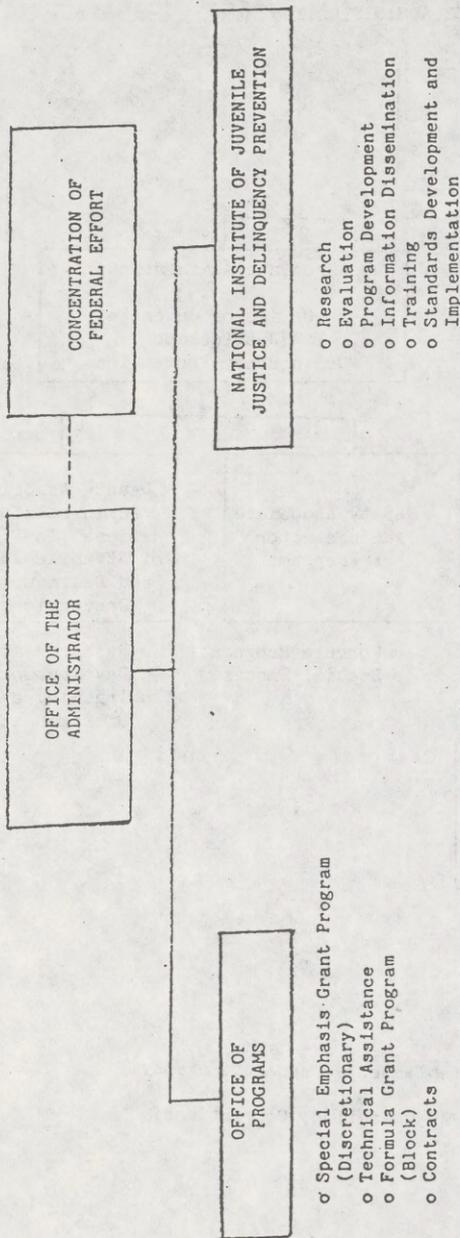
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION



o Administrator; May be established as separate agency.

o Program Divisions are: Adjudication, Corrections, and Power Development.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION



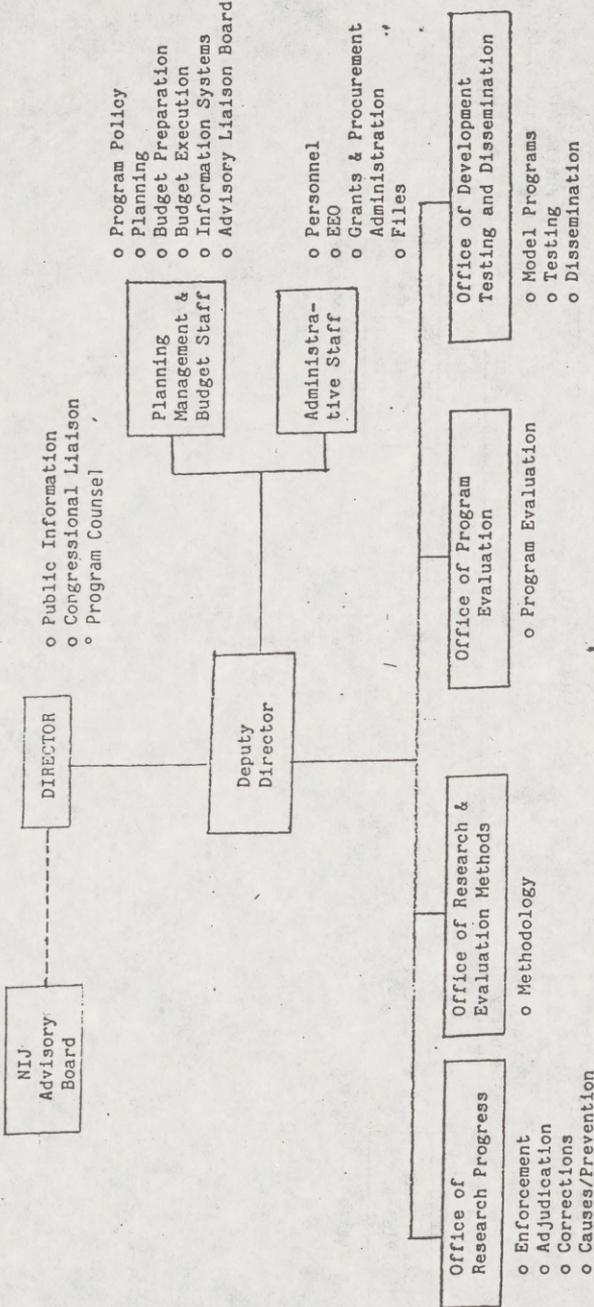
OFFICE OF PROGRAMS

- o Special Emphasis Grant Program (Discretionary)
- o Technical Assistance
- o Formula Grant Program (Block)
- o Contracts

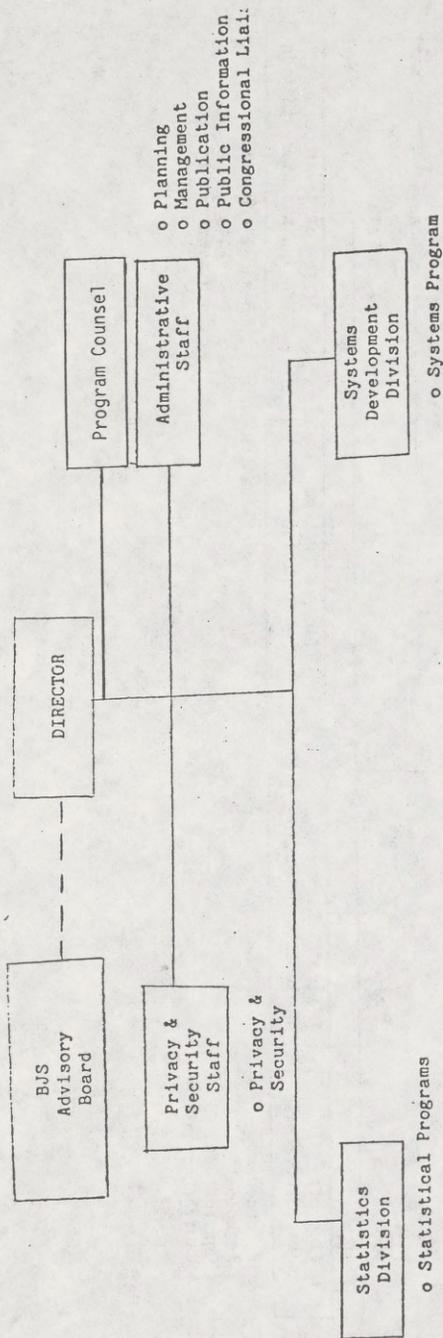
NATIONAL INSTITUTE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

- o Research
- o Evaluation
- o Program Development
- o Information Dissemination
- o Training
- o Standards Development and Implementation

NATIONAL INSTITUTE OF JUSTICE



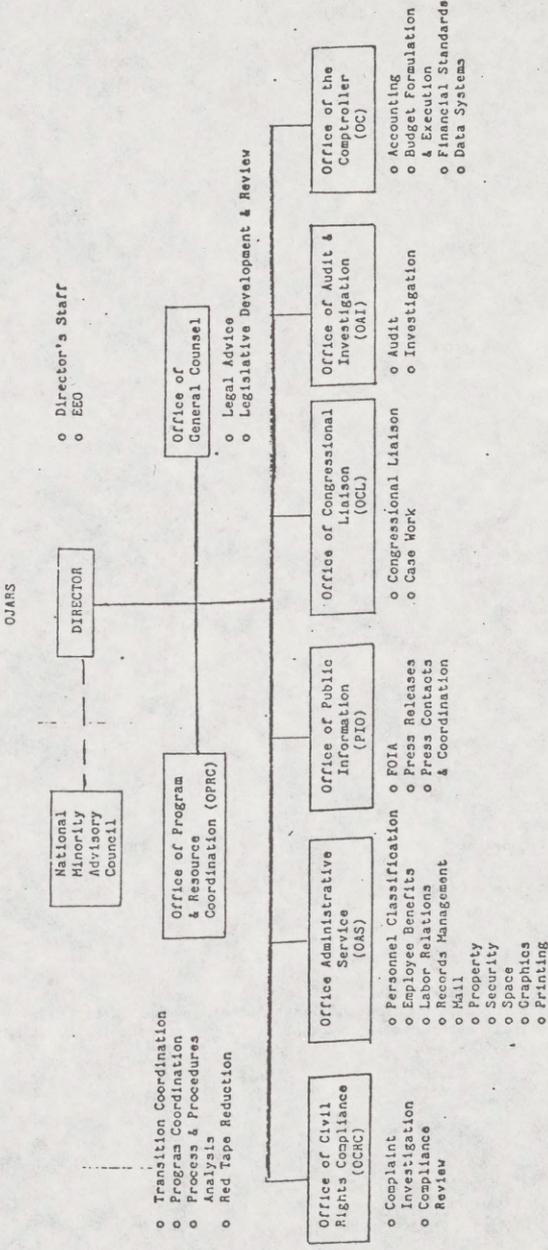
BUREAU OF JUSTICE STATISTICS



- o Planning
- o Management
- o Publication
- o Public Information
- o Congressional Liaison

o Systems Program

o Statistical Programs



Enclosure VI

PROPOSED PERSONNEL ALLOCATIONS

Current Offices	On Board 6/20/80	Office Reorg. 10/1	Partial FY 81 Decent.
Ex. Direction	1 4	Dir. OJARS	8 (+3)
<u>OJARS</u>			
OCG	9	OGC	7 (-2)
OPM	15	OPRC	9 (-6)
OCRC	20	OCRC	19 (-1)
PIO	8	PIO	3 (-5)
CLO	6	CLO	3 (-3)
OC	70	OC	67 (-3)
OOS	39	OAS	30 (-9)
OEEEO	3	----	-- (-3)
OAI	79	OAI	70 (-9)
Total	254		216 (-38)

<u>LEAA</u>			
Ex. Direction	3		
OCJP	100		
OCACP	15	LEAA	59* (-70)
OCJET	6		
Ex. OOS Tra.	5		

Subtotal	129		59 (-70)
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OJJDP	42	OJJDP	101 (+59) ✓
PSOB	5	PSOB	5 -----

Total	176		165 (-11)
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NIJ	66	NIJ	79 (+13)
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BJS	27	BJS	40 (+13)
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GRAND TOTAL	523		500 (-23)
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Less OAI	421
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Recommended Partial Decent. Allocation 10/1/80	Grant & Financial Management	PERS/EEO	PI	CL	Total
	NIJ	2	1	1	5
	BJS	2	1	1	5
	Total	4	2	2	10

The LEAA personnel ceiling may prove inadequate if States close shop during FY 81, leaving the grant administration responsibilities for LEAA or if significant numbers of States continue operations through FY 82 because of their reprogramming authority. These personnel allocations will need to be reassessed in October 1980 and periodically thereafter.



AUG 05 1980

Washington, D.C. 20530

Honorable Ernest F. Hollings
Chairman, Subcommittee on the Departments
of State, Justice and Commerce, the
Judiciary and Related Agencies
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

We are writing to notify you of our plans to allow the States to redirect the expenditure of certain funds previously awarded to them through the grant programs of the Law Enforcement Assistance Administration (LEAA). A portion of these resources is now required to cover various State and local administrative costs associated with phasing out LEAA's major programs. As you are aware, the President's revised Budget for FY 1981 has proposed that funding for these programs be eliminated. Action taken thus far by Congress indicates that it is in general agreement with this particular proposal.

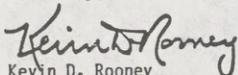
During the course of detailed planning to implement the anticipated reductions, Office of Justice Assistance, Research, and Statistics (OJARS) and LEAA officials have more specifically identified the wide range of programmatic and administrative responsibilities that must be met if all Federal funds are to be properly accounted for. For example, it is estimated that there are at least \$600 million in criminal and juvenile justice "formula" and categorical grants which will remain active in progressively decreasing amounts at the State and local levels of government through FY 1983. Approximately 34,000 individual projects are on-going, for which monitoring, reporting, fund accounting and close-out activities must be conducted.

Pursuant to legislative directives, LEAA has relied upon State-level agencies (now criminal justice "councils"), local planning units, and judicial coordinating committees to carry out most of the management functions associated with its grant programs. The funds which have been provided to support these necessary services are awarded and expended within the same fiscal year, i.e., they do not allow for the continued operation of either these councils or the judicial coordinating committees. The elimination of LEAA's major grant programs, particularly the Part D Formula Grants, means that no new resources will be made available as of October 1, 1980, to support these councils and committees. Under these circumstances, costs associated with closing down the programs cannot be met.

The Department believes that QJARS and LEAA's plan to use a portion of those unexpended resources which become available to help meet these administrative-related expenses is absolutely necessary in order to allow the phase-out process to proceed in an orderly and efficient manner. We are of the opinion that this redirection of unexpended funds is consistent with the Justice System Improvement Act of 1979 and preceding legislation. Such use of resources should also enable the ongoing juvenile justice formula grant program to continue to be administered in FY 1981 with only minimal disruption.

Please feel free to contact me if you desire further information regarding this matter. Thank you again for your consideration of this important item.

Sincerely,



Kevin D. Rooney
Assistant Attorney General
for Administration

Senator HEFLIN. I have not had a chance to read it, but I have been briefly told about it. This makes the possibility of a Federal assistance program doubtful in the future. We have a new administration coming in, and I do not know what that administration's policy will be toward a Federal program to assist law enforcement at the local and State level. Bearing this in mind, it seems to me there are some questions that each of you representing your various associations and various elements in the criminal justice program should address.

So I invite you to make an extension of your remarks and file them with this committee. I do not think there is any particular hurry, and it can be done in the next 2 weeks. Anybody else that is here or who represents an association can, if he desires, file a statement to go into this record. We would be delighted to have it in order that we might make a complete record.

It seems to me there are some questions we need to address. One is, Why a Federal assistance program to law enforcement at this stage? We hear statistics and we know about crime. One question that strikes my mind, that you may have covered but I have not heard it, is, Is there a reason for a Federal assistance program other than the fact that crime is a major problem? It seems to me that over the last several decades the Federal Government has imposed—and I use the word imposed not in a bad manner, but just to state that it occurs—requirements on law enforcement, on the criminal justice system, which have been a large burden, too.

Now, the U.S. Supreme Court, and I am not being critical, placed additional requirements on the matter of handling cases. They have also placed requirements on law enforcement. All of these are in effect, a Federal mandate to the criminal justice system.

For example, with the requirement of a *Miranda* warning, it now takes maybe 15 minutes to take a plea of guilty where it used to take less than a minute in the courts.

Each of you might provide us with additional statements, in order to make a case showing that there are Federal requirements that have been placed upon your segment of the criminal justice system that have come from the Federal level, whether it be from Congress or whether it be from the courts. Again I am not trying to be critical of the courts; that is not my purpose. But it is my purpose to show that there have been additional burdens placed on local and State governments, Federal requirements in the criminal justice field, and it seems to me that those need to be addressed and put into the record.

Then in any extension of remarks that you might like to make, it seems to me that you need to address the issue, as I stated it before, of why a Federal assistance program. You can elaborate.

Then I think there ought to be at least some analysis on your part, from your organization, of what is going to happen if there is no Federal assistance program to help with crime. Then, if a Federal assistance program is to be reorganized, how it should be reorganized. I would like to have your thoughts in regard to what type of a program we should have.

I think you have to bear in mind at least two things in answering that question: one is, if it is a restricted and limited program from a financial standpoint, and another is if it is more fully financed. I

think you would have to make that distinction, as to how it might be attempted to be reorganized.

Then another question, if it is in a restricted posture, what programs ought to have priority.

I had a conversation with a very conservative-minded Democrat who has opposed LEAA, and he opposed it on what he thought was a waste of money. When I outlined to him what I thought were the great advantages, like professionalizing of law enforcement through educational programs, and the fact that many educational training programs in many States would have to be abolished, he saw that there was an advantage, and said he would support an LEAA program, or a Federal assistance program to crime if it was concentrated on some limited areas that would be of unquestionable benefit in this regard.

I am just passing on what he said in that regard.

Senator BIDEN. I assume he is talking about some other conservative Democrat who is a critic of LEAA rather than this Senator.

Senator HEFLIN. Yes.

Senator BIDEN. I am kidding.

Senator HEFLIN. Maybe he would not want me to call his name at this time, but he is a person that is very thoughtful.

Senator BIDEN. I know of whom you speak, and I just wanted to clear the record. That is all. I wanted to establish how conservative I was. [Laughter.]

Senator HEFLIN. There is discussion in Congress—and I think you should address this in your extension of remarks—concerning revenue sharing, and that revenue sharing provides for State and local government. Of course, revenue sharing for State governments is questionable.

I think revenue sharing for cities and counties will continue at the present level, but we have to address here the issue of revenue sharing as opposed to Federal assistance programs.

I think that needs to be addressed by your organizations in this regard.

There is also the question of whether or not a new name.

I think perhaps there are several members of Congress who think of LEAA in only its early days. In my observation and experience, LEAA has had a turnaround, and I think Peter Velde's administration was largely responsible for this turnaround. I think that we have had an effective program that has been very successful.

To my amazement, some of the largest and most vocal opponents were former Governors and a former chairman of a crime commission, who are now in the Senate, that had experience in this regard. I do not know about individual situations, but I do think that in any effort to bring about a new organization or to revive LEAA where it can be adequately funded, we have got to address the things that have happened in the turnaround and that are proving effective.

I invite you to give us extended remarks in written form in regard to these issues, and I think they are important for the hearing. As I said, I do not know what this administration is going to do, but, obviously, it is going to take a major effort to sell a new program of Federal assistance to law enforcement.

In my judgment, there are many reasons why the statistics of crime, the problems of crime, are such. I do not think that we can

close our eyes. I listened to most of the testimony, and most of the testimony you are giving us today is the same testimony we have heard at each of the reauthorizations hearings. You are citing each of the programs, and that sort of thing. I think we have to have a more positive approach and to have a better rationale for selling a program which will adequately meet the needs.

One of LEAA's opponents stated that LEAA does not make any real difference. He said that LEAA's contribution amounted only to 2 percent of the total contributions made by government, the resources of government that were devoted to fighting crime.

My opinion was that if that is only 2 percent, then it has acted as a catalytic agent, and I do not think you can point to any other government program that has had such a sizable effect on improving the criminal justice system. What I am trying to say is, let's look at it from the point that we have to put life into this program. We have opposition. How are you going to sell this? Let's sell it. I think that has to be done on the basis of selling it to Congressmen and Senators and your individual people back home.

I did not intend to make this speech, but the testimony so far has been like we are at a reauthorization hearing; that LEAA is going to continue. I think we have to realize where we are and look at the arguments and the rationales that have been developed as well as address the question of whether you are going to have a Federal assistance program to assist law enforcement in the future.

I did not mean to make a big speech on this, but I think we have to face up to this issue as we approach this.

With that in mind, and with the invitation for you to extend your remarks, I do not have anything else.

Senator Biden?

Senator BIDEN. I would like to begin by associating myself with the vast majority of the comments that you have made. I start with the last point you made first; that is, I am sure these fellows at the table understood what you meant when you said we are not at a reauthorization hearing. We are at an "if" hearing, and what form will it take.

Also, every point you raised, Judge, from the question of the Federal Government and Supreme Court-imposed requirements on States as to what that did to their budgets and their law enforcement agency requirements, straight through to the question of whether or not there should be a name, a new name, are questions that must be answered. So I agree with the thrust of everything you have said.

It has been suggested—and I am sure none of the gentlemen at the table have heard it suggested, but it has been suggested—that the Senator from Delaware, who is now the ranking minority member of the committee, has been a critic of the LEAA, that I have not liked LEAA, and that I have been out to kill LEAA. Some have suggested that I have suggested that I have succeeded in that effort.

From the beginning, straight through to this moment, I think the question is just, as our friend from suburban New York has stated, not whether the Federal Government will be involved in the crime fight at a local level, but how it is going to be involved.

I would like to point out, I am not sure if it was the gentleman from Rhode Island or the gentleman representing the Governors' association, but someone said this is the first time you have all had an input.

I would like to respectfully disagree with the gentleman who made that statement and point out that I have personally been involved in 15 days of hearings with supporters and opponents on every single solitary aspect of LEAA. I repeat: every single, solitary aspect. We have heard from Governors, representatives of Governors, counties, cities, police officers, former directors of programs, present directors of programs, administrations, former administrations, and political science professors and actually the folks on the street, the cop wearing the badge. They have all been here.

I see an encouraging thread that is running through the discussion today. I notice that all of the programs that were mentioned as exemplary programs are programs that this Senator set out in the grant formula which every one of your organizations resisted, every one of them resisted putting into the Justice Improvements Act of 1979, every one, from speedy trials, combating arson, white collar, drug programs, prison programs, et cetera. We did it for the very reason you said, that they work, that they are good, they make sense. The priorities do not require each of you to take these programs, but said, these are our 23 priorities.

We did not say you had to do all of these, or in this order; but we said, there are some priorities.

In terms of setting the record straight from one Senator who has been deeply involved in this matter, I would like to suggest that all the great success, every one that you have named—and there may be others that you have not named—but every one named here this morning, although I did not hear Attorney General Gebelein's comments, are programs which were spearheaded by the Federal Government, using local talent, using local input, or wholesale stealing from one locale; an idea, refining it and then sending it out to you folks and saying, "This is a good idea; why don't you buy some of this?"

My argument has been that LEAA is in a very competitive situation. To put it in perspective, gentlemen, the problem here is—is there anyone representing any of the organizations that would suggest, for example, that the drug problem is not a major part of your crime problem? Isn't that a big problem? How about organized crime? Organized crime is a big problem; right? Correction: super problem. Talk to my State about that.

Let me tell you something, fellows. For all DEA does, do you know how much money we spent on the Federal effort? Two million dollars.

Let's take a big if. Let's assume that all of the money we had for LEAA we just spent on drugs, international drug trafficking, and made a real dent in that area. We would diminish your crime problem significantly. Yet, we only have \$200 million for the whole darn program \$200 million.

No. 2, corrections, We spend under \$350 million for the whole Federal prison system, \$350 million. I happen to think Senator Dole's bill makes good sense, because the bill we started to come up with last Congress had \$7 or \$8 million in it.

The Criminal Division, every single criminal program since I have been here and chaired the subcommittee, I have tried to increase the amount of money available, every single one.

Do you know how much we spend for that? Between \$10 and \$15 million for organized crime programs. There are all those sting teams,

all those national offices, \$10 to \$15 million, and we say we are going to go after organized crime in a big way.

Organized crime is an international mechanism. You cannot begin to scratch it if you are the best in the world.

Attorney General Gebelein has trouble crossing the Pennsylvania border from Delaware, while we at the Federal level spent only \$10 to \$15 million.

One last point before I get to the questions.

With all due respect to the Governors, there is only one thing that the Governors agreed to at the Governors' conference. The sons of guns came down here and passed one resolution, the only one they could agree on. They passed it unanimously. The Federal Government should balance their budget. I love that. It just warms the cockles of my heart, every one of them. Thirty-seven of your States had surpluses. My own State had a surplus, but they still owe the Federal Government \$45 million on a loan.

They pass a resolution, tell Biden, balance the budget, and when we do not balance the budget, everyone goes out and demagogos the hell out of us. Every one of you comes here and lines up at the trough and says, more, more, more. No one ever says, less.

Fellows, I think we have a problem, a problem of communication. Let's talk in terms of what the chairman said is the object that I pledge myself to.

The Senator from Alabama is right. How do we get the Federal Government involved? We will not get it to happen, in my humble opinion, sitting as a member of the Budget Committee and understanding the problems we have. Try line iteming a \$645 billion budget when you have an administration that is going to cut taxes one-third, increase defense spending up to 20 percent, and while we have a recession. Figure that one out.

This ain't the time for us to be coming up here and saying, just because there is a statistical problem with crime, we should spend more on crime. We better focus and channel.

With all due respect, when we were writing this act, as the Senator will recall, I suggested, folks, you have unrealistic figures, \$800 million figure; it will not happen. You have not been sitting on the Appropriations and Budget Committees. That is not the mood. No, let's send it out. It will be \$800 million. Business as usual.

The President, responding both to his needs and also to the mood of this country, cut it to \$570 million. What happened there was, the only thing he left intact was the only thing that made sense, and that is, the integrated Federal loan programs.

That upset the Senator from Alabama, the Senator from Massachusetts, and a whole range of others, because all you guys started calling them and saying, you are cutting out my promise program. Councilman Schneider has a problem when he writes his budget. He does not know from where he will get the money. We in Congress fight as to what to do. I turned out to be wrong on the figure. The folks wanted to spend even less than \$570 million because, they concluded, and I think wrongly so—and I have spoken to every one of your national organizations at some point in the last 4 years; they are still making this phony hardware argument. It is a phony argument.

This Congress, and you all, have significantly improved the LEAA program. It is basically a good program now, but it has a lot of old baggage it is carrying; and because we come in kicking and dragging our feet to any change, there is a significant loss of credibility. So it makes it awfully hard to sell.

If there is any place the American public is willing to spend money in, it is the area of crime, notwithstanding the fact they have given up on us as politicians. They have basically given up on us.

We declared a war and we lost it, one that never could have been won in the first place.

What do we do? We develop a new multi-billion-dollar business, locks, guard dogs, private security. When you ask a person what they are concerned about, they say crime.

They feel less safe in a suburb than ever before, less safe in their own homes at 4 o'clock in the afternoon when most of the rapes occur.

The reason they have is, they figure we do not know what the hell we are talking about, and we overpromised them.

After that little speech, I think really we should understand that the Senator from Alabama is correct; we better take a hard look at what we are going to do and each of us think about another type of cooperation.

There has been increased cooperation, and I say this with as much humility as I can muster, in large part because of what I insisted be put in the legislation over the years, cooperation between local and State agencies.

You will notice it has occurred in the last several years, and people will say, they ain't talking to me.

So the cooperation is working out in terms of the functional side, but it has not worked out in terms of the political side. Governors still damage against Senators. Senators get mad at Governors. Attorneys general go for their piece. The police officers go for their piece. So we have not really had a declaration of peace and a decision among all of us to decide how we are going to build a new program that makes a lot of sense.

Now, I have two questions, if I may.

The first is that we mentioned, someone mentioned, that there should be permanent funding of the programs that work, and turn them over to you and then you take them on. If they demonstrate they work, then the Federal Government should take them on, career criminal programs, any of the others you want to put on that list.

If we have limited dollars, which I suspect we will, because now in this budget process, fellows, you are all competing directly with the Criminal Division, the DEA, totally limited Federal enforcement arm. We have cops and robbers at the Federal level, too, and they are having problems.

Now, what would be your view?

I would like each of you—that will take too long.

I would like each of you to respond in writing: What is your view as to how the priorities should work in a limited budget structure with less money than LEAA had several years ago, with less than a billion dollars for the LEAA program?

How should we do it? Should we set it up in such a way that the Federal Government narrows down the focus of what it is going to begin to package in order to sell, even if it keeps it and has to pay for it; or should we distribute the money through a grant program or through a revenue-sharing type mechanism and say, folks, here is your chunk for law enforcement; do with it what you wish? Conceptually, how do we approach that?

The second question I have is that of the things the Federal Government can do that would most help your jurisdictions. What are they?

Is it just a direct grant of money, or is it the Federal Government focusing on a single problem? Is it taking back a greater share, for example, of jurisdiction for bank robberies that we sort of left out and let drop down to you all? Is it beefing up on the drug side, or is it simply coming forth with more money for you, or is it setting out any individual programs for us to pay the tab?

How do we do it? How do we get to the point where you are being best served? In turn, that means our people are best served.

This idea of the match, of having an inhibiting effect, it clearly does have an inhibiting effect, but in my mind, it has a very chastening effect. Let's move away from law enforcement for a moment.

I got into a little bit of trouble in my State a couple of years ago, and I am still in trouble, because of when I suggested, for example, on programs, whether EDA grants or highway grants, that the local authorities should have to put up something, even if it is only 2 percent, 1 percent, 5 percent; because you know what happened when they did not? No responsibility.

I used to be a local official and I am sure Councilman Schneider is not like this, but when I was on that same council, we used to say—funny thing, come budget time, you would have the budget director stand before you and say: Well, gentlemen, this is a program that Councilman Jones has suggested. Someone would say: How much does it cost? He would say: It doesn't cost anything. An alcohol program that doesn't cost anything? Is it all voluntary contributions from the community? No. It is a Federal program.

You must admit that that mentality exists in part in places. When you all do not have to factor it in in order to ask the folks to raise their taxes or to tell them, you have a deficit, there is less concern with the precision of the program.

Case in point: A little place in Delaware where they did not have any money, but wanted to build an office building.

Their Senator went down and got them money. They built themselves a great big facility in a small place, got it all built, several million dollars. A beautiful structure.

They came to me, after they had it built, and said, we can't maintain the operation of the facility. We need a continuing Federal subsidy to turn on the lights.

I am sure had they had to put up 2 percent, that that local councilman would have said: How are we going to pay for this when it gets going?

I do respectfully ask you to reconsider, the person who mentioned the inhibiting effect of having some match, and answer for me honestly, as honestly as you are able to, whether or not there is any value in

requiring you all to come up with something for some of the new innovative programs that we all acknowledge we must try.

I apologize for trespassing on the chairman's time for so long.

I want to reiterate, I am absolutely, positively, unequivocally committed to the Federal Government's spending a great deal more money on crime. I think we should be tripling our budget at a Federal level in terms of fighting organized crime.

I think in spite of the Watergate mentality, we have our priorities backwards. We spend more money on white collar crime than we do on organized crime.

I want to get all of the cheating Congressmen and councilmen and bureaucrats, but I would rather break up a crime family. We do not do any of that. Almost none.

I would like very much to see us spend more money in international drug trafficking, a lot more money, at a national level and an international level.

I have sought to deal with host States, where they grow the stuff. I want to spend a great deal more on law enforcement. That includes helping you at a local level.

For example, nobody knows anything about—and we held about two weeks of hearings on the matter in my subcommittee—recidivism. We found staggering statistics and, keeping in mind Disraeli's comment about lies, damn lies, and statistics, we found an incredible report from INSLAW, a research group. My recollection is, approximately 7 percent of criminals arrested accounted for almost 25 percent of all the street criminals coming through the system in a year. That is a staggering number. The career criminal program does a lot to move those guys or women up to the top of the docket, but the fact is, we have no idea how to rehabilitate them.

The current ranking minority member of this committee, Senator Thurmond of South Carolina, is very proud that in his State of South Carolina their incarceration rate is second in the world. You all have problems—

Mr. THOMAS. I am not proud of it.

Senator BIDEN. But the chairman is, and he has some good reason to be. The statistics cited in the career criminal program that 93 percent of the cases resulted in incarceration.

Well, the problem is, maybe we at a Federal level should get the best minds in the country; maybe we should establish the equivalent of a National Science Foundation for the criminal justice system and pick out one or two or three or four of the most pressing problems that face the system. Unless they are eventually spoken to, we will never make a real dent in the problem, like recidivism, like the sentencing system, or whatever else you want to mention.

Take the limited dollars we have and spend a billion dollars figuring out about just one of them. Maybe that makes more sense than the albeit catalytic seed money, than spreading it out across the landscape and give it straight out in revenue sharing, just increase revenue sharing and say, you pick out how much you want in law enforcement and we will concentrate on one or two or three areas and try to come up with some answers to it, or acknowledge we have no answers; because once we acknowledge we have no answers, that is an answer.

If we acknowledge we do not know how to rehabilitate, we eliminate that from the sentencing.

Anyway, the ultimate issue is, there are limited dollars. The competition is going to become cutthroat for those limited dollars. Even within the area of law enforcement itself, U.S. attorneys are going to be down here wanting a piece of the pie that presently goes to law enforcement agencies, I predict. Judges are going to want more, and so on and so forth.

I pledge to you on the record, so long as I am involved with this committee, I will fight for more dollars, a lot more dollars, but we have to come up with a consensus as to the way in which we can target those limited dollars that gives you the flexibility you need, and I acknowledge it is needed at the local level; and that gives the Federal Government the best bang for their dollars.

I have trespassed on your time. The chairman is very gracious for letting me go on.

I cease.

Senator HEFLIN. Thank you. I appreciate your comments.

I did not ask any questions. Maybe some of you might want to respond to what I and Senator Biden said with an extension of your remarks.

You might have some other ideas that you foresee that each of the associations, each of the groups ought to address in the extension of remarks.

If any of you have an suggestions, we would be delighted to hear from you.

Mr. VERGARI. I don't think there is any serious question that LEAA, needed a very basic reconsideration, and perhaps what happened to that agency happened for the best.

Our concern is that, as I pointed out, some very good programs went out with the bath water. I don't know if it is possible to keep them going or to salvage what we have going that is really good. We have cited a number of them this morning.

If it were possible for the Congress to provide the funding to keep these things going, at least until a final determination can be made as to their worth, how they will be addressed and whether they should be continued permanently, it seems a shame to me to have to stop operations on such things as the economic crime project.

I know, for example, the career criminal program; I think that is the most successful of all the local law enforcement programs in terms of dealing with criminals.

If the New York State District Attorneys Association had not led a very long and hard, but finally successful fight, we would not have had the money.

We got the State legislature and the Governor to come up with a few dollars to keep the program going for a few more months to see where more money might be coming from, but that fine program nearly went down the tube because of the meat ax approach that was given on all LEAA programs.

Senator BIDEN. That was the intention of all of us on this program.

But it got caught in the budget process and almost a procedural wrangle here. I, for one, think you are correct; that we should do that. In return for that, I, for one, would also be seeking a commitment that there would be a real effort not to discontinue it the following year and the next year; but I think we should extend it for

another year while we have time to work out a more basic approach to how we do LEAA.

Senator HEFLIN. Regarding this letter from the Department of Justice, we invite you to comment on it in your extension of remarks. It would pretty well, I am told, do away with the mechanisms of LEAA, and we all know if you do away with the mechanisms, even if you change its name, it takes a period of time to reinstitute or start anew. In going so, you have startup time problems and things like that.

If we are going to a new program, we do not want to have that wasted time.

I have sort of lectured in regard to this, but really, I think LEAA has more friends in the Senate than it does in the House. In one battle I had, we got \$100 million added, taken from foreign aid.

Then in the conference committee, the House would not agree to it, and the Budget Committee had to give up on that plan. We made a fight, but we were in a position of where we were in a procedural disadvantage in that the Budget Committee would have had to go back to the House. They did not want to do it and they could not do it, and we lost that particular battle.

Constantly, the chairman of the Budget Committee has said, we cannot sell LEAA in the House.

So again let me inform you that there is a lot of missionary work and a lot of evangelism that has to be directed toward the House as well as the Senate, but I do think that you ought to be cognizant of that fact, if you are not already cognizant of it.

Mr. Velde, do you have some questions you would like to ask?

Mr. VELDE. Just one question for Mr. Lagomarcino.

In your statement, on page 8, you refer to the reference under the Civil Rights of Institutionalized Persons Act of 1980. Has the Governors Association done a cost-benefit analysis or potential impact statement of the cost of this program on the State and local governments?

Mr. LAGOMARCINO. Not to my knowledge. The regulations were just promulgated and we are not aware yet of what the full impact will be. I think, working probably with the National Association of Attorneys General for one, we expect to take a very hard look and develop the data that you ask. I don't know of any right now.

Mr. VELDE. It would seem, in further consideration of S. 3290, data like this would be extremely helpful.

Thank you.

[The prepared statements of Messrs. Gebelein, Roberts, Lagomarcino, Vergari, Schneider, and Thomas follow:]

PREPARED STATEMENT OF RICHARD S. GEBELEIN

Mr. Chairman, I wish to express my thanks for the opportunity to appear before you to testify with respect to the Criminal Justice Construction Act as well as continued assistance by the federal government to local law enforcement agencies. Before addressing the specific needs which support a Criminal Justice Construction Act, I would like to make several observations with respect to the benefit of federal assistance to local law enforcement agencies, especially as that assistance has impacted on my state, Delaware.

As you are aware, Delaware is a small state. Perhaps as a result of that fact, the impact of small amounts of federal dollars has been great in the area of law enforcement. In particular, there are several areas in which federal grants under the Law Enforcement Assistance Administration (LEAA) have led to significant

improvements in the criminal justice system within our state. For example, during the years 1974 through 1976, a felony screening unit was created in the Delaware Department of Justice through assistance granted by LEAA. The total cost in federal dollars for all three years was \$161,263. That limited funding, slightly more than \$50,000 per year, subsequently led to a total reorganization of the prosecution function of the office of Attorney General with an emphasis upon early effective screening of criminal cases. The successes obtained through the limited felony screening project, supported by federal funds, indicated that far greater savings could be had by the State in the area of screening and early disposition of cases.

In 1979 upon assumption of my office, I studied the results of that project and then directed that a reorganization take place so that close to one-half of our deputies involved in criminal prosecution were placed in a screening and early disposition role rather than having all deputies involved in trial work. During the 18 months since that program was implemented, we have found that we have been able to divert close to 30% of all criminal cases from presentation in our major trial court. We have increased the work load of minor courts in the state and have increased the number of individuals pleading guilty initially to the charges.

The program has been so successful that our major trial court, the Superior Court, has been able to again devote considerable time toward attacking its civil case backlog. Total filings in our Superior Court as to felony charges have dropped the two immediate past years while filings and pleas in our minor courts have increased by 30 percent.

While it is impossible to determine with any degree of accuracy the savings to the entire criminal justice system, it should be noted that where cases are disposed of at an earlier stage prior to presentment before a grand jury, prior to the return of the indictment, prior to arraignment in a major trial court, the time of police officers, prosecutors, defense lawyers and civil witnesses is saved. In New Castle County alone, we may be speaking of over 1,000 police officers and individuals who did not have to appear before a state grand jury as a result of this program.

A further result and benefit of this type of system is that individuals are charged initially with the crime which the evidence will support, and there is a general reduction in the amount of charge bargaining or plea bargaining which goes on after the charges are formally placed. Thus, a substantial amount of overcharging is eliminated. None of this would have been accomplished but for the initial seed money from LEAA. Our office never could have justified the experimental project from our limited state funding.

Turning to another area where federal assistance was sought and obtained, results have more than justified the initial investment. Delaware had no effective program for attacking white collar or economic crime. My predecessor obtained a special LEAA grant for investigations of official corruption. That grant in the amount of \$350,000 lasted for a period of 3 years.

In January of 1979, that grant project was restructured to create a police supervisory board to attack economic crime and official corruption. That board, which includes the chiefs of the major investigative agencies in our state, meets monthly and addresses special investigations. It has achieved unheard of cooperation in our state.

The results of those activities speak for themselves:

1. In a purely economical sense the grant has more than paid for itself. Over \$1,521,180 has been recovered in fines, restitutions and civil penalties paid to the state and its subdivisions. (In addition, in one case over \$27,000 was seized and subsequently levied upon by the I.R.S.)

2. A welfare fraud task force using loaned city and state police officers dealt with over 960 cases of welfare fraud.

3. A securities fraud investigation was conducted resulting in civil penalties being paid by a securities firm and a major underwriting was stopped.

4. Official corruption cases were investigated resulting in a county tax assessor being convicted. As a result of that investigation, the amount of property placed on the New Castle County tax rolls during the quarter immediately following the indictment of the individual tax assessor jumped by close to \$11 million more than would have been expected. In another case, a major supplier of automotive equipment was convicted of substituting inferior parts for those specified in bids.

While there are many more specific examples of investigations conducted by this unit which are detailed in the final report on the grant which was submitted to LEAA on April 30, 1980, I do not wish to dwell upon them. The fact remains,

however, that but for the federal funding, the state would never have been able to conduct the investigations involved. The State of Delaware has reaped the benefits of this grant and was, in this immediate year, awarded a second white collar crime grant. This grant is in a lesser amount of \$200,000, and with it we have continued to investigate those types of crimes which are sophisticated and in which the criminals have resources equivalent to or greater than the state.

This latest grant has resulted in a number of investigations conducted on a joint basis with federal and state law enforcement agencies in Delaware and Pennsylvania. For example, a gambling investigation was conducted indicating substantial gambling activity in the State of Delaware, which activity had connections into organized crime in the Philadelphia area. The State of Delaware investigated those activities, state wiretaps were sought and obtained with court order, and 13 individuals were subsequently indicted. The state supplied the evidence leading to indictment in federal court of two of the largest gamblers in the State of Delaware. They were convicted of gambling activities and sentenced to jail. Many of the remaining cases brought in state court are still pending.

In a subsequent investigation, it was discovered that individuals running a gambling activity in the City of Chester had moved their control location to the State of Delaware and were conducting their operation within our state. Again a lengthy investigation began involving surveillance and state ordered wiretaps. This investigation was conducted primarily by agents of the Delaware State Police specially assigned to the Attorney General. The result was over 25 indictments in Delaware, including that of Frank H. Miller known widely as an organized crime figure from Chester, Pennsylvania. In addition, ten individuals were arrested in Pennsylvania on search warrants obtained with evidence from this investigation. Mr. Miller has been mentioned prominently in the Pennsylvania Crime Commission Report as the man who corrupted the City of Chester.

In a federal-state investigation conducted under this grant by the Department of Justice and agents from the United States Department of Agriculture, a ring of individuals involved in the theft and marketing of food stamps was uncovered. Arrests were made not only of the individuals involved in the thefts and retailing of the food stamps, but also of several merchants who were involved in purchasing food stamps at a discounted price for cash.

In another joint federal-state investigation, officers from four agencies are involved in uncovering a ring of individuals stealing and marketing heavy equipment.

Again, while there are a number of other significant investigations which have been conducted by the Special Investigations Unit under this new grant, my purpose is not to illustrate the successes; but rather, to explain the need for continued federal funding of these types of activities. The State of Delaware, as many other state and local governmental units, does not have the funds necessary to combat organized criminal activity. They must draw upon the resources of the federal government as well as pooling their own resources with those of other state and local governments to achieve a parity with the forces of crime. It is a sad thing to say that the total allocation for special investigation activities over a two-year period in the State of Delaware is \$200,000 when that amount may be made by organized crime in one significant transaction involving drugs. Indeed, the entire appropriation being sought by the Delaware Department of Justice this current year is but \$3.3 million. That is one-third of the gross annual income estimated to be made by one individual such as Frank H. Miller. Without assistance from Washington, the fight against organized criminal activity would be hopeless. With continued assistance from Washington, states can make a commitment of resources to assist the federal government in food stamp fraud investigation. With the assistance from Washington, our state, county and city police can continue to delegate men to work with the Delaware Department of Justice to fight organized criminal activity and government corruption.

Turning now to the need for a Criminal Justice Construction Act or similar legislation, I can again cite the State of Delaware as an example of what is happening on a nationwide basis. As chairman of the Corrections and Institutions Subcommittee of the National Association of Attorneys General, I am aware of the problems which are facing all jurisdictions in this country with regard to incarcerated individuals and with regard to institutionalized persons. Especially

in the criminal justice system we find that there is an overcrowding situation in every jurisdiction surveyed. Delaware is no exception but serves to illustrate the norm.

Just this past week we had 897 prisoners in our major state institution, the Delaware Correctional Center. That institution is one which federal court orders have indicated could house a maximum of 768 individuals. In addition to those individuals incarcerated, another 105 persons who are presently serving terms have been released on what our state officials have termed to be "supervised custody". These individuals who are not yet eligible for parole and who are simply released with restrictions because they are the least dangerous to society. They include primarily felons who have been convicted of serious crimes. They are not incarcerated as was ordered by the courts because there is simply no room whatsoever.

Between November, 1976 and March, 1979, prior to the "supervised custody" program being put into effect, over 400 inmates were released on early parole or on furlough. Again, this was avoiding the sentence which a court after careful consideration of a pre-sentence report has imposed on the individual.

The State of Delaware is not unique, nor has it ignored its prison problem. During the past several years, 310 additional bed spaces were constructed in our state. In addition, 420 additional spots are presently under construction. This was done at a cost of over \$30 million. When all of these facilities under construction are complete, we will still be faced with an overcrowding situation. We will continue to have to release people on supervised custody because there is no room for them in our prisons.

How does this affect law enforcement in general? It affects law enforcement in an attitude, in a concept, in an idea that there is no punishment for crimes committed. In the State of Delaware, for example, white collar criminals rarely if ever serve any of their sentences. The reason being that they are far less of a threat to society than violent criminals. How long can a society function though where a certain type of criminal activity is known not to be punished? In the recent gambling investigations I have mentioned, we uncovered intelligence information indicating that organized criminal activities were being brought into our state simply because the criminals were aware of the prison overcrowding situation and aware that gambling and other so-called "white collar crime" was not considered an offense for which you stayed in jail once you were sentenced. Those individuals moved into our state and we are dealing with them under the laws which we have as best we can. The fact remains, however, that they know and we know that even if sentenced to jail they will not serve their time because it is necessary to release them rather than a rapist or murderer.

During the past year my office, as part of a task force established by the governor of our state, investigated our prison system, and what we found was shocking. What we found included an inability on the part of the prison officials to properly protect guards and inmates from other guards and inmates. An inability on the part of correctional officials to prevent the introduction of contraband into our prisons. A system whereby anything which could be obtained on the street for money could also be obtained inside prison walls. We found a system where homosexual rape was commonplace and where reporting it was discouraged if not punished. We found a situation where guards and inmates were involved in consensual homosexual activity and consensual sexual activity.

That investigation led to the convening of special sessions of our Grand Jury which soundly condemned the prison system as it now existed and indicated an immediate need for new housing for inmates. The Grand Jury especially noted that it is impossible to conduct any type of meaningful rehabilitative process in an institution where all of the buildings designed for vocational rehabilitation are used instead for dormitories to warehouse prisoners in unspeakable conditions. The Task Force and the Grand Jury recommended that additional prison facilities must be established. The problem, however, is that the state has already designated a significant part of its assets to construction programs and simply does not have the resources now to immediately embark on additional building programs.

Likewise, there is no funding available to implement any innovative programs in corrections. There is no money, for example, to construct a youthful offenders facility to segregate young and perhaps less hardened criminals from the most hardened criminals in our institutions. There is no money to fund work release centers or prison industry programs to attempt meaningful rehabilitation. Segregation of criminals as to offenses and the likelihood of rehabilitation does not take

place in our prison system as it is presently constructed because simply finding a place for any individual consumes 95% of the time of correctional officials.

It is clear that absent the dedication of some substantial resources from the federal government, our prison system as well as other institutions will continue in its present state of affairs and that there will be no solution found to our pressing prison problems.

It is interesting to note that this Congress this year enacted a bill providing institutionalized persons with a bill of rights; and, in fact, instructed the United States Department of Justice to bring actions on behalf of persons in institutions to achieve humane treatment. Congress did this, but did not recognize the inability of most states to fund the type of facilities envisioned by that bill of rights. Right now pending before the United States Supreme Court is a case involving the issue of whether or not two persons can be housed in a single prison cell. The question has not yet been raised as to whether or not large dormitories of 25 to 30 inmates is constitutionally permissible. Yet, in most of our state institutions we will find dormitories of that size or larger where the incidents of rape and assault are far higher than in a single-cell or double-cell setting. Assistance in this area is essential if the problems of our correctional system are to be addressed and solved.

While I have addressed primarily the issue of prisons, because that is the area in which I have some expertise, the same type of support is necessary for police facilities in general, for local jails, for police training establishments and, indeed, local court houses.

I hope that this Committee and the Congress will act favorably on the Criminal Justice Construction Act or similar legislation. The need exists, the need is present and unless we act now we will see more Attica's, more Santa Fe's.

We simply cannot afford to avoid these issues. Thank you.

PREPARED STATEMENT OF DENNIS J. ROBERTS

I come before this Committee today as the attorney general of this nation's smallest state. However, I carry a message of deep and genuine concern on the part of 55 attorneys general from all 50 states and 5 U.S. territories. This concern is prompted by the halting of Law Enforcement Assistance Administration (LEAA) funding, much to the detriment of state and local governments which have relied upon such funds in developing and implementing innovative and creative criminal justice programs in response to new and increasingly complex problems in waging an effective war on crime.

As the author of a resolution passed by the National Association of Attorneys General on November 15, 1980 at our Annual Meeting, I want to restate the position of my colleagues as put forth in that resolution. "... be it resolved that the National Association of Attorneys General memorialize the Congress and the President-Elect of the United States to re-institute adequate funding for Law Enforcement Assistance Administration criminal justice programs for the federal fiscal year 1982."

This resolution is presented, knowing full well that many critics of LEAA are prepared to scrap the program in its entirety on the basis of many unfavorable perceptions about the objectives, purposefulness and ultimate effectiveness of the LEAA funding mechanism.

Some of LEAA's critics would argue that it has been one of the fastest growing federal agencies over the past 10 years yet it has little in the way of substantive accomplishments to show for it utilizing any "cost/benefit" yardstick. Others would argue that LEAA has not achieved its primary objective of drastically reducing the incidences of crime in the street and crime in the executive suite. Moreover, the general image of LEAA, critics contend, is that of a "White Elephant" agency which has underwritten outlandish and oftentimes underutilized equipment and other "hardware" for grandiose projects that would never have been conceived but for the availability of large amounts of federal dollars.

Unfortunately, the dismantling of LEAA as a primary law enforcement funding source of innovative criminal justice programs impacts most severely where it hurts the most—at the local, county and state levels. Why is it that LEAA critics continue to talk about scraping the program entirely rather than presenting a forceful proposal that will effectively streamline its operation. The

idea of streamlining LEAA is not a new one but still remains the best alternative when looking at the prospect of cutting the heart out of law enforcement programming entirely.

The ultimate objective of LEAA should not be that of wiping out crime but more realistically its primary goal should be—and is perceived to be by law enforcement authorities—as a viable method of offering contemporary responses to new and more complex forms of crime that must be dealt with in the 1980's. Indeed, the criminal justice system did not envision in 1950 the problems of family violence, arson-for-profit and illegal toxic waste dumping as it does today. Neither will the criminal justice system of 1980 be equipped to deal with new and more complex problems it will have to deal with in the year 2000.

In short, LEAA must continue to bridge the gap between existing law enforcement capabilities and new capabilities developed through resourceful pilot programs.

Ironically, government studies that have been undertaken to evaluate the priority LEAA should receive in the overall budget scheme have reflected the thinking of everyone but those most closely connected with the criminal justice system and who rely on LEAA funding for a substantial part of their programming. One illustration is the survey prepared by the Office of Management and Budget (OMB) which circulated a questionnaire to governors, mayors and county executives about their priorities in the event of federal funding cutbacks. Predictably, LEAA funding placed at or near the bottom on most questionnaires when competing against federal revenue sharing and other administrative programs. Unfortunately, local, county and state law enforcement agencies did not have an opportunity to make out their own priority list. It would have included LEAA funding to continue such programs as local police in-service training programs, on-going community crime prevention/education and training, detection and prosecution of arson-for-profit and criminal case management programs to reduce the backlogs throughout the court system.

The experience of Rhode Island, which has benefited greatly from LEAA funding as a result of its "national testing ground" city-state composition, is perhaps a microcosm of the real impact LEAA has had on the local and state level.

Rhode Island, as did most other states, began to participate early on with the LEAA Program. And as was the case in most other states, Rhode Island was under considerable pressure to receive and expand its per capita share of funds. Rhode Island did respond by seeking to purchase items of hardware which ostensibly were to benefit the law enforcement community; i.e., the police in their fight against crime.

Although I do not have detailed accounting of expenditures for the early 1970's, the State Planning Agency, has provided some figures for fiscal year 1976 and fiscal year 1980, which serve to demonstrate the situation as expenditures were applied then as well as now. These figures are state-wide and relate to what is commonly referred to as "action funds."

In fiscal year 1976, a total of \$2,227,000 was awarded by the Rhode Island State Planning Agency. The breakdown is as follows:

	Percent	Amount
Courts.....	23	\$504, 151
Law enforcement (police).....	50	1, 111, 582
Corrections.....	17	372, 179
Juvenile justice.....	9	208, 439
Evaluation.....	1	30, 649

In fiscal year 1976, of the \$1,111,582 awarded to law enforcement (police), \$830,196, or 74.6 percent was expended for hardware. Only 4 percent of the total to law enforcement was expended on police training programs. (note: most of funds expended by the other components of the criminal justice system were for more "people"-oriented projects.)

By fiscal year 1980, the situation had drastically changed. The total amount of funding had greatly reduced, and the focus of expenditures had changed.

The breakdown of the \$1,117,425 for Fiscal Year 1980 received and awarded is as follows:

	Percent	Amount
Courts.....	17.7	\$197,366
Law enforcement (police).....	27.3	305,277
Corrections.....	17.7	197,366
Juvenile justice.....	34.9	389,666
Evaluation.....	2.5	27,750

Whereas, in fiscal year 1976, law enforcement expended almost 75 percent of its funding on hardware and only 4 percent on training programs, in fiscal year 1980, no funds were awarded to hardware projects (although some funds were provided to support computerized management systems), and more than 31 percent was applied to police training efforts.

The preceding gives a good view of Rhode Island's experience for two (2) representative years. Let me now address the specific experience of the Rhode Island Attorney General's Department.

From 1970 to 1980 inclusive, a total of 53 grants (23 programs) were awarded, totalling over \$2.3 million. Of this number and amount, about 85 percent was for "people" programs; programs designed to enhance the operational structure of the Department and thus impact upon it systemically. Only 15 percent of both the projects and funds were applied to what could be called "hardware" efforts.

More important than these statistics, which I believe indicate a worthwhile use of the LEAA funds, is the fact that of the 23 separate programs initiated with LEAA funds, 12 have been integrated in whole or in part by the State of Rhode Island, while 4 more continue to operate with LEAA funds. These four projects hopefully will also be supported with state monies.

In some instances, the Department of the Attorney General has instituted programs begun elsewhere by the LEAA, with LEAA financial support. The Victim/Witness project which I initiated is one such example. The program is modeled after several other LEAA funded projects elsewhere and serves as a good example of one of LEAA's goals; replication of programs deemed successful.

LEAA has also been instrumental in helping the criminal justice system recognize the fact that as times change, so do the nature and concern attached to certain problems. Prior to October, 1979, the Department of the Attorney General dealt with the entire area of family/domestic violence situations, in somewhat of a "catch as catch can" basis.

Now, the Department has a formal program of crisis intervention; counseling; diversion; and when necessary, prosecution dealing with family violence situations. The program, funded for an 19 month period of time by LEAA has brought together what in the past might have been considered an incongruous array of agencies (state, local and non-profit); all of which now seek to work together to systematically deal with one of society's moral dilemmas.

Rhode Island's experience with LEAA since at least 1976 has been more of a success than a failure. However, the somewhat sudden and drastic reduction of the LEAA effort could serve to undo all that has been worthwhile.

For example, Rhode Island's correctional system has for the past several years been under a federal district court order to improve its operation. Great strides have been made. In large part compliance with the court order has been realized through the use of LEAA funds. Even so, much remains to be accomplished.

The Department of Corrections presently has seven projects in operation totaling over \$239,000 of LEAA funds recently submitted a state budget request totaling 43 percent more than the current fiscal year. The director of the Department of Corrections noted that any reduction by either the LEAA (which seems all but certain) or by the State would once again place the Department of Corrections in non-compliance with the Federal Court Order.

The alternatives to some form of continue LEAA funding are far from acceptable. Halting the continuation of LEAA funding for programs intended to be assimilated into local operating budgets at some future time is counterproductive to the essence of what LEAA has meant to local government over the past 10 years. More importantly, the lack of development money to experiment with pilot projects to solve new criminal justice problems creates a serious void for local law enforcement agencies who obviously don't have available funds to test pilot programs. The benefit of a proven pilot program under LEAA funding would be sorely lacking.

This, in summary, reflects the concerns of my colleagues as well as other local law enforcement officials throughout the country.

Attachment.

BRIEF SUMMARY OF MAJOR ACTIVITIES/RESULTS OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION (LEAA) PROGRAM IN RHODE ISLAND

Following is a brief summary of some of the major activities/results of the LEAA program in Rhode Island for the past one to three years. The attachments provide more detailed information about achievements, dollars allocations, and projects funded directly by the Governor's Justice Commission.

I. PROGRAMS FUNDED BY THE RHODE ISLAND GOVERNOR'S JUSTICE COMMISSION

A. *Law Enforcement*

1. *Training*.—Support for the Municipal Police Training Academy's and individual department's inservice programs. Three year dollar investment of \$245,000.

2. *Information Systems*.—Implementation of statewide law enforcement telecommunications system. Three year dollar investment of \$128,000.

3. *Crime Prevention*.—Statewide training for all police departments and individual local prevention programs. Three year dollar investment of \$250,000.

B. *Adjudication*

1. *Reduction of Delay*.—Reduction of time between charging and disposition at all Court levels. Three year dollar investment of \$371,000.

2. *Facilities Improvement*.—Development of security system and facility improvements at Providence County Courthouse. Three year dollar investment of \$115,000.

3. *Rules and Procedures*.—Legislative Commission review of Rhode Island statutes and procedures. Three year dollar investment of \$79,360.

C. *Corrections*

1. *Inmate Education*.—Development of vocational and post-secondary education programs in compliance with Federal Court Order. Three year dollar investment of \$329,185.

2. *Community Programming*.—Pre-release orientation program for inmates eligible for release and purchase of community placements for approximately 100 persons per year. Three year dollar investment of \$233,906.

D. *Juvenile Justice*

1. *Support Service*.—Use of trained volunteers to monitor cases and placements of youths processed by Family Court. Three year dollar investment of \$112,598.

2. *Residential Services*.—Start up of four new group homes for males and females in the past year with a total capacity of 38 youths. Three year dollar investment of \$248,006.

3. *Family Counseling*.—Statewide counseling for approximately 75 adjudicated and non-adjudicated status offenders and their families referred by Family Court each year. Three year dollar investment of \$71,200.

II. PROGRAMS FUNDED DIRECTLY BY NATIONAL LEAA

A. *Law Enforcement*

1. *East Providence Integrated Criminal Apprehension (ICAP)*.—Sophisticated crime analysis is the basis for deploying patrols to high risk areas at high risk times. Two year dollar investment of \$227,716.

B. *Adjudication*

1. *State Judicial Information Systems*.—Computerized court management information system. Three year dollar investment of \$400,000.

2. *Attorney General's Arson Control*.—Statewide multi-agency program concentrating on improved reporting, detection, investigation and prosecution of arson. Eighteen month dollar investment of \$347,509.

3. *Attorney General's Family Violence Unit*.—Statewide multi-agency program designed to increase services for victims of family violence and improve prosecution. Eighteen month dollar investment of \$222,360.

C. *Corrections*

1. *A.C.I. Facilities Standards Improvement*.—Major prison renovations, particularly in medium security. Eighteen month dollar investment of \$499,000.

2. *Buller Program Building*.—Construction of a building to provide vocational and academic programming for medium security inmates. Eighteen month dollar investment of \$135,000.

Report on Programs Funded by the Rhode Island Governor's Justice Commission

Programs	1979 Achievements	1978-1980 Dollar Allocations	Examples of Projects
<p>2. Law Enforcement</p> <p>1. Training</p>	<p>1. Statewide inservice training in areas such as supervision, patrol, criminalistics, law, crisis intervention.</p> <p>2. New England regional police management training.</p> <p>3. Washington County & Aquidneck Island regional inservice programs.</p> <p>4. Attendance of 40 officers at out-of-state seminars on topics such as arson, homicide, investigation, and crime prevention.</p>	\$245,572.	<p>1. Statewide Municipal Police Training Academy inservice programs.</p> <p>2. Washington County inservice programs.</p> <p>3. Providence inservice training.</p> <p>4. Cranston training coordinator.</p>
<p>2. Information Systems</p>	<p>1. Implementation of statewide law enforcement telecommunications system.</p> <p>2. Assistance to Newport County in becoming part of state system.</p>	\$128,372.	<p>1. State Police statewide telecommunications system.</p> <p>2. Newport County regional telecommunications system.</p> <p>3. Johnston police information system.</p>
<p>3. Crime Prevention</p>	<p>1. Blackstone Valley regional security inspection program for residences and businesses.</p> <p>2. Implementation of NPTA/ARPP crime prevention for the elderly program.</p> <p>3. Crime prevention training to police officers from 29 of state's 39 communities.</p>	\$250,534.	<p>1. Blackstone Valley crime prevention program.</p> <p>2. Statewide crime prevention training.</p> <p>3. Warwick crime prevention program.</p> <p>4. Providence crime prevention program.</p>
<p>4. Specialized Capabilities</p>	<p>1. One citywide victim restitution program established.</p> <p>2. Continuation of Family Crisis Intervention teams in three communities.</p>	\$240,445.	<p>1. Westerly Juvenile Bureau program.</p> <p>2. Warwick Victim Restitution program.</p>

1978-1980
Dollar Allocations

1979 Achievements

Examples of Projects

<p>3. Improved Management</p>	<p>1. Development of Rules and Regulations Manuals for eleven police departments. 2. Upgrading of records and information systems for three police departments. 3. Statewide police policy and procedure statements in 25 key areas. 4. Two-day statewide police management seminar.</p>	<p>\$7,028.</p>	<p>1. Statewide management training program for police officials.</p>
<p>Education and Training</p>	<p>1. Design of comprehensive education program for all court employees. 2. Public Defender's inservice training program.</p>	<p>\$54,071.</p>	<p>1. Courts continuing education. 2. Public Defender's staff training.</p>
<p>2. Rules and Procedures</p>	<p>1. Committee appointed to study sentencing practices. 2. Commission reviewing Rhode Island statutes and procedures in light of American Bar Association and National Advisory Commission standards had four pieces of legislation passed. 3. Supreme Court adopted multi-year plan to expedite appellate process.</p>	<p>\$79,360.</p>	<p>1. Legislative Commission review of statutes. 2. Sentencing study.</p>
<p>3. Court Facilities Improvement</p>	<p>1. Implementation of Phase II of Providence County Courthouse security plan including assignment of 14 Capitol police officers, and electronic screening system. 2. Commencement of construction of new court complex.</p>	<p>\$115,922.</p>	<p>1. Courthouse facilities at 2. Courthouse facilities improvement. 3. Courthouse security.</p>

Programs	1979 Achievements	1978-1980 Dollar Allocations	Examples of Projects
4. Reduction of Delay	<ol style="list-style-type: none"> 1. In District Court more than 978 of all non-capias misdemeanors handled within 90 days. 2. In Family Court only 28 of all cases filed exceed 120 day standard. 3. In Superior Court less than 20% of cases open and unwarranted. 	\$371,833.	<ol style="list-style-type: none"> 1. Attorney General's White Collar Crime Unit. 2. Attorney General's priority case scheduling. 3. Court's case assignment.
Corrections			
1. Substance Abuse Programming	<ol style="list-style-type: none"> 1. Establishment of segregated drug treatment facility. 2. Two additional correctional substance abuse counselors. 3. Alcohol education and counseling services to inmates and their families. 4. Federal Court determination of compliance with substance abuse provisions of Court Order. 	\$133,386.	<ol style="list-style-type: none"> 1. D.O.C. substance abuse courses. 2. Talbot House
2. Inmate Education & Training	<ol style="list-style-type: none"> 1. 45 participants in remedial reading. 2. 639 participants in basic education. 3. 315 participants in avocational programs. 4. 87 participants in vocational programs. 5. 72 participants in post-secondary programs. 6. 8 female participants in vocational program. 	\$329,185.	<ol style="list-style-type: none"> 1. Project OPTONS post-secondary education. 2. D.O.C. legal library. 3. Tollgate vocational training program.

1978-1980
Dollar Allocations

1979 Achievements

Examples of Projects

Programs	1979 Achievements	Dollar Allocations	Examples of Projects
3. Corrections Management	<ol style="list-style-type: none"> Two legal research aides hired to assist in developing a "Practical Law for Correctional Officers" course and to assist in producing a DOC Policies and Procedures Manual. Intensive probation services for young adult first offenders. 	\$211,576.	1. Intensive probation servi
4. Staff Development & Training	<ol style="list-style-type: none"> Twenty hours of inservice training for all correctional officers with one year or more of service. 	\$ 52,593.	1. Correctional officers inservice training.
5. Community Programming	<ol style="list-style-type: none"> Approximately 50 inmates attended pre-release orientation program. Approximately 100 persons placed in community residential programs. 	\$233,906.	1. D.O.C. Community Placement project.
6. Juvenile Justice			
7. Prevention	<ol style="list-style-type: none"> Two-community team approach to behavioral, social, and emotional problems of 42 children between 9 and 13 which provides diagnostic services, school consultation, treatment, and supporting services. Improvement in self-image and 30.77% reported improved peer relationships. Regional crisis intervention, training, counseling, and referrals. Volunteer hot-line handled 250 calls per month and drop-in center 500 clients per month. 	\$242,310.	<ol style="list-style-type: none"> South Kingstown Intervent Providence O.I.C. Early Intervention Newport New Visiors South Kingstown Symtatico

Programs	1979 Achievements	Dollar Allocations	Examples of Projects
2. Diversion	<p>1. One program diverted approximately 260 eleven to sixteen year olds, half of whom were diverted prior to court referral. Recidivism rate was 3. . . .</p> <p>2. Comprehensive educational and social services to delinquent and potentially delinquent youths in Providence.</p> <p>3. Multiple services for 170 female status offenders on a statewide basis.</p>	\$161,191.	<p>1. Providence Alternate Lear.</p> <p>2. YMCA Intervention</p> <p>3. Woonsocket Restitution.</p>
3. Support Services	<p>1. 175 volunteers have reviewed 162 cases involving 245 children appearing before and placed by Family Court to monitor their treatment.</p>	\$112,598.	<p>1. Family Court monitoring project.</p>
4. Residential Services	<p>1. Start-up of four new group homes for males and females with a total capacity of 38.</p> <p>2. Training of 47 staff of residential facilities.</p>	\$248,006.	<p>1. Ocean Tides Independent Living.</p> <p>2. D.O.C. Foster Care.</p>
5. Information Systems	<p>1. Implementation of a Family Court Information System.</p>	\$ 50,800.	<p>1. Family Court Information System</p>
6. Training	<p>1. Crisis intervention training provided to law enforcement agencies, Enforcement Division of R.I. Dept. of Environmental Management, R.I. Community Relations Officers Association, and Capt. of Attorney General.</p> <p>2. College level course to R.I. Juvenile Officers.</p>	\$ 30,600.	<p>1. Pawucket Family services crisis intervention train.</p> <p>2. University of Rhode Island juvenile officers training program.</p>

Programs	1979 Achievements	Dollar Allocations	Examples of Projects
7. Family Counseling	<ol style="list-style-type: none"> Statewide counseling program for approximately 75 adjudicated and non-adjudicated status offenders and their families referred by Family Court. Local program in Providence servicing 63 youths and their families. 	\$ 71,200.	<ol style="list-style-type: none"> Pawtucket Family services family counseling.
8. School Programs	<ol style="list-style-type: none"> Supportive services for students with high rates of truancy in three Rhode Island school systems. Youth advocacy program in one high school. 	\$162,742.	<ol style="list-style-type: none"> Charino truancy program. South Kingstown youth advocacy.
9. Social Programs	<ol style="list-style-type: none"> Enrollment of 134 youthful non-offenders between the ages of eight and fourteen in eight Boy Scout units. Individualized services for youths between 13 and 15 in three Providence areas which reduced participants' truancy by approximately 50%. 	\$ 61,200.	<ol style="list-style-type: none"> Providence Boy Scouts program.

PREPARED STATEMENT OF JOHN LAGOMARCINO

My name is John Lagomarcino and I am General Counsel and Legislative Director for the National Governors' Association. I appear today on behalf of NGA's Committee on Criminal Justice and Public Protection and its Chairman, Governor Robert List of Nevada.

We welcome this opportunity to appear before this Committee to discuss one of the major problems facing this nation—crime. This massive problem has caused many of our citizens to re-order their lives and daily activities. Many of our elderly citizens are afraid to venture from their houses without escorts. Children are afraid to play in many neighborhoods after dark. There are a very few of us whose lives have not been touched by violent crimes—affecting either a relative, friend, or a friend of a friend.

What can we do about this situation? The nation's Governors want to work with the federal government and local units of government to control crime. The President's Commission on Law Enforcement and Administration of Justice in 1967 concluded that: "Controlling crime in America is an endeavor that will be slow, hard, and costly. But America can control crime if it will." The task now is to set forth a method for controlling crime.

Approximately twelve (12) years ago, Congress made a major contribution to this effort by enacting the Omnibus Crime Control and Safe Streets Act, a plan to aid states in combating crime. The program was built on the block grant concept and encouraged states to develop plans for making a state's criminal justice institutions into effective crime fighters.

The program, administered by the Law Enforcement Assistance Administration (LEAA) through a block grant formula, provided a way for Congress and the Administration to address the problem of crime by giving states the flexibility necessary to develop, with local governments, the kinds of individual programs required to deal with problems in individual states. This program proved a good example of how the federal government can work effectively with the states in dealing with major national problems, and is worthy of being emulated in other federal programs.

LEAA funds have helped state and local governments to develop new and innovative programs for dealing with crime, many of which were subsequently adopted by state and local governments in their fight against crime. Some outstanding examples of successful LEAA funded programs are community based correctional facilities, which have helped reduce overcrowding in our jails and prison facilities and provide a better re-integration of offenders into their communities; career criminal programs, which have helped prosecutors identify chronic criminal repeaters; and programs that protect witnesses and make them feel more at ease as they testify in criminal proceedings.

In addition to these individual programs, one of LEAA's major overall accomplishments is the support it has given to system-wide criminal justice planning and coordination. For the first time, separate parts of state criminal justice systems have entered into meaningful dialogue about the problem of crime. Courts, corrections, and police have learned to appreciate the problems of others in dealing with crime. Furthermore, state criminal justice systems have begun to coordinate and communicate with local criminal justice units about matters of mutual concern.

Overall, we feel that this accomplishment has had a tremendous and lasting impact on the criminal justice system in the states. As Governor James B. Hunt, Jr. related at a Senate Judiciary Committee hearing two years ago: "The truth is that only through the initiatives of Congress have states begun to look comprehensively at criminal justice as a system of interdependent components needing coordinated planning. It is to your credit that you recognized this need."

As you know, Mr. Chairman, LEAA began this fiscal year with no money available to continue the block grant program. This sad development comes shortly after an extensive and careful Congressional review and reshaping of the program that led to the Justice System Improvement Act, signed into law by the President on December 27, 1979. In March, the President eliminated the LEAA block grant program from his second budget proposal for FY 81. The House and Senate Budget and Appropriations committees supported the President, thus putting an end to the only program through which the federal government worked with state and local units of government in the fight against crime.

But the fight must continue. We recognize that handling crime is primarily a state and local concern. But when it occupies such a prominent and apparently

permanent place in the national consciousness, Congress and the Administration must assume some responsibility for helping to manage the problem. In other words, there must be some national attention focused on the problem of crime. The Nation's Governors passed a policy position at their recent meeting in Denver calling on members of Congress, administration officials, and leading criminal justice administrators to join them in developing a national policy on crime and justice.

Systematic planning and coordination is necessary in developing a national policy on crime and justice. The criminal and juvenile justice systems consist of a myriad of departments, processes, and programs that relate to the activities of courts, police, and corrections. Coordination produces a more rational formulation of public policy and more rational selection of system-wide goals for each of the separate components of the criminal justice system. Coordination at the federal, state, and local levels will help preserve scarce resources and improve management and efficiency. However, we must guard against establishing another group of separate institutes and agencies at the federal level to deal with individual aspects of criminal justice problems because such dispersion of authority promotes the same splintered approach at the federal level that we are trying to overcome at the state and local level.

For example, several years ago, NGA undertook a major joint effort with the federal government to coordinate federal emergency programs. Existing programs were dispersed throughout several federal agencies; little coordination resulted. Creation of the Federal Emergency Management Agency (FEMA) has led to a beginning of effective coordination of federal emergency management efforts and a better understanding of how specific programs relate to specific state needs.

In developing a national coordinated policy on crime and justice, states must continue to be given the flexibility needed to handle their own unique problems. States should be encouraged to develop programs in consultation with local units of government. For example, rural states will wish to develop criminal justice programs that relate to a rural environment. They want policies and programs that reflect their unique concerns. Too often crime abatement and control programs are based on the assumption that rural communities and their criminal justice systems can and should use programs applicable to urban areas. This is especially true of federal criminal justice categorical programs which allow states little flexibility. In these instances, states are asked, and sometimes are required, to establish programs that have little or no relation to their major crime problems.

Juvenile justice and delinquency prevention programs must remain a major part of an overall criminal justice system crime fighting strategy. It is estimated that one-third of all felonies are now committed by juveniles. This, of course means that any serious consideration given to fighting crime must be coordinated with a well developed juvenile justice and delinquency prevention program.

Governors recognize that youth are our nation's most valuable resource. Yet, too many young people become involved in crime and delinquency, often permanently affecting their ability to become useful and productive adult citizens.

Governors are strong supporters of the recently reauthorized Juvenile Justice and Delinquency Prevention Program because it provides them with flexibility to handle juvenile delinquency problems in their states. They believe that strong and effective programs in schools and communities must be developed to challenge the problem of delinquency. These programs must make a greater use of volunteers, and federal and state resources in such areas as job training, education and other human service programs in a cooperative effort.

Now, we would like to call attention to the situation in our prisons. Many Governors are faced with court orders to reduce the inmate population in their state's correctional institutions. However, at the same time that citizens are voting for longer terms and determinate sentencing for certain offenders, they are turning down tax measures to build better prisons. What a Dilemma our Governors find themselves in. How can they reduce the inmate population and still find funds in no-growth budgets to build or even remodel prisons? It is essential that they deal with these and other pressing questions in a clear and rational manner.

The "Criminal Justice Construction Reform Act", which may be proposed by Senator Dole in the next Congress, on its face would give assistance to Governors in need of funds to reduce prison overcrowding. The program would allow Governors the necessary flexibility to use funds for any Criminal justice facility in the state.

Section 208 of the bill should be particularly noteworthy to states because it provides an interest subsidy for criminal justice facilities construction bonds. This would make the bonds which states must issue to construct criminal justice facilities more attractive—especially to voters.

Mr. Chairman, we will defer further discussion of the proposed bill at this time because it is being reviewed and analyzed thoroughly by the NGA Committee on Criminal Justice and Public Protection. I will be happy to send you a copy of their report on the bill when it is available.

Finally, Mr. Chairman, we would like to discuss briefly the impact of criminal justice legislation on states and units of local government. For example, most legislation and administrative actions are not sufficiently examined or analyzed for their fiscal impact on state and local governments. Along this line, NGA supports legislation that would require the Congressional Budget Office to provide state and local fiscal impact statement for all proposed bills, in the same fashion that they provide similar federal government fiscal impact data.

A good example of the problem that we have in mind can be found in the recent passed Juvenile Justice and Delinquency Prevention reauthorization legislation. This bill contains an amendment that would require the removal of juveniles from adult correctional facilities or complete separation of juveniles and adults in such facilities. NGA has supported a sight and sound separation of juveniles and adults, but the bill went further. Fortunately, an amendment was added to require an 18 month study to assess the impact of implementing the complete separation provision. From this study, states will have some idea of the costs involved in implementing this provision.

Similarly, Congress recently enacted the "Civil Rights of Institutionalized Persons Act," 42 U.S.C. 1997 (1980). Potentially, this bill could have a major impact on state and local correctional institutions. It will allow the Attorney General to initiate legal action when he has "reasonable cause to believe" that a state or local subdivision of the state is subjecting institutionalized individuals to "eregious or flagrant" living conditions. Furthermore, states are asked to establish grievance procedures for handling inmate grievances. We do not oppose this legislation, but a precise assessment of the cost of implementing the Act should have been a prominent feature of the Congressional debate. There were numerous legitimate issues raised during the debate, but this certainly should have been one of them.

In a related context, administrative actions also can have a major impact on state and local governments. For example, the Federal Bureau of Investigation has been de-emphasizing its involvement in certain types of crimes such as bank robbery, and concentrating more of its resources on white collar crime. This is well and good, but the burden for handling these other crimes will now fall heavily on states and local units of government.

We would like to end our testimony by discussing what Governors are doing in criminal justice. The National Governors' Association is encouraging states to assume the cost of planning and coordinating criminal justice services. We have conducted workshops in several states involving Governors, and state and local officials, in an attempt to discuss the benefits of managing criminal justice as a system. NGA recently published a booklet entitled: *Criminal Justice: A Governors Guide*, which provides Governors with options for institutionalizing the process of coordinating criminal and juvenile justice services in state government. Governor Hunt states in the introduction to this Guide:

"Development of criminal justice policy and the coordination of criminal justice service may be among the more difficult tasks that we face, but the potential payoffs in improved services and coordinated action appear well worth the effort. Our multimillion dollar expenditures in criminal justice need to be planned and coordinated in increasingly rational ways, and Governors are in the best position to assure that this will happen."

At NGA's 1980 annual meeting in Denver, Governors discussed how they could become more involved in juvenile justice programs. They pledged to "take an active role in seeing that delinquency prevention programs are developed."

So you can see that Governors are leaders in the fight against crime and delinquency. They would like to work with the administration and Congress to develop a national policy on crime and justice. This massive problem cannot escape the national agenda.

Thank you Mr. Chairman for giving us the opportunity to express our views on this subject.

PREPARED STATEMENT OF CARL A. VERGARI

It is my firm view and the position of the National District Attorneys Association, representing some 7,000 local prosecutors, that the Federal Government has, can and should play a very important role in improving the quality of law enforcement and the administration of justice at the local level.

I speak from experience as an elected prosecutor who has presided over a large District Attorney's office in a major suburban county for 13 years. For all of that time I have been active on the Board of Directors of the National District Attorneys Association (NDAA) as well.

The Law Enforcement Assistance Administration, of course, has expired. Much of the criticism of that agency was undoubtedly justified. Nevertheless, it left a very valuable legacy—proof, that with federal assistance, effective programs can be conceived, funded, and implemented and become permanent enhancements to criminal justice systems at the state and local level.

There have been a number of outstanding examples of such programs which are in place, locally funded and flourishing throughout the United States.

The NDAA, in cooperation with LEAA, in 1974 established a Commission on Victim/Witness Assistance to address the very serious problem of loss of public confidence in the capacity and resolve of the criminal justice system to safeguard the rights and interests of crime victims and witnesses. The Commission, which I had the privilege of chairing, set up pilot victim/witness assistance programs with federal funds in eight prosecutors' offices across the country. When the great success of these programs was proven in actual operation, the NDAA and LEAA made the technical expertise thus gained available to all prosecutors on a nationwide basis through special manuals, training courses, and on-site technical assistance visits. Victim/Witness Assistance units and programs providing a wide variety of services are now considered standard for local prosecutors. Funding for NDAA to carry on technical assistance programs for prosecutors wishing to start up such units should be continued.

Another very successful program launched through the partnership of the NDAA and the Federal Government was the National Economic Crime Project. Here we sought to focus the concern, resources and energies of local prosecutors on the growing problem of white-collar crime in the United States. Again with a handful of prosecutors' offices and a relatively modest amount of money, we demonstrated that local prosecutors can develop the capacity to deal effectively with all types of white-collar crime. Member prosecutors and their fraud units, with NDAA staff support, in a number of special task forces, published manuals on official corruption and procurement frauds, and on fraudulent practices in auto repairs, business opportunities, and insurance. A concise prosecutor's desk manual covering all these fields is now in distribution. A national network for the exchange of intelligence and investigative techniques among local prosecutors was also established, maintained and serviced by the NDAA staff. It is unfortunate that funding for this project was allowed to go out with the LEAA bath water as it had been cited by both the House and the Senate as highly cost effective and successful in pursuing its goals. The project had grown to 71-member offices in 33 states and the District of Columbia. Current statistical data is not available, but to about 1979 from its founding in 1973 Economic Crime Project member units by then numbering 50, had obtained over 2,100 convictions and restitution and fines in excess of \$24 million in white-collar crime cases. My observation as a member of the Project is that this outstanding level of performance has been maintained. The Economic Crime Project and its member prosecutors have become a vital part in a developing national strategy with the Justice Department and other agencies to deal with white-collar crime on a nationwide basis. Cutting off funding for the NDAA to continue its operations in this area we believe was a serious error. The Project can and should be revived with a new infusion of federal funds.

Federal support not only helped to established such enhancements as Victim/Witness Assistance and Economic Crime units, but also programs to attack directly the growing rate of index crimes—robberies, rapes and burglaries. Studies have shown that a relatively small number of individuals commit a disproportionately large number of crimes. One of the most innovative of all federally funded programs was set up to attack this problem—the Career Criminal Prosecution Program. Units were set up in prosecutors' offices all over the country to target career criminals, expedite their prosecution by vertical handling, eliminate plea bargaining, and to obtain prison sentences. As part of the national program, in October, 1978, Career Criminal prosecution units were set up in 12 suburban and

up-state counties in New York. In two years we have prosecuted over 1,400 targeted defendants who among them had some 18,000 prior arrests and 7,000 prior felony convictions. Ninety-six percent of these individuals were convicted as charged; 92 percent received state prison sentences; 6 percent, local penitentiary sentences; and only 2 percent received probation—a smashing success which was duplicated everywhere in the United States the program was established. I am proud to report that, after a hard fight by our State Association, the New York State Legislature in special session just two weeks ago picked up the funding for this program when third year funding by LEAA went down. The failure by the Federal Government to meet the third year commitment nearly caused the demise of the program in New York State.

There have been other outstanding successes—Major Offenses Bureaus (M.O.B.) in large metropolitan offices; Domestic Violence Prosecution units; Pre-Trial services, Diversion programs, Juvenile Justice enhancements, Prosecution Management systems, and Sting operations.

Also most effective was a federally funded program to provide technical assistance through the NDAA to up-grade the efficiency and quality of local prosecutors offices. The NDAA was able to draw on its large membership of experienced prosecutors to provide this service.

I do not believe that any of these innovative and invaluable programs would have been possible without the stimulus provided by federal funding. States and municipalities are extended to their absolute financial limits in merely providing basic essential services. Money for untried, experimental, pioneering programs is simply not available locally. Indeed, law enforcement budgets seem to be among the first that suffer when states and municipalities embark upon cost-cutting programs. We must have federal assistance.

The issue, in our view, is not whether the Federal Government should provide financial assistance to local law enforcement, but how it should be done.

First, funding policies should be changed. The requirement for matching funds had a very inhibiting effect on the willingness of local funding authorities to get involved with new programs in the first instance and should be eliminated. Also having a chilling effect was the three-year limit on federal funding. This limit should be extended substantially with very gradual assumption of full local funding. Local Boards of Legislators are reluctant to commit themselves to a 100% funding requirement in the short space of two or three years. Where programs are shown to have national impact such as the Economic Crime Project in the fight on White-Collar crime and the Career Criminal Prosecution Program in the direct fight on the nation's overall crime rate, they should benefit from permanent federal funding.

Second, new administrative approaches must be found. As I have indicated, LEAA enjoyed many successes—this I believe in spite of, not because of, the bureaucracy which had been created. The impressions and observations of working prosecutors directly involved in LEAA-funded programs was that there was an inordinate waste of time and money in the excessive use of highly paid consultants, analysts and evaluators. Auditing and reporting procedures had become so cumbersome that in certain programs special statistical and clerical people had to be hired at the expense of operational personnel. More often than not evaluators having little or no prosecutorial experience would learn from us how a local justice system operates and how a particular program should be set up within it, and then proceed to sit in judgment on our performance.

The most successful programs were those which relied for implementation and management on professionals in the field and their organizations—Victim/Witness Assistance, the Economic Crime Project, and the Career Criminal Prosecution Program, all set up through NDAA and its members, are prime examples.

We strongly urge and recommend the continuation of federal funding to assist in the fight on crime. For funding that is program-oriented, we recommend that the Congress and the Executive Branch look to working professionals—police, prosecutors, judges, and correction officials and their organizations—as a source of expert advice and services in conceptualizing programs, implementing them in actual operation, and evaluating them for continued funding or institutionalization.

One promising approach would be the formation of an advisory commission composed of such organizations' representatives working with officials from the Legislative and Executive branches of the government in developing and administering programs. Speaking for NDAA, we are prepared and would be eager to cooperate in any such effort.

In the event the Congress and the new administration provide financial aid to the states by way of general revenue sharing, a requirement that a significant portion of these funds be applied to the support and enhancement of local law enforcement should be imposed.

The fight against crimes that threaten the peace and safety of our citizens in their homes, on the streets and on public transportation is and should remain a local function and responsibility.

Federal involvement in this fight should come not by jurisdictional encroachment, but by the sound and judicious commitment of federal funds.

There is another very interesting and promising development in law enforcement which merits the interest and support of the Congress. As our problems grow and our resources seem to diminish, federal, state and local law enforcement authorities are moving toward inter-agency cooperation and coordinated activities. In this spirit, the Justice Department, together with representatives of the NDAA and the National Association of Attorneys General, have formed the Executive Working Group in the Justice Department to establish operational policies and programs in an effort to achieve the greatest possible utilization of our combined resources to deal with crime problems. The Group is working to eliminate conflicts and duplication in areas of concurrent jurisdiction. We are actively planning and seeking to implement programs such as cross-designation of Assistant Prosecutors; the formation of federal-state-local law enforcement committees; the coordination of case declination and acceptance policies; and establishing models for mutual assistance in conducting investigations. The Justice Department is to be commended for its leadership in establishing the Executive Working Group, and we trust that the new administration will continue the program and the Congress will provide the necessary funds to keep it going.

PREPARED STATEMENT OF FRANCIS SCHNEIDER

Mr. Chairman and members of the committee, I am Francis Schneider, president pro tem of the New Castle County, Delaware, Council. I also serve as chairman of the National Association of Counties¹ Subcommittee on Criminal Justice Planning. I appear here today to present NACO's views on the Federal Government's past and future role in criminal justice.

NACO has been a staunch supporter of the Law Enforcement Assistance Administration, during the reauthorization process, and, more recently, during the appropriations process. LEAA has provided necessary assistance to counties by funding innovative programs which our financially strapped counties could not afford to experiment with.

However, it now appears that the agency will be phased out, with little chance that LEAA, in its present form, will be resurrected. NACO looks upon the current situation as an opportunity. The LEAA program with its record of successes and problems is dying. Its demise has inspired a new and healthy dialogue about exactly what the Federal role in criminal justice should be. NACO believes the Federal Government should have a role, and I shall outline our ideas later. First, what have we learned?

SUCCESSSES

We have learned that there is a place in the criminal justice system for the types of programs LEAA has funded. State and local governments picked up the costs of 80 percent of the programs that were originally funded by LEAA and due for continuation—a very high success rate.

Among the programs that have been successful at the county level are victim-witness programs, career criminal programs, programs to reduce jail overcrowding, promise—a computer-based information system for prosecutors, special prosecutorial units to combat economic crime, and jury management programs.

During the last 6 years, more than 700 counties have used LEAA funds to create victim-witness assistance programs, and many have continued them with

¹The National Association of Counties is the only national organization representing county government in the United States. Through its membership, suburban and rural counties join together to build effective, responsive county governments. The goals of the organization are: To improve county government; to serve as the national spokesman for county governments; to act as a liaison between the Nation's counties and other levels of government; and to achieve public understanding of the role of counties in the Federal System.

county funds. The programs provide such services as crisis intervention, supportive counseling, and social service referral for victims, as well as transportation, day care, protection and expedited payment of fees for witnesses. They increased witness participation in the criminal justice system and have produced significant cost savings.

These LEAA-funded programs have benefited counties in similar ways:

Career criminal programs enable prosecutors to identify and prosecute fully and quickly persons who repeatedly commit serious and violent crimes. Promis, a computer-based information system for prosecutors, prioritizes cases, alerts officials to repeat offenders and eases case management. The system has reduced costs by \$20 to \$55 per case.

Special prosecutorial units combat economic crime, such as embezzlement, bad checks and consumer and welfare fraud. Over 6,650 convictions have been obtained in 60 jurisdictions since 1973, and fines of over \$41 million have been ordered.

New jury management techniques have cut back on time wasted by idle jurors and resulted in annual savings of \$24,000 to \$600,000 in jurisdictions that have instituted the program.

A thread that runs through these programs shows LEAA's most important contribution to the criminal justice system: Cooperation and coordination among police, prosecutors, courts and corrections. Any change in one area of the system affects the others. LEAA, through its support of system coordination, has encouraged the fragmented components to consider these impacts when developing programs and policies. It has also fostered this closer cooperation by funding programs that cross functional lines between police, prosecutors, courts and corrections. Thus, system overload, duplication of effort, and, therefore, costs have been reduced.

Many of these programs also promote cooperation between citizens and the criminal justice system. If they can expect sensitive treatment and efficient service, both victims and witnesses are more likely to report crimes. In addition, a well managed jury system, can make this contact with the criminal justice system a positive experience for jurors, increasing their willingness to serve. Moreover, it is not unreasonable to assume that these jurors would be more apt to cooperate with the criminal justice system in the future should the need arise.

A major reason that this cooperation and coordination have been possible is the development of criminal justice planning which was fostered by LEAA. Good analysis and planning can help local government policymakers and criminal justice agency officials make more informed decisions about the operations of the system. Planning can increase understanding of crime, enabling the criminal justice system to respond better. It can help decisionmakers determine priorities and allocate resources more effectively. In some multicounty areas, planning has led to streamlining and consolidation of criminal justice functions.

PROBLEMS

LEAA has, of course, had its problems. If it had been a trouble-free agency, we would not be here today talking about what the Federal role in criminal justice should be after the demise of LEAA.

The passage of time, I think, will allow us to be a bit more certain about LEAA's fatal flaws. However, unrealistic expectations, rather than poor performance, have done much of the damage. When LEAA was first established, it had a mandate to reduce crime—a mandate it has been saddled with for most of its existence. Today 20-20 hindsight tells us it is unrealistic to expect such an impact for at least two reasons: first, at the height of its appropriations, LEAA contributed no more than 5 percent of the total criminal justice expenditures in the United States. That amount of money has not been enough to make inroads into the vast and varied problems of crime.

Even more important, it is becoming increasingly clear that even the criminal justice system as a whole cannot have a significant effect on the crime rate. Characteristics of our society, such as poverty, unemployment and demographics, over which the criminal justice system has no control, have a much greater influence on the incidence of crime.

In the Justice System Improvement Act of 1979, Congress and the Administration changed LEAA's mandate to improving the criminal justice system. This is a goal which the agency both could and should achieve. The programs listed

earlier all accomplished some improvements in the system. Unfortunately, the JSIA was never really implemented, in part because LEAA was unable to survive its inability to meet the mandate to reduce crime.

In one case, complying an early mandate of the program has created problems for the agency more recently. Congress clearly intended that LEAA should fund hardware projects when the agency was established. Its concentration on hardware purchases in the first years of the program haunts the program to this day, five years after such expenditures were relegated to a very low priority in LEAA.

Another basic problem has been the absence of an equal partnership between State and local governments in the LEAA program. Until the recent passage of the Justice System Improvement Act, States had been given much more authority in the program than they have in the criminal justice system. Evidence for this can be seen in relative criminal justice expenditures, a good measure of authority; that is, decision-making occurs where appropriations are made.

In 1977, local governments accounted for 60 percent of the total \$21.5 billion in U.S. criminal justice expenditures. They spent \$13 billion; States spent \$6 billion, or 27 percent; and the Federal Government spent \$3 billion, or 13 percent.

Thus, when LEAA was made a State-level program, States were given power of the purse without political accountability. Crime occurs in communities; citizens hold accountable their mayors, police departments, county prosecutors and sheriffs for crime, not the governor. Yet he and his staff have had far more authority to determine the distribution of LEAA funds.

In the LEAA program, if poor decisions are made about the distribution of funds, mistakes are going to be felt at the local level. Local officials have often been held accountable by their citizens and community groups for decisions on LEAA programs, over which they had little control.

A related funding issue derives from the fact that local governments have been required to take over the costs of effective programs in three to five years following the original federal funding. Since budgetary decisions regarding local programs are made by local elected officials, they should have a strong role in program development and administration.

Closely tied to program development is a determination of needs and priorities. Communities, where crime occurs, are best able to determine their own priorities and the best mechanisms for achieving them. Some states have acknowledged the appropriateness of local determination by passing state laws that establish subsidy programs. Under these programs states delegate considerable authority for delivering services, such as corrections, to county governments, and the states support the new responsibilities with subsidies.

The Justice System Improvement Act addressed this problem of inconsistent authority, as well as that of unrealistic expectations. The act allowed large cities and counties to receive guaranteed allocations of funds, and gave them more authority to determine their priorities and administer their programs. As the Senate report stated, "local governments performing the greater portion of criminal and juvenile justice responsibilities must have a larger say in the funding priorities."

States continued to have an important role, with responsibility for reviewing local programs and administering programs for smaller localities and State agencies.

FUTURE FEDERAL ROLE

Whatever the successes and problems of the past, the present situation, in which there is no Federal agency focusing on criminal justice assistance, is unacceptable. The problem can be described in the familiar good news/bad news characterization. The good news is that some of LEAA's programs are so successful they will not die with the agency. The bad news is that they are being transferred to other departments and agencies creating a bureaucratic maze for State and local officials that will be almost impossible to decipher. Moreover, in the absence of financial and technical assistance to State and local governments both the pertinence and dissemination of criminal justice research and statistics are likely to be diminished.

In the future, there must be an identifiable Federal office or agency responsible for coordinating Federal criminal justice activities.

The Federal Government should see its role as a catalyst for change and a forum for ideas. This implies a recognition that most of the innovative ideas that LEAA has funded as experimental programs have percolated up from State and

local governments. The Federal Government should use its unique capabilities and resources to evaluate and disseminate effective programs through seed money, technical assistance and information sharing.

Thus, a future Federal criminal justice assistance program should have a clear identity, should foster innovative ideas for improving the criminal justice system and should encourage an equal partnership between States and localities.

Thank you. I will be happy to answer any questions you may have.

PREPARED STATEMENT OF LEE M. THOMAS

Mr. Chairman and distinguished members of the Committee:

As chairman of the National Criminal Justice Association¹ and as Director of the South Carolina Division of Public Safety Programs, I appreciate the opportunity you have extended to me to address you on the matter of the problem of crime and the needs of the state and local criminal justice system. Rather than dwelling on the successes and failures of the past federal criminal and juvenile justice programs, or the future role of such programs, I would like at this hearing to lay the factual foundation for any changes of goals or objectives or substantive content that might be offered to the extant programs. At a later time the National Association will be prepared to offer a concept paper on the future role a federal program should play.

Crime and delinquency like defense are problems that are uniquely the responsibility of the government to manage. While crime and delinquency are essentially local problems that must be dealt with first by state and local units of government, the resources and expertise of and the encouragement and coordination by the federal government are sorely needed to support such state and local efforts. Recent polls of the American public have placed the reduction of crime as a top priority. The public has indicated a willingness to spend more money to reduce crime and said too little is presently spent on that public service.

Crime is a major and growing problem. Final figures released from the FBI for 1979 indicate that serious crime increased 9.1 percent, violent crime increased 11.0 percent and property crime increased 8.9 percent. For the first 6 months of 1980 compared to the same period the year before serious crime increased 10 percent, violent crime increased 10 percent, and property crime increased 10 percent.

Crime has a physical, economic and psychological impact. Three of every ten personal robbery and assault victims were physically harmed in 1977 according to a report written by the Bureau of the Census. In approximately 7 percent of all violent offenses, the victims received hospital treatment. Total dollars expended for health care are considerable. With the exception of murder, rape and assault, more than half the victims of crime sustain economic loss. Economic loss to our citizens can result from the taking of property, damage to property or loss of time from work. Estimates of loss due to crime range in the billions of dollars a year.

The fear of crime in America may be more devastating than either the actual physical or economic harm experienced. The newly published "Figgie Report on Fear of Crime; America Afraid" begins:

"Fear of crime is slowly paralyzing American society. . . . This fear has played a prominent role in bringing about the deterioration of American cities, the steady rise in criminal violence, the flight of the middle class to the suburbs, the failure of once-thriving small neighborhood businesses."

The report continues:

"The fear of violent crime is a pervasive influence in American life. Four out of every 10 citizens are highly fearful of being victimized. Among the particularly fearful are people who live in large cities, the young, women, blacks and those with high levels of formal education. . . . There is a second dimension to fear of crime in

¹The National Criminal Justice Association represents the directors of the fifty-seven (57) state and territorial criminal justice councils (CJCs) created by the states and territories to plan for and encourage improvements in the administration of adult and juvenile justice. The CJCs have been designated by their jurisdictions to administer federal financial assistance programs created by the Justice System Improvement Act of 1979 (the JSIA) and the Juvenile Justice and Delinquency Prevention Act of 1974 (the JJDP Act. During Fiscal Year 1980, the CJCs have been responsible for determining how best to allocate approximately 62 percent of the total appropriations under the JSIA and approximately 64 percent of the total appropriations under the JJDP Act. In essence, the states, through the CJCs, are assigned the central role under the two Acts.

America: the 'formless fear' that concerns non-specific threats in the context of one's community. This foundless fear is pervasive, strongly affecting four out of ten Americans. . . . Fear in the community leads many Americans to restrict their activities, and it may also color their attitudes not only toward their neighborhoods, but toward their nation as well."

Crime takes more than the form of just the Part I offenses of the FBI's Uniform Crime Reports. Crimes that we see being significant in the next decade include violence resulting from intergroup confrontations, criminal sexual assault, and the present federal priorities of white collar crime, organized crime, drug related crimes and corruption of governmental officials. Each of the foregoing place an extraordinary stress on the fabric of our society. We foresee growing conflict between racial, ethnic and political groups during the next ten years resulting in high levels of violence. Already in communities of Florida, California and North Carolina and in the prison community of new New Mexico, we have seen outbreaks of violence which have made living in certain areas hazardous at best. Nothing upsets communities more than well publicized crimes of sexual violence; and unfortunately instances of criminal sexual assault have become more frequent and visible. Organized crime, corruption of governmental officials, drug and white collar crime undermine the very foundations of our society and the trust in government which are essential for government support. These forms of crime continue to survive and grow at levels which we cannot long tolerate.

There are numerous external forces which relate to increases and decreases in crime. Some of them are uncontrollable—that is beyond the control of government policy—like the demographics of society (age and race). U.S. Bureau of the Census projections of population through the 1980's suggest that demographic trends in the age and race of the nation's population will have an adverse impact on criminal justice. Even if existing rates of arrest for adults were to remain the same over the next 5 years, nationwide the number arrests of adults to violent crimes would be expected to increase by 10.9 percent and the number of arrests for property crimes would increase by 6.4 percent over current levels.² If future arrest rates increase over current levels then the number of adult arrests five years from now would increase by even higher percentages.

Other external forces, however, are policy sensitive. Unfortunately, all too often the Congress and the federal executive branch of government fail to measure the impact of their actions in other domestic policy areas on crime and state and local criminal justice systems. The Judiciary Committees of the two Houses of Congress fail to review legislation dealing with such matters as the economy, energy, housing, highway construction or education. Yet action in these areas and in such areas as immigration and drug and alcohol use may have more impact on future crime rates than any legislation dealing with the criminal code or criminal justice assistance.

A number of studies have concluded that changes in economic measures have a direct correlation with changes in the crime rate. As unemployment goes up so does the crime rate.

The federal government is facilitating the rapid development of new energy sources. This development is accompanied by the emergence of "boom towns" which have sprouted up in 24 states and over 250 counties. The "boom towns" are characterized by disproportionate increases in crime and the fear of crime. One study of Rio Blanco County, Colorado reported huge increases in assaults (78 percent), burglary (143 percent), theft (198 percent), vandalism (783 percent), narcotics (300 percent), driving under the influence (341 percent), and family disturbances (4,400 percent) over a 6-year period of time.

Federal housing policy over the years has fostered high rise low income housing, mixing of families having children with senior citizens, breaking-up of neighborhoods, and inadequate security standards in federally supported housing. These are examples of numerous housing policies which failed to take account of their impact on crime. As a result of poorly thought out policies, such structures as Pruitt-Igoe (a public housing project) were razed because of their inhabitability, senior citizens were preyed upon by teen-age hoodlums, neighborhood identity and cohesion were lost along with community crime prevention efforts, and poorly designed doors, windows, mail-boxes were constructed.

² Based on arrest projections developed by the Criminal Justice Statistics Association using nationwide arrest information from the FBI Annual Crime Reports, 1977-1979, and the U.S. Bureau of the Census current and projected population figures for the United States.

Federal highway construction funds have contributed billions of dollars to building interstate highways. These federally supported conduits, while facilitating the free flow of transportation and commerce, have also fragmented neighborhoods and made it easy for felons to move from one jurisdiction to another and invade neighborhoods that would otherwise have been inaccessible.

Federal education legislation has rarely coped with the impact of juvenile delinquency and crime on the learning process. The extent of violence in urban schools may be the key factor in the decline of the learning environment. The need for meaningful education programs and environments for truant, unruly and disadvantaged children is evident but unmet by federal legislation. Programs and courses on the American justice system are needed for all students to give them a basic understanding of the principles and methods by which our rights and freedoms are protected.

Immigration policy has a major impact on crime rates in areas subject to the influx of new arrivals. California, Florida and other border states have experienced escalating crime rates in immigrant communities. In some cases immigrants are the victims of crime, in others the perpetrators, and in yet others create tensions that result in conflict.

Numerous other examples of federal social policies having a crime or criminal justice impact can be cited such as laws and regulations related to drug use and abuse, the conditions for receiving funding under Title XX of the Social Security Act, and Department of Transportation Highway Safety programs.

Crimes are committed by offenders; people who usually have severe unmet problems and needs. Unfortunately, all too frequently these individuals, who are already the recipients of numerous social services provided by our different levels of government, have not been helped, and prevented from committing crimes. Successful programs are especially needed for the violent, chronic and serious juvenile offender population. It is these children who are in or are approaching the most crime prone ages, cause the most fear in our population, particularly among our senior citizens, and yet are our hope for the future.

The people most neglected by our government's and criminal justice systems are our citizens, whether in their homes, as victims or as witnesses. Programs to support citizen crime prevention efforts are sorely needed. So too are programs needed to protect witnesses from intimidation; promote offender restitution to victims; compensate victims; assist victims and witnesses in their dealings with criminal justice agencies; enlist citizen support for and cooperation with the criminal justice system; and enhance citizen confidence in the system, including citizen perceptions that court processing at both trial and appellate levels are speedy and just.

The federal government may and does take a number of actions which can impact on state and local criminal justice systems. Unfortunately, from a state perspective it appears that neither Congress nor the federal executive branch of government examine the state and local impact of their actions. Let me cite some examples. This Committee has spent years examining the federal criminal code, and passed several versions of the bill, one of which is awaiting floor action. However, nowhere can I find an indication of what the impact of changing both substantive and jurisdictional elements of the code will be on the states. How many new cases do you expect state prosecutors to have to handle or courts to adjudicate? How many additional prisoners will state and local correctional facilities be expected to accommodate? Where will the states be able to get the money to pay for the additional workload? How much will it cost us?

The Department of Justice has decided not to expend resources on detection, apprehension and prosecution of a number of crimes like interstate motor vehicle theft and bank robbery. Nowhere does it seem that the workload and dollar impact on state criminal justice systems was taken into consideration. Similarly, what will be the impact of the Civil Rights of the Institutionalized Act? Federal courts are presently placing under court order state and local correctional facilities. Yet at the same time federal prisons are being closed down and federal bed space is being underutilized. Is the federal government helping or hindering state and local correctional systems?

In so many of these areas of federal action not only does the federal government fail to note or consider the state impact of its actions, but it also fails to consult with the states before its decisions are made or assist the states either before or after its actions have been taken.

The state criminal justice systems need a great deal of assistance from the federal government to perform their role of making society safer for its citizens. The state

criminal justice systems must reduce the opportunities for crime, increase the risk of apprehension and application of sanctions and conduct themselves in efficient and fair ways. There is a need at the federal level for further research into crime and the operation of criminal justice systems; data collection, collation, analysis and dissemination of crime and justice data; technical assistance; training; exchange and dissemination of information; the planning for, coordination and of concentration of federal efforts; and the provision of financial assistance.

Some of the key problems that should be addressed by federal assistance include the following. Finding better ways to:

(1) administer the bail system. Efficient and fair methods used to be developed. Pre-trial detention of accused offenders should be limited to the greatest degree possible, yet at the same time crimes committed by accused offenders while awaiting trial must be reduced.

(2) identify, apprehend, prosecute, convict and incarcerate career criminals. Research has disclosed that a small number of offenders are responsible for a disproportionate number of serious crimes. Newly devised priority prosecution programs need to be institutionalized nationwide.

(3) sentence convicted offenders. Problems of sentencing disparity, of providing alternatives to incarceration, and in reducing prison overcrowding are all areas of major concern that need attention.

(4) increase corrections systems under capacity. The problem of prison overcrowding must be dealt with. For the past five years new records have been set on the number of offenders sentenced to a maximum term of more than one year in state prisons. The rapid increase in prisoner populations at the state and local level has created enormous financial and administrative burdens on the state and local correctional systems.

One way to increase corrections system under capacity is to construct new corrections facilities. Let me at this point comment briefly on S. 3209, the "Criminal Justice Construction Reform Act". I will defer a more extensive discussion of the bill until after the National Association has received comments from its 57 member state criminal justice councils situated throughout the country. The following concepts of S. 3209 seem appealing to us on first reading:

- (1) federal money is provided for the construction of state and local criminal justice facilities;
- (2) the vast portion of the dollars are distributed by way of a formula;
- (3) the allocation of the funds are left to the discretion of the state with no intra-state or functional distribution requirements;
- (4) establishment of an interest subsidy for criminal justice facility construction bonds; and
- (5) waiver of prison industry legal restrictions.

Mr. Chairman, the National Association hopes these comments lay a foundation for any actions you may want to take in the next session of Congress either to revive the Law Enforcement Assistance Administration or to develop a suitable replacement. Within the next month to six weeks, the National Association hopes to have available for your review an outline of a viable federal program for the 1980's.

Thank you for the opportunity to testify, and I would be happy to answer any questions you may have now or later in writing.

Senator HEFLIN. Thank you gentlemen. We appreciate your coming to testify.

I think we will take a 5-minute break.

[A brief recess was taken.]

Senator HEFLIN. The committee will return.

Our third panel today consists of Mr. John O'Sullivan director of the Hennepin County Criminal Justice Coordinating Council, and representing the National Association of Criminal Planners; Mr. Gary Hayes, of the Police Foundation, in Washington; Mr. Norman Darwick, executive director of the International Association of Chiefs of Police; Mr. Bishop Robinson, president of the National Organization of Black Enforcement Executives, and also deputy commissioner of the Baltimore Police Department; and the Honorable Richard Wille, sheriff, West Palm Beach, and representing the National Sheriffs Association.

PANEL OF EXPERTS:

STATEMENTS OF JOHN O'SULLIVAN, DIRECTOR, HENNEPIN COUNTY CRIMINAL JUSTICE COORDINATING COUNCIL, NATIONAL ASSOCIATION OF CRIMINAL PLANNERS; GARY HAYES, POLICE FOUNDATION; NORMAN DARWICK, EXECUTIVE DIRECTOR, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE; BISHOP ROBINSON, PRESIDENT, NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES, AND DEPUTY COMMISSIONER, BALTIMORE POLICE DEPARTMENT, AND RICHARD WILLE, SHERIFF, WEST PALM BEACH, FLA., REPRESENTING THE NATIONAL SHERIFF'S ASSOCIATION

Mr. HAYES. I am Gary Hayes. I am here on behalf of Pat Murphy from the Police Foundation, who asked me to express his regrets that due to illness he was unable to attend. I represent his views here.

I would also like to add that our organization, the Police Executive Research Forum, which represents chiefs from the larger jurisdictions, both counties and cities, concur in his testimony.

I had planned on reading this testimony, but in light of the frankness with which you have talked with us, I would like to simply suggest that this testimony be submitted to the record and be equally frank and candid with you, as best we can.

Speaking from a law-enforcement perspective, I would like to make three points.

The first is that we are somewhat perplexed in law enforcement as we look at the Senate and what they have done with the funding for LEAA. Particularly I noted the other day that the Predatory Control Act was passed and appropriated \$17½ million for the purpose of predatory control on sheep and cattle. It is confusing when the Senate does not even allocate that amount of money to study the criminal justice system and ways in which we can control predators who prey on citizens of our country. That is very confusing to us.

Nevertheless, we understand, as we have been talking about the political realities that have been going on.

I understand we have had problems with the program, and probably not sold it as well as we should have, but the testimony has indicated there have been numerous successes.

What do we see the role of the Federal Government being with law enforcement in general?

Basically, as we see it, even when a great amount of money was expended, it amounted only to a small expenditure of the total criminal justice expenditures on the State and local level.

Realizing if you were to allocate more money it would amount to only a small part of the expenditures, we feel that the money can best be used to initiate new support, to support new programs, and to search for new knowledge. Those are the three things we cannot do with the money we have at our disposal. We can barely maintain running our agencies right now. We have little money to initiate new programs and to create new programs. That is the role we see the Government playing, giving us sort of the seed money to start this up.

Second, Mr. Chairman, both you and, I think, Senator Biden, asked the question of how we should do that.

There has been a great deal of disagreement among us, and probably at this table, on how. It seems we had worked out an alternative and that passed and, unfortunately, there was no money given to that.

We feel if the Federal Government is going to play an innovative role, that the money can best be distributed and decided on how to best use it on the local level, and that each jurisdiction has different problems, and that the jurisdiction ought to be able to decide what it wants to do with that money.

The only stipulation we would put on it is that if, in fact, the purpose of the Federal Government is to seed new knowledge, somehow that money be required to be spent in those areas.

Senator Biden mentioned that he suggested 20 different programs that it be focused in. We are opposed to that because, in some cases, there are more than 20 good ideas, and each jurisdiction is at a different stage of its evolution and needs to apply the money to where it needs to be put. That should be left to the local jurisdictions. We should not be limited to 20 ideas.

I have already talked longer than I originally planned, but in the spirit of candor that we have seen exhibited here, and for the sake of saving some time, I will stop there.

Senator HEFLIN. You raise some interesting questions which really get into the question of local decision and I, for one, am a strong believer in revenue sharing, but I see there are possibilities of problems arising.

Many local entities of government now are using a pretty good chunk of their revenue sharing in law enforcement. Statistics probably would indicate that as much as anything is going into it on a comparative basis. If you go to revenue sharing programs on law enforcement, it raises the issue of, will that diminish local support; will it diminish local revenue sharing allocations?

Will it, in the long run, bring about an opinion in Congress and in planning—well, let's just lump all into a revenue sharing, with no designation to law enforcement. All of those are issues that are raised, and I think we have to consider it.

There are some things, such as Senator Biden mentioned, of organized crime, that cross governmental entity lines, State, county, and city.

Anyway, that is something that I think we need to address, as we did with the other panel; and we would invite extensions of remarks, if you care to develop that issue or any group that cares to develop it. It would be appreciated, because we are trying to get as full a hearing on this as possible and to give us some overall comprehensive view, and then have to go through some decisionmaking; and, of course, have further hearings.

This hearing is sort of an opening of Pandora's box, to look at everything, so I think it is appropriate and we must do it.

Thank you very much.

The next witness is Mr. Darwick.

By the way, there is another thing. What about the mechanism of a revenue sharing in law enforcement?

If you put it in entities of government, like counties or cities, as opposed to a police department, you have some real problems that could be associated with that type of situation.

Mr. Darwick.

Mr. DARWICK. My name is Norman Darwick. I am the executive director of the International Association of Chiefs of Police.

We represent more than 12,000 members, and we represent 63 nations in the world.

I would like to follow Mr. Hayes' suit by indicating to you that I have submitted a comprehensive statement. I would like to abstract, in the interest of time, from my prepared statement.

There are a couple of things that I think are important for us to discuss.

In keeping with your focus for this hearing, it is appropriate here to outline some of the problems and failures of past Federal programs in criminal justice, while we also indicate some of their successes and guide our speculations on future Federal involvement.

The primary question here is, what's happened over the long term in LEAA history? In the 12-year life of the agency, it has had 10 administrators and 9 attorneys general. You can readily see that one of its major problems was confusion over who's keeping the store. Program continuity was impossible under such fragmented leadership.

Also, 2- and 3-year reauthorization bills strangled any long-term planning.

Another major problem existed in the agency's developing funding philosophies, and the huge morass of administrative layers within the bureaucratic agency was inappropriate to handle the great infusion of funds during the early years of its prominence. Almost any social program which was even remotely related to curbing crime found a receptive ear at LEAA. Simply to avoid turning back budgeted funds, LEAA moneys were dispensed with inadequate review of needs and insufficient monitoring of progress over individual grants. Waste and duplication began to erode the LEAA dollar.

We conducted a study and found some failures were evident, and we also found there were great successes.

Another portion of my statement deals with some of those successful programs, such as the accreditation program which Sheriff Wille will discuss at some length.

We are concerned about the continuation of a Federal agency's providing support for State and local law enforcement.

Let me conclude by stating that we see that there is a need for the Federal Government to be in the criminal justice administration system.

As a qualifying statement, I want to indicate that LEAA is the only Federal agency with which IACP has daily contact. We have watched its creation and development with more intensity than has any other group because we are mandated by our members to represent their interests in the criminal justice community.

In the past, we have been extremely vocal in speaking out against LEAA when its program philosophies and administration made it necessary. At other times, we have publicly defended the agency if that course of action was required.

As I have indicated, we have also been a grantee under the agency on several occasions, and we currently operate projects under its funding. We can speak from a position of competence and confidence. Our current assessment suggests a need for change which falls short of totally eliminating the agency.

The immediate reinstatement of Federal assistance to State and local law enforcement must be a priority consideration of the next Congress and the incoming administration. No single municipal, county, or State police agency can devote sufficient funds, personnel and/or technology to a program of national responsibility. In the area of research and development, the categorical grants from LEAA have probably been the most successful and helpful funding programs to State and local governments.

Because of the enormous amount of information, research, systems development, and programmatic entities generated by LEAA over the last decade, we must maintain a coordinating Federal interface with local governments to insure that current gains are not lost through dispersion and relocation.

Local authorities are burdened with the responsibility of carrying on with the workloads of Federal residual requirements. The greatest tragedy of the loss of a Federal program relates to the great challenges that still lie ahead.

Illegal drug trafficking and the resultant abuse of drugs continues to plague our communities. Drugs are directly related to a great proportion of street crime and, for the most part, they are introduced to the community from source over which local authority has little or no control. Massive international efforts through every channel available, including treaties, must be used to bring this problem under control.

The inability of our current system in controlling juvenile crime is the single most critical element of recidivism. Influences of poverty, poor schooling, job opportunities, and the host of other factors designing our way of life leave the criminal justice system in an inadequate posture for addressing this phenomenon in a concerted manner.

A single incident of white collar or organized crime can result in such disproportionate economic loss, compared to other crime, that we feel compelled to consider them with equal priority.

Often working from a headquarters far removed from the actual location of the incident, this burgeoning problem must be attacked by all disciplines of the criminal justice system as well as all levels of government.

There is a great inequity in our system regarding victims and witnesses. Too often, victims of crime, particularly violent street crime, are not justly treated when the offender, justly convicted, is released probationarily or prematurely from a too brief prison term.

The system unjustly exposes the victim to further retribution by his/her assailant. We must also give greater attention to witness protection and victim restitution in any consideration of reform.

As you can see by the briefed accounts of these issues, a positive Federal involvement in criminal justice becomes critically apparent. Accordingly, we urge retention of a Federal assistance program to State and local government.

[Additional submissions of Mr. Darwick appear in the appendix.]

Senator HEFLIN. Thank you.

I think you were in a position to give the opinion on the program of death benefits for law enforcement officers, which continues under the present appropriation.

My own view is, this is a good program and is a program that is needed and ought to have top priority.

If you want to comment on that program, as well as Mr. Hayes, if you would like to comment on that program—

Mr. DARWICK. It is an excellent program. It is well administered. I think it was first organized under Mr. Velde, when he was the Administrator of LEAA.

A former police executive is the Administrator now of that program. Within 10 days, a family of a deceased officer will have funds in their hands. We think it is a very effective program.

Mr. HAYES. We concur with that.

Senator HEFLIN. Is this a program that you think maybe provides an incentive for a person to assume a greater risk than the normal profession that one would go into? I do not know whether people think about it in that regard, but it seems to me that, regardless of that, it may well be that people who are trained will stay in law enforcement because of the fact that that is there, sort of like a person taking out a double indemnity policy.

Mr. HAYES. I doubt whether very few officers, at that moment of decision, really think about that at the time. They are mostly thinking about protecting their lives. No amount of money is enough to compensate them for their life.

Senator HEFLIN. Mr. Bishop Robinson, the president of the National Organization of Black Law Enforcement Executives.

Mr. ROBINSON. Mr. Chairman, we have mailed a prepared statement to you, so I, too, will abstract from my statement with a few additions.

We believe that the role of the Federal Government should be commitment to central improvements in the criminal justice system, in the development of practical standards, and inquiry into issues having important policy implications relating to adult and youth crime, with strong emphasis on the reduction of crime in minority communities.

We have organized our thoughts into four priority areas.

The first area is that which deals with the Commission on the Accreditation for Law Enforcement Agencies. This is a program that has been implemented by LEAA and continues, and is probably one of the most far-reaching programs having a great deal of significance on the future professionalization of law enforcement in this country.

There have been three previous efforts of this endeavor, all of which have been disbanded. They are all listed in our prepared statement.

We believe that due to impositions which have been taken upon us, imposed upon us by the Federal Government, it is necessary that law enforcement become a law professional organization or work, and we cannot accomplish this unless there are standards for an accreditation process.

This is a program which would have national significance.

We are tired of seeing the Band-Aid type programs that primarily exist in the law-enforcement community. We think that future efforts should be directed at programs such as this one, having national

significance and implications on the improvement of law-enforcement professions.

Our second priority relates to the drug problem.

Too often, the importation of illicit drugs continues at such high levels that State and local governments have little or no impact on drug trafficking enterprises. The availability of drugs among our youth presents a threat to the preservation of our society, particularly the minority and impoverished minority areas, and precludes many of our youth from pursuing meaningful occupations.

Affirmative action programs have imposed on us, and in trying to reach goals and timetables through attracting more minorities to law enforcement, we find that the drug abuse problem plays a significant role in reducing the number of available minorities to the law-enforcement profession.

Quite rightfully so, those who are involved in drug enforcement should not become law enforcement practitioners. We see this problem in need of expansion, tremendous expansion, even to the extent that we might need to pursue statutory provisions which would enable and support the procurement of military personnel and equipment in combating this problem on a national and international basis.

Our next priority deals with community crime prevention and participatory efforts.

We believe that technical assistance should be provided, as well as funding, for those groups who assist law enforcement in program development and implementation at the community level.

More specifically, program funding should be directed to those projects which predict a high probability of reducing juvenile delinquency in part 1 crimes and drug abuse. It is important that citizens at the local neighborhood level continue to be encouraged to participate actively in criminal justice processes because crime prevention, first and foremost, is a citizen responsibility.

Citizen support and involvement is a necessary prerequisite to effective law enforcement service delivery.

We believe that discretionary funding, categorical grants, should continue in that effort.

As we have too often witnessed, the fact that minorities are over-represented in the crime arrest statistics and prison statistics in this country, they are very much underrepresented as criminal justice practitioners in this country.

There should be a tremendous Federal effort to educate minorities, train minorities, and to establish, to help agencies attract minorities to the criminal justice agencies and particularly law enforcement agencies.

Our fourth category deals with that of organized crime.

We feel there is no other criminal activity in this country that is in need of more attention than that of organized crime. It seems as though the facts we have examined, statistical data we have examined, all point to a dire need for that matter to be addressed.

We are not saying that that matter should be addressed by the local law enforcement practitioners, not at all, because local law enforcement is no more than a 24-hour, multipurpose, emergency response, sequentially cuing system. We are unable to take upon us any additional burdens or tasks, and probably the Federal role will

enable us and assist us to more carefully define and limit the role of the local law enforcement officer in the total process.

We believe the American public must one time, or sometime in the future decide what it wants local law enforcement to do.

We think the Federal Government can assist in that endeavor.

Thank you.

Senator HEFLIN. Thank you.

There is a vote on, and we will have to adjourn.

I had hoped we could finish this before lunch, but it is now 20 minutes after 12.

We can finish, assuming there are no other votes, if we get back at 1 o'clock. We can proceed then and maybe get away as quick as we can.

But by the time we go over there and whatever happens, I think maybe this time can be used to eat lunch.

We will try to get back at 1 o'clock, or shortly thereafter.

We stand in recess until then.

[Whereupon, at 12:20 p.m., the subcommittee recessed, to reconvene at 1 p.m. this same day.]

AFTERNOON SESSION

Senator HEFLIN. If we can get the panel back together. We are starting later than we anticipated, but we had two votes instead of one. That caused the delay.

I believe our next witness is Sheriff Richard P. Wille.

Mr. HAYES. Mr. Chairman, unfortunately, Sheriff Wille had to leave, and asked me to read his very brief statement. He will submit tomorrow, if that is OK with you.

Senator HEFLIN. Fine.

Mr. HAYES. I should add that Sheriff Wille is on the Commission for the Accreditation of Law Enforcement Agencies. In fact, Mr. Robinson and Mr. Darwick represent two of the four law enforcement agencies that make up that accreditation process. So the accreditation process is well represented. Sheriff Wille is representing the 21 members of the Commission.

Senator HEFLIN. Thank you. Next we will hear from John O'Sullivan.

Mr. O'SULLIVAN. Mr. Chairman, I am pleased to appear before the committee on behalf of the National Association of Criminal Justice Planners, and to enter into the record a written statement regarding our association's views on the various Federal programs designed to improve the administration of criminal justice at the State and local levels.

With the Chair's indulgence and in the interest of time, I would like to highlight only three of the major points that we made in that written statement, and also to add two additional items not covered in it.

First of all, I would like to point out that all of our experience with the programs has been a positive one. We view it primarily as a catalyst program and as a program of technical assistance. We have also considered it, however, to be an important statement of public policy by Congress, that the issue of crime and administra-

tion of justice in this Nation is an issue in need of a coordinated State, local, and Federal response.

Mr. Chairman, you ably cited many of the LEAA accomplishments in your opening remarks. I would like to add only one additional item to that list, that LEAA was instrumental in establishing and, of course, that is the planning and coordinating capacity at the State and local government levels throughout the country.

It is encouraging from our perspective as local planners that even with the pending demise of the LEAA program, we expect at least 100 of our local officers to survive. They will principally be located in the larger urban jurisdictions and will probably represent in excess of 50 percent of the population.

I think it is important, though, the fact they are going to be surviving in the absence of the Federal program which spawned their initial establishment. It seems to suggest that, indeed, at least in those particular jurisdictions, there has been a value attached to the performance of the criminal justice planning and research by elected officials. It is a point that I think sometimes is lost in the debate on Federal programs.

The second point I would like to highlight is that while we as an association are concerned about the imminent demise of the LEAA, it is not necessarily because it represents a loss of revenue. Obviously, that has been an important feature of the LEAA program for the last 12 years. More importantly, however, our concern over the loss of the LEAA program, and I might add in our judgment it is a loss, a casualty to the Federal judicial process. It relates to the void that it creates in terms of a focal point for Federal, State, and local inter-governmental relations in the area of criminal justice. While perhaps not necessarily intended under the original legislation, the spinoff benefit since the existence of the program has indeed served as a focal point for channeling and promoting many criminal justice systems not directly anticipated under the Federal legislation or the granting aid portion of it.

The third point that I would like to highlight is that our association feels it is pretty important for the Federal Government to first maintain an identifiable single Federal agency to continue serving in the focal point capacity, and continue assisting and coordinating the intergovernmental aspects of criminal justice activity in this country.

We are equally convinced that it is important for the Congress and the Federal Government to clearly articulate its policies for the State and local government in its criminal justice responsibility, not only in terms of research and statistical programs, but also, as the Chair spoke at the conclusion of the second panel today, with regard to joint jurisdiction.

Mr. Chairman, at this point I would like to depart from my written statement and speak to several additional items not raised therein.

Earlier in my remarks, I indicated that our association viewed the LEAA program, at least in part, as a statement by Congress of an important public policy, that policy generally being that we have a crime policy. The criminal justice system at all levels of government was in need of assistance and updating and, indeed, these problems were appropriate for resolution as a coordinated and cooperative Federal, State, and local government program.

Obviously, then, in the absence of the LEAA program, our association is concerned with the resulting void created by its demise and would like that, at a minimum, Congress should immediately move to fill this void by clearly articulating that special relationship, in effect, establishing, perhaps for the first time, comprehensive domestic policy on crime.

Our association is convinced of the importance of this issue; we are convinced of its immediacy and would encourage your consideration of this recommendation, perhaps even as part of the Department of Justice authorization.

Mr. Chairman, the final point that I would like to bring to your attention is the letter that you referred to earlier this morning. That, of course, relates to the intended phaseout and reorganization of the LEAA program.

It is our understanding that the letter outlining the Department of Justice intention to reorganize and phase out LEAA was sent to the Select Congressional Committee chairman on November 26. Under congressional committee policy, which was specifically reiterated in the Senate Report on Fiscal Year 1981 appropriations, Department of Justice, any reorganization plans are supposed to be submitted to Congress 15 legislative days prior to its implementation. Because Congress intends to adjourn on December 5, there, obviously, are not 15 days for review of this proposal.

If Congress or the new administration wants to have an opportunity to consider this proposed phaseout and how that agency, or portions of it, may relate to the future Federal presence and relationship with State and local governments, it would seem to us that the reorganization plan could be held in abeyance until after the next session of Congress. A temporary freeze on implementing the phaseout can be accomplished by letters of objection from the Judiciary Committee to the Department of Justice.

Mr. Chairman, we are concerned that the proposed reorganization and phaseout may represent a precipitous action which really will not permit Congress to enjoy the opportunity to carefully consider and deliberate along the lines discussed by the second and third panels today. We, therefore, recommend that the proposal not be implemented at this time.

I would like to conclude my remarks at this point by correcting one statement by Senator Biden this morning. Our association happened to be the only one that did indeed support the Biden amendment, very actively working with staff.

Thank you, Mr. Chairman, for the opportunity to present these comments. I would be glad to answer any questions.

Senator HEFLIN. Thank you.

Mr. Robinson outlined some five areas of attention. If we had to have priority programs, what programs would you list as a priority? You may want to discuss this and extend your remarks. I think you heard my ideas in my questions earlier.

One program that is an ongoing program that you did not mention, maybe because it is working well, is the LEAA assistance in police education. It is working extremely well, in my judgment, and really brought about professionalization of the police. If we just pick a number out of the air, have five programs that you think should have

priority, and if Congress gets to a point where they narrow Federal assistance and limit it to certain areas—and I am not suggesting you have to limit it to five—but what areas presently receiving Federal assistance would you say essential that they continue? If you want to add to that areas which are not receiving Federal assistance or which are not receiving generalized across the country Federal assistance, you may do so. If you have any thoughts on this, as I say again, you can extend your remarks and conclusions, and anyone else that would like to do so. I am just trying to develop some programs that we feel are essential to a Federal assistance program absolutely essential, in effect, one of which, of course, is police education.

Mr. ROBINSON. I would restrict my remarks to the law enforcement profession, and not include the priority order of programs. As I outlined earlier, I do give great significance to continuation of the Commission on Accreditation of Law Enforcement Agencies as being a national program, which would certainly impact professionally on law enforcement agencies around the country, and for low cost programs and refunding for the next 12 months approximately \$1.5 million.

The other priority, the drug abuse category. This category comprises a wide variety of programs and we have to approach this issue from two perspectives; that is, the treatment perspective and from the enforcement perspective.

We need to expand our efforts on both ends, continuing as it does a particular program. I did mention the involvement of U.S. military equipment and personnel to assist in combating the illegal importation of drugs into the United States. I cannot overemphasize too strongly the implications and manifestations.

Another area that I addressed—and I still believe it should be a priority area, although it has been in existence too short a time to carefully evaluate, but it does need reexamination, restructuring—and that is those programs which relate to community involvement, community crime prevention, and participation in the justice process, such as the example of the neighborhood justice center. This effort needs more clarification, indeed reexamination, but it is directed to achieve ends which could not be achieved without Federal assistance.

We find too often our citizens are very ignorant in terms of the process taking place in the criminal justice system. Law enforcement is to continue toward achieving professionalization; it certainly needs the support of citizens. These programs also have a latent manifestation and that is to create a positive identification role between particularly minority groups and law enforcement agencies. Often minorities, in particular, have little knowledge concerning the operation and philosophy and policies of law enforcement agencies in this country. Of course, that knowledge or lack of knowledge is carried over to component parties. Again, organized crime: I cannot emphasize the importance of Federal assistance directed toward reducing or approaching organized crime in a different way than it has in the past. I think it is certainly going to involve total effort. Look at all of these issues and programs which I mentioned from a national perspective, in terms of how much impact continuing these programs will have on the reduction of crime, improving the effectiveness of law enforcement.

Senator HEFLIN. All right. Do any of you want to express any other ideas?

Mr. HAYES. I would, in addition to echoing the points of the accreditation process—I think it is an opportunity to consolidate all we have learned and all of the money we have been spending over the last 10 years, and get it implemented in the police department. One area that was not mentioned is the area of research, which I think is a crucial expenditure. There is a lot that goes on and a lot that we learn that has been helpful in running the police department and in dealing with crime, but there is more that we can learn. Obviously, there are more questions than we can possibly develop research projects and finance them, but it seems to me there are some important questions that we should begin to probe, in particular areas of tremendous concern.

I would like to see, in addition to some specific program areas mentioned, generally the area of research as an important concern.

In addition, management training. One of the things that we find in policing of these is that the ability of management is not missing, that oftentimes an administrator will want to carry out a program and does not have the wherewithal in personnel management skills to do that. We would like to see an upgrading of that.

I would mention just quickly two other programs that are very susceptible—the ICAP program, which is the integrated criminal application program, which has integrated several different components of LEAA's previous programs and put them together to begin to get police departments to focus on a particular crime. That has been a very successful program. It would be useful to continue it.

Senator HEFLIN. I know Mr. Velde has emphasized the idea of fiscal gathering, not just statics but identification also. I know that a computerized system was designed to give you tag numbers, identification, many things quickly on the job. How is this system working, and should priority be given to it?

Mr. DARWICK. I think we have seen tremendous improvement in information systems in general in the total criminal justice community in the last 10 years, primarily as a result of LEAA efforts and the Department of Transportation. The particular program that you are talking about regarding Motor Vehicle Administration information has been brought by the Department of Transportation administration. In general, we have seen 3,000 percent improvement in information systems in general.

Mr. HEFLIN. Well, I am not altogether familiar with exactly what the present status is.

Mr. ROBINSON. NCIC is one system.

Senator HEFLIN. The one that is run by the States themselves—

Mr. DARWICK. That was upgraded 5 years ago by LEAA.

Senator HEFLIN. Do any of the others have any ideas on priority programs as you look at law enforcement?

Mr. O'SULLIVAN. Mr. Chairman, I would like to add a couple comments. I could suggest as additions to a list of programs things such as jury management, correctional institute programs, and also a whole area that is often forgotten, the kind of capacity that has been extended to the LEAA through the National District Attorneys Association, the National Center for State Courts. That kind of developmental activity often does not attract attention, but it is

an important function. I would like to suggest, though, that we may create or promote continuation of some of the past difficulties of the current programs if we focus too much attention on programs and permit those to drive the broader policy implications in the Federal, State, and local criminal justice programs. It would by far be our preference for programs, in a variety of initiatives, first establishing the policy as to roles and relationships. We feel that that is a much more important way of approaching complex issues.

Senator HEFLIN. I agree with you, but I am looking at the political practicalities. I am trying to explore in this area because we are at a crossroads of various approaches that might be taken and what the skeleton of each one would be.

Mr. Velde?

Mr. VELDE. Mr. Darwick, there has been discussion and testimony this morning about the potential need for Federal assistance to help deal with problems of overcrowding in prisons and jails. I wonder if you would comment on the possibility of Federal assistance to help police modernize police facilities?

Mr. DARWICK. If you are referring to Senator Dole's—

Mr. VELDE. I will get around to that.

Mr. DARWICK [continuing]. Program, we support it. There is a tremendous need for that kind of improvement. There is no doubt that the system will function better with facilities.

Mr. VELDE. I know the IACP has given technical assistance to State and local jurisdictions in the planning of modernized construction of facilities. What about the rider in the current LEAA authorization which places really severe restrictions on acquisition of certain kinds of police equipment?

Mr. DARWICK. I think there is a need for additional authorities.

Mr. VELDE. What kind of authorities?

Mr. DARWICK. You are aware of our equipment and technology center which is designed to develop standards for police equipment, to research the equipment that is on the market, to test it, and to make the information available to the law enforcement community, again the result of an LEAA grant. We think it saves billions of dollars a year. For example, we tested body armor, and 49 percent of the models submitted failed to meet the standards. Another good example was the transceivers being purchased by the U.S. Marshal's Office. The Government Procurement Agency offered transceivers at a tremendous price, but they saved over half a million dollars as a result of the transceiver.

Mr. VELDE. Mr. Darwick, in your prepared testimony you spoke favorably of LEAA's categorical grants as opposed to bloc grants. Do you have any knowledge about revenue sharing, either general revenue sharing or the availability of funding through that system for State and local or so-called law enforcement revenue sharing proposal a few years ago, I believe by the Nixon administration?

Mr. DARWICK. You really cannot ask a question about revenue sharing without answering a lot of questions. If you are talking about just giving a lump sum to States and saying, "Here, you go and do some good things with the money and tell us at the end of the year what you have done with the money," I think it is an ineffective program. Revenue sharing can be effective with specific constraints, con-

trol, and some monitoring activity done on it on a regular routine basis.

Mr. SULLIVAN. My guess would be that they would not have much difficulty expanding it.

Mr. VELDE. Just one more question, Mr. Chairman.

Congress also recently provided funding under the provisions of the Clean Water Act of 1973 for approximately, I think it was \$5 billion this fiscal year, for the development of water treatment facilities. I wonder how you would compare that expression of national priority to the need of criminal justice for support of facilities?

Mr. HAYES. Well, it is an example of the confusion that exists in the law enforcement system, the priority that exists in Congress why money goes to these problems and not what we feel and know from a firsthand experience are the top problems of people living in cities and rural areas, and yet, large amounts of money are being spent at the State and local level. But the limited amount in comparison to State and local expenditures, the limited amount that is needed from the Federal Government to make the improvement, to initiate the new programs, the innovative programs, is not coming. Yet, look at some of the other priorities and you have to wonder why. I guess, from the lecture we received from Senator Biden, the reason is that we have not been very effective politically in getting across our needs. We have had differences of opinion on how the money maybe should be spent or divided, but I think—and everybody who testified this morning, there is a concensus that there should be some money. Perhaps we should listen more closely to the Senator and bury our differences a little more and get together and make this issue, which we know our constituents feel, a little more prominent on the national scene so that the Senate can recognize these priorities.

Mr. VELDE. Could we stand some coalition with the environmentalists?

Mr. HAYES. There has been lots of talk about—and, to be very honest, that has been a sorry failure of criminal justice. I do not want to single out other groups, but there are other groups who have been much more effective than we have in selling the importance of what we are trying to do. We, for some reason or another, have focused more upon our differences than we have on our common concerns. I think that has hurt us, obviously. We would not be here today talking about what we are talking about if that was not the case. I would love to see a coalition of criminal justice groups come together on a common basis and ask for the Federal Government to recognize the role it should play and, in turn, the money that it needs to put into that concern. But I am also realistic enough to realize that it has not happened in the past and it may not happen in the future, although that does not mean we should not try.

Mr. VELDE. Just one, Mr. Chairman.

Senator HEFLIN. Go ahead.

Mr. VELDE. I wonder if you would comment on the action of the conferees today—the Appropriations Act which sets the funding level for fiscal year 1981 for the various statistics research activities [portion inaudible and unreportable].

Mr. HAYES. When you take away administration, it actually gets down to \$7.5 million for each, for a total of \$15 million it seems

incredible to us that when you talk about statistics and you talk about developing the basic language and statistics for the whole criminal justice system, the whole basis for understanding of what is going on, and just really getting going with a successful on-line statistical program in the past, and really just getting going and you are giving that \$7.5 million. It is no wonder that no one understand what is happening in the criminal justice system.

Then you turn round and give another 7.5 to research in the highest spectrum of the criminal justice system and how you go about improving it. Then, as I said, the only example I can think of is this \$15 million to look at the whole criminal justice system and develop statistics, but we can spend \$17 million to get rid of coyotes. It does not seem to make any sense.

Senator HEFLIN. Thank you, gentlemen. I think we have had an excellent hearing. We do request extension of remarks, particularly in view of questions I raised and questions Senator Biden raised and any other things that you feel would be helpful in this matter. Hopefully, we can bring about some legislation and some appropriations to be effective against crime and to assist State and local law enforcement in the criminal justice system.

Thank you very much.

[The prepared statements of Messrs. Murphy, O'Sullivan and Darwick follow:]

PREPARED STATEMENT OF PATRICK V. MURPHY

You are to be commended for providing a forum to discuss the role of federal assistance in helping to improve state and local law enforcement—and for your effort to return the issue of crime in America to the national agenda.

It wasn't so many presidential campaigns ago—in 1968—that crime rated number one in the opinion polls—the most serious domestic issue confronting Americans. This year crime simply was not a campaign issue. You have to go back to 1960 to find a similar situation.

I don't care to speculate why this was so this year; it's certainly not because crime has relented. Indeed, crime is one of America's most serious problems and it is not going away soon no matter how much we would like to sweep it under the rug of national consciousness. Writing in last week's Washington Post, Gerald Caplan, a professor at George Washington University's National Law Center, observed that "one can't say good riddance to the crime issue with an easy conscience. Crime is more than a proxy for racism, narcotics addiction, unemployment or any other set of ills," he said. "It threatens the democratic fabric, ever a fragile weave, and invites both a preoccupation with order, and paradoxically, lawless techniques to achieve it. In short, the fact of crime and the reality of our failure to reduce it diminish our sense of self, our value as a society. Both need to be better understood. That both have been ignored in the past campaign," Professor Caplan wrote, "does not mean that they should be similarly treated during the next four years. With national elections turning on issues other than crime," he said, "it may be possible, for the first time since 1960, to work in a calm atmosphere—to start over, to renew our efforts, to study, to experiment."

An interesting thought as we reflect during these hearings on the gutting of the 1981 budget of the Law Enforcement Assistance Program, and ask where do we go from here. LEAA was a creature of that late 1960s surge of momentum to change and reform policing. In my opinion it has been among the principal forces for change which were to lure and prod the American police service into questioning past practices, adopting innovations, and seeking other improvements in the way the police do their job. Certainly, there have been shortcomings in the federal assistance program, but they have been far overshadowed, in my opinion, by its successes. Now, cutbacks in federal assistance to policing and other areas of the criminal justice system threaten to cancel much of the progress of recent years. And I am convinced that without federal assistance in some form, there can be no hope of continued advances, especially as state and local resources are increasingly limited.

For these reasons, it strikes me as penny-wise, pound foolish economizing to so cripple the Law Enforcement Assistance Administration as to virtually put an end to it. It is an abdication on the part of the federal government of its role to help states and localities in a very tough battle to control crime and improve the criminal justice system.

If the federal government has a role and a responsibility in the nation's health, welfare, education, housing, transportation, and commerce, it certainly must have a role in helping to guarantee the fair administration of justice and the effective control of crime. True, crime is no longer a national political issue as it was in the 1960s, principally, I believe, because political leaders and government officials at the national and state levels have wished it away. But crime remains a major, if not the major, issue in many of the nation's cities and large urban areas. Indeed, it is not too much to say that crime and the fear of crime are tearing apart some of the nation's largest communities.

It is my belief that a principal element in controlling crime is to build the criminal justice system into a coordinated mechanism capable of meeting the challenge of crime. Only the federal government can give the leadership necessary to get the job done.

PREPARED STATEMENT OF JOHN O'SULLIVAN

Mr. Chairman and members of the Committee, I am John O'Sullivan, Director of the Hennepin County, Minnesota, Criminal Justice Coordinating Council. I appear here today as chairperson of the National Association of Criminal Justice Planners and I am pleased to share with you our Association's views on the subject of the success, failures and problems of past Federal programs designed to improve the administration of criminal justice.

As we approach the first anniversary of the signing of the Justice System Improvement Act (JSIA) into law (PL 96-157), we find ourselves considering the impact brought about by the imminent demise of the Law Enforcement Assistance Administration (LEAA) rather than the promise held out in its reauthorization. Clearly the LEAA program was a casualty of the federal effort to balance the budget. LEAA's demise therefore stems more from fiscal rather than policy considerations. It is my hope in this testimony to raise some of the policy ramifications regarding the decline of LEAA as an important Federal initiative with the hope of instilling an awareness of the need, if not to resurrect LEAA, then at least to find a replacement for it. LEAA may be gone but it should be noted that the need for something like it continues. In approaching this issue I would first like to highlight some of the lessons learned from our experience with the LEAA program.

The original mandate to the LEAA program was one of reducing crime. While this was a commendable goal, the fact of the matter is that the financial resources extended to LEAA and indeed to the criminal justice system itself in state and local budgets across this country pale in comparison to the societal forces that shape the dimensions of the "crime problem." Crime is a societal problem and factors such as the relative health of our economy and demographic changes in our population have a significant influence on the nature of that problem. However, measures of accountability relative to the success of the LEAA program tended to focus on its impact on crime with little regard or appreciation for the actual dimensions of the forces which contribute to the overall crime problem.

I do not wish to suggest that the criminal justice system should not be held accountable for its performance nor should a federal program which was devised to assist state and local efforts in this area not be held accountable. The issue is: accountable for what? They can realistically be held accountable for how they respond to the problem of crime and for the efficiency and effectiveness of the services they provide. At a minimum, however, the experience of the past decade has led to a recognition that their accountability cannot be couched solely in terms of their impact on the crime problem.

As I noted earlier, the reauthorization of the LEAA program was viewed with optimism for it recognized and corrected the false expectations which were embodied in the original legislation. Instead, the JSIA emphasized citizen awareness and victim-witness programs, advanced management techniques and strategies designed to enhance the productivity of justice system agencies. Also, one of the most significant contributions of the JSIA was its recognition of systems

improvement as an area of principle concern to the Federal assistance effort. Such programs are legitimate areas for involvement in addressing the crime problem, they merit attention at the Federal as well as the state and local levels of government and they establish realistic expectations for criminal justice system achievement and accountability.

The criminal justice system is an operation characterized by an adversarial approach to justice as well as an intentional fragmentation and separation of powers which is grounded in the federal and state constitutions. The obvious implication is that the system was not designed for homogeneity! Defense attorneys do not share the same measures of success with prosecutors. The judiciary does not necessarily share the same level of confidence in determinate sentencing as do legislators. Significant components of the criminal justice system, and indeed the general public, have contrary opinions about the role and function of correctional programs in dealing with convicted offenders. There are, of course, other differences which vary from jurisdiction to jurisdiction.

This aspect of the criminal justice system was not fully appreciated until LEAA's existence precipitated local, state and national forums. In these forums divergent interest groups had broader opportunities for jointly discussing and debating these issues. This diversity exists: it is healthy; it should be productively channelled toward an appropriate balancing of resources within the criminal justice system; and, it should be acknowledged and must be accommodated in any future federal effort directed toward state and local criminal justice activities.

As I have just noted, the power and responsibility in the criminal justice system has been purposefully fragmented not only among the state and local levels of government but also among the agencies themselves. There is no one person, branch or level of government in charge of nor responsible for our system of justice and the federal and state constitutions are assurances that an interdependent authority and responsibility for this system will continue.

The response of the initial LEAA legislation to the problems inherent in this fragmentation was to make the program a "Governor's Program." The framers of the legislation envisioned the chief executive officer in each state as the central control point and authority for addressing those problems and the resultant imbalances.

The vesting of program authority at that level was a structural flaw in the LEAA program which led to frayed intergovernmental relations between the state and its units of local government. As the LEAA program went through its various reauthorizations, the legislation acknowledged more and more the importance of the local government role. This recognition culminated with the concept of entitlement under the JSIA whereby local units of government were made equal but not autonomous entities vis a vis the states.

The attainment of entitlement status for local government was an extremely important development. Entitlement did not mean that local government could ignore state government, but rather it was premised upon state government recognition of an important interdependency with local government. The concept of entitlement changed the dynamics of the process. This change was brought about by provisions in the JSIA which provide for the sharing and coordination of certain responsibilities as well as an exercise of discretion and decision making more in keeping with the defined levels of responsibility for the management and financing of the criminal justice system. This aspect of equality and interdependency as outlined in the JSIA should not be lost in any future federal involvement in state and local government criminal justice activities.

On the positive side of intergovernmental relations was the development of coordinating mechanisms between city/county jurisdictions and among counties in multi-county planning regions. These coordinative efforts went beyond governmental entities to include operating agencies. Basically these coordination efforts were developed as a response to the dissonance in the system brought about by its fragmentation. While most outside observers of the criminal justice system think that coordination between and among criminal justice agencies and governments occurs naturally, it is in fact a most difficult achievement. The future of coordination as indeed the future of planning is mixed. Coordination efforts are more likely to continue in urban areas and to disappear in rural areas.

While coordination is a function carried out by planning offices, planning involves additional functions such as problem analysis, program development resource allocation, consensus building, program monitoring and assessment. In addition to all of these functions, state and local planning offices were also assigned

the responsibility by LEAA to administer the block grant program. Once again the LEAA legislation reflected some expectations which contributed to the problems surrounding planning.

The framers of LEAA looked to comprehensive planning as a mechanism to address the problem of fragmentation. This was and still is a legitimate method of addressing the problems brought about because of the system's inherent fragmentation. However, a subtle but critical nuance in planning was overlooked in this strategy. Planners are not decisionmakers; planners serve decisionmakers. The nuance was lost not only on the framers of the legislation but some of those who headed up the planning offices. A federal mandate to plan, and comprehensively at that, does not ensure sound planning and decision-making nor does it control grant monies. The ability to persuade decisionmakers through a rational and empirical approach to the problems confronting the decisionmakers is the bottom line on planning. Progress has been and continues to be made on this front.

The acid test for the criminal justice planning function is the imminent withdrawal of federal financial support. The fact that the acid test is coming at a time when state and local governments are also confronting the reality of tight budgets to the extent that they are being forced to cut back even basic services such as the police and fire protection poses an even greater challenge to planning offices in obtaining local support. While we will no doubt observe the demise of many local planning offices in the coming year, there will be survivors and the returns are already coming in.

The criminal justice planning offices in greatest jeopardy are those which are serving multi-county jurisdictions. A major obstacle to the continuance of these offices is, paradoxically, the multiplicity of governments with which they must deal. To obtain funding they have to go not to one city council meeting or one county board meeting but conceivably five, ten or twenty depending on the number of jurisdictions involved. Additionally, the perception of organizational difference between these offices and the jurisdictions they serve is contributing to their budgetary difficulties.

We estimate, however, that at least 100 local planning offices will survive and that this capacity will be concentrated in our more urbanized areas, and will represent close to fifty percent of the nation's population. These offices will be retained because of the services they provide to their local jurisdictions on local revenue-related issues. It is important to recognize that without the financial assistance initially provided by LEAA, very few of these offices would have come into existence in the first place.

In addition to local government planning offices, LEAA funding was responsible for introducing planning to the police, courts and corrections as well. Many of these offices are still in existence and have contributed to enhancing the decision-making process within the line agencies themselves. The lesson learned from LEAA on planning is that the federal government can serve as a catalyst and create an atmosphere in which criminal justice planning can be fostered, but efforts at mandating the exact nature of this function have limited impact.

The final lesson learned from LEAA was that the process of shared and coordinated decisionmaking at all levels can and does work. This success is perhaps best exemplified by the fact that eighty percent of the projects which were funded by LEAA (both block and national discretionary grants) and which stood to be continued were actually picked up by the state and local units of government. Also the reality that most of the innovative criminal justice programs which emerged during the decade of the 1970's can be traced to LEAA funding, attests to the pertinence of the program. So while the LEAA program had its flaws, and was saddled with some rather unrealistic expectations, it nonetheless made some very significant contributions to the quality of justice in this country.

With the seeming passage of LEAA from the national scene, I would like to now briefly comment on what is left in terms of federal programming and involvement as it relates to state and local government. Basically, we have identified that relationship to be federal involvement in the research and statistical gathering arenas as well as isolated programs within the larger federal agencies. There is a National Institute of Justice. There is a Bureau of Justice Statistics. There is an Office of Juvenile Justice and Delinquency Prevention. There are criminal justice related programs in Housing and Urban Development, the Department of Labor, and Health and Human Services. There also appears to be considerable interest among various federal agencies to pick up some of the more visible LEAA programs such as Sting and the Police Accreditation Program.

This residual and selective maintenance of certain programs originating under LEAA does not, however reflect any concerted or deliberative Federal effort. There presently exists no clearly articulated federal policy toward criminal justice and this void is now compounded by the lack of an identifiable federal office with the responsibility to take the lead in matters relating to state and local criminal justice activities. The implications of this situation are viewed with great concern from the perspective of local government.

First of all this void has resulted in a dissolution of focus in federal relationships with state and local criminal justice operations. As a consequence, not only is the federal government at a disadvantage in knowing what it is doing in criminal justice because the involvement of its various agencies is basically on their own terms, but so too is state and local government. Dealing with one federal agency can at times be trying but attempting to identify which agency is involved in what and then discovering that several are can only lead to confusion and inconsistency. This severely compounds the workload at all levels of government and results in resources being unnecessarily tied up in administrative overhead rather than getting programs implemented as intended.

By limiting the surviving functions under the JSIA to research and statistics, there is also the danger of these important efforts becoming isolated from the real, day to day problems facing state and local criminal justice operations. With the demise of LEAA, a structure and process for filtering research concepts up from the state and local level is gone and this loss presents a potential problem. There is a danger that the National Institute of Justice and the Bureau of Justice Statistics will be left with no real choice but to establish their research and statistical agendas at the national level. The establishment of an advisory board and notices in the Federal Register are not sufficient checks against this development taking place. The reason why this issue is so important is because the responsibility for our criminal justice system is predominately vested at the state and local level. The research and statistical agendas should therefore primarily reflect an appreciation for state and local concerns. For what purpose then is the federal government collecting and attempting to improve criminal justice statistics? For what purpose then is the federal government engaging in research? A response which merely indicates that these activities are needed and must be done is insufficient, and an answer which suggests that these activities will primarily assist federal decision-making is disturbing.

Activity relating to criminal justice research and statistics is both appropriate and is critically needed for decisionmaking at all levels; but the federal government's role and needs are best served if it functions as a broker of these activities. Indeed, the federal government is needed as the broker because of its national perspective and its ability to draw upon the resources which are necessary to engage in these activities. However, with state and local government as a prime beneficiary and consumer of the results of this brokerage function they must be actively involved in the process.

This was a concern but not a great issue during the drafting of the JSIA. The reason it was not an issue was because of the LEAA program. It was in part designed as the mechanism which provided for state and local involvement in these research and statistical efforts. With LEAA gone, a new mechanism needs to be identified for assuring their involvement in the criminal justice research and statistical efforts at the federal level.

Another implication of the present situation is closely associated with the concern I just addressed. This deals with the strategy at the federal level for disseminating the findings of the federal research and statistical efforts. While knowledge is good, learning about something does not automatically equate with practice and implementation. A dissemination strategy that relies upon publications and perhaps some training is insufficient in assuring that the research and statistical findings will be utilized. Such strategies are needed but they have to be augmented by a capacity for demonstration at the operational level. Demonstration requires resources and a delivery system. Failure to recognize this deficiency will predictably result in the federal government performing an important research and statistical function, the results of which will be placed upon library or office shelves but never find their way into the agency operations they were intended to impact.

In summary, Mr. Chairman, it is the position of our Association that there is a critical need for the federal government to articulate its policies toward state and local criminal justice activities not only in terms of its research, statistical and grant in aid programs but also with regard to those areas where joint jurisdiction

exists. This perhaps could be done in connection with the Justice Department's authorization where responsibility for this effort could be assigned with the proviso that those policies and any subsequent changes to them which affect this inter-governmental relationship would be submitted to the House and Senate Judiciary Committees for review and consideration.

Finally there is a pressing need for the federal government to create an identifiable office which will take the lead in all federal involvement in the improvement of state and local criminal justice operations. In considering this matter the Congress may wish to house this office in an agency other than the Department of Justice. While the Department of Justice would have a logical relationship to such an office, there are other equally important considerations such as inter-governmental relations and the management of federal dollars which might make for a more compelling argument to place this office in another agency.

Thank you Mr. Chairman for giving me the opportunity to present our views.

PREPARED STATEMENT OF NORMAN DARWICK

Mr. Chairman and distinguished member of the Subcommittee on Jurisprudence and Governmental Relations, my name is Norman Darwick. I am the Executive Director of the International Association of Chiefs of Police.

I sincerely appreciate the opportunity to appear before this important body. Your deliberations are vital to a better way of life for all of us. Hopefully, in some small way, my comments will aid your consideration of future improvements in the criminal justice service.

The I.A.C.P. is a professional membership association of law enforcement officials organized in 1893 as a tax-exempt- non-profit corporation to upgrade the delivery of police services to the people. Among its more than 12,000 members, the Association includes the Chief Executive Officer of police agencies in every state and major city, as well as many federal agencies and several other nations. Over its 87 year history, I.A.C.P. has initiated such criminal justice innovations as the Uniform Crime Reports, the Central Fingerprint File of the F.B.I., the National Academy at Quantico, the former International Police Academy, the National Bomb Data Center, countless traffic safety programs, and other programs I will expand upon later in this testimony.

In keeping with Chairman Heflin's focus for this hearing, it is appropriate here to outline some of the problems and failures of past federal programs in criminal justice, while we also indicate some of their successes, and guide our speculations on future federal involvement. The federal commitment began in the mid-sixties with the Johnson Administration's Presidential Commission on Law Enforcement and Criminal Justice. That effort culminated in the Office of Law Enforcement Assistance in 1965. The office continued until 1968 when the Omnibus Crime Control and Safe Streets Act resulted in the establishment of the Law Enforcement Assistance Administration (LEAA). That year, the new agency was modestly funded at \$63 million. As the late sixties and early seventies observed increased crime in the streets and continued social unrest over our combat involvement in Vietnam, the major federal emphasis occurred. In 1974, LEAA was funded at a \$900 million level. The first \$1 billion budget followed within a few years.

You are all familiar with the latest development when the 1979 Criminal Justice Improvement Act created the Office of Justice Assistance, Research and Statistics (OJARS) with LEAA as one of its three subordinate agencies. As a budget-cutting measure, the administration recommended against continued funding of the new revenue-sharing agency within 4 months of its creation. Earlier this year, LEAA received its mandate to phase out operations. In the aftermath of that decision, we have just experienced the sharpest increase in crime of the last 5 years. The Uniform Crime Reports show double digit increases for the first 8 months of 1980. What the administration failed to recognize here was that law enforcement is not the place to cut budgets while the nation is in the throes of an economic recession. When economic times are tough, crime goes up! It always has and it probably always will.

The primary question here is, "What's happened over the long term in LEAA history?" In the 12-year life of the agency, it has had 10 administrators and 9 attorneys-general. You can readily see that one of its major problems was confusion over who's watching the store. Program continuity was impossible under

such fragmented leadership. Also, 2-and 3-year reauthorization bills strangled any long-term planning.

Another major problem existed in the agency's developing funding philosophies, and the huge morass of administrative layers within the bureaucratic agency was inappropriate to handle the great infusion of funds during the years of its prominence. Any social program which was even remotely related to curbing crime found a receptive ear at LEAA. Simply to avoid turning back budgeted funds, LEAA monies were dispensed with inadequate review of needs and insufficient monitoring of progress over individual grants. Waste and duplication began to erode the LEAA dollar. You will be interested to know that although LEAA was set up specifically to address crime in the streets and aid state and local law enforcement—less than 20 percent of its allocated funds over the last few years was received by police agencies. Yet, law enforcement expends 65 percent of all costs for the criminal justice system.

Considering the attitudes of IACP constituents regarding past failures of the federal program, I will quote briefly from a survey of our membership taken in the last half of the recent decade. For the most part, the negative side indicated that block grants have been supportive only in part, and wholly ineffective in many applications. Poor administration was cited for diffusing the positive intent of such grants. Policy and tactical decisions must be made by the state and local authorities most familiar with the problems in a given jurisdiction. Respondents also felt that superfluous levels of fund administration diminished the amount of funds available for the job intended at the local level. Respondents were also critical of LEAA priorities, feeling that they did not correspond to local needs. Finally, agencies surveyed felt that LEAA had not allocated funds fairly among the three disciplines of the criminal justice system—police, courts, and corrections. In fact, they slighted the agency for not addressing court reform as well as it could have.

In the foregoing commentary, I have indicated only those shortcomings that we see as major problems with past federal programs in criminal justice. In the interest of time, I have consciously avoided detailed accounts of specific programs—although we can address them if necessary. Just as importantly, I think, we should show the other side of the coin and briefly point out some successes of the program and devote the majority of our allotted time to identifying a course of future action.

It would be ludicrous for me to suggest that a twelve-year program has had no success following an expenditure of \$6 billion plus. Incidentally, before we consider the figure as exorbitant waste, allow me to try and put it in perspective with just one comparison. The Department of Energy alone contracted out \$9.5 billion in just 1 year. That's 87 percent of its annual budget, and we are still dependent upon external energy sources. Indeed, there has been success in the LEAA program. And, its most laudable efforts occurred in the categorical grant projects. In this area, there are outstanding examples of the beneficial impact that national government can have on local efforts. They include support programs against organized crime, major offenders, and repeat offenders. LEAA's support of STING operations is unexcelled in exemplifying inter-governmental cooperation. Categorical programs of the federal agency gave us the Integrated Criminal Apprehension Program (ICAP), Crime Analysis Support System (CASS), Investigative Management Information System (IMIS), the Equipment Technology Center (ETC), and the Commission on Accreditation of Law Enforcement Agencies (CALEA).

Notwithstanding the obvious benefits of the Law Enforcement Education Program (LEEP), you can see that these programs have had a positive and forceful impact upon the delivery of street-level police services to the public. As indicated earlier, I would like to expand on just a few of these projects.

The Accreditation Program for Law Enforcement Agencies will provide a method by which local, county, and state law enforcement agencies may demonstrate compliance with the profession's highest performance criteria. In fact, the program can serve as a catalyst for enhancing the recognition of law enforcement as a profession parallel to the legal, medical and education models. The program includes the development of standards, and a method of measuring a law enforcement agency's compliance in the management and operational areas.

A Commission has been incorporated to accept responsibility for the accreditation program, and to give direction and approval of each component during the developmental stages. The Commission is comprised of 21 members; 11 are law enforcement practitioners representing a broad cross-section of agencies by

size and function, and 10 are from state, county, and municipal levels of government and academia.

The program is national in scope, and represents the first effort in this country to measure law enforcement effectiveness. The dimension of measurement distinguishes this program from previous standards programs at the federal, state, and local levels. It is anticipated that this program alone will result in a significant improvement in the delivery of law enforcement services. The positive results will be reflected in a broad dissemination of information on successful law enforcement methods and systems, and encourage the implementation of innovative practices on management and operations. To be successful, the Accreditation Program should reflect those practices which have proven to be successful, have a contemporary orientation, and serve as a catalyst for desirable change. These are major challenges.

To meet these challenges, the Law Enforcement Assistance Administration awarded a categorical grant to the IACP. The grant specified three additional professional law enforcement associations to participate in the Accreditation Program. The three allied organizations are the National Organization of Black Law Enforcement Executives (NOBLE), the National Sheriffs' Association (NSA), and the Police Executive Research Forum (PERF). The commitment of these associations include a membership representation of more than 75,000 law enforcement practitioners in this country.

The Accreditation Program has been endorsed by a wide range of trade and professional associations including the legal profession, state associations of chiefs and sheriffs, national law enforcement labor unions, and numerous other associations with membership directly concerned with the delivery of law enforcement services.

The Accreditation Program for Law Enforcement Agencies, supported by a categorical grant, has the potential of being the most important development in the history of policing in the United States.

In another example, the National Institute of Justice (NIJ) has awarded funds to the IACP to establish a Technology Assessment Program Information Center (TAPIC) for research and testing of products used in the law enforcement community. This program will become part of the Technology Assessment Program (TAP) of the National Institute of Justice (NIJ). It continues a program initiated by IACP in October, 1975, to provide law enforcement officials with information about the latest technologies employed in the design, development and production of law enforcement products. The program supplies reliable and objective performance data to police administrators and assists them in procuring products best suited, within budgetary constraints, to their departments' needs. TAPIC will be concerned with assessing technologies and products in five broad areas: Communications and Electronics, Forensic Science, Security Systems, Transportation, Weapons and Protective Products.

TAP integrates the efforts of NIJ, the IACP, and the Law Enforcement Standards Laboratory (LESL) of the National Bureau of Standards (NBS). A group of law enforcement practitioners, the Technology Assessment Program Advisory Council (TAPAC), provides additional guidance and direction in determining users' needs. This input from users assists in keeping TAPIC responsive to the needs of law enforcement agencies. Each participant in the program has a supporting role and priorities are established through close coordination by IACP, NIJ, LESL and TAPAC.

Product testing, a major objective of TAP, is performed by qualified independent laboratories to guarantee the fairness and accuracy of the test results. Reports of the testing program are published in a format appropriate for the particular product and are distributed without charge to the law enforcement community.

The cost benefits of TAP in one category alone have proved the usefulness of this program. In April, 1979, the U.S. Army Natick Research and Development Command published data showing that the wearing of protective soft body armor resulted in an estimated savings of more than \$29 million in the 1,248 injuries and fatalities reported for police during 1974-78.

The toll-free telephone inquiry response service operated by TAPIC allows departments to call the Center regarding product and technological problems. When several departments reported rear seat fires in 1979 Ford Fairmont police vehicles, Ford developed a correction for the problem. TAPIC alerted all law enforcement agencies by teletype with a caution notice 6 to 8 weeks before Ford could supply replacement parts and notify owners of the vehicles.

These programs have saved millions of dollars. In one case alone, the standards helped the U.S. Marshal's Service buy transceivers for half a million dollars less than the GSA catalog price—and, they obtained higher quality radios. Consider life-saving programs of LEAA, and you must immediately be reminded of its K-9 explosives-detection project which directly credited with finding a bomb on a TWA jetliner. Their high-speed steel-belted tire warning avoided countless accidents in police pursuits. And most recently, the federal agency has funded a long overdue study of police use of deadly force.

An improved policy on police use of force is just one way of impacting upon the criminal justice system in a positive manner. In our portion of this study, we are analyzing weapons usage in the 57 major police departments throughout the country. We have found that bringing focus to this problem and the need for policy, police firearms usage declined 44 percent from 1975 through 1978—the last year for which complete statistics are available. Recently, some observers have indicated there are a disproportionate number of blacks shot by police in relation to police use of weapons against whites. What they haven't said is that the percentage of blacks shot is equal to the percentage of blacks arrested for crimes that often result in police use of force—namely homicide, robbery, weapons violations, and violent crime in general. I am happy to add here that our association has led the law enforcement community in passing a resolution deploring not only excessive police use of deadly force, but also excessive police use of physical force.

To conclude my testimony here this morning, allow me to concentrate now on what we see as the future role of federal involvement in criminal justice administration. As a final qualifying statement, I want to indicate that LEAA is the only federal agency with which IACP has daily contact. We have watched its creation and development with more intensity than has any other group because we are mandated by our members to represent their interests in the criminal justice community. In the past, we have been extremely vocal in speaking out against LEAA when its program philosophies and administration made it necessary. At other times, we have publicly defended the agency if that course of action was required. As I've indicated, we have also been a grantee of the agency on several occasions and we currently operate projects under its funding. We can speak from a position of competence and confidence. Our current assessment suggests a need for change which falls short of totally eliminating the agency!

The immediate reinstatement of federal assistance to state and local law enforcement must be a priority consideration of the next congress and the incoming administration. No single municipal, county, or state police agency can devote sufficient funds, personnel, and/or technology to a program of national responsibility. In the area of research and development, the categorical grants from LEAA have probably been the most successful and helpful funding programs to state and local governments.

Because of the enormous amount of information, research, systems development, and programmatic entities generated by LEAA over the last decade, we must maintain a coordinating federal interface with local government to ensure that current gains are not lost through dispersion and relocation. Local authorities are burdened with the responsibility of carrying on with the work-loads of federal residual requirements. The greatest tragedy of the loss of a federal program relates to the great challenges that still lie ahead:

Illegal drug trafficking and the resultant abuse of drugs continues to plague our communities. Drugs are directly related to a great proportion of street crime and, for the most part, they are introduced to the community from sources over which local authority has little or no control. Massive international efforts through every channel available, including treaties, must be used to bring this problem under control.

The inability of our current system in controlling Juvenile crime is the single most critical element of recidivism. Influences of poverty, poor schooling, job opportunities, and the host of other factors designing our way of life leave the criminal justice system in an inadequate posture for addressing this phenomenon in a concerted manner.

A single incident of white collar or organized crime can result in such disproportionate economic loss compared to other crime, we feel compelled to consider them with equal priority. Often working from a headquarters far removed from the actual location of the incident, this burgeoning problem must be attacked by all disciplines of the criminal justice system as well as all levels of government.

There is great inequity in our system regarding victims and witnesses. Too often, victims of crime (particularly violent street crime) are not justly treated

when the offender (justly convicted) is released probationarily, or prematurely from a too brief prison term. The system unjustly exposes the victim to further retribution by his/her assailant. We must also give greater attention to witness protection and victim restitution in any consideration of reform.

As you can see by the briefed accounts of these issues, a positive federal involvement in criminal justice becomes critically apparent. Accordingly, we urge retention of a federal assistance program to state and local government.

The issues mentioned here represent only a beginning. We see them as first priorities. Obviously, we have a long way to go to bring rampant crime within controllable levels. Mr. Chairman and members of the subcommittee, we can establish a more safe and secure nation for all our citizens. I look forward to working with you toward that ideal.

Thank you.

PREPARED STATEMENT OF BISHOP L. ROBINSON

Senator HOWELL HEFLIN,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR HEFLIN: As you know, over the past twelve years there have been three major national efforts to develop recommendations and standards for upgrading American law enforcement: The President's Commission on Law Enforcement and Administration of Justice (1967); The National Advisory Commission on Criminal Justice Standards and Goals (1973); and The American Bar Association's Advisory Committee on the Police Function (1973). Although many needs and problems were identified by these groups, the development and implementation of their recommendations and standards proved more ambitious than realistic.

In response to these shortcomings, the Law Enforcement Assistance Administration has approved a grant establishing and maintaining a Commission on Accreditation for Law Enforcement Agencies—hailed as the most significant program ever for law enforcement. It takes the work of the three earlier national projects one important step further—the development of comprehensive, realistic, measurable standards, and the establishment of a national program for voluntary accreditation of state and local law enforcement agencies.

The objective of the program is to establish an independent accreditation process which will result in: (1) increased effectiveness and efficiency of local law enforcement agencies in the delivery of their services; (2) increased confidence of citizens in and community support for law enforcement agencies; (3) increased confidence of individual law enforcement officers in the effectiveness of their own agencies; and (4) greater standardization of administrative and operational procedures among law enforcement agencies. Working with the 21-member Commission on Accreditation are the staffs of four national membership organizations for law enforcement executives: The International Association of Chiefs of Police (IACP), The National Organization of Black Law Enforcement Executives (NOBLE), The National Sheriff's Association (NSA), and The Police Executive Research Forum (PERF). What we now have in place is a program to develop standards for a full range of law enforcement agency administration and operations.

The accreditation process has an added benefit—an effort by law enforcement, working with representatives of the public and private sector, to better their own profession consistent with what the community expects and has every right to demand. The standards developed by the Commission will be implemented voluntarily by law enforcement agencies. A Commission audit team will assure specific compliance with each of the standards.

We hope local publics—community people concerned with the quality law enforcement—will become involved in the accreditation program and the development of standards. People will support what they help to create.

I think the program is important because it offers an opportunity to implement a common law enforcement philosophy throughout an entire agency. Consequently, standards are being written that deal with recruitment, selection, training, advancement, promotion, internal investigations, direction, and specific patrol operations in the field. The program will be able, therefore, to effect change within the entire organization.

Programs such as this, however, take time. Accreditation comes at a time when funding cutbacks in local departments may inhibit its adoption, and when federal funding cutbacks affect policy guidance at the national level.

These budget reductions will have an even greater effect within a department. Already we have seen the "last hired, first fired" syndrome develop around the country—the officers who are so badly needed are not being hired and maintained long enough to rise to command ranks.

To have lasting impact, a uniform, systematic, and flexible accreditation approach is needed, with a built-in process for continual revision of the standards. The entire success of the program is dependent upon writing standards which measure the real nature and manner in which law enforcement agencies provide services to the public. It is our job to make sure the standards stimulate individual officers and entire departments to better themselves. The Commission on Accreditation is both a challenge and an incentive for moving law enforcement toward what it ought to be.

With the apparent demise of the Law Enforcement Assistance Administration, the Commission on Accreditation may well be one of the last federal efforts providing assistance to local law enforcement agencies. A sustained commitment of financial and political support at all levels of government is required to make the accreditation program succeed. I hope your strong leadership will be a significant part of that commitment.

Enclosure.

THE ROLE OF THE FEDERAL GOVERNMENT IN THE IMPROVEMENT OF THE ADMINISTRATION OF CRIMINAL JUSTICE AT THE STATE AND LOCAL LEVELS

The Federal Government's commitment to essential improvements in the criminal justice system should be the development of practical standards and inquiry into issues having important policy implications relating to adult and youth criminal justice issues with strong emphasis on methods for reducing crime in minority communities. The Federal Government should focus on bringing about improvements in the following priority areas:

DRUGS

The importation of illicit drugs continues at such high levels, state and local enforcement efforts have little or no impact on drug trafficking enterprises. The availability of drugs among our youth presents a threat to the preservation of our society, particularly in minority and impoverished urban areas and precludes many of our youth from pursuing meaningful occupational careers.

Immediate reduction of the illicit trafficking and use of drugs is in the best interest of the future of our nation, therefore, a multi-faceted approach to the resolution of the problem of drug abuse should be a top priority. It is recommended that the Federal role should be as follows:

The administration should:

1. assign to the Justice Department a mandated priority for the vigorous prosecution of drug statutes' violators.
2. pursue statutory provision for bail levels more commensurate with the probably profit margin derived from illicit drug trafficking.
3. define the fine schedule for violation of drug statutes, more in keeping with illicit drug trafficking profit margins.
4. support the enactment of statutory authorization to utilize the U.S. military equipment and personnel to combat the unlawful importation of drugs.
5. provide a federal mandate for state and local drug educational and drug alternative programs.
6. expand international enforcement efforts and mutual agreements and treaties between nations aimed at reducing the illicit importation and exportation of opium, heroin, cocaine, marijuana, in particular.
7. expand the various crises, maintenance, treatment and rehabilitation centers designed for drug abusers.
8. enact legislation outlawing the sale of drug paraphernalia.
9. insure timely exchange of criminal intelligence information and full cooperation between all levels of law enforcement, to include national, state and local agencies.

COMMUNITY CRIME PREVENTION

The administration should provide funding to community based agencies and organizations who have the staff and ability to develop and deliver crime prevention programs and ways which impact on the reduction of crime in urban areas in particular with emphasis on the reduction of delinquency prevention.

Technical assistance should be provided to these groups to assist them in program development and implementation. More specifically, program funding should be directed to those projects which predict a high probability of reducing juvenile involvement in part I crimes and drug abuse.

It is important that citizens at the local neighborhood level continue to be encouraged to actively participate in criminal justice processes because crime prevention is first and foremost a citizen responsibility. Citizen support and involvement is a necessary prerequisite to effective law enforcement services delivery. LEAA discretionary funds to support this effort must be continued.

Senator HEFLIN. At the request of Senator Dole, we will include in the record at this point letters received from several interested organizations which comment on S. 3209.

[The material referred to above appears in the appendix.]

[Whereupon, at 1:55 p.m., the committee adjourned.]

ROLE OF THE FEDERAL GOVERNMENT IN STATE AND LOCAL LAW ENFORCEMENT

TUESDAY, DECEMBER 22, 1980

U.S. SENATE,
SUBCOMMITTEE ON JURISPRUDENCE
AND GOVERNMENTAL RELATIONS,
COMMITTEE ON THE JUDICIARY,
Birmingham, Ala.

The subcommittee met at 10:30 a.m., at the Federal courthouse, courtroom 1, Senator Howell Heflin (chairman of the subcommittee) presiding.

Present: Senator Heflin.

OPENING STATEMENT OF SENATOR HEFLIN

Senator HEFLIN. Good morning. Today the Senate Judiciary Committee conducts the second hearing to examine the Federal responsibilities to State and local law enforcement in the field of criminal justice. The purpose of these hearings is to provide a forum for discussion of ideas as to what the Federal Government can or should be doing and assisting State and local governments in decreasing crime in the United States. I suppose personal experience motivates a person and gives them ideas. And personal experience with crime, since moving to Washington has caused me to become more and more conscious of the ever spiraling crime rate. Since I have been in Washington, my apartment has been burglarized. I have had the trunk of my automobile broken into twice where they knocked the lock in, stole what was in the trunk, certainly the tires. This, of course, has caused me some alarm. And crime has also had a tremendous effect among my staff.

My press secretary is my exhibit No. 1: He was going to a restaurant in Washington, D.C., in which he had a gun placed in his ribs, and one of the conspirators involved in the robbery kept hollering, "Shoot him, shoot him."

One of my secretaries, 3 weeks ago, was robbed at gunpoint and this was the second incident of crime for her, because there had been a previous burglary at her apartment. So we have had a lot of crime in Washington and if you think you have problems here in Birmingham, I suggest you look at Washington which has far greater problems.

Crime, of course, continues to be one of the most serious domestic problems in our society facing us to date. During our first hearing, this committee received testimony from various statistical groups which revealed that all categories of crime including those of a violent

nature were on an upward trend. The most alarming statistics are the ones that illustrate the chilling effect that crime is having on the American people.

Millions of Americans are drastically altering their lifestyle out of fear and becoming victims of crime. Recently, there has been a nationwide increase of instances of juvenile crime, including an alarming trend toward neighborhood youth gangs, this is a nationwide problem.

Statistics recently published show that last year persons under 18 accounted for 45 percent of all arrests for property crimes, and 20 percent of all arrests for violent crimes. Juvenile delinquency is a nationwide problem and one that we cannot afford to ignore.

Since 1969, when the Omnibus Crime Control and Safe Street Act went into effect, the Federal Government through the Law Enforcement Assistance Administration has played a significant role in the administration of justice in this country, by providing financial assistance to State and local governments.

Though experiencing problems in its early stages, LEAA proved to be extremely successful in a number of its programs. Many of which have had a clear and definable impact on the reduction of crime's power. However, due to budgetary cutbacks this year, LEAA has been reduced to only a nominal existence. With the abolition of LEAA, the Federal Government will now have no programs whose primary function is to assist State and local governments in their attempt to control crime and improve the criminal justice system. During our earlier hearings this committee heard from several national organizations representing State and local governments and law enforcement officials. In that testimony, these witnesses discussed some of the problems LEAA experienced, as to some, as well as their successful programs for which LEAA was responsible.

The common trend which ran throughout their testimony was that the Federal Government must develop a national policy, in partnership of State and local governments, to deal with crime. At today's field hearing, we will examine many of these same issues, but from the perspective of State and law enforcement officials and Government officials from around the State of Alabama.

LEAA through the Alabama Law Enforcement Planning Agency has had a tremendous impact on the system of criminal justice in Alabama. Under the very able leadership of Earl Morgan, the State chairman, Bo Davis, as the Executive director, LEAA, Alabama Law Enforcement Planning Agency has been a success in the judgment of people at the national level.

Through the years, there have been a number of successful programs created in almost every category of criminal justice system. Including the modernization of law enforcement, the professionalization of law enforcement, improvement in corrections, and development of programs designed to improve the Alabama judicial system. One of the most important accomplishments of LEAA and LEPA has been the establishment and funding of training and educational facilities for law enforcement officers in Alabama.

During today's hearing this committee hopes to explore some of the problems of LEAA and LEPA, and as well as what role should the Federal Government play in the criminal justice at the State and local level of operations. Some of the questions that we must focus on during

these hearings are first: Why do we need a Federal assistance program to State and local governments dealing with crime. Second: What will be the results if there is no Federal assistance program to help in controlling crime. And third: If we are to have a new, yet significantly restricted Federal program, how should it be organized. What programs should receive priority.

I want to welcome everyone here today, for what I believe will be a very constructive and informative hearing. Now, I am the only Senator here, but we are making a record of this and this record will be reviewed by the Senators and their staff when the record is completed. And it can be of immense benefit to the Senate as it works on this particular problem.

We have a very distinguished group of witnesses who are to testify today. Chief Justice C. C. Bo Torbert; the Attorney General of Alabama, the Honorable Charles Graddick; Mr. Ruffin Blaylock, the director of the Alabama Criminal Justice Information Center; Commissioner Robert Britton, commissioner of the board of corrections in Montgomery, and Mr. Robert G. Bo Davis, executive director of the Alabama Law Enforcement Planning Agency. This will be the first panel of witnesses, we would like to invite them to come to the table and delighted to hear from them.

I might make an announcement as the panel is coming to the witness table, and we will keep the record open for 2 weeks for anyone who desires to file an extension of their remarks here or who desire to file any testimony at all, in a statement or a letter, it doesn't have to be in any proper form. We would appreciate it though, if it could be typewritten, but even if it cannot be, we would be delighted to receive any statement from any interested citizen.

It's my personal pleasure to call upon Chief Justice C. C. Bo Torbert, who has done a great job as chief justice of Alabama Supreme Court.

Chief Justice Torbert, we would be delighted to hear from you.

STATEMENT OF CHIEF JUSTICE C. C. TORBERT, ALABAMA SUPREME COURT

Chief Justice TORBERT. Thank you, Senator Heflin. I am pleased to appear before your subcommittee in Birmingham, Ala. My name for the record, is C. C. Torbert, Jr., and I am chief justice of the Alabama Supreme Court. And at this particular time, because of the resignation of the chairman, I am acting chairman of the Alabama Law Enforcement Planning Agency. We are honored to have the subcommittee to choose Birmingham, Ala., and I believe that we should say, I can say on behalf of the panel, we appreciate the opportunity to actively participate in a Federal legislative process.

Citizens in Alabama, like citizens in other States, Mr. Chairman, are increasingly concerned about rising crime rates. Our citizens, and perhaps as you have indicated earlier, our citizens are frightened and angry. The fight against crime, the concept and one that does not remedy itself to an easy solution. Experience is resulting from the Federal Government's assistance to the States in combating crime under LEAA has demonstrated to me at least a need for a comprehensive approach to the problem.

The criminal justice community is a highly complex and integrated system. The failure or the deficiency of one component to properly generate, to properly operate, generates repercussions to the other agencies and entities in the system.

Mr. Chairman, a major benefit of the Alabama's participation in the program sponsored by the LEAA, was the creation of a forum where representatives of all agencies and organizations in the criminal justice community could come together and discuss common needs and work cooperatively in the developing of coordinated criminal justice programs. Various representatives are here today to discuss with you the impact of crime and the need for improvement in law enforcement, juvenile justice, corrections, and prosecutorial services. My remarks will concentrate on the role of the judiciary in the criminal justice system, problems facing the court, and the opportunities that the central government has to assist our State court system.

First, I would like to say that the speedy, efficient, and fair adjudication of criminal cases is a political and necessary factor in deterring crime. In recent years, Alabama has made great progress in increasing the capabilities of our courts to dispose of criminal cases in a manner which is both expeditious and fair. In less than a decade, we have organized the trial courts into a unified system; adopted a comprehensive set of criminal laws; revised and streamlined court procedures; and established an Alabama judicial college to provide comprehensive training for all judges, officials, and employees of the courts. And we have modernized our court system by improving the managerial skills of court's officials, providing for the application of technology in the management or financial resources and personnel.

The Federal Government, Mr. Chairman, primarily through the LEAA played a very valuable role in this process. And it was through this court that this State was able to complete the research needed to develop required administrative and procedural changes in the system. Alabama courts have effectively used this Federal assistance. Every program developed through Federal assistance that has been implemented is now being maintained and operated by the unified judicial system.

Mr. Chairman, despite these efforts, our courts still face critical situations. Between the fiscal year 1979 and 1980, criminal filings in circuit courts of Alabama increased about 11 percent. In a comparison of the filing information for the first 2 months of current filings against the year's similar data and last year, indicates an additional 12 percent increase in criminal filings alone.

So case filing is rapidly increasing and given the current economic status of this country, we anticipate a more appreciable change in the filing trend in the foreseeable future. The solution to this problem is not one by simply providing additional judges. But to meet the challenge, Alabama courts, like other court systems in the country, must aggressively continue its efforts in evaluating and refining our court operations in order to expedite adjudication of issues while insuring justice. It may be necessary to consider alternatives to adjudication, including intentionally decriminalization of minor infractions. The increase of magistrates and very minor crime cases, and in order to allow our resources to be used in the major crime areas.

The Federal Government has a direct interest in the efficient operation of the State courts. The reason being simply, that the great, great majority of criminal cases, as well as civil cases filed in the State courts embrace some Federal question.

After a complete and exhaustive State review, a significant number of these cases then come before the Federal courts, sometimes, many, many years after the finality of the judgment has been upheld by the State courts. New trials and other federally ordered action, including entertaining previously denied petitions, results not only in the protracted proceedings, but incur considerable expenses to the State.

No. 2 is that the actions and decisions of the Federal Government oftentimes indirectly impact on the operation of the State courts. For example, the speed limit of 55 miles per hour which was mandated by the central government, and then Federal assistance then came from the Federal Government to enforce the 55-mile-per-hour speed limit.

That resulted in an additional 60,000 traffic cases filed in the Alabama courts in the fiscal year 1980. White collar crime units funded with Federal assistance, required extended sessions of grand jury, and resulted in lengthy protractive trials, greatly taxing the facilities of the State support system.

Federal assistance in the crackdown on welfare and medicaid fraud caused State courts to become inundated with additional investigation, prosecution, and adjudication.

The enforcement of child support programs, funded through title IV of the Social Security Act, has greatly increased our manpower requirements. Federally mandated standards governing the revision of defense services of the indigent. And the juvenile actions has further added to the load of the courts.

Now, while all of these actions may be good and necessary and provide benefits to our citizens, these programs just simply impact on the operation of State courts. Federal assistance to the courts and other components of criminal justice through LEAA made in the past, a definite impact on the quality of criminal justice service and enabled our local agency's better to respond to correlated problems. Unfortunately, as you have pointed out, this assistance is no longer available to us because of budgetary restraints. The State courts and other criminal justice agencies, now find themselves faced with meeting continual increasing crime rate without Federal assistance.

The problems facing the courts in other criminal justice agencies are not confined or generated to one political jurisdiction. Crime is a national problem, one that faces the Nation as a whole. If the States are to meet the challenge, the assistance of the Federal Government must be provided. Whether this assistance comes through a law enforcement assistance administration or through some alternative structure, Federal assistance must be made available in the following areas in our judgment.

One, research to identify and assist the feasibility of more effective approaches in dealing with crime and crime related issues.

Two, providing technical assistance to State and local communities, improving their law enforcement and criminal justice programs.

Three, providing a means for exchange of information and ideas between the State, and between criminal justice systems within the State. Providing for the comprehensive collection of information and data on crime and criminal justice activities. Providing incentives and demonstration grants to State and localities for innovative programs for applying procedures which have proven effective through research and development. Providing general assistance to the criminal justice communities and the courts and meeting increased demand for services, many of which are direct results of Federal actions or court decisions, or Federal assistance.

Lastly, and perhaps as important, is the need for Federal assistance in terms of education and training of judges, court officials, law enforcement, juvenile officers, and judges throughout the whole gamut of our criminal justice community.

If you read, as we read, court decisions are very complex. It is absolutely essential, that the policeman on the beat, the sheriffs in each county, that the prosecution, and the trial judges be attuned to the change in decisions that the court hands down from day to day, in order that they can adapt themselves in order to furnish the kind of services needed to combat crime.

Mr. Chairman, I would not add anything except, I would like permission to file in the record a statement of Judge Ben McRae of Decatur, in Morgan County, with respect to the juvenile justice system at which I'm sure you will go into later.

Judge McRae is chairman of the supreme court advisory committee on juvenile justice and chairman of the subcommittee of independent study commission of juvenile justice, and I would like permission to file that in the record.

Mr. Chairman, on behalf of the State courts, let me express our appreciation for the privilege of participating on this panel and addressing this committee. Let me strongly urge for your support for programs to continue to aid our courts and all components of the criminal justice community in addressing the problems of crime. Thank you very much.

Senator HEFLIN. Thank you very much, Mr. Chief Justice.
[The prepared statement of Chief Justice Torbert follows.]

PREPARED STATEMENT OF C. C. TORBERT, JR.

My name is C. C. Torbert, Jr. I am Chief Justice of the Alabama Supreme Court (and acting Chairman for the Alabama Law Enforcement Planning Agency's State Supervisory Board).

We are honored that you have chosen Alabama as the site for the subcommittee hearings and appreciate having this opportunity to actively participate in our federal legislative process.

The citizens of Alabama, like citizens in other states, are increasingly concerned with rising crime rates. Our citizens are frightened and angry. The fight against crime is a complex problem, one which does not lend itself to easy solutions. Experiences resulting from the federal government's assistance to states in combating crime under the Law Enforcement Assistance Administration has demonstrated the need for a comprehensive approach to this problem. The criminal justice community is a highly complex integrated system. The failure or deficiency of one component to properly operate generates repercussions to the other agencies and entities in the system.

A major benefit of Alabama's participation in programs sponsored by the Law Enforcement Assistance Administration was the creation of a forum where representatives of all agencies and organizations in the criminal justice community

could come together to discuss common needs and work cooperatively in developing coordinated criminal justice programs. Alabama participation is unique in that we have developed a cooperative effort among all state criminal justice organizations.

Various representatives are here today to discuss the impact of crime and the need for improvements in law enforcement, juvenile justice, correction and prosecutorial services. My remarks will concentrate on the role of the judiciary in the criminal justice system, the problems facing the courts, and the opportunities the federal government has to assist our state court systems.

The speedy, efficient, and fair adjudication of criminal cases is a critical and necessary factor in deterring crime. In recent years, Alabama has made great progress in increasing the capabilities of our courts to dispose of criminal cases in a manner which is both expeditious and fair. In less than a decade, Alabama has:

- (1) reorganized the trial courts into a unified system;
- (2) adopted a comprehensive set of criminal laws;
- (3) revised and streamlined court procedures, established a Judicial College to provide comprehensive training for all judges, officials, and employees of the courts; and
- (4) modernized the administration of our court system by improving the managerial skills of court officials and providing for the application of new technologies in the arrangement of financial resources and personnel.

The federal government primarily through the Law Enforcement Assistance Administration played a valuable role in this process. It was through this support that we were able to complete the research needed to develop required administrative and procedural systems.

The Alabama courts have effectively used this federal assistance. Every program developed with federal assistance has been implemented and maintained by the Unified Judicial System.

Despite these efforts, our courts are still facing a critical situation. Between fiscal year 1979-80, criminal filings in the circuit courts of Alabama increased 11 percent. A comparison of filing information for the first two months of the current fiscal year against similar data for fiscal year 1980, indicates an additional 12 percent increase in criminal filings alone.

Case filings are rapidly increasing; given the current economic status in the United States, we anticipate no appreciable change in filing trends for the foreseeable future.

The solution to this problem is not simply one of providing additional judges. To meet this challenge, Alabama's courts, like other court systems in this country, must aggressively continue its efforts in evaluating and refining our court operations in order to expedite the adjudication of issues, while insuring justice.

It may be necessary to seriously consider alternatives to adjudication including the potential decriminalization of minor infractions and increased utilization of magistrates in minor criminal cases.

The federal government has a direct interest in the effective operation of the state courts. The majority of criminal cases, as well as many civil cases, filed in the state courts embrace some federal question. After a complete and exhaustive state review, a significant number of these cases will come before the federal courts. Retrials and other federally-ordered actions, including entertaining previously denied petitions, result not only in protracted proceedings but incur considerable expense to the states.

The actions and decisions of the federal government often directly impact the operation of our courts.

Federal assistance to the state for increased enforcement of the 55-mile an hour speed limit has resulted in an additional 60,000 traffic cases being filed in the Alabama courts in fiscal year 1980.

White collar crime units funded with federal assistance have required extended sessions of grand juries and resulted in lengthy, protracted trials greatly taxing the facilities of our court system.

Federal assistance in the crack-down on welfare and medicaid fraud has caused the state courts to be inundated with additional investigations and prosecutions.

The enforcement of child support programs funded under Title IV of the Social Security Act has caused greatly increased manpower requirements.

Federally-mandated standards governing the provision of defense services and the detention and conduction of juvenile actions have further added to the load of the courts.

The actions cited above are very necessary and have provided great benefits to the citizens of Alabama, but these programs have seriously impacted the operation of our courts.

Federal assistance to the courts and other components of the criminal justice system through the Law Enforcement Assistance Administration has made a definite impact on the quality of criminal justice services and enabled our local criminal justice agencies to better respond to crime related problems. Unfortunately, this assistance is no longer available to us. The state courts and other criminal justice agencies now find themselves faced with meeting the continual increasing crime rates with no assistance.

The problems facing the courts and our other criminal justice agencies are not generated or confined to one political jurisdiction. Crime is a national problem, one which faces the nation as a whole. If the states are to meet this challenge, the assistance of the federal government must be provided.

Whether this assistance comes through the Law Enforcement Assistance Administration or through an alternative structure, the federal assistance must be made available in the areas of: research and development to identify and assess the feasibility of more effective approaches to dealing with crime and crime-related issues; providing technical assistance to states and local communities in improving their law enforcement and criminal justice programs; providing a means for the exchange of information and ideas between the states and between the criminal justice communities within the states; providing for the comprehensive collection of information and data on crime and criminal justice activities; providing incentive and demonstration grants to states and localities for innovative programs or applying procedures which have been proven effective through research and development; and to provide general assistance to criminal justice communities and the courts in meeting the increased demands for services, many of which are the direct result of federal actions, decisions, or assistance.

Thank you for the privilege of addressing the committee. Let me strongly urge your support for programs to aid our courts and all components of the criminal justice community in addressing the problems of crime.

Senator HEFLIN [continuing]. Alabama is very fortunate to have an aggressive attorney general who looks at the problems of crime. His background includes being a district attorney when he was in the area. Now he is the State's chief law enforcement officer.

We are delighted to have the Honorable Charles Graddick with us here today and we are delighted to hear from him.

STATEMENT OF ATTORNEY GENERAL CHARLES GRADDICK, STATE OF ALABAMA

Mr. GRADDICK. Thank you Judge, or Senator. I appreciate, first of all, you having me here today. Having been a former district attorney and now attorney general, I feel qualified to speak about crime in this State. Over the past 10 or 11 years, I have, on a day-to-day basis dealt with problems on the streets. I have dealt with, now, problems as far as needed legislation or concern which would be best for the State of Alabama, in our opinion.

Quite frankly, I think the loss of LEAA funds, is going to cripple the State of Alabama's efforts in the war on crime. I think we need a national program to protect the public, and to promote law and order. To secure equitable system, or a more equitable system of our justice system. And to provide a great deal of cohesiveness across all of these areas. No, we need to address it in three ways. And I think LEAA did so. It looked at the enforcement, it looked at the judiciary, and it looked at the corrections. In doing so, and providing a cohesiveness, I think it would be a fair statement to say that it eliminated bottlenecks in these areas. Certainly it was a control in a waste of time and money and efforts on the parts of many people.

I personally believe that without the help of LEAA funding and our LEPA people here in Alabama, we would not be in the position we are in our war on crime. Today, I think we would be 25 to 50 years step backwards.

I saw policemen, people in the police department who managed the police department, and having only the ability to train their people, but not providing them with the tools necessary to catch criminals. Simple things, like giving them a police car. Important things, like giving them a vest to wear so they may not be killed. Little things like that mean a great deal to people on the local level.

We have, and as you know, and the Chief Justice noted, we have revamped and unified our court system. Primarily because of what you have done. We have been able to create the office of prosecution services, which aids and helps some 39 district attorney's across the State of Alabama. And let me say this, this past year when LEPA or LEAA abolished its program, we had to seek some \$200,000 to bail out 10 or 12 district attorneys across the State of Alabama from losing some of their key personnel. Some district attorneys at one time did not even have a secretary to type indictments to help out with the grand jury. And without that funding, goodness knows, Mr. Britton probably wouldn't have the problem he is having today as far as the penitentiaries are concerned because we wouldn't have been able to put prisoners behind bars where they belong, and keep them there.

In my office, the attorney general's office, I have been able to see the history of LEPA and what it has done. As far as the white-collar crime unit, as far as an organized crime unit, those units have operated effectively throughout the 67 counties of Alabama, aiding and assisting district attorneys whenever necessary, because that money was available. Obviously, the continuing legal education of the lawyers in the attorney general's office has been quite helpful.

You've asked the question why do we need a national program? Well, in my opinion, because the State of Alabama in these days and times cannot furnish that program, the money is just not there. We have obviously got a prison problem as far as overcrowdedness is concerned. We can't allow dangerous people released back in our society, simply because we can't provide a place for them. A national program can certainly help in that vein. There are two areas that I am greatly interested in, well, I guess three. We need a coordinated narcotics unit effort in the State of Alabama. Senator, you can't imagine unless you're on the street—and you're going to have an opportunity to talk with police chiefs and people who deal with the criminal day in and day out. Most of our problems are created because someone has furnished a narcotic to a person, addicting that person, and then requiring that person to go steal, through larceny, robbery, even commit homicide because they have either been indirectly or directly associated with the narcotic. You can pick up the paper each and every day and see where paneloads of this stuff is being apprehended. We really do not have the facilities in the State without a national program. Another effort we need is something that I think has been forgotten for a long time, but I had it as district attorney in Mobile County. It was in a rather limited area, but the only reason I had it was because LEPA through LEAA funds gave me the opportunity to have it. And that was a victim witness assistance program.

It's amazing what a victim witness assistance program will do as far as the district attorney's ability to secure a conviction. We need someone to take care of our victims. We need someone to be able to educate our victims and witnesses and make them as comfortable as possible. And I think that a national program could do that. And lastly; something I want to publicly say to you, is how much we appreciate you and your staff efforts to help me get some sort of Federal funding for a career criminal program to be implemented for the State of Alabama. Quite frankly without your help we wouldn't be in the stage we are in right now. I think, and this is probably really an educated kind of guess, but there are probably 60 percent of our people in this State who are citizens in our penitentiaries today. Our primary crimes are concerned with individuals who have committed criminal offenses many many times, and they have found that crime has paid. They have found that it is much easier to make a career out of committing serious offenses in this State than it is going to work 8 hours a day and paying taxes. We need an effort to concentrate and target the repeat offender and take him off of our streets. This is a must, and I believe of course, I see that your interests are in the same line, and again let me say that we appreciate your help. In closing again, I appreciate you allowing me to address you here today. And without your help in Washington, we would be in a little bit worse shape than we were several years ago. I appreciate that, and thank you, sir.

Senator HEFLIN. Thank you, sir. I believe our next witness to come in the field of law enforcement is Mr. Robert Britton, who is commissioner of the board of corrections for the State of Alabama. Mr. Britton.

STATEMENT OF COMMISSIONER ROBERT BRITTON, BOARD OF CORRECTIONS, STATE OF ALABAMA

Mr. BRITTON. Thank you, Senator Heflin, I appreciate the opportunity to come before you today and explain some of our problems in the department and how Federal funding could assist this, some of the problems in the past with Federal funding. The highest priority facing the Alabama prison system today is meeting the standards established by the court orders from the Federal courts. Alabama Department of Corrections' first encounter with the Federal court occurred in 1972, when Judge Frank Johnson ordered in *Newman v. Alabama*—adequate medical care be provided to the inmates; 4½ years later you ordered and called for reforms in virtually every area of the prison system, including inmate classification, mental health, educational, vocational training, recreational, and facilities and staffing. No other prison system in the country has come up with such massive attacks by the Federal courts than the State of Alabama has.

Compliance of the mandates, court orders, has been slow in part, because of inadequate legislative funding over a period of years. Nevertheless, compliance has been facilitated with the support of the Law Enforcement Assistance Administration. Benefits which have improved the prison system through LEAA funding cannot be over emphasized. Perhaps the most serious problem facing my department is the lack of inmate bed space in the State penal system. This has

resulted in overcrowding of State penal system. This has resulted in overcrowding of State inmates in county jails, and only my department under a Federal court order to maintain the facilities of designed capacity. But we are also under numerous county court orders to relieve the backlog of State prisoners in county jails. With the LEAA funding, the department of corrections created additional inmate bed space, with the establishment of a work release program. Eligible inmates are employed in the community and they live in one of the 13 work release centers located throughout the State. A portion of their salary returns to the department of corrections to defray cost of the work release concept as an alternative to incarceration. In addition to the establishment of the work release program it is a means of relieving overcrowding and increasing likelihood that the inmate will return to the community as a law-abiding citizen. LEAA funding has been instrumental in reducing overcrowdedness with formation of a mobile classification team.

Under Federal court order we are to maintain a viable and ongoing classification system, and through the classification system inmates are placed in security, psychological, medical and program assignments, tailored to individual needs. Our mobile classification teams interview State inmates housed in county jails to determine the most suitable place within the State penal system for each inmate. As soon as space becomes available in the department of corrections facilities, inmates who have been classified by the mobile teams can be transferred directly into the prison system. And in this way the backlog of prisoners in the county jails is reduced. Many of the department of corrections institutions are old and are in need of constant repair. Federal court orders that all institutions meet National Fire Association standards and minimum public health standards. With LEAA funding, we completed extensive renovations in the areas of heating, lighting, wiring, emergency generator systems. The department of corrections was also able to establish a comprehensive training program for correctional officers with LEAA funds. Proper staff training of other areas addressed by the Federal courts is crucial for maintaining security for inmates and staff, as well as efficient and effective departmental operations. The curriculum established with LEAA funds pledged 240 hours of minimum standard training designed specifically for correctional personnel.

Our training program has been evaluated by the National Institution of Corrections and considered to be excellent, one of the best in the United States. The Federal court order has also ordered my department to provide adequate mental health care to inmates. With Federal funds we established a comprehensive alcohol and drug abuse program at a number of the penal institutions throughout the State. We were also ordered to provide adequate medical care to inmates. And through LEAA funding we employed a highly competent medical director to supervise our health care operations. Many other areas deserve specific mention although they're not directly related to the Federal court order Alabama volunteers correction program received from LEAA funding. The volunteers provide available assistance both to incarcerated inmates and to inmates who are on probation or parole. Our research monitoring reevaluation unit was implemented by LEAA funds. This unit provides important management information to key person-

nel in my department. Finally, LEAA funding has provided the hiring of attorneys to provide a legal assistance to inmates. The project has significantly reduced the number of frivolous inmate suits brought against the department and its officials.

The Alabama Department of Corrections encountered few difficulties in working with LEAA. At times, redtape and paperwork hampered program implementation. But the benefits received far outweigh these minor bureaucratic problems. In the future I feel that all States, not just Alabama, need Federal funds for construction of additional prison facilities. It is the Federal courts that have ordered correctional agencies across the country to provide sufficient inmate bed space. Federal monetary assistance is needed to comply with the Federal mandates. I cannot overemphasize the importance of relieving the overcrowdedness in the county jails. The county facilities are not equipped to house an excessive number of inmates, they're not as secure as in State institutions, they're inadequately staffed, and they're old and in need of repair. In these jails hardened criminals are mixed with first offenders and few, if any, rehabilitative programs are offered. Inmates are crowded together and the problem is serious and volatile. Alabama's correction system and other State's prison systems have not received sufficient funding from the legislature to address the overcrowding problem. We must have Federal assistance.

Finally, I feel that the Federal funds should be allocated for the development of alternate energy sources, because current resources are depleted and the cost of energy continues to spiral. The expense of operating facilities in the future would be prohibitive. These costs perhaps could be reduced by the formation of alternate energy sources. In conclusion, through the receipt of Federal funds, the department of corrections has been able to make significant and much needed progress for the compliance of Federal court orders and development programs which have benefited the inmate in the prison system, as well as the citizens of Alabama. If I could, I would just like to reemphasize that one area is in the funding of prisons through Federal funds. I know it came under a lot of scrutiny years back; a lot of those folks were against brick and mortar. But on three different occasions this past year Judge Pointer of Montgomery has had to release inmates of county jails because of overcrowdedness. I didn't see anyone in attendance at that time that was against brick and mortar.

I am very fearful on the next few months if bed space is not made available to our State, there will be hundreds of inmates released back on the streets. I don't want to see it, and I know you, Senator Heflin, don't want to see it, because we think we have crime problems in the State today. In any person's mind, a thief, or anybody, the first thing in their mind is they're too smart to get caught. If you take the second aspect of it there is no place to lock them up. This will be a heaven for criminals all over the United States. I appreciate the opportunity to speak to you today and any assistance that you could give us in this uphill battle we have, we would appreciate it very much.

Senator HEFLIN. Thank you, Mr. Britton. Our next witness is Mr. Robert G. Bo Davis, executive director of the Alabama Law Enforcement Planning Agency of the State of Alabama. I have had a lot of dealings with this individual and I know that he is very competent and does an outstanding job, his reputation is known nationwide. So, Davis, we would be delighted to hear from you at this time.

STATEMENT OF ROBERT G. DAVIS, EXECUTIVE DIRECTOR,
ALABAMA LAW ENFORCEMENT PLANNING AGENCY

Mr. DAVIS. Thank you, Senator Heflin. As director of LEPA, Alabama Law Enforcement Planning Agency, I do appreciate the opportunity that you have given us, or me, to address you on the matter of problems of crimes and needs of the State and local governments. Rather than dwelling on the successes or failures of the past Law Enforcement Assistance Administration, I would like at this hearing to express my opinion on crime and the need for assistance from the Federal Government. In only 3 more days Americans will be celebrating the birth of Christ. As usual, it will be a time of anticipation as we gather with our families to watch the expressions on the faces of children as they awaken on Christmas morning to see what Santa Claus has left for them under the tree. Obviously, many of us will be wishing for different favors from Santa. Some will wish for electric trains, football uniforms, bicycles, color television sets, microwave ovens, and so on. Unfortunately, far too many Americans will be wishing for things that Santa Claus simply can't deliver. Meaningful employment, interest rates within reach of our limited income and the knowledge that our communities are free from criminal activity. Indeed, it is a tragedy that Santa Claus cannot make Alabama and America free from crime. Furthermore, neither can our respective State and local governments.

America's only way to wage a meaningful war against crime today rests squarely on the shoulders of the Federal Government. Crime is real, it's quickly entering an epidemic stage, death could be right around the corner. Pick up the daily newspaper and read story after story of Americans being murdered, mugged, raped, assaulted, robbed and flimflammed from coast to coast. And if you want more descriptive details turn on the nightly TV newscast. Of course, there is no single underlying cause of crime, but then neither is there of cancer. Far too many ingredients are involved. Certainly our economic plight is a major contributor, but Americans today don't want to hear any more hard luck stories. They want crime attacked, in fact they're demanding it from us. The question today is what directional attempt will we attempt a solution. Do we establish a strong nationwide crime prevention program? Do we want to aim our tax dollars in a stern reaction, with arrest, apprehensions, prosecutions? With unemployment and inflation skyrocketing and added to the crime problem, local and State tax revenue bases are ridden in equal pace. Crime simply cannot be successfully combated on the local level; it is financially impossible here in the State of Alabama.

Instead of taking a role of leadership in this fight, the Carter administration only this year elected to abolish the only Federal agency assisting State and local criminal justice systems. Senator, on behalf of the criminal justice in the State of Alabama, I want to thank you for your leadership in Congress in trying to save this important program. Although the budget cuts were severe, the delivery system for criminal justice planning and grant administration can possibly survive through this fiscal year even though we only have a skeleton crew. Hopefully, fiscal year 1982 will reflect a stronger interest in crime fighting by the Reagan administration in the next Congress.

Today Alabama has one of the Nation's model court systems, thanks to you and Chief Justice Torbert, but there, of course, is much work to be done. But at the same time, we don't have enough policemen on the streets. Neither do we have enough space in the prison system as Commissioner Britton explained a minute ago. There must be 15 or 20 jails under court order because of overcrowding. Instead, with the loss of LEAA funds and mass layoffs of criminal justice professionals, elimination of time-proven programs and projects increased Federal court orders for reform, a staggering crime rate, and little hope for any relief.

Of course these problems are not unique to Alabama, they're common in all 50 States. The willpower to correct the crime problem abounds; however, our financial means for our cities, counties and States are just not available. The fear of crime is slowly paralyzing our society. I know the citizens want the streets safe, the communities, and they want it returned to a point where everybody feels free from fear. Fortunately in recent weeks we have seen signs across this great country that a new leadership and attitude is on the horizon. The fact that we gather here in Birmingham today is testimony of this new sense of concern for the safety of our citizens. My humble opinion Senator, is I feel that it is incumbent upon the 97th Congress to provide both positive leadership and meaningful solutions; with a stigma imbedded in the very fibers of our society, America will not survive if we fail. Let me conclude, by mentioning a couple of things that I know have come about in this recent session, one is that I know all of us are vitally interested in the introduction of legislation by Senator Dole from Kansas, which was called the Criminal Justice Construction Reform Act of 1981.

We are all looking at this particular piece of legislation with interest, because it is brick and mortar money. I think it is to provide construction funds for prisons, jails, juvenile detention centers, group homes, or whatever. I would close with a question to you: Do you foresee any hope in that direction alone?

Senator HEFLIN. I think so, I was going to ask that question, when we got around to the question phase of this, Mr. Britton's opinion on this Dole bill. It has a lot of support in Congress and I don't know what the new President, the President-elect's position will be on this. We'll just have to wait and see. Senator Robert Dole has as his staff representative former LEAA director, administrator, Pete Velde, who works with him and also works with our office very closely. I am optimistic about the program, which is an instance of a Federal assistance program, due to Federal court orders. Whether this is right or wrong, I'm not getting into that. But it's a fact you have federally imposed standards pertaining to jails in every city, county, and every State. When the Federal Government imposes, I think there is a corresponding responsibility to provide some assistance.

That same concept is true today in the court system, Chief Justice Torbert can tell you and our Attorney General Graddick can tell you. It takes about 15 minutes to take a plea of guilty, whereas it used to take about 30 seconds. I'm not getting into whether that's right or wrong, but it has come about because of decisions of the U.S. Supreme Court and is federally imposed. The Miranda warnings and the various things that law enforcement officers go through are federally imposed.

So I think there is rationale for the Federal assistance program, particularly when impositions are coming and they're coming by large measures in regard to these various and different fields.

Our next witness is Mr. Ruffin Blaylock who is director of the Alabama Criminal Justice Information Center. Mr. Blaylock has been working on this criminal information center and one of the great legacies of the LEAA program has been an improved information system that is available to the law enforcement officials throughout the land. I am particularly proud of what Mr. Blaylock has done with the Alabama Criminal Justice Information Center. Mr. Blaylock.

**STATEMENT OF RUFFIN W. BLAYLOCK, DIRECTOR, ALABAMA
CRIMINAL JUSTICE INFORMATION CENTER**

Mr. BLAYLOCK. Thank you, Mr. Chairman. I would like to talk on the criminal justice information system that is in existence in Alabama. It was the No. 1 priority of the Law Enforcement Planning Agency for a number of years. It is governed by a representative group of leaders of the criminal justice community, and is currently chaired by the chief justice. I am particularly pleased to appear before you today and have the opportunity to testify before the subcommittee on the need for the continued role in the fight against crime at the State and local level. I am particularly pleased that I have been invited to appear before you because of the vital role that our agency plays in supporting the criminal justice community. And because in my opinion our function would not be in existence today had it not been for Federal assistance during the development years. Our agency was created by the legislature in 1975 to collect, store, and disseminate all crime data in the State of Alabama. To exchange crime data with the other States and the Federal Government. To analyze crime data collected for use in planning and improving the criminal justice process in Alabama.

In carrying out the statutory mandates, we operate a computerized information system, with support of police, the courts, prosecution, corrections, and parole components of the criminal justice community in Alabama. Our largest system is our law enforcement data system which supports all law enforcement agencies located throughout the State. The system consists of a computer located in Montgomery connected with 143 law enforcement agencies throughout the State of Alabama. These agencies include, municipal police departments, sheriffs' departments, the department of public safety, the department of conservation, marine police, the State forestry commission, the board of corrections, the pardon and parole board, and the revenue department. We also have terminals connected to those Alabama offices of the FBI, the Secret Service, the Bureau of Alcohol, Tobacco, and Firearms, the U.S. Probation Office, Northern District, U.S. Air Force, and the U.S. Army. Our system is connected to the FBI National Crime Information Center in Washington. And through the National Law Enforcement Fellow Communications System in Phoenix, Ariz., is connected to agencies like ours in the other 48 continental United States, through these State agencies to approximately 14,000 local law enforcement agencies.

In addition the first of the year we are connected through the Royal Canadian Mounted Police, through all the provinces of Canada

and all local law enforcement agencies in those provinces. We maintain in our files State motor vehicle registrations, boat registrations, licensed drivers, wanted persons, missing persons, stolen vehicles, stolen guns, stolen articles, revoked and suspended drivers, all persons in our State prisons, and all persons who are under parole or probation supervision. In addition, we maintain a file on all persons who have been arrested and fingerprinted on a felony charge, and their associated criminal history. Through the FBI we have access to their national files, stolen vehicles, stolen guns, stolen articles, wanted and missing persons, and stolen securities. Through the other State systems, we have access to all registered vehicles and all licensed drivers in those States. In 1975, our first year of operation as an agency, we handled approximately 2 million messages over our network that year. In 1980, we handled approximately 30 million messages for a fifteen-fold increase over 5 years. Our system has been held by the law enforcement community over our State as the greatest advance in the fight against crime since the advent of the two-way radio.

The value of the system can best be illustrated by the recent study that we conducted in a rural county in Alabama. We asked the sheriff's office, our terminal user, to identify those stolen vehicles recoveries, stolen gun recoveries, and wanted persons who had been apprehended by other law enforcement agencies in the United States, in the opinion of the sheriff would not have been recovered, nor have been apprehended if he had not had a terminal and he had not participated in our system. During those past 2 years the sheriff's office spent \$4,800 for his terminal. During those same 2 years vehicles recovered and returned to the citizens of that county, had an estimated value of approximately \$250,000. In addition, 16 wanted felons and 9 escaped convicts were apprehended by other law enforcement agencies outside of his jurisdiction. It is difficult to place a quantitative value on what this system has meant to a county of 20,000 people. Because of limited resources, the State and local level of government, and because the primary responsibility for fighting street crime rests with the State and local governments, and because of the annual budgeting cycle at these levels, the resources available to them have been in the past and are still to a great extent today spent on meeting the operational needs of the day. Federal assistance through LEAA, and through LEPA made our system possible by providing the risk capital necessary for their development. Once developed, the value of the system to law enforcement has been recognized by the State, institutionalizing our agency, and providing the funding necessary for its current operation.

Our system has been recognized both nationally and internationally. We have received inquiries and requests for information from as near as our neighboring States and as far away as Australia. In my opinion again, our agency and this function would not exist today had it not been for LEAA and LEPA funding assistance.

I would now like to turn to our added dimension which our system provides beyond daily operational needs. This added dimension is in selection and analysis of accurate timely statistics on crime in our State. It is difficult to recall how little we knew about the criminal justice community only 10 years ago. The efforts of reliable data resulted in the absence of planning, and the capability to plan on a systemwide

basis. We have heard this morning how the system components interact and the advances of one component affects the other. More importantly was the absence of tools to collect and analyze the data needed so that reasonable planning could be performed. Today we have those tools. We have accurate and timely criminal justice statistics which are relied upon by the legislature for consideration of pending legislation and budgeting by the criminal justice community for long-range planning, and by individual law enforcement agencies for allocations of scarce resources that maximize their productivity. We produce annually a crime in Alabama report which has become the credible source of crime data in our State.

I would now like to address the needs for accurate and timely crime statistics at the Federal level. While capabilities of ours such as described to you today exist in many States, until recently there was not a Federal counterpart which would collect the State data and compile reliable national crime statistics. This need and effort of the capability to fulfill this need was recognized in the Justice Systems Improvement Act of 1979 which created a National Bureau of Justice Statistics. Its purpose is to collect data from the States and compile national crime statistics that would be timely and reliable. The JSIA Act also created a national advisory board consisting of members of the criminal justice community and members from the statistical and academic communities to set policy and advise the Director of the Bureau of Justice Statistics. I have been privileged to have been appointed to that board representing the 50 States in the information system area. We held our first meeting on December 12 and 13 in Washington and I am impressed with the quality of the membership of that board. I am optimistic that the Bureau's objectives of providing reliable data to the Congress would be achieved in 1981. I believe that is a prerequisite that Congress receive available information and data so they will be able to develop and make sound funding decisions.

I would like to conclude by making the following recommendations: That adequate funding be provided so that reliable and timely data could be made available to the Congress and to the administration for better bringing about those decisions. Two, that the normal funding of the Bureau of Justice System come straight from the grants and aids and the type of funding that the States and local governments receive. I believe that communication at the Federal level is felt. And sir, Congress would be needed to support the type of funding and assistance which would help the State and local government. Three, that Congress and the administration State guidelines for 1981 which would detail the Federal role in their fight against crime at the local level. And finally, the Federal role in the fight against crime at the State and local level be supported with adequate funding. I thank you, Mr. Chairman, for the opportunity to appear before you today and I would like to take this opportunity on behalf of our agency and the criminal justice community in Alabama to thank you for the active leadership you have provided in the last Congress.

Senator HEFLIN. Thank you, Mr. Blaylock. I would like to ask for some additional information. What effect has LEAA had on education, particularly to law enforcement and direction in this State. How many police training academies do we have in the State of Alabama?

Mr. BLAYLOCK. Before 1973 the total responsible, not the total, because we have several with trust fund money. There's one training academy at the University of Alabama in Tuscaloosa, one at Jacksonville State University, one at Bay Minette, Faulkner Junior College. Plus we have some supplemental training programs at the city of Montgomery, we have some separate and independent training programs, the city of Huntsville, the city of Birmingham, and Mobile, and the State trooper academy in Selma. It appears, and I think we have one of the training directors, Senator, that will be appearing later on. It appears that these three State training schools, training academies, may close at the end of this fiscal year. They have only a token amount of funds available to continue, maybe through this fiscal year. But obviously we'll have to go to the legislature and ask for funding for those three major academies. In the event that they are unsuccessful in obtaining funds through the special education trust fund, then the burden of training would fall on the cities, the cities of Birmingham, Huntsville, Mobile, and of course the State trooper academies.

Senator HEFLIN. Under the minimum standard approach which I believe says that law enforcement officers ought to have a certain amount of training within their first years, and then repeated for educational programs. What is the minimum training that is advocated for a police officer during his initial period of time serving as a police officer?

Mr. DAVIS. The Minimum Standards Act of 1971 calls for 240 hours minimum training. We're in the process of raising that as I understand to 300 hours. This is the basic training for all law enforcement personnel entering the profession.

Senator HEFLIN. How long is it, is it within 6 months, or within a year they must receive this—

Mr. DAVIS. I believe it is within the first year, they have a grace period—it's 9 months—

Senator HEFLIN. That is in danger. The second question that I asked in my opening statement is, What will happen in the event there are no Federal assistance programs?

Mr. DAVIS. Those three academies that I had mentioned a moment ago provide primarily training for those cities and counties outside the major metropolitan areas. They would be left out in the cold, and I am sure these cities and counties, the large cities and academies now, they do provide some training to the rural areas for space available.

But we're talking about several hundred officers to be trained or several thousand in the next year or two. So, any other source of funding outside of the special education trust fund, I have no idea where we could get it.

Senator HEFLIN. I would like to ask each of you, in the next 2 or 3 weeks if you can, to extend your remarks on what you consider the programs that should receive priorities. I don't want to limit programs to any specific number, but obviously they have to be restricted. You have had all sorts of programs that have come up under LEAA and some that are nationwide. For example, we have a training program in Huntsville on the disposal of bombs. What happens when you have in your city police departments and sheriff's departments, individuals that go in and if there is a bomb scare and then if they do find a bomb they know how to dispose of it. This is something that

is very helpful, and we did succeed in saving it this year end the FBI will take over and operate that school in the coming years. But, specifically like education, information data, there is a feeling that if Federal assistance programs are restricted there ought to be some sort of a group that can provide expertise to the local and State units of law enforcement, which is tied into planning to a degree in regard to these various subjects. So if you could give some priority as to what programs you would list, it would be helpful to us.

Now, there is an issue that has attracted a great deal of attention here in Birmingham, the youth neighborhood gangs. This has a lot of interest here in Birmingham and it has a lot of interest nationwide. We find that this is not a problem that is peculiar to Birmingham, but is a problem that is nationwide. It has sort of a modus operandi. It follows a syndrome where the youth gangs seem to become very prominent and then either through police activities or other activities will subside and will go into a period of remission and then they will crop up again in the various cities. Perhaps some of the reasons for this is that the police are able to identify the leaders and after the leaders are apprehended or perhaps punished, it goes through a subsiding period. I know that Attorney General Graddick has had a lot of thought about this over the period of time and it is tied in with the problem of juvenile crime as a whole. Mr. Graddick if you could address some of the ideas that you might have in dealing with juvenile crime particularly this concept of neighborhood crime. In order to become a member a person has to commit a crime. And any thoughts that you would like to have on that, he would be delighted to hear from you.

Mr. GRADDICK. Senator, you can talk to numerous psychologists and people who try to understand the behavioral patterns of individuals or groups as the case may be, in this case. My source, not only coming from a psychological community but more important from those who deal with these problems face to face on a daily basis.

I think that the problems here in Birmingham and other places was created because of the apparent degradation of our youths. And there are many variables that go in there. But when it comes down to whether someone is a "juvenile," decides they want to commit a criminal act, and in the case here in Birmingham, these have been very violent offenses. I think you can probably point your finger to raising the juvenile age to 18. You take an 18-year-old, and I think that most policemen who have been on the job for any length of time tell you that they are just as dangerous, just as street wise, and probably more dangerous than the 30, 35, 40-year-old. You take that with the laws that govern our juveniles and take a kid who is 14 or 15 or 16 years of age and put him on the street and get a crowd of people, and they have all committed a serious offense and he feels some strength in a group and he commits a serious offense. The policemen identify him, take him to jail—well let me rephrase that. Takes him to a youth facility. You call their parents. A full statement can be taken from them at that time, until their parents are available. They're not going to be placed in jail. They're going to be placed in a youth facility, and I'm talking about an individual who may have killed another person in cold blood. And if he's not certified to the circuit court to be tried as a juvenile, this State doesn't have a facility to hold anybody longer than 12 months, is my understanding.

Quite frequently this person is released back on the street with the rest of his buddies out there and he tells them how he has beaten

the system. He laughs at us, and then they go right back doing what they were doing before. He tells his friends they can't touch you because we're considered kids. The judge, the juvenile judge is frustrated, the policeman is frustrated, and ultimately society is frustrated. Quite frankly, I think if we could change some of our juvenile laws, one, reduce the age back to what it was for so many years, I didn't see a problem when the juvenile age was 16. I really don't understand, but maybe if somebody would explain it to me maybe if they would I would understand it. I couldn't understand moving the juvenile age to 18, when you're bringing down the age to when a person can drink in Alabama to 19. I believe just that legislation is what we're going to need, but of course, appropriate police work is obviously the first thing. They can't do adequately their jobs until they have the laws to back them up.

Senator HEFLIN. Anybody else care to comment on this issue?

Chief Justice TORBERT. This is not my comment, but I will adopt them and file them, I was thinking about Judge Ben McRae who I referred to earlier in my testimony. This part of his statement may be appropriate with respect to the Federal Government and the juvenile problem.

As I understand it, funds are still being made available in the juvenile justice area. But Judge McRae's comments and for your consideration in the Congress of the United States, that the major thrust has been dealing with the status offender and the decriminalization of the status offender. His point for your consideration is simply this. There are more ominous serious problems to be dealt with in the juvenile justice system and as a matter of Congress making a determinate where the priorities lie either for the need of detention facilities in these violent crimes. As opposed to the thrust of committing funds is on status offender, what do you do with these minor sort of cases? I think his statement is going to be constructive to you and the Senate committee in that particular area.

Senator HEFLIN. Anyone else have any comments on this subject that they would like to make?

Let me ask you this. If a Federal assistance program is designed and a substantial increase of matching money, matching money provisions, were to be included in such legislation, such as possibly 25-percent matching money approach. What advantages or disadvantages would accrue as a result of such?

Mr. Davis maybe you can answer this question.

Mr. DAVIS. Over the last 10 years there has been as the acts were amended from time to time, of course, the matching ratios change. We were also in 1975 required to provide assumption of cost plan on matching funds. It started 95-5 the first year and would end up in 5 years 100 percent to be assumed by the subgrantee.

Personally, we did not find any major objection to this 5-year assumption. The only problem is that you have to absorb about 25 percent a year, which is to say in the second year it would be 50 percent maximum. I don't see any objection to the 75-25 percent ratio at all. As a matter of fact the Juvenile Justice and Links of Provision Act provides 100 percent as long as the project runs. Of course, I personally feel that there should be a commitment from the local or State government to provide some matching funds in any type of project. It shows a stronger commitment and a lot more interest, I might add.

Senator HEFLIN. Would anyone else care to comment on this.

Mr. BRITTON. Senator, just one comment in that area. Several years ago in inmate labor in construction jobs was counted as in kind money, and I would strongly urge for this to be considered too. For this is an area we're going in and inmate labor for the prison facilities to be built. And I think we should get some kind of credit for that inmate labor to cut our costs.

Senator HEFLIN. Mr. Britton mentioned awhile ago the old building in regard to construction in the field of corrections. If you have any comments you want to make on that please do so.

Mr. BRITTON. I would just strongly urge any help we can get. Because I do not see that much assistance coming from the State level at all.

Senator HEFLIN. What about the matching money approach in regards to that?

Mr. BRITTON. Of course, I realize there's going to be a certain percentage that is matched and I think that is good too. Because also it gives you the ability to let your local legislators or legislators know that this type of funding can be required at a later date. If you have to put State dollars in to match money you're obligating at that point and the legislators should know that they're going to have to pick up the bill at a later date.

Senator HEFLIN. I appreciate each one of you gentlemen appearing here and if any of you want to extend your remarks on any issues that we have raised, please feel free to do so. We are delighted that you could come and be with us.

Our next panel of witnesses is first, Sheriff Prince Arnold, the Sheriff of Wilcox County, a member of the board of directors of the Alabama Sheriffs' Association; Chief Leo Bailey, the chief of the Alabama Chiefs of Police, and the chief of police of Florence, Ala.; Mr. Thomas W. Sorrells, the district attorney, Houston County, and president of the Alabama District Attorney's Association; Mr. Russell E. Summerlin, the director of the Law Enforcement Training Academy; and the president of the Sheriffs' Association; Mr. Tom Purvis, sheriff of Mobile County is here and will join this panel. We are delighted to have you gentlemen here with us. Maybe I ought to start out by asking Sheriff Purvis, if you will, give us any thoughts that you might have.

PANEL OF LAW ENFORCEMENT OFFICIALS:

STATEMENTS OF PRINCE ARNOLD, SHERIFF, WILCOX COUNTY, AND MEMBER, BOARD OF DIRECTORS, ALABAMA SHERIFFS' ASSOCIATION; THOMAS W. SORRELLS, DISTRICT ATTORNEY, HOUSTON COUNTY, AND PRESIDENT, ALABAMA DISTRICT ATTORNEYS' ASSOCIATION; RUSSELL E. SUMMERLIN, DIRECTOR, LAW ENFORCEMENT TRAINING ACADEMY, AND TOM PURVIS, SHERIFF, MOBILE COUNTY, AND PRESIDENT, SHERIFFS' ASSOCIATION

Sheriff PURVIS. Thank you, Senator. Once again I appreciate being able to address this committee. Yesterday, as many Americans were around this country, I was seated in front of my television set watching some professionals work. We pay a considerable amount of atten-

tion to what goes on in that arena of human endeavor, that we call Sunday afternoon football. The people that were watching that game at the stadium for the most part, I would imagine, paid \$15 apiece to get in there and watch it. And the people at home that were watching it on television sets it would cost them anywhere, I would imagine from \$100 up into the thousands of dollars. If you ask those same people for financial support to professionalize our law enforcement officers, we start running into problems right away. Federal assistance to local law enforcement is absolutely essential to our survival. You may recall a number of years ago the Federal Bureau of Investigation had a training program or a number of training programs that local law enforcement agencies, with their training, had to almost get out of the business because Congress was reducing their budget.

Concerted effort was made by the supporters of this type of program or this particular program, and of course was continued in the budget. Over the years Federal support and Federal assistance has been inconsistent. It's been spotty. It seems like we're always fighting for our lives. There seems to be no correlation between whether or not the program is successful and how much funding a program receives, or how long it will continue in existence. I would suggest that anything that Congress does along the lines of funding for local law enforcement, that the program be designed to be more lengthy and more consistent. Now today, the street police officer—and I have to stick pretty much to him, because I was one, and basically I guess I still am. Today's police officer, Senator, is a confused man. For many years it seems our laws and rules and procedures were more or less written in stone. There was very little change over the years. But today, and for the last 15 or so years, we have seen many, many changes in the law enforcement, in the criminal justice system, brought by Federal court rulings. Today's law enforcement officer is expected to know what current Federal judicial thinking is. And if he is not up to date and does the wrong thing, he is subject to being prosecuted criminally or sued civilly. I think probably that our citizens are as confused as our law enforcement officers. They want to know why crime is increasing at the rate and proportions that it is increasing. I suggest, Senator, and submit to you, that it is because of this Federal court, these Federal court rulings that have taken our laws out of stone and put them in a constant state of change and flexion.

Senator, in this State and other States, Federal judges have ordered the release of inmates that should not be on the streets. In Mobile County we're awaiting a Federal judge's decision on a class action suit that has been in court since 1974, Judge Pittman will probably rule on this sometime next month. This particular suit will have a far-reaching effect on the Mobile County Jail. It will have an effect on the conditions of confinement in Mobile County, and in the State as well. It will also have an effect on the State prison system, since the State is also a defendant in this suit. We call these suits, as you know, Senator, conditions of confinement of suits. And over the years since these conditions of confinement have been attacked it seems that the Federal judiciary has been intent on making life inside our jails and prisons as nice and as comfortable as life is on the outside. I submit, Senator, that jails and prisons are not supposed to be a nice place to vacation. It is not supposed to be a place that one wishes to return,

but rather it is supposed to be a place that once one has tasted it, doesn't want any more of it. Congress, Senator, has in its authority to correct this particular aspect of the problem with the criminal justice system.

Congress can and should place some limitation on just what and how much the Federal courts can order local officials of local institutions to spend their money. And of course, Senator, when we start talking about spending money in jails or prisons as you know, we're talking about a pile of dollars. Mobile County, as many counties around this country, can ill afford to spend its money and its resources on the comforts of people by their own admission have alienated themselves from the community and have had to be removed from the fellowship of the community. Senator, thank you for allowing me to address this committee today, and I appreciate it very much. I also appreciate your efforts on behalf of LEAA and LEPA. And I also appreciate the correspondence in keeping us posted as to what's going on in Congress while this legislation was being considered, and while you were leading the fight to restore LEAA to the budget. Thank you and Merry Christmas to you, Senator.

Senator HEFLIN. Thank you very much. I was thinking as you were testifying that you as an individual, have experienced benefits from LEAA program. I know of your background, the fact that you went to the University of South Alabama under a criminal justice program. Were you in law enforcement at the time you went to the University of South Alabama?

Sheriff PURVIS. Yes, sir, I was.

Senator HEFLIN. And you graduated in it, and got a degree, and then you were elected sheriff of Mobile County, as I understand your background.

Sheriff PURVIS. Yes, sir.

Senator HEFLIN. LEAA has provided you as a sheriff, with various facilities and programs in help and assistance. You're thinking about things further—you're running the whole gamut of things—in fact your need of a new jail there. You probably have a variety, a wide variety in law enforcement, with the idea there that the LEAA has been of some benefit, with the Federal assistance program proving it. I think that you may be a walking example of that though there are a great deal of other needs that need to be addressed.

Sheriff PURVIS. Everything you have said, Senator, is correct. There are many, many needs that can and should be addressed.

Senator HEFLIN. All right. Out next witness is the president of the Chief of Police Association for the State of Alabama. Chief Leo Bailey, who is also the brother of Sheriff Mel Bailey. Two brothers in the field of law enforcement. This is up in my area, and I live close by and I know what a great job Chief Bailey does. So it's a delight to have you here to hear from you at this time.

Chief BAILEY. Thank you, Senator Heflin. Being in law enforcement for 37 years, I have seen law enforcement fluctuate. Now the officers themselves are looking to retire to get out of law enforcement. As the sheriff said a minute ago, it's got to be a thankless profession. And being as such, we don't have any satisfied customers usually. So that makes our job harder to do. I would like to say something else along that line as a law enforcement officer. We are constantly

being sued, and we're being sued for minor technicalities and the criminal is being turned loose. And of course we can blame some of it on the education of our officers. But, also in our city of Florence, and it's not only the city of Florence but other cities of the State, they do not have liability insurance for the officers, they just don't have it, they can't afford. So therefore, an officer is out there on his own and he runs a chance of everything he has being taken away from him on a lawsuit.

And therefore it's hard for him to take chances to do his job like he should. He needs Federal funding to carry out the programs that we should be in now. Some of the programs are not too popular with some people, as the antipension operation, a number of cities carried out. We have not been involved in it in our city per se as such, but it is a good program. It does catch criminals who have committed crimes. Another program that all cities should be in, and that is a crime prevention program. Educate the people how to help themselves. The police cannot do everything that should be done because it's not that many of us. Another thing, our policeman, as such, is not paid very much. The average factory worker in the United States is paid more than a policeman. I can't see why anybody would get in law enforcement as such, if he was not dedicated to his work. And the thing about it, it is really hard to live on dedication.

Our training programs at our schools we do have are not enough. We butt heads with lawyers that have had 4 more extra years other than college. And we're trying to keep these criminals in jails and get convictions. I've been on a hiring program for the last year and hiring from all over and it's hard to come up with good people to hire at the pay that we pay. I've had some people come to me and say I would like to get in law enforcement, but I can't afford it. I can't pay my bills on what a policeman makes. Now, about a policeman not making very much. It breeds crime on the policeman's part, and I hate to say that. But a man is not paid enough and he doesn't get first-class material, that is a policeman. In our State I have run upon some officers who were making \$600 a month and some welfare programs pay more than that. I don't see how an officer can get by, feed his family and send his kids through school. I don't know what the Federal Government can do to help finance some cities. Some cities have what we call a hiring freeze, they don't hire anymore, you lose a man he is gone.

They mentioned about having a part pay program, and some cities can't afford that, the small cities. And we talked about having a program where an officer would make so much, that was voted down in our legislature. So what it is, we have an officer at the end of the program, as far as money is concerned, and we expect professional, but we're not paying professional salaries. I think we should have a study made of what our officers should be worth to a community. And try to get first-class people and trained people and college people. It would be good if all law enforcement officers were lawyers. But as one Supreme Court Justice said, Chief Warren Burger, an officer in a field will make more decisions than a Supreme Court Justice will in a week's time, he will make more in 1 day than a Supreme Court Justice will in a week. So therefore, this officer out there in the field—another thing too, there's no two crimes alike. There is some different quirk in them. You don't have a set pattern to enforce law. So therefore, a man has to be versatile to be able to do a good job.

We have had a drug program where we work 11 different counties and it was a good program. It cut down on other crimes like getting these drug addicts and druggushers off the streets, which was LEPA funded. It was a good program, but it went down because of no funding.

Some small cities are not able to furnish vehicles and therefore they can't put officers in the field to do the job. Another thing that would help policemen. A person that is convicted of a felony, and he is in an automobile, his automobile would be confiscated; take it away from him because he used it in crime. We need laws that would help an officer out. And we need programs that people can help themselves, as much as law enforcement trying to do it all.

We have people who are complaining. We get their property back, then they fail to appear, they want to drop the charge because they got their property back.

We also have different people who will forge insurance fraud, report something that actually didn't happen. With our society as it is, and our inflation rate as it is, people have cars stolen, what they had set up to be stolen. Collect from the insurance companies because they couldn't sell this gas burner. We need our people to be educated as well as the officers because it's everybody's job, this job of crime. You can't blame the officers for it. I hate to say it, but in most cities they have elections and they run against the police department, and they're blaming the police department for all the crime. But whose responsibility is it? I didn't raise their children to be criminals, I didn't let them do what they wanted to do. They made the schools for them. We need something in our schools to teach these people better than to commit crime. But do we have that, no we don't have that, we don't teach them that. We have been trying to help ourselves and I think we can get the job done. Thank you, Senator.

Senator HEFLIN. Thank you, Chief. Our next witness is the president of the Alabama District Attorney's Association. We're delighted to have the district attorney of Houston County, Mr. Thomas Sorrells with us. We would be delighted to hear from you, Tom.

Mr. SORRELLS. Thank you, Senator, I almost said may it please the court when I started talking to you. I am appreciative of the opportunity to be with you. I would like to address my remarks to a couple of situations. First of all a crisis situation that I think occurs on prosecuting. How the Federal Government is involved with that and have some part in creating it. And third, what aid LEPA and LEAA has done to help us in the past and something like that that could help us in the future.

Your staff called me last week and it couldn't have come at a better time. We have been trying cases from 8 in the morning to 9:30 or 10, and we have on occasion tried cases until 2 in the morning, in our court system. Last week in circuit court we disposed of 125 cases, and I have a medium-sized circuit. As you know, my circuit is one of the fastest growing in the State. Many compare to it. I have one full-time assistant and two part-time assistants, and we disposed of 125 cases in circuit court. At the same time district court was going on, it had something over 150 cases. Also family court was going on and it required my office, the prosecuting staff to be there with numerous cases, maybe 100 cases there. Something like being in the emer-

gency room at a hospital on a Saturday night. It's a crisis situation because we're locally understaffed. I think the court system has done a tremendous job in unifying itself in bringing all of these courts into one place.

The district attorneys have been thrown into this system with numerous responsibilities they did not have in the past. District attorneys cannot get by as they were 3 or 4 years ago, when LEPA came into existence with no secretaries. Many DA's on rural circuits have no staff whatsoever. My circuit, when I came into office, had two part-time assistants, that was it, and one secretary. As you know my circuit grew, and in 1 year my caseload doubled, and in 2 years it quadrupled, I had the same staff.

Now, we're probably also one of the most cost-efficient parts of the arm of the criminal justice system. We figured a couple of years ago, each case was disposed of for \$25, and that's a great deal. But now here's where the problem comes in. Now you have judges trained, you have a central system to organize them, train them, allocate space, time, manpower, this type thing under the administrative office of the court, it's a great thing. Where it has a goal of disposal of cases in the past, that's fine. Well, these judges and court employees have to work very strenuous hard hours and be there. The prosecutor's office has to do that and on top of that be prepared to go to trial in all these cases.

Which is another thing just being trained to rule on the law, or take care of the clerk's office, they have to be prepared to rule the law. And they have people over there which is somewhat different than most jobs I know. There are 80 people in my county that try their best to help me not do a good job. Better defense lawyers, and that's their job. We not only have to try to do our job, but to beat someone else and win the case, that's the bottom line. To serve purpose out there, they make these cases, but they can work all they want to and it makes no difference if we don't do our job in court. And Senator, you have been in courtrooms like that and you have seen the chaos that occurs when so many cases are on the docket, and not enough prosecution staff to handle it. The prosecutor's been trying one case after another since Monday morning, by Thursday night he is extremely tired. He's got defense attorneys hanging on his shoulders asking him to settle the case less than he wants to settle it. There's only one answer to that and that's have a sufficient staff and sufficient personnel.

Now, how is the Federal Government involved in creating this situation? As you know my circuit is similar to many in this State. I am right on the corner of Florida and Georgia. It's a fairly populous area, but there's not a large city within a hundred miles of my town. So all the population comes to my town to shop and many times to commit crime. So we take a responsibility for other State criminals. And we have many, many crimes that occur in one State and they bring the property into Alabama. I told someone, the Federal attorneys have one advantage over me, they usually talk to FBI agents, AFU agents, HEW agents, they don't talk to the complaining witness who walks through their door and says what are you going to do about the crime that happened to me. We handle all of that. The Federal Government has set priorities in other areas recently on white collar

crime. So, therefore, they're not trying any cases that involve stolen property across State lines. Many things in the past that were treated as Federal crime, which are their current jurisdiction, and we're handling that type of crime.

Be as it may, the rightness or the wrongness of Federal court decisions, as you well know, here in Alabama are death penalty statutes, have been somewhat altered, or we have had the problem of new trial in many, many cases, no one knows how many. Regardless of the rightness of that situation, a reporter called me and said, "What does this mean to have to retry all of these death penalty cases?" I said, "It's like trying six football games in a row, and winning all of them, and then knowing you'd have to do it all over again." These kind of things take time and take money.

When I got in this job, I had one assistant, one secretary, the assistant was not fulltime. My felony caseload went from almost 250 cases to 600. My misdemeanor caseload went from 3,000 to 9,000. The State had no budgeting sources for us to do this. The district attorneys were behind the court system, so we formed what is called the office of prosecution services. We're submitting budgets.

We have got money from here, from there, the county, anybody could find money from. And if it wasn't for our discretionary grant that I got giving me a full-time assistant and some secretaries, I don't know if I could have handled it. I know that Houston County, instead of having the record it has, and other counties like Houston County, we would have gotten beat, or settled cases less than we had wanted to have. And the claimant would have had a right to say you shouldn't have done that sort of thing. We had to continue cases, and not dispose of them. You can dispose of cases by the judges in a fair and equitable manner. If it hadn't have been for the LEPA grant that I got, I don't know how I would have existed. When I got that call last week, and I am sitting in my office and I am pretty tired after this. I said I've got to have some help now, or I don't know what's going to happen. If we have extra terms of court and no more staff, we can't do anything. If I was a football coach and experienced—I know the things that have to be—I don't have to have innovative situations.

I can't help but feel if a police officer is trained and in sufficient numbers and had the equipment they need, they're going to catch criminals. The prosecutors are dedicated and have the resources that they need, they're going to make them serve the sentences and be successful in their prosecution, and do it in a quick and orderly manner. You can't vote on the assistance but I'm willing to bet that they'll have an impact on the crime situation if we can do these things. How do you do it? Block grants, like you have now in the State administration, I don't know—but we definitely need help in the area of prosecution. It boils down to if we don't do our job everything else falls in. And we must have help. Senator, I surely appreciate your concern for coming down here and thank you so much for the opportunity.

Senator HEFLIN. Rural crime has increased alarmingly in recent years. I think rural crime is up over the figure from last year. We have Sheriff Prince Arnold, sheriff of Wilcox County, and member of the board of directors of the Alabama Sheriffs' Association from Camden, Ala., which is a rural county. We would be delighted to hear from you now, sheriff.

Sheriff ARNOLD. Thank you, Senator. I didn't exactly prepare a formal or any type of speech but given the opportunity to come before you, I had to come. I could not turn down this opportunity with the problems existing and the problems that now exist across this country. I heard the panel before as they spoke about you, and the crime among young people. I am very concerned about the youth gang-type crime that is being created across this country. Local law enforcement, small counties like the one that I am from—there's a great strain on the local government. We do not have the funds nor the manpower to enforce these laws. We do not have the manpower nor the trained personnel to monitor our young people.

And I feel that if you want to decrease the crime among young people, you have to monitor these people. The folks that you have in our State pens, they were youngsters before they went to these places. I feel that if we start young enough, work with them, and if we have trained personnel, have the right amount of personnel, we could do a tremendous job. I feel that the monitoring is very important. Just this morning I drove up from Wilcox County—I received a call about 2:30 concerning a possible robbery. In a small county you have to go out and answer these calls yourself, because you're sheriff. And I went up there and after I got a description of the person, I knew, I had a very good idea who he was. This young man—down the road a year ago, I knew he was going to get in trouble. I didn't have the manpower to train people to monitor this young man to keep up with him. He took a shotgun and put it up against the man's head and took his money and gun and everything.

But we need more programs to deal with young people. I think LEPA and LEAA are very important programs. Right now we're trying to get a youth aide program. Right now across the State of Alabama, I think we have three or four programs like that, I mean three or four counties. That's not very many counties to have those programs. So the Federal programs like that are very important. The courts are working very hard to do something with criminals and I feel that we must attack these problems while they are very small. The local government does not have the funds; we do not have the trained personnel to do anything about that. Senator, I think I talked to you several times about the programs that we need in our county. I believe we have more local, more rural counties that are creating bigger problems now. I think we can look at the larger counties, but right now the rural counties are getting ready to explode. Because we do not have the manpower that is needed to combat these problems. Thank you, Senator.

Senator HEFLIN. In my opinion, one of the real problems in LEAA is, it doesn't provide assistance to State local units of government. In the future a big issue will be law enforcement education and we're pleased to have Mr. Russell E. Summerlin as director of the Law Enforcement Training Academy. We would be delighted to hear from you now.

MR. SUMMERLIN. Thank you, Senator Heflin for letting me be part of this committee and hear me. I also think as the president of the Alabama Law Enforcement Academy Directors' Association, we too are grateful for your leadership that you have provided us in the U.S. Senate, and the efforts that you have defended in our

behalf. It's already been alluded to, Senator, that crime is a real and serious problem, not only in Alabama but in our Nation.

Alabama received its first assistance toward formal police training after the passage of the Minimum Standards Act of 1972, by the Alabama Legislature. This act requires all police officers to have a minimum of 240 hours of formal classroom training prior to permanent appointment.

Before this time training was dependent upon the initiative of the individual officer and limited to those who had the good fortune to be located in a training program, or the determination to educate themselves on their off-duty hours. In pursuing a course of study the hours had to be planned around the job requirements and the change in duty schedules made it difficult to blend the discipline of study with the demand of work.

As a result of the requirements of the Minimum Standards Act, we have witnessed law enforcement from an applicant who had virtually no training, and in many instances very little education, to a highly sensitive and, we feel, a well-trained person to carry out his or her duties. The 240 hours of training these officers receive combine formal classroom training and include the instruction of the use of firearms. And an in-depth study of the vicarious liabilities that are involved, safety instructions, first aid to care for the sick and wounded, and the criminal code, and the study of traffic laws and regulations, and the applications of these laws in a modern-day society.

In short, 240 hours of training has revolutionized law enforcement in Alabama. This has been made possible through the assistance and funding by the Law Enforcement Assistance Administration, or the LEPA, or in other areas at the Federal level. Since its beginning in 1972 Alabama has trained more than 7,000 individuals in the basic program, that is 240 hours, and prepares these people to enter a chosen profession, or their chosen profession—and we submit no other profession offers such a bargain for the amount of tax dollars that are spent. Aside from this some 10,700 officers have benefited from advanced training provided through funds at the Federal level. In no other area could tax dollars be better spent than in educating and preparing the young officer in his or her duties, since he or she will spend the majority of his or her time in providing assistance to the public, solving crimes committed by the most sophisticated, the highly educated, and the most ruthless criminals known to man.

Further we witness increase in violent crimes at an alarming rate and we continue to experience an alarming turnover rate in law enforcement due, in part, to the high stress levels and extreme danger involved in their jobs. Proper training and education prepares an officer to deal with these problems and it increases the retention rate. Training provides the fundamental ingredients that starts the wheels of justice in motion. Also these academies provide a nucleus and a meetingplace to assist with the education of the public in combating crime. With the failure of the U.S. Congress despite your leadership, to recognize the need for the continuation of the LEAA programs. Enhancement is no longer possible and retreat is imminent. Complete absence of Federal funds places a burden on local and State agencies which they cannot bear. The loss of quality in the work force has been experienced over

the past few years because of a reduction in training programs and the Law Enforcement Assistance Administration funds are drying up completely, training has almost come to a stop. It will continue to retrench and be available only to those larger municipalities and other agencies which can afford training for their officers.

Those who will suffer most are the rural counties and small cities which can't afford to train their own. Adequate funding was available, training was available through regional academies. These academies were located on college campuses with vast amounts of resources available and provide experts in management, psychology, human relations, and law. Other important areas were readily available through these academy programs to officers and departments alike, at any given time without additional cost to these agencies. We feel that this is very important. Unless funding by some means is provided those departments will regress to post-World War II levels, when all that was required of the law enforcement officer was to present a live body and wear a badge and carry a gun. At a time when crime is increasing in an alarming rate, reduction of the quality of law enforcement officials only preclude that the public will suffer.

In an area of increasing sophistication and technology, communications and accessibility of information of the criminal element, it's obvious that law enforcement officials must be highly trained and more skilled in carrying out their duties than at any other time in the history of our country. The police officer is the defender of justice and law and is between the criminal element and the members of a free society. In this perspective, effective law enforcement ranks second only to our national defense. Unless the Nation finds a way to provide funds to continue the training of law enforcement officials, we have begun an inevitable march to the loss of freedom which our laws are designed to protect.

Senator, thank you again for allowing me to be part of this. And thank you again for your efforts in our U.S. Congress.

Senator HEFLIN. Thank you, Mr. Summerlin. You're speaking basically of police academies and really no reference has been made to the college courses and criminal justice. You pointed out that Sheriff Purvis had gone through one at the University of South Alabama. Now, that program comes basically as a Federal assistance program, which provides in the criminal justice field for law enforcement officers and other people in any criminal justice field, corrections, juvenile, other things where they can get degrees in criminal justice fields. In that program, I don't believe we have any witness that's peculiarly related to it. But I think he would be knowledgeable about it and would you care to comment on that program, its effectiveness, and what will happen in an event that there is no assistance from the Federal level in that particular program. It really doesn't have a local constituent, I mean you don't really have a local unit or county or city that wants to finance it. You might have some at the State level but that's a program that I think has benefited the administration of criminal justice.

Mr. SUMMERLIN. Yes, sir, we feel that it's a very essential program, Senator. It's one that lends administrative abilities, managerial abilities, and is able to go back and manage the people we're training. We also feel that one program complements the other—criminal justice programs that are located on our college campuses, in most of

the academies, and the ones that I serve and the one that handily is over at Jacksonville, these students intern in our program before they receive their degrees. Also, our programs offer 9 semester hours of credit to the criminal justice students who are beginning this journey that you are talking about. This assistance is provided at the Federal level. For this person to pursue a degree it's vitally essential. If this money is not provided we're certainly going to see a decline in the educational level of the administrators, supervisors, and those people coming from the colleges to enter into the criminal justice system. We certainly have to have that program.

Senator HEFLIN. Do you know how many educational institutions we have in the State of Alabama that have criminal justice programs, in which you can get an undergraduate degree in the criminal justice?

Mr. SUMMERLIN. I don't know the number, Senator, but I know that in almost every community from the junior college level to the 4-year level of college, offer some sort of degree in criminal justice. And it is now with this assistance that we have been talking about, and law officers in a rural area has only a short distance to drive to pursue an education, and in most instances these courses are offered during the off duty hours. That's night courses and this sort of thing where you can pursue a degree.

Senator HEFLIN. Many of the policemen and deputy sheriffs, have pursued this. I don't know, I remember at one time that one of the cities in the State had 60 percent of its policemen with degrees, college degrees, with the majority of them having them in the criminal justice system. Maybe somebody should give us some figures. Tom, do you have any figures on the number of deputy sheriffs in Mobile County who have preferred criminal justice educational programs and attained degrees?

Sheriff PURVIS. Senator, we have about 10 in the department of about 134 that have degrees. And we have an additional, probably 10 to 15 that are somewhere along the road in obtaining either an undergraduate degree or a graduate degree.

Senator HEFLIN. I know that here in Birmingham Sheriff Mel Bailey has emphasized that a great deal. And we'll be hearing from him later in regards to this. I think we are looking at, on a national level, at the Federal level, priority programs. I think we realize we can't sell Congress on a full type of LEAA program in the future. But there are such educational information systems that experts, and technical assistants and other types of programs that can be possibly sold. If any of you would like to give us a list of priorities of programs that you think would be essential if there is Federal assistance, we would be glad for you to do it in writing. You may want to give some thought to it.

Also Sheriff Arnold, the problem of rural crime is a growing crime and if you have any thoughts on that that you would like to submit in writing, we would like to hear from you in regard to that. We will recess now and take a short break and will meet back at 1:30.

AFTERNOON SESSION

Senator HEFLIN. We are pleased to have this group and there will be others that will be joining us shortly. Chief Myers is the chief of police in Birmingham. A longtime law enforcement officer recently

retired, Chief Myers did a great job as chief of police here. We would be delighted to hear from you on any subject pertaining to what we are discussing, the LEAA, the youth problems, or what you would like to discuss. We would be pleased to hear from you.

**STATEMENT OF BILL R. MYERS, CHIEF OF POLICE,
BIRMINGHAM, ALA.**

Chief MYERS. Thank you very much, Senator, and let me say that I also appreciate the fact that you have taken time to come down and be with us on this matter, because I think we all realize the importance of what we are trying to do and what everybody is trying to do. I'm going to address the problem from a very general perspective, I think. I'm going to try to make some comments that I believe are pertinent to this problem of crime in this country. Of course, it does apply to LEAA programs and other things, but I am going to give a rather broad view, and then I may make some specific comments following that. I will suggest that four pertinent factors greatly contribute to the present crime situation. These four points are not all conclusive by any means, nor do they also address the social economical factors of other influx of crime. No. 1 is the trend in attitude throughout this country of the overconcern for the criminal and the lack of interest and concern for the young, the elderly, and the law-abiding citizens. No. 2, the problem related to overcrowded prisons. No. 3, the drug situation in this country. No. 4, public corruption.

First, let me say that I am continuously disturbed about the overconcern for the criminal and almost lack of interest and concern directed toward the victim, the witnesses, the elderly, the young, and the law-abiding citizen. The basic opinion throughout our country is the concern seems to be toward the defendant, the criminal. No interest is really shown toward the witness and the victims and others affected by crime. For example, we go to unlimited measures to protect the defendants both physically and constitutionally. Traversely there are few or any interests in providing protection for the victim or the prosecution witnesses. Case after case comes to our attention where protection is needed for a particular victim or a witness. And we simply don't have the resources available to handle that problem. However, when you turn this situation around and where the defendant is subject to harm, somehow we must provide him safety and security. Assistance for the victim and the witnesses, and the elderly and the young, is vital and must be provided by some means. We simply believe there must be a price to pay—in quotes—for all criminal actions, not benefits received.

Therefore, all aid and assistance to persons who have committed a serious crime should be eliminated. These resources could be then directed to either removing or improving an environment that breeds crime, and produces a large portion of the criminals. Only minimal effort is being presently given to those young people who are not yet involved in criminal activity, but will be in a given time frame if they are diverted to a more productive environment. The elimination of aid to the convicted criminal probably sounds like a severe measure, but if we really believe in the phrase, crime does not pay, then let us

as a lawful and orderly society, stop paying the criminal for his misdeeds. If we are going to give the convicted criminal an opportunity to obtain an education or numerous other personal improvements after he commits a crime, we are in fact saying to the criminal that if you don't have an education or job-trained skill, just go out and commit a crime and we will provide you with these opportunities.

At the same time we're telling young people of this Nation we have no way of providing them with job opportunities, educational benefits, or other positive programs to improve their station in life. While we are spending unlimited resources to rehabilitate 1 adult criminal, 10 young people are moving into the criminal environment and are receiving no assistance to divert them to a more productive life. Many people contend that through rehabilitation we can make productive citizens out of criminals. I much prefer to keep young people productive. The best way to keep young people out of crime is to keep them productive. Let us face the true situation in this country, crime does pay. Until this is reversed, we will not provide the law-abiding citizen in this country with the safeness and security that they so much deserve. At the same time we are telling the criminal we will give him every benefit that he or our system can think of. And conversantly telling the young people to make it on their own. We're just saying to the good citizens of this country that they should just go indoors, barricade themselves inside for protection against the criminal. We're saying to the working citizen, the elderly, the young, that you take a back seat to the criminal.

Our system is first and foremost designed to protect those that are guilty of infringing on our constitutional rights, by simply being able to have access to the public street, shops, stores and so forth. We're the Government that has the ability to provide all of the rights and privileges and benefits to the criminal, surely we can provide some relief to the good people of this Nation. And we reached a point where we are simply accepting a way of life of the killing, robbing, and raping of our citizens. Can we not become as concerned about the good citizens as we are the criminals? Do the people who make this country great not have rights also? Do we not have the right to receive adequate protection from the Government? Do we not have a right to have piece of mind from the fear of being attacked on the streets, at home, and on the job? Would it not be possible for the Government to reach the same proficiency providing rights and protection for the good citizens of this country, that we seem to so successfully provide for the criminal?

The question is also, should a person be entitled to more benefits from our society and government, simply because he commits a crime? If a person commits a crime he is entitled equal advice at the expense of the taxpayer. If he is convicted he is guaranteed the availability of recreational facilities, learning resources, such as law books and reading material and so forth. Is not the ordinary citizen entitled to these same benefits? Or is he penalized for being a good citizen and not committing a crime? Again, let us ask ourselves the question, does crime pay, it should not, but, in fact, it does.

We have elderly people living throughout this country being afraid to go outside of their homes for the fear of being attacked. Do you provide them with any kind of benefits comparable to those received

by the criminal at the expense of the taxpayer? Do we provide the elderly or young with learning resources or the recreational activities that would compare to those that we guarantee the criminal at the taxpayers expense?

Also there are those people who emphatically state that crime is not deferred by locking up the criminal. But in our present situation the most immediate relief will be gained from the separation of the criminal element from the potential victim. We are presently advocating that this situation be accomplished by locking ourselves in our homes, our businesses, and our jobs, in an effort to keep the criminal outside away from us. The truth is we have imprisoned ourselves to satisfy the so-called bleeding heart and want to keep the criminal out of the prison and on the streets. We are imprisoned and the criminal is free. Businesses lock their doors and let only known or assumingly legitimate customers enter, we should ask ourselves, who is imprisoned. When we must go out at night and by only necessity, and then in groups, never alone, we should ask ourselves who is imprisoned. The truth is that the good people of this country are rapidly becoming imprisoned so that the criminal can reap the benefits or freedom.

Also how those rationalizing do-gooders that contend that it costs too much to keep the criminal locked up. You can maintain him at a much less cost if he is free, according to these people. This rationalization just simply justifies their desire to prove the idea of nonpunishment for the criminal. They fail to consider the cost of deteriorating businesses and the moving of businesses out of the city, and the resulting deteriorating tax structures caused by crime. They also fail to consider the loss of life at the hands of the criminal or for the physical disability that frequently occurs as a result of criminal action. The cost attachment of personal fear and intimidation caused by crime and criminals, is never compared to cost of confining the criminal. Efforts related to the human factor is always put forth by those who believe in nonpunishment of the criminal. That the criminal is "better off" free than as opposed to confinement.

It is never compared to the other side, the human factor, and that the citizen in general is not better off with the criminal running loose. It's hard for me to equate the cost of finding criminals with the safety and security of our citizens. Again, who are we trying to help? Do we owe all of our obligations to the criminal element? In this regard the Federal Government spends billions of dollars to build highways, but offers very little help in the construction of prisons and housing of criminals. Highway systems are well maintained for travelers, but while at the same time our streets are not safe from the common criminal. We can spend billions and billions of taxpayers dollars to provide culture, beauty, and comfort, but we hesitate to spend any money at all on the safety and security of our citizens. Where is the benefit of culture and beauty if we are not sufficiently safe to enjoy it? I believe in human rights, civil rights, liberty, and the pursuit of happiness. But I strongly believe that our first priority should be to help the young, the elderly, and the law-abiding citizens in this country. If anything is left, help the criminal, but this must be done. Let him take a back seat for awhile.

Another matter of priority concern is the corruption of public officials. Corruption of public officials should be minimized by an

indepth scrutiny of the financial status of every category of public officials. Some work is now being done in this area, but not enough. The impact of corrupt public officials permeates the entire society. That being encouraging crime in general. The potential criminal rationalize that if they can do it what's wrong with us getting our share.

We must also seriously consider the situation created by the Federal courts' decision in regards to overcrowded prisons. This problem must be addressed at all levels of government. The fact that only a certain number of criminals can be confined, loses no alternatives at many times except to simply release the convicted criminal. Not only does this jeopardize the safety of the general public by the presence of more criminals on the streets, it creates an image among the criminal element that crime will go unpunished because of the critical shortage of prison space. While it may be necessary for the Federal court to require that the standards with regard to the prison population, it is just as important to the law abiding citizen that an alternative, than simply releasing these criminals, be found.

Drug traffic is another matter that must be addressed before any real impact is made on the crime problem. Drug trafficking and use is related to either directly or indirectly to almost all criminal activities. The availability of drugs in the use of drugs and the huge profits generate more criminal activity than any other single factor.

In conclusion, I would like to see Federal assistance and aid or guidelines in several areas. One, a trend of concern for the elderly and the young, the victims, the witnesses, comparable to that shown to the criminal. Two, Federal aid should be diverted from benefits of the adult criminal to the benefit of the young people not yet involved in criminal activities to improve their present status and also provide a more enlightening promising feature for them. Three, place top priority on the funding of programs for the young and the elderly. That should be taken care of before the criminal.

For example, a concept of the civilian conservation force, the CCC, would be a worthwhile program for many of our young people, who need jobs, guidance and leadership. Also, the sheriff's boys' and girls' ranches, a positive means of keeping young people out of the criminal environment. The program is not simply broad enough. Government sponsored programs similarly designed or Federal assistance funding of these existing ranches would be an effective measure. Or giving nothing to the criminal that is not immediately available to all citizens. Quit paying the criminal for committing crime. Five, Federal assistance for a juvenile court sponsored program established to provide alternatives to incarceration. It should be a program with meaning and substance, not merely counseling and visits. The program should require the young people the acceptance of responsibility, physical activities, discipline, and mental awareness. Federal assistance to divert their programs which would attract the youth that would otherwise be thrown toward the criminal environment.

These programs would supplement an aggressive police and prosecution directed toward the known blatant and violent criminal. This effort should minimize the youth gang concept. Seven, a concerted effort to minimize drug traffic, the flow of drugs in this country

must be controlled. And eight, assistance and constructing and maintaining adequate prison facilities for the housing of criminals. Nine, the Federal Government should assume full responsibility for the confinement of all prisoners released because of Federal court decisions relative to overcrowded prisons. And the establishment of guidelines or standards for which the effectiveness of all parts of the criminal justice system can be evaluated. Only the police effort is being monitored. Eleven, assistance for witnesses and victims. There should be restitution of crime including property loss, medical expenses, and disability benefits. There should be assistance in providing resources for the protection of victims and witnesses.

Twelve, legislation to provide strict monitoring of financial status of all the public officials. It is amazing how financially healthy some public officials become. Public officials should be not penalized for wise financial investments, but they should not be allowed to capitalize on corrupt practices for financial gain. Thirteen, last but not least, public officials in our Federal Government should set positive examples for all public officials to follow. The Federal level should be exemplary, today this is not the case. Guidelines and standards should be set at the Federal level for the exposure and expulsion of any member deviating from his established expectations. We all tend to look for corruption and devious conduct elsewhere, rather than in our own environment. Clean your own house and others will follow. We just first have honesty and truthfulness in our stations before we can expect others to abide by our advice.

Senator, I appreciate the opportunity of being here with you, and I certainly and sincerely believe a positive result will occur because of your presence here. Thank you very much and Merry Christmas.

Senator HEFLIN. Thank you, very much and I appreciate that. Mr. Stanley Vines is here, he is representing the senior citizens. Mr. Vines may be not too senior, but he did come to Washington and was a senior citizen intern. He spent a couple or 3 weeks up there and he's been studying the issue of crime on the senior citizens. Mr. Vines, we would be delighted to hear from you at this time.

STATEMENT OF STANLEY VINES, REPRESENTING THE SENIOR CITIZENS

Mr. VINES. Thank you, Senator. Before I became involved in the senior citizens program, I was under the impression the main concern of our elderly was inflation, which was a cruel tax on their earnings. After doing a lot of work among them in the last few months when I became interested, I was astonished to find their main concern—concerning facts that criminal activities against their person and against their property. That is a real fear, I was absolutely overcome to find out just how great that fear is among our elderly. That is especially true in our urban areas now. It is a real thing that I would like to see something addressed to it. I think this is a very good thing that you're having. Now, the matter of fact of the thing is that in our higher crime neighborhoods senior citizens at night barricade themselves behind locked doors and closed windows. And they don't come forth. Even in daylight they're apprehensive. The fact is they're prisoners in their own homes.

Now, a tragic note in regard to that happened last summer. I know you gentlemen remember the terrific heat wave we had down here. Well, some of those people were so afraid of criminals they refused to open their doors and windows.

Some of them, it is sad to say, couldn't afford to operate their air-conditioner facilities. As a result of this some of them died in their barricaded homes. Others were more fortunate and just were overcome by the heat and had medical aid and recovered, that's a very sad thing. Now some of the elderly, Chief Myers brought it up, are afraid of the youth offenders. The fact is that when some of them are out walking they will cross over on the other side of the street rather than meet young people walking down the sidewalk. And a few of them I have heard will go out in the morning to pay their bills, buy their groceries, and do all their business, so they can be home before 3 o'clock. In other words before school is dismissed.

Now it should be noted in this respect that some of the elderly in discussions I have heard place some of the blame of youth hostilities against old people on the shoulders of our mass media. And they mention TV. They say all too often that on television programs that the elderly are being portrayed as being wicked, bigoted, dull, senile, or just plain objects of ridicule. And they sort of resent that. Now by the very nature of things some of our seniors outlive their families and most of their friends have passed on. Typically they are a very lonely people; maybe they've grown just a little bit shy. They are fair game for the con artists who operate all too frequently in this area. The con artists know just how to approach those people and play on their loneliness.

Now, a while back we had a regular gang operating in this neighborhood. They came in and out several times. It was not unusual to read in the paper or hear about some old person losing their life savings to them on some con scheme. The peculiar thing about this is that those lonely old people have so much confidence in those people that they would refuse to believe that they would do anything wrong. Now, if something is not done to reverse the trend we can expect the number of criminal acts in the years to come to increase in number. The simple fact is, is that we elderly are the fastest growing minority group in this country almost. We're among the leaders in growth. Now at the time of the Revolutionary War 2 out of every 100 people in this country were over 65 years of age. Now, as I understand, the figure is approaching 12 out of every 100. And sometime into the year 2000—say about 2020—is projected that 20 out of every 100 will be over 65, that's one-fifth of the population. Now we think of this country as a young country, but I will tell you we are rapidly becoming an older society—

Senator HEFLIN. I feel that way every day.

Mr. VINES. Due largely of course to better health habits and better diets and fantastic advances in medical technology. In other words, back in the old days a lot of our elderly had certain illnesses which were almost always fatal. You know, they called it maybe the old folks' friend. Nowadays nearly 100 percent are cured by just a few dollars of antibiotics.

Now they ask you what you can do about this? Sincerely, I just simply don't know. But I know this, that the complex problem that

we have, the simplistic answers just won't do the work; it's a complex situation. Now, in talking with a lot of these elderly people I have heard a lot of comments. In other words, they're greatly preoccupied with crime. And I have taken down some of their suggestions and some of them have merit and I suppose some of them frankly are just impractical. But if you would bear with me I would like to tell you some of them.

In talking about violent crimes, it has been suggested that the juvenile age be limited and lowered. It says that the law should be changed to make punishment more swift and certain against offenders. Also they claim that these offenders are back on the street before the victim gets back there. And they say also that crime does pay. Chief Meyers brought that out. And the older person—if he is a victim, there is very little risk, because his reactions have slowed up and you know he is a little bit hesitant; he's an easy mark for the criminal. Let's face it. They suggest that the system be changed where restitution has to be paid to the victim. He has to shell out where it will not be profitable. To them of course, they say that our main line of defense is our law enforcement people. They're the ones we have to depend on. And they're greatly concerned, they would like to see our people in law enforcement paid sufficiently where they would make an adequate living and to attract these younger people into law enforcement as a career. We would like to see them well equipped. We want them out there defending us with good equipment.

We would also like to see them well educated. These young people coming in—we would like them to have funds through LEAA or whatever to where they could go ahead with their education even after they're hired, take related courses to where they can be more efficient. And my idea, I would like to see them take a course in the science of geriatrics. That's concerning old people, our illnesses, problems, and more understand problems and why we are so trusting sometimes and why we are timid, you know. I think that would be a good thing. And I would also like to see them go out into the neighborhood—to be funded to go out in the neighborhood and conduct intensive educational programs among the citizens, especially the elderly. To instruct them how to protect themselves against fraud, against violence, getting ripped off, and thievery and such things like that. I know that they do have such programs because I have attended some of them out in the east precinct, and they're very good. We just simply—and again we have run up against lack of funds and lack of personnel.

In closing sir, I would like to tell you, I know that I speak for all senior citizens and they're deeply concerned about violence against them. And I personally think that with all the rest of them that this is a great thing that you're doing and we sincerely appreciate the chance to tell you our problems. Thank you very much.

Senator HERLIN. Thank you very much, Mr. Vines. I think you have given us a very comprehensive view of the elderly, of how they view crime and the fact that it is a most important issue to them. I think sometime we lose sight of the elderly and their problems. You have brought it out very successfully.

It might well be that all the witnesses that testify, testify before the microphone, and maybe, Chief, if you would move out, we would leave

that seat as a vacant seat and then call the witnesses to it. Now don't leave us because we're going to have some questions that we want to ask you when we get through.

All right, we will be delighted to hear from Sheriff Bailey now.

**STATEMENT OF LEO BAILEY, CHIEF OF POLICE, FLORENCE, AND
PRESIDENT, ALABAMA CHIEFS OF POLICE**

Sheriff BAILEY. Thank you, Senator Heffin, for the opportunity, along with the fellow officers throughout and across the State, to be here with you. I recall the time that you gave me the privilege to come to your subcommittee, in the judiciary, and testify there also on about the same subject, largely in a drug category. But back again, and thanks again for the opportunity to be here to give you something perhaps current and not to be repetitive of what has been said earlier today. It's difficult, though, not to comment without interweaving some of what has been said.

I mentioned earlier this morning that I might have a suggestion that one of the administrative personnel in our offices has agonized a bit over. I'm among one of several in the sheriff's department and perhaps across the country that believes that money is not altogether the answer to fighting crime. We may have overstated the needs for additional funding in the general application as it relates to somehow meeting the challenge of the crime picture. Categorically we must somehow continue to fund education at the academy level and at the minimum standards level. I'm talking about the higher learning levels—even on to masters in criminology, in corrections, and in the juvenile crime. And other than that I honestly cannot see, we certainly cannot justify any more money for hardware, meaning automobiles, communications, et cetera. We cannot really justify it. I think where our problem lies is in the administration at the various government levels in the selection of priorities.

That is not to infer or reflect badly on other programs. I submit, sir, that hunger is not as detrimental to society as fear. Meaning that we have got to be safe to be comfortable, and thus you don't cure that necessarily with funding at any level. I would like to offer as an example, you can train and educate physicians, equip them with stainless steel operating rooms, and so on and on, and finally somebody with that training and commitment has got to turn to the patient. And I think that we have brought that training along and it is a necessity to continue as stated, and we now have to turn to the victim. We are building confinement areas as fast as money will allow. It appears we're confused and resisting relocation of prisoners. We're obviously overcrowded and enough has been said about that. Even while I am talking here today we're holding in the county jail immediately, pretrial detainees, in the number of 339. If all the courts, some 25 in Jefferson County, were convened and kept on a 7-day, around the clock I doubt that we could process that many pretrial detainees.

I am saying that perhaps we somehow have got to speed up the trial process. What has happened is the over-crowded jails on the one hand, and previously just weeks ago the State convict classifications. Today it is turned completely around with court orders, those State

classifications have been moved to the corrections level, responsibility of the State. All of a sudden they have made the circle and are back as pretrial detainees, which is a direct responsibility of county government. And under the same court order with addition, from this courtroom where we are presently seated, I am under daily threat of contempt if we get one over 347 inmates. This weighs heavily. I think it would be a historic reflection from the office of sheriff of the largest populated county in this State for such a predicament to happen. I strive daily to avoid this happening, I have prisoners in Blount County, I have prisoners in Bibb County, Shelby County, and I had some in Winston County, miles away from here—your home base, Senator. In the jail of the city of Birmingham, Chief Meyers has housed in excess of 60 most everyday for weeks and months more recently. Chief Haynes seated here, has some of the county prisoners in his city jail. We're negotiating with the city of Bessemer for four more people. The police are doing a tremendous job in the file. We've putting the elements of prosecution to work, in identifying people and confining them as numbers will substantiate. Somehow we have got to speed up the process of reclassifying these people by trial and movement. I talked earlier about the categories of funding and perhaps with justification, two others I would like to elaborate on.

The minimum standards commission was created in order to really comply with the ominous crime bills. Stipulations that before Federal funding from that 1968 enactment, Federal legislation. In order to receive the State had to have a minimum standard. I among many others pushed for this in order to get into the compliance field. A lot of help has gone into it by law enforcement, by citizens response, by legislative personnel, the elected officials, the Government at that time. And we have seen the value of it. But to be suddenly unable to fund educational academies for these certifications in compliance with that minimum standards bill would certainly make a grave handicap on the addition of and replacement of those officers by attrition needed in the various categories at the city, county, and State level. So we must, we're into the program, we must fund that category. It would seem to follow with almost as much justification in the higher education as well.

Corrections we cannot avoid. We're literally begging for assistance in funding. And as you well know from media coverage as they are ably done, our original plan was presented for a joint city-county jail in excess of \$40 million. Both of which county nor city could justify the expenditure of that kind of funding. We're back now to something like \$25,000 and we're not sure we can agree on that much funding for a much smaller—and I protest and resist being less than 1,000 inmates. This will barely give us over 600. That in simple arithmetic will not carry very far until we have exceed a new jail and its new confinement. In the meantime and I think that's why we find ourselves here today, those are long-range projections that have to be decided on, perhaps as quick as possible. But I have proposed to the county commission that we build immediately, even a month ago, a minimum security pretrial detention center. And this is a side away from the big county jail in the 2100 block of Eighth Avenue. Now this would already be on county property, in Fairfield, in the area of 4600 Commerce Avenue. At least 150 in order to get me

personally off the hook as a day-to-day contempt possibility for inability to house the intake from the 34 cities in the county, many of which we police for those various cities: Maytown, Mulga, Silver Springs, and others.

I may have just unloaded my agony Senator but these are the things that are eating our hearts out. In areas where we can both somehow show a little success, as the Center Point community for instance. There's a community in excess of 50,000 maybe more than 60,000 people. Until a month ago this year, we had not had an armed robbery in the immediate vicinity. I am simply saying to you that we took the challenge of preserving of what we think is one of the finest, cleanest, unincorporated, largest communities in the United States. We proved to ourselves that it could be done. On this ability of enforcement, this is where the priorities must come in. If you're going to do what Stanley Vines said about protecting the elderly, you have got to put your hand to the problems. You have got to be seen. You have got to let those people know. And that certainly takes money. And again, it is a priority decision. Money is going to other programs that have to be considered less in priority when fear is in the streets. Whether it affects the elderly, whether it affects the small businessman, meaning the service station operator, the store operator who is often the victim of homicide, and it happened right here within a 3-minute walk from this courthouse in the last several days.

Those are the frightening things that I see. Things that we are doing about it are emphasizing, the shattering pieces of our American family homes in our immediate areas. Child abuse arising from the broken families out there. Out of this comes the pictures of kids that we have in the Alabama Sheriff's Boys and Girls Ranches. We have recreated a home environment. We're heading off what can now only be ours to live with in the instance of inmate confinement. At a cost in excess of \$20,000 per adult inmate in this State, these kids are costing around \$7,000 per year, just to give them a home and hope in the future. I would like to leave copies of this annual, profile of the gang members. Much of these refer to subjects, as you, Senator Heflin, are greatly advised on. I will not bore you with any further emphasis on that, except to leave these copies with you.

Thank you and I join with the rest of these folks—this close to Christmas most folks don't want to work, but you are. And you have brought us together and we thank you.

Senator HEFLIN. We will next hear from Brig. Gen. Luther Smith of the Salvation Army, who is chairman of the mayor's police community relations committee. And he's also president of the Birmingham Kiwanas Club I believe. General Smith we are delighted to have you with us.

**STATEMENT OF BRIG. GEN. LUTHER SMITH, SALVATION ARMY,
AND CHAIRMAN, MAYOR'S POLICE COMMUNITY RELATIONS
COMMITTEE**

General SMITH. Thank you so very much. I will address an area that so many of us have been involved in, which is community involvement. It might be helpful to recall Federal involvement through

LEAA. In past years LEAA has been active mostly in the area of material, guns, bulletproof vests, communication equipment, and so forth. The Birmingham police was helped very much by LEAA in establishing their tac units. The help was necessary and the results were affective. Unfortunately some departments across the country bought equipment they did not need for which they had no training in. Political pressure seems to be especially forceful in LEAA applications. However the FBI training has been very helpful for our local police and police across the country. In the future it might be wise to concentrate on police specialized training. This is in the area of police community relations.

As serving for almost 3 years as the chairman of the mayor's police community relations, we constantly encounter problems with the way policemen perceive the community and the way the public perceives the roll of the policemen. Every 2 weeks the biracial police community relations committee meets in the mayor's conference room to develop strategy with the police chief to combat crime by involving neighborhoods in a crime resistance program. On a regular basis, we have conducted precinct meetings of each precinct quarterly on a Saturday morning from 9 until 11. The chief, the precinct commander, and members of the community relations committee meet with the neighborhood presidents and sit around a table and discuss crime in each neighborhood. A breakdown of the crime statistics of each month is available and is the basis for discussion. This type of citizen input is helpful in improving police community relations and dealing with crime in the neighborhoods. A school resource officer has been working with school officials in each precinct. This officer visits the schools sometimes in uniform, sometimes in civilian clothes. He works in classrooms and with individuals.

Federal funding would help in keeping these programs in operation, as they are effective in controlling crime. Police departments alone cannot stop crime. The neighborhood must be a part of a crime resistance program. Incidentally each of the precincts has a crime resistance officer, as well, who goes out and establishes block watches and that type of thing. Also we have four or five workshops going into shopping centers and into the resident areas with this program to help the people understand the police department and what it can do. Recently Mayor Arrington, Chief Bill Meyers, and the chairman of the police community relations committee, invited judges at all levels, school officials, police and sheriff department personnel, ministers, State senators, and members of the house, and a U.S. attorney, along with concerned parents to meet and give input on the extent of the youth gang problem. There was more than a hundred in attendance. From this meeting to secure information on the problem, a small committee of 45 were asked to make recommendations in the field of, legislation needs, two, ways community organizations, public and private could help on the problem, and three, how school organizations could involve themselves within and without the school.

These recommendations will be presented to the police through the Police Community Relations Committee, who will hold a townhall meeting in Boutwell Auditorium January 20 to present the results of our study and that of other organizations, such as the task force of the Community Affairs Committee of Operation New Birmingham.

These organizations have been studying the problem of youth crime and it will be a combined report. This meeting will seek to report to the public and ask their help in meeting the challenge of youth crime on a neighborhood to neighborhood basis. The Federal Government might interest itself in funding programs that are effective in combating crime by citizen involvement. The advantage of Federal funding is new and innovative programs are made possible. The present programs are having problems with funding and the chance of getting additional money is surely debatable. Another advantage of Federal funding is to combat crime in the country is that information gained from these successful programs is easily available to serve as a model for local programs.

Federal programs should be for a limited time with local match money. Local match necessitates a local citizen's board and local responsibility. There is a constant need for responsibility in management. This is usually assured if the program is under the management of established agencies who have local acceptance and a record of physical and program responsibilities. At the present the Federal Government is funding programs that combat crime by keeping many at risk young people at group homes and halfway houses. Many of these young people are status offenders and for various reasons cannot stay at home. These young people are being kept out of the justice system. Is it much cheaper or more humane way that we can address this problem. The inability of State and local governments to provide match money, many of these present programs which have proven their effectiveness are in danger of survival.

Recently the north precincts people requested a meeting with the ministers and school officials and the precincts to discuss youth crime with them. The chief issued an invitation to the ministers and school personnel for a Thursday night meeting, there were 43 in attendance. The chief, the precinct commander, and representatives of the police community relations committee were present. There was an open sharing of concern by the invited community leaders. Crime can be controlled more readily, if the law enforcement is properly trained in police work, sensitive to human relations and has a high degree of professionalism. If there is a broad involvement of neighborhoods in crime resistance programs, if there is a healthy respect for and a support of the policeman as a person and as a professional, and if there are alternative programs available to keep young people out of the juvenile justice system—such as—group homes, restitution programs, work programs in lieu of fines.

The public must no longer buy stolen goods, such as cheap hubcaps, television sets, and other items at prices so low that it is obvious they are stolen. The public must inform on criminal activity. The public must let the criminal know that they cannot commit crime in their neighborhoods. The public must be willing to be a witness in court if crime is to be stopped. There is a needed role for the Federal Government. That crime can only be managed if the local neighborhoods cooperate with the police. There are no easy answers, but working together crime can be brought into reasonable control.

I appreciate the opportunity of making these statements, sir.
 Senator HEFLIN. Thank you, sir.

Next we have Mr. Frank Horn, who is the associate director of the Campfire, I believe, under the housing authority here in Birmingham. Mr. Horn we are delighted to have you here.

STATEMENT OF FRANK HORN, ASSOCIATE DIRECTOR, CAMPFIRE

Mr. HORN. Thank you Senator.

My concern is that a large proportion of the crime is being committed by young people, who are 18 years of age and younger. The large number of young people involved in crime are setting a bad example for others to follow. Our greatest concern is, that blacks share a larger disproportional crime, as many often are offenders as well as the victims. Crime perhaps is the greatest threat to the existence of neighborhoods, communities, and cities.

The reason that crime is running so rampant is many. I will touch on a few. Many individuals have become disillusioned with the American dream and often take out their frustrations on society. Please don't take my last statement for granted. It's constantly drilled in young people's heads to stay in school and do your best and when their best is done and those same individuals find the doors of jobs and job opportunities closed in their faces, a constant rage fills their hearts and minds. That rage for many, results in criminal activity. A criminal justice system that is composed largely of white law enforcement officers, white district attorneys, white judges, and white correctional officers, many are insensitive to the needs of the large black population that they serve, only aggravates the problems. In years past, and in some instances, there existed a dual system of law enforcement. Blacks that committed crimes against whites were punished to the fullest extent of the law. But when blacks committed crimes against blacks they were given light sentences and in some instances no sentences. It appeared to the black community as if blacks were rewarded for criminal actions against blacks and punished for criminal actions against whites.

As a former police officer I have seen a great deal, and I realize the general public has not organized itself in an attempt to fight crime. We currently are experiencing a major problem in Birmingham with youth gangs. The problem has existed for some time. But because the gang is not confined to some isolated community as they once were, many people are now alarmed because their own lives are threatened. The problems of youth gangs go hand in hand with some of the things I have already mentioned. But, local governments including the Federal Government, and its citizens must share the blame for their existence. Or must assume the responsibility of challenging young people's energy into productive areas. All criminals, young and old, black and white, must be controlled by swift and aggressive police action. And the judiciary process should reenforce that action by stiff penalties.

But all young people are not involved. Because of many of their peers, they can be easily influenced unless we offer them some alternatives. LEAA funds could provide alternative programs, for particular youth offenders. They could have meaningful results on crime problems. Presently there are few activities for young people over 14 years of age that involves themselves against criminal activity. Now, are also few adults who are willing to take the time to provide a good role model for these young people, that they may also become a good image. There is a tremendous need for programs at the Federal and local level for young people who are over 14. We will not cultivate in the minds of young masses who have so much to offer, but so little

to begin with. It disturbs me to know that we have sent men to the Moon and safely returned them, we have acquired knowledge about distant planets in our solar system, but to the young person who lives next door or down the street, we have done so little but we are expecting so much.

I pray to God that we together through adequate funding and support, can tap America's greatest resources, our young people. And provide guidance so that they may become responsible and productive adults.

I thank you Senator for taking your time and allowing me to express my ideas.

Senator HEFLIN. Thank you, Mr. Horn, we appreciate that. Our next witness is Chief Jerry Haynes, chief of police, of Homewood, and also president of the Metropolitan Chief's Association of Jefferson County. Chief Haynes we are delighted to have you with us and know of your outstanding work and are looking forward to hearing from you.

STATEMENT OF JERRY HAYNES, CHIEF OF POLICE, HOMEWOOD, AND PRESIDENT, METROPOLITAN CHIEFS ASSOCIATION OF JEFFERSON COUNTY, ALA.

Chief HAYNES. Well at first I would like to express my appreciation for the opportunity to make a few comments today to you Senator. And I will assure you they will be very brief and much less elegant than the preceding speakers.

One of the first things that we need to do is recognize both the failures and successes of LEAA. I think if we look at the original intent of the legislation in 1968, it was defined as a Safe Streets Act. And obviously from your own staff's experiences as you have related to us today we have failed in that particular aspect of it.

The streets are not safe, our communities are not safe, despite all of the funding and the input that we have had into it. I think that there are quite a few benefits of the program that we have to recognize as being assertive or maybe keeping crime increases at the level that they are approached. Obviously education has gone a long direction, toward enabling our police officers to serve the public better. In my opinion again, 240 hours established by the minimum standards, is a very nominal amount of training to put into a police officer, who we authorize this person the capability of taking human life if necessary. I think the education is an absolute necessity for police officers. And again something that we're going to have to look at, if funding becomes necessary, is our schools. Our minimum standard schools are obviously in serious jeopardy of not being funded and losing them. Other benefits include equipment that most police departments have been able to obtain over a period of time. They have increased personnel in many cases through LEAA funding. In my opinion and observations the local spending has probably been in most cases effective and probably most effective. The people on the local boards, the high crime commissions of this region are more familiar with the local problems. Therefore, I think the guidelines that they set up in allowing funding can be more applicable to the communities to which they are involved in.

I think we're going to have to look at some of the failures of LEAA. Possibly one of these is the inadequate control over funding and the broad spectrum in which we find LEAA going in. I would like to point out one particular grant and it's not to be meant racial or inflammatory. This summer you are well aware that the administration funded a \$382,000 grant to the NAACP to monitor police, the use of excessive force, or police shootings. They failed to mention that there were already two grants funded by LEAA, at least two grants, that were doing the duplicate situations. Both through the IACP, and I believe there is a second one through the police foundation, or another top law enforcement agency. My particular evaluation of a funding of a grant in this type of nature is that it is a condemnation of the complete criminal justice system. In essence, when LEAA approved this almost \$400,000 grant, they are saying the police executives are not doing their job of monitoring actions by police departments. And that the courts and the district attorneys are not doing their jobs by evaluating police conduct.

They're saying that the Supreme Court and the State agencies are not doing their job. And in essence, they're getting to the point where the Justice Department and the FBI are not following through on what their jobs are supposed to be. And that would be to review and recommend prosecution where it's necessary or due. I think that this type of discretion is certainly going to have to be restricted and limited. These are obviously political contributions or grants that are made and I don't think that we can expect LEAA to survive at all if they are to continue. You mentioned earlier that you would like for us to name particular programs that we would feel like would be of benefit and should be sustained. I would like to suggest that that's going to be a very very difficult situation Senator because, No. 1, if the police departments become better educated, more proficient in their jobs on the street and placing people in jail, getting good cases, getting convictions, then that's going to put a burden on the court system. Which in turn, if it's also increased and we get more convictions and more people sentenced, we end up with a burden back on the prison system where there is inadequate housing now.

I think that it is a responsibility of the Federal Government to share some of this responsibility as is this time they establish not only standards for hirings, but down to the number of square footage the people have in cells of jails and prisons.

That's essentially my comments. I think most of them have already been said by others.

Senator HEFLIN. Thank you, I appreciate that, Chief Haynes. I thought we might ask a few questions and get some responses dealing with the questions of neighborhood youth gangs. As I stated in my opening statement, this is a nationwide problem. It is a problem that appears to have ups and downs, peaks and valleys, in which it appears to crop up in certain localities, be prevalent for a while or go through a period of remission where it is not as rampant as it has been in the past. Many people feel that it is a problem by which the leaders encourage others to become involved.

Also, if you can identify the leaders of the group and arrange to apprehend them, and they're found guilty of a crime, it seems to have an effect on the gangs to take prompt action. The other issues

that arise are like the issues that arise in any other juvenile crime problem. These, of course, are issues of the out of mind, the devil's workshop, unemployment, issues of community relationship and the lack of high visibility in the neighborhoods where they're liable to have neighborhood youth crime and other matters of this sort. It seems to me that it follows some sort of pattern and maybe, Chief Meyers, you have had time now to look back over the period of time; you have had experience in this. Do you see a pattern that is fairly predictable in regard to the youth neighborhood crime and does it follow a sequence of events and are there matters that can be undertaken to minimize the effectiveness of these gangs?

Mr. MEYERS. Yes, sir, Senator. From my observation of the problem, it needs to be attacked. I mentioned it briefly in my statement from two angles. It does take—Mr. Horn said it—aggressive police action on those who have committed the violent crimes, the blatant violent crimes. And this has been traditional of what the police have done when the gangs arise. And this is certainly not new, we have had gangs for years. But this time there has been more exposure, over dramatization in some areas. Public awareness now exists that did not exist in the past. It seems to be a more serious problem, and it may very well be more serious in the crimes that are committed. The crime is not new, the youth gangs are not new. Traditionally what has happened the police have moved in and arrested the serious violators, prosecuted them and sent them to the penitentiary. Then the gang activities decline. But the forgotten young people, those who were associated with either directly or indirectly related with these people that were prosecuted, are still out there on the street. Given sufficient time they surface as the leaders, of the active members of the gangs.

It's a cycle and they reoccur and then they begin to have followers that follow them. And I don't think that we can continue to follow the policy that we are following, simply police action and sending them on to the penitentiary, and then waiting 2 or 3 years for them to come back at us again. The way to resolve it in my opinion is to file aggressive police action as we are trying to do now. But to supplement that with community programs that would divert that lower element of the young people that will be moving into this element if we don't divert it. The community groups and programs to divert these young people into a more productive environment. If we don't do that, we're just perpetuating the situation. We have got to address those young people who are not involved in crime yet, to a point of being prosecuted, but will be given a sufficient amount of time. This is where I think LEAA funding would be very important. That they be applied to those kinds of programs that would attract these young people away from youth gangs to more productive activity. And if we don't do that, I think we will again arrest most of those violators in this city, give them 6 or 7 or 8 months—I think gang activity would be down again but in 2 or 3 years it would be right back where it is today.

More importantly we have known this for years and lived with it. But obviously and to our advantage now I think the public is much more aware of what is going on in the society. And I think that because of exposure to the public and awareness, there is tremendous public

interest now. That should pay some real dividends. I think even the overdramatization that has occurred by the media in some cases has caused tremendous fear, and this is in all other cities where it has occurred. But the product I think was good because of the awareness that it did create, the public interest that it created. I know that in this city there is tremendous public interest that never existed before in this area. And I am very relieved to see that public interest. I think that the police can do their part, that is, to arrest those who commit those crimes. But we are simply not equipped to divert young people away from the criminal element. That's got to be done. There have got to be programs to do that. I think that is where the priority of funding should be placed, but they should be placed on programs with real substance and meaning. That some be some of the requirements that they are productive programs, that they do produce results.

Senator HEFLIN. In your experience chief, is there higher instances of gang-type activities in the summer as opposed to the other seasons of the year?

Mr. MEYERS. I don't know that I would make it seasonal or not, Senator. What we're talking about primarily in youth gangs is somehow how we try to associate with the schools, and I have had problems associating with the schools. They may very well be initiated in the schools, the so-called fraternities may be initiated in the schools. But basically you're talking about people who are not in the schools committing the most violent crimes. Obviously there is some association with the schools. I don't think simply because school is in session or out of session would have that much effect. Other people have other opinions. Obviously, the more free time young people have, they would have the potential to move into the element. It would likely occur in the summertime. You take the upper level of that criminal element—and you have to address that. Let's be truthful with ourselves that what we're talking about—to rob, to rape, to steal, and to kill—is a criminal element.

The upper level has very little association with the school as an educational institution, their potential membership comes from the schools, yes. The peer pressure is put on the school members, and then of course some of them begin to drop out of school and move into the gang activities, and this is where the danger occurs. This is where the need is to divert those potential members away from those gang leaders. Once we get the gang leaders in the penitentiary or out of circulation, then the recruitment of the potential member is much less, if they have positive programs to divert them in some way. I don't particularly associate it with school being in or out of session, other than the fact that potential members are more likely to be recruited during the summertime.

Senator HEFLIN. General Smith, you are with the Salvation Army which, as we all know, is a great organization dealing with conduct of people. Also, you of course are chairman of the mayor's police community relations committee. Would you care to comment on the remarks that Chief Meyers has made, and what do you think the specifics are that could be done to help eliminate the neighborhood youth gang problems in Birmingham.

General SMITH. We have had these meetings and one of the recommendations at one of subcommittees was on what could the com-

munity do. In other words this is dealing with Boy Scouts, Girl Scouts, and all sorts of organizations and churches. And we'll be working with these organizations. And there is a need assessment survey available through the United Way that we're going to be using to get out into the area and find out how the kids feel about the situation and what their problems are. The United Way has assured us that those agencies that work with the United Way will be involved, for instance Frank has been involved all along, and he is on our police community relations committee.

What we have to do—this is the only game in town. So everybody is going to have to concentrate on doing what the different individual agencies can. And it's not going to require a lot of new things, it may require a new attitude on the part of agencies, but the program that you did 10 years ago, may or may not be effective today. And I think the agencies are going to have to hang loose in their attitudes as they approach these things. I think we're going to have to really work at, as the chief said, keeping that young kid out of the system, keeping them out of the gangs. And it's going to be a diversion type thing that's going to do that and not the dealing of a thing of trying to get the courts to maybe help us with it. The gang person themselves, getting them into a scared straight kind of thing, but not any group, but as an individual. We have a man working with us who has been involved in this kind of thing, and he feels that there may be a possibility that the judge says, either you make this visit to this institution under leadership or something else worse happens to you. But frankly I kind of feel in our talks that we just don't feel like there's a whole lot we're going to be able to do with that hardened gang-type person. But keeping kids out of the system should be our aim.

Mr. MEYERS. Senator could I add one quick statement. I think one thing that we're stopping from in this jurisdiction and all jurisdictions is a real serious image problem. And we have reached a point where there is a perception that there is no such thing as punishment for whatever you do. This is not in the best interest of young people to believe that. It does lead them into crime activities. Some firmly believe that, because they see young people commit crimes, see nothing happen to those people, and are back in the neighborhood almost immediately with them.

This has a bad effect on those kids not yet influenced to get into crime, but are encouraged to get into crime because they see lack of nothing being done to those who do commit the crimes. I know that's kind of a hard situation that we find ourselves in saying we need to punish one person to try to keep other people from coming into it. But I happen to buy that philosophy and that's why we should punish people committing crimes. And that's why I say there should be a price to pay for what we do wrong. It does deter those other kinds from moving into that area of criminal activity. But we have got to overcome this image problem and it's going to take one more change in attitude to ever do it. We're not going to do it by—the sheriff made this point—not simply by funding, not simply by more manpower, but there has got to be a difference in attitude, a different thinking, and a different philosophy in how we approach these problems.

I think we have got to go back to the basics of teaching these young people respect for people and other people's property. They have got

to be taught in their home, they have got to be taught in the schools, and the churches, that there is such a thing as respect of other people and other people's property. We have lost that. I think there is a tremendous image problem throughout our system as to what do we all stand for. I think we have got to get back to these young people that we stand for what's right, respect for people and other people's property. And I think this is something in the community programs that has got to take place that will really get a hold of this youth crime problem.

Senator HEFLIN. Sheriff Bailey, we have been talking about this youth neighborhood problem at various aspects. They seem to develop a syndrome so that after the leaders are captured and sent to prison, the gangs fall down, but then crop up again. Do you have some thoughts on what could be done to minimize its effectiveness and on some of the comments we have heard here today?

Sheriff BAILEY. Senator, to give you the benefit, we have met and met and met with various responsible people, particularly the domestic family court, we call it here. It's very clear that when a juvenile is to be dealt with, the court by law concerns itself with the juvenile, not the victim out there that has been abused in some way by that person. On the other hand, an adult is brought into that court, the court tries to be sensitive to what has happened to the victim. And then move to—well what if we did do something—to the juvenile. We don't have the facilities here, as large as our family court is, to cope with confinement of those who ought not be left back out until some adjudication is made of that offender. Our domestic court has no ability to confine a given number of those aggravated offenders. Many times I hear Chief Meyers pleading with the court, hold them overnight, do something for an hour until we can get something done in the field. This sounds perhaps too critical. But nevertheless I said the same thing about the many many cases waiting on the retrial—and detainees. These don't even become that, they become merely identified and then they're back in droves for, the commission of additional offenses. That number runs into multiple of hundreds of people.

I gave you a moment ago sir, a copy of a juvenile gang profile, the individual himself. This is, as Chief Meyers pointed out, basically a dropout. This ought to shift some responsibility to a board of education, however identified, county, city, whichever, out of some 12 or 13 we have got in this county. It seems it even ought to go to State government when funding, built, of course, around attendance records, per child, per day. Now if you don't go you don't get the money into that system. This bothers me because I have and you have and we've all had children pass through this system. We the taxpayers fund this system. I want to know what happened to the old truant officer that tracked these individuals, meaning dropouts, the modern-day vernacular, who are on the streets when they ought to be in school, plaguing citizens, drawing the cost of manpower and equipment into an offense that never should have been committed, because he shouldn't have been there.

That's just 5 days a week I am talking about through school, and that becomes very seasonable. You number these people into the hundreds and they work in little cells. When we talk about gangs,

we think in our minds 25 or 30 meeting an opposing gang on the street and having a shootout. That is not what the case is necessarily. These people never operate alone, it appears there are 3 or 4 or 5, and hardly ever anymore than that. They're hit and run type offenses, like mad dogs. Killing each other, killing others innocent of their presence. This is the frightening thing that Frank Horn has mentioned a moment ago, the frightening aspect of it which is—this community has got a serious offense and it appears to be peaceful and tranquil. It just jumps out of nowhere. Senseless crimes. Would you believe—in the name of initiation they commit another one in order to rise in the echelon of command in that gang. This is not the ordinary kind of crime that police are customarily working on on a day-to-day shift.

Senator HEFLIN. Chief Haynes, do you have any comments on this.

Chief HAYNES. Yes, sir, Senator. I think the bottom line on most of the comments that we're getting around to, is there has to be some form of deterrent. We're talking about an insignificant number of people compared to the population. We're talking about 10 percent of the juveniles involved in the criminal justices system are probably responsible for better than 90 percent of the crime activity. When we take a juvenile 14 or 15 years old to domestic court and turn him over to them and sign a petition, and he beats us back to the street before we have got the paperwork done showing that we carried him there, then that's a mockery of the criminal justice system. Particularly when you get an individual who may have—not 1 or 2 times, which could be overstated and you might look at it and say he deserves another chance—but we're talking about the individual who has been out here 8, 10 or 12 or in many cases over two dozen times, he is significantly a repeat offender.

He is the problem that you are dealing with. He is not going to be changed by putting him in juvenile court overnight. Frank and their group are not going to do anything with this particular individual. And until we do get this particular individual out of the mainstream of society, his influence is going to be felt on the other people. And I think that's our big problem to get him away from influencing others who might have a tendency in going in that direction.

Senator HEFLIN. Mr. Horn, do you have any comments that you would like to make on this further?

Mr. HORN. I agree basically with what has already been said. There is nothing that most youth organizations can do with the hardcore young kid, especially if they're committing violent crimes. What we can do is work with those individuals who have not yet got to the point of committing crimes. We can offer some alternatives. We currently have some programs with the Birmingham Police Department and we work with young people to deter them from crime and it's working. These are individuals that we know that live in neighborhoods where most of these gangs are actually formed. Some of them after being involved in our programs are afraid to return to their own homes. But we do know that it does make a difference. We do know that if they are constantly involved in our activities that we have for him that the likelihood of them getting involved in a gang is very remote.

Senator HEFLIN. Chief Meyers you brought out something about the seriousness of punishment, and how people don't recognize that if they do get into crime that they could face the consequences. I don't advocate this but there use to be the old idea of the public hanging. Separate the hangings, I'm not advocating anything like that but only the public aspect of punishment. I remember as a small boy coming to Birmingham, and having members of my family point out to me where the old Birmingham jail was and where the hangings were. As I remember it was on Fourth Avenue not too far from the Birmingham News area where that was occurring. Now I don't know of any advantage that could be of it but the idea of when a person does become incarcerated or is convicted and sent to the penitentiary, that it be a media event. I don't know whether any of this would have any effect, but it would point out the seriousness of the consequences of crime. The slowness of the criminal justice process has been pointed out so that by the time someone gets sent to the penitentiary people have forgotten about it. It may well be that this concept of an image problem can be minimized by having some sort of public display of a criminal so to bring to the attention of his associates that crime does not pay. Well I don't know if that has any value or not but as you were testifying that idea came to me.

Now of course this matter of neighborhood youth crime is a problem that is nationwide, and one which would benefit from a Federal assistance program. This is what the real thrust is of what we're seeking. It may be that some type of expertise in identifying the youth gang leaders is needed. Sort of developing a profile that Sheriff Bailey has done here. And then the community diversion projects could be funded similar to LEA grants. Those type of diversion grants and programs are of a wide variety and people have different ideas at different times. Maybe Mr. Horn and maybe Chief Meyers, would like to address to some specifics of your community diversion type programs.

Mr. MEYERS. Well, Senator, any diversionary type of program has got to be one of substance and meaning. I think sometimes that we have an idea that simply by having a program on paper and functional, that's not the answer. To reach these kids you have got to show them that there is some meaning in what you're doing. It's not simply a program to occupy their time. It's got to be a program with some responsibility, discipline, and physical activity in my opinion. This is one of the suggestions made at one of our recent meetings. For instance if you have a group of young people who have committed maybe some of the lesser crimes, not the more violent type, but some people that you want to work with. What would be wrong with loading them on a bus and carrying them out in the woods and sawing firewood. Let them produce firewood.

That is a very physical thing, a very discipline type situation, these are the things that I am talking about. Something that in essence will require very physical labor. Something that would require that they be productive. To do something productive, let them produce something. Let them cut the firewood, let them haul the firewood, and let them sell the firewood. These are the kind of things I see, as one approach. I think not to take advantage all inclusive, there are many other things that could be done similar to that. For instance, the

old CCC type of concept that was done years ago. I believe in these kind of things. I mentioned the Sheriff's Boys and Girls Ranch, these are very productive kids down there on the ranches. They're producing something, they're educating themselves, they're gaining expertise in certain areas of education and labor. They are becoming very productive and they have never committed a crime, or they wouldn't be on the Boys' Ranches. But they may well have if they had not been given the opportunity to be on the Boy's Ranch. So these are some of the kind of programs that I would see as a solution to some of the problems.

Sheriff BAILEY. Senator, I would like to comment and ask you a question. Recently we received in this area two airplanes in either case heavily loaded with a market value of marihuana in hundred of thousands and even millions of dollars. We know and even intelligence has justified the fact, we're not beginning to stop the contraband flow by air and by ship, to the mainland of this country. You cannot separate any of these crime categories that have been discussed as to funding or deter action without including the drug impact on them, as monetary, clandestine, extremely contributing heavily to the inflation of this country. I recently had a meeting with the FAA authorities here in the Birmingham area. They communicate with each other from control tower to control tower interstate. And in the State of Florida, particularly the city of Miami, it's very common for a subject to walk in and make a statement, charter me a jet and here's a million dollars in cash. We want it for 3 days, meaning if we don't get back there you can have it, that type of thing.

Big cash is flowing, it's unaccounted obviously. My question is in the face of that and influence and impact on internal cities, it used to be 10 years ago that the waterfront cities had all of the drug problems to speak of. We catch a few sticks of weed grass here and there, a few pills here and there, mostly drugstore stuff. Today it is running rampant, and it's got to be coming in the way I described it. Internal cities are reaching it. My question is, Out of those organizations that Congress is funding, how are they going to stop it, how pray to tell are we going to stop it? I believe that if we could throw all of our efforts toward the coastline, toward the border of our country, Mexico, Canada, and all of the waterfront areas, and begin to shuttle this massive input it would probably be the most encouraging reduction of crime that would ever happen. I think it's close to it, and President Nixon in his earlier years called it on national television a national crisis.

If it was that long ago what is it today. J. Edgar Hoover alluded to terrorism 10 years ago and said we're going to be plagued with it who knows how long. And law enforcement at the local level is beginning to be plagued with terrorism more and more. I don't think we can stand any more new and innovative types of crime. We are talking about returning the streets to safety.

My question again is, How can we muster our strength at the Federal level through the same kind of funding to encourage border watch by border control? The aliens that are numbering in the hundreds of thousands affecting unemployment more over there in the lack of jobs. The wrong people are in here getting the jobs at lesser than minimum wage. So I guess what we're saying is that everything we're doing, is not unlike what you're doing, it's relative.

I again appreciate the opportunity to share our thinking toward what you're picking up as information and on all of which is new to you.

Senator HEFLIN. On this drug matter I think that while there is a substantial amount of assistance from Federal agencies to the local units of government, there is just not enough emphasis. You know you run in cycles, and crime has been a continual upward, upward, upward. You increase 18 percent a year or 10 percent or 11 percent. After a while the people hear it, the lawmakers hear it, and they become accustomed to it. That's the real danger of inflation. You get immune to the ills of it. What has happened in this country is that, basically the public is coming to accept crime and it's becoming commonplace and people are not willing to do what is absolutely necessary to have the manpower and the resources to combat it. You have to be selective and use good judgment in solving these problems. Today the problems of inflation, energy, and crime, are in my judgment, our major domestic problems. And we have got to direct the Nation's attention to it. And we're just sort of halfway doing it. In my judgment, the reason LEAA is being abolished, is because of the badgers in the beginning.

Before 1977 there was a lot of waste with people buying various hardware and funds not being used properly. That image continues today and the good that is going on is overlooked. But, also, people are searching ways to cut down on Government spending. But crime and drugs—put drugs in the crime problem, in my judgment, and I think in the judgment of a number of people in Washington—are very serious problems and you've got to do something about them. These are problems that must have national attention focused on them. You have had two recent murders in the United States and they have focused some attention on the youth. You've run hot and cold; they're emotional issues that come about. All of a sudden you're having a reoccurrence of youth gangs here in Birmingham and that reoccurrence has been spotlighted and dramatized. Hopefully it will draw attention to the overall problems of juvenile crimes. And hopefully the appropriate bodies, whether it be Congress, or whether it be the legislature or the city council or the county commission, will realize that these are problems in which the law enforcement has got to be assisted and you've got to have programs.

Maybe a hearing like this can help. But obviously we need something; we need to have a new emphasis on crime. From top to bottom including Federal Supreme Court decisions, and all of the other factors that have gone into it and caused a real complex problem today. And it's time, in my judgment, for the pendulum to swing back, and something be done about it.

If there is anyone else present in the audience who would like to make comments, we would be glad to hear from you. And also gentlemen, I would like to thank you for being here and if you have any further comments that you would like to make, be sure to submit them in writing and we will be glad to hear from you.

[The hearing is adjourned.]

APPENDIX

QUESTIONS OF SENATOR HEFLIN AND RESPONSES OF LEE M. THOMAS

Question 1.

Why should there be a federal financial assistance program for states and localities in the area of criminal justice? What are the reasons beyond the fact that crime is a national problem?

A. The federal government through its policies may be more responsible for increasing crime rates than either state or local units of government. Here are three (4) examples. (1) The federal government through its economic policies can affect both the inflation and unemployment rates. There appears to be a correlation between economic hard times and the crime rate. As jobs get tighter and the dollar is worth less, some people seem to resort to property crimes for financial aid, and others resort to violent crimes out of a sense of frustration. This increased crime rate is a direct result of federal action taken with respect to the economy. As the major contributor to the crime problem, the federal government should be a major contributor to its solution.

Other federal policies, like those related to immigration, drug enforcement and energy also appear to play a major role in local crime rates. (2) Reports from such states as Florida, Texas and California indicate that the pressure of both legal and illegal aliens contribute to intensive crime environments. In some cases, intergroup violence breaks out between new arrivals and indigenous communities. In others, drugs, smuggling, blackmailing and gang warfare are part of every day life. The federal government bears a special responsibility to those communities whose public services, opportunities and capacities are overtaxed as a result of federal policies which permit or encourage legal immigration or condone illegal entrance. (3) The federal government's enforcement efforts to eliminate the illegal importation of drugs has probably more to do with the dimensions of a local drug problem than any actions taken at the state or local level. (4) The federal government has made major efforts to increase energy mineral resource development. Unfortunately, the energy development has resulted in sudden, unplanned for population growth accompanied by inordinately high crime rates.

Because federal policy plays such a great role in these and other areas which have a great impact on crime at the local level, the federal government has a concomitant responsibility to contribute to the problem's resolution.

B. The federal government through the federal courts has played a major role in increasing the burden on state and local criminal justice systems. Each of the following court interpretations of federal laws or Constitution are fully justifiable. While some of the federal court decisions assist the accused, a number of them require states and localities to expend additional resources to comply with the court's mandates without any federal financial assistance. (1) The courts increased the burden on police by requiring them to give accused warnings before asking questions or accepting confessions, by mandating the acquisition of search and arrest warrants in a number of situations that once did not require them, by modifying standards for the recruitment, selection and testing of police candidates. (2) The courts increased the burden on the states by requiring indigent defendants to be provided with free defense counsel when the defendants were charged with offenses involving the possibility of a jail sentence and when appealing a sentence of incarceration. Indigent defendants were also required to be given free investigative resources and transcripts. (3) The courts increased the burden on state and local correctional institutions by setting limits on space requirements for inmates and establishing minimum services to be provided to prisoners as well as physical conditions to be met by institutions.

C. The federal government has shifted the responsibility for the detection, apprehension, adjudication and incarceration of a number of individuals guilty of crimes illegal under both federal and state law to state government without a transfer of resources. As examples, the crimes of interstate motor vehicle theft and bank robbery are crimes providing concurrent jurisdiction to federal and state government. The federal government has abdicated the field, and left the state government the burden to enforce these laws without any federal assistance. Other instances can be cited.

D. The federal government has imposed new mandates on state and local governments. Aid to the handicapped laws and regulations require expenditures for opening police stations, courts and correctional institutions to handicapped citizens, witnesses, and visitors. Juvenile justice legislation requires the deinstitutionalization of status offenders and the separation of juveniles from adults in secure correctional facilities. LEAA regulations require state and criminal justice agencies to eliminate height and weight requirements for prospective employees. And the National Historic Preservation Act prohibits the destruction or major alteration of national historic places which include old court and correctional facilities. Other legislation like the new Civil Rights of the Institutionalized Persons Act has the potential for great impact on the states.

Another major reason for federal assistance to states is the relative better financial condition and broader tax base that the federal government has as compared to the states. States are hard pressed financially. At the same time states are hard hit by the

recession and Proposition 13 fever, they are being asked to absorb even greater responsibility for the financing of criminal justice. The historic trend is for states to take over from local government financing the criminal justice system. Courts are becoming solely a state function as the movement towards state unification of courts grows. Indigent defense, which was once provided in haphazard fashion by local government and volunteer organizations, is now being provided by states in response to federal Constitutional requirements. Corrections is becoming increasingly state financed. Support services for police, like computer services, crime laboratories, and training centers, are more frequently state functions. Resources for these transferred, expanded or new services are not being transferred at the same time. Meanwhile federal financial assistance is declining even as federal mandates and workload transfers are on the increase.

Question 2.

What requirements, mandates or duties does the federal government impose on state and local criminal justice systems?

We have already referenced a number of requirements, mandates and duties in my testimony and in my response to Question 1. The impact of federally sponsored energy development, for one, places significant burdens on state and local government to deal with the accompanying crime problem. Other burdens are imposed by statutory and regulatory mandated red tape, which is exemplified by the Section 802 and 816 reporting requirements of the Justice System Improvement Act. Other such burdens are derived from a long list of federal legislation. The following enumeration is a sample:

- a. the National Environmental Policy Act,
- b. the Flood Disaster Protection Act,
- c. the Clean Air Act and the Federal Water Pollution Control Act Amendments,
- d. the Safe Drinking Water Act,
- e. the Endangered Species Act,
- f. the Wild and Scenic Rivers Act,
- g. the Fish and Wildlife Coordination Act, _ _ _
- h. the Historical and Archeological Preservation Act,
- i. the Coastal Zone Management Act, and
- j. the Animal Welfare Act.

Question 3.

What will be the impact if there is no federal financial criminal justice assistance program?

The loss of a federal financial criminal justice assistance program will result in a loss of federal focus on the crime problem. It will

also mean a loss of federal leadership in, the absence of major federal financial and technical assistance for, and the loss of federal coordination of, programs to improve the criminal justice system. We fear that the state criminal justice systems will return to the conditions of the 1960's, that is functional fragmentation, duplication and friction. Specifically, we expect the loss of federal funding to lead to:

- a. a faltering of major reforms to reduce prison overcrowding and improve prison conditions;
- b. a slowdown in the trend to provide a unified state delivery system for defense services;
- c. a slowdown in the adoption of career criminal prosecution programs and prosecutor management information systems;
- d. a decrease in or elimination of certain education and training programs for criminal justice personnel, which will probably mean fewer hours of basic training, a decrease or elimination of certain in-service training, an elimination of a number of educational programs and incentives, and a decrease in national training programs;
- e. a loss of federal focus on treatment of minorities in and by the criminal justice system. A loss of the grant mechanisms through which the federal government can enforce civil rights, equal employment and service delivery. A loss of programs to decrease barriers to employment and promotion of minorities in criminal justice agencies. A loss of programs specifically designed to aid minorities, such as interpreter, citizen involvement, community crime prevention and community relations projects;
- f. a loss of non-traditional, non-system programs like victim/witness, community crime prevention, restitution and volunteer projects;
- g. a loss of new initiatives in areas like arson, white collar crime, governmental corruption and stolen property merchandising;
- h. a loss of non-traditional programs like community residential houses, alternatives to incarceration and non-money bail;
- i. the disruption of federal, state and local networks with the capability of promoting change, fostering communications, delivering technical assistance, and undertaking research and development; and
- j. the loss of criminal justice system coordination leading to increased criminal justice system and jurisdictional friction and fragmentation.

Question 4.

How should a federal financial criminal justice assistance program be reorganized: (a) under restrictive substantive guidelines and limited funding, and (b) under broader guidelines and fuller funding?

(a) There should be established a national commission comprised of state and local representatives who biennially create a list of priority crime problems. They should direct a federal agency to describe the problems in detail and note federal criminal justice and other federal non-criminal justice resources available to ameliorate the described problems. Congress should be given the role to select a limited number of priority crime problems from the commission list and make those selected priority problems eligible for federal financial assistance. The federal agency would award each state a block grant based on a formula. The block grant could only be used to respond to Congressionally selected priorities. The Governor of each state, through a designated state agency, would select among the Congressionally selected priority problems, and propose solutions, grantees and allocations (including programs for the judiciary). The Governor would publish the draft allocation plan, receive comments and make appropriate revisions. The Governor would then submit his final allocation plan to the state legislature for disposition through the state's normal budget process. The legislature would dispose of the Governor's allocation plan. The gubernatorially designated state agency would allocate and administer the formula dollars consistent with the legislative action. The gubernatorially designated state agency would report to the Governor and federal agency on what money was spent and how well programs worked.

(b) Under broader guidelines and fuller funding the states should be provided a block grant of funds based on a formula. The states should not be required to use the funds for a limited number of Congress or federal administration established priorities, but rather have the opportunity to define their own problems, priorities, strategies and programs, including the discretion to allocate among governmental units and functions of the criminal justice system. While the state should report on the use and impact of the federal funds, it should not have to submit a comprehensive criminal justice plan to a federal agency for prior approval. The program should have some of the characteristics of the original block grant program described in the Safe Streets Act in 1968.

Question 5.

If the federal financial criminal justice assistance program were substantively restricted, what should be its substantive priorities, priorities which would yield unquestioned benefits?

We would first suggest that if the use of federal funds were restricted, the substantive priorities should be either suggested or selected by representatives of states and units of local governments. These are the people who know the problems best and will be the users of the federal assistance.

In our analysis of the crime problem from a national perspective, we see the following ten substantive priority problems (not in any meaningful order):

- (1) the Uniform Crime Report Part 1 Crime Index increases,
- (2) intergroup violence (racial, political, economic class, ethnic),
- (3) criminal sexual assault,
- (4) special juvenile offender population (chronic status, violent and serious offenders),
- (5) citizen relations with the criminal justice system,
- (6) citizen crime prevention,
- (7) bail,
- (8) career criminal/priority prosecution,
- (9) sentencing, and
- (10) prison/jail facility space shortage.

The foregoing problem areas can be impacted by federal criminal justice assistance programs, but in a number of cases, more importantly, by also focusing (perhaps through leveraging the criminal justice funds) federal non-criminal justice funds on the same problem.

Question 6.

Why should there be a program of federal financial assistance in the area of criminal justice rather than an increase in the federal revenue sharing payment?

The federal assistance funds should be provided in the form of a block grant program. Crime must be addressed from a system-wide perspective that can bridge the gap between police, courts and corrections agencies on the one hand, and geographical and political subdivisions on

the other. The state has the authority and motivation to coordinate criminal justice functions, but it needs the resources, support, encouragement and leadership that the federal government can bring to bear on the problem. The block grant delivery system provides the state with the discretion, after identifying problems and programs, to allocate the grant money to the highest priority substantive problems and jurisdictions, thereby targetting the money. It also permits the states to condition the receipt of money by state and local agencies on the recipients coordinating their programs and achieving certain objectives. The Advisory Commission on Intergovernmental Relations (ACIR) during its examination of the LEAA program found that block grant funds "... are used to stimulate new and innovative efforts rather than as a substitute for present local criminal justice expenditures."

Revenue sharing funds in the area of criminal justice would not be as likely as block grant funds to stimulate criminal justice change and improvement. Both ACIR and the Brookings Institution in their comparisons of block grant and revenue sharing funds found that revenue sharing funds "have been used far more often to substitute for local revenues in supporting normal operations and existing programs ...". Moreover, revenue sharing funds for law enforcement take "... the form of capital items and one-time expenditures, which entail no long-term commitment." Revenue sharing funds are allocated on a formula basis to every state and local jurisdiction without regard to problems and needs, and long-range plans and programs. Some of the results are: (a) money is spread so broadly that small jurisdictions get too little money to be able to make any meaningful improvements; (b) money reinforces the fragmentation of jurisdictional lines rather than the coordination which is desperately needed; (c) planning and program development is not but should be required to make the best use of the money so that duplication, overlap and inconsistent programs are avoided; (d) supplantation of local expenditures rather than improvement usually results; (e) due to the fungibility of revenue sharing money, it is difficult to assess its use, making it difficult to monitor activities and evaluate results, providing little in the way of new knowledge; and (f) few conditions can be attached that might require recipients to combine their efforts behind the achievement of a limited number of specific tangible and meaningful objectives.

Question 7.

If there is a new federal financial criminal justice assistance program, shouldn't it carry a name other than that of LEAA?

Yes, the name of the program should probably be changed. The name LEAA carries with it a history and criticism that should best be left behind. A new program would be better off with a clean slate.

QUESTIONS OF SENATOR BIDEN AND RESPONSES OF LEE M. THOMAS

Question 1.

How should priorities work in a limited federal financial criminal justice assistance program? Should the federal government determine the priorities? Should the money be distributed for broad purposes either through revenue sharing or a formula program?

From our perspective, the ideal would be to have the states be able to select their own priorities, based on a local needs assessment. The money would be allocated to the states for broad purposes under a formula based block program. The money would be given to the states to bring about reforms and upgrading of state and local criminal justice agency operations.

As described above in our response to Senator Heflin's sixth question, we have explained why the block grant delivery system has a number of advantages over a revenue sharing delivery system. A categorical grant program delivery system is the worst of the alternatives. Among its disadvantages are the following:

- (1) decisions made by a centralized, distant and overburdened federal bureaucracy;
- (2) designed programs not meeting local needs;
- (3) funds made available directly to individual grantees, fragmenting systems operations;
- (4) a greater possibility for duplicating or supplementing local or state efforts;
- (5) increases in administrative requirements, paperwork and red tape;
- (6) lack of flexibility for states to adopt programs to meet local needs and procedures; and
- (7) ignoring or undermining of state plans and priorities in program areas for which states bear substantial responsibilities.

Question 2.

Of the functions that the federal government can perform in the area of criminal justice, what should be the most important functions that they should perform -- stronger federal enforcement efforts; concentrated, coordinated attack on one or a limited number of problems; provision of financial assistance to state and local units of government?

The American citizens' primary concern in the area of criminal justice is being safe in their homes and on their streets. Thus, in establishing priorities, the federal government should focus its scarce resources on ways that might impact on street crime, and the criminal justice institutions that respond to it. One consequence of a decision based on the foregoing assumption is that federal efforts to reduce white collar crime, fraud, waste and abuse, anti-trust criminal violations, and the like, should be given a lower priority than the fight against street crime. Thus, enforcement actions against illegal drug distribution, financial assistance to state and local criminal justice agencies, and efforts to protect the criminal justice institutions from corruption should be given a high priority.

We should not, however, be forced to make a decision to choose between the aforementioned kinds of Department of Justice functions. The Department of Justice will receive only \$4.2 billion in FY 1981. This figure represents only 2/3 of 1% of the federal budget. This figure is far too small for the federal government to be spending to defend our Constitutional rights of "life, liberty and property". The fight against crime should have a higher priority than transportation, housing or education. The total dollar allocation to the Department of Justice should be increased.

Question 3.

Should match be required in a federal financial assistance program?

The question of match for a federal criminal justice assistance program is a difficult one. Under the existing federal criminal justice and juvenile justice pieces of legislation a compromise was reached. Action programs are 100% federally funded while administrative funding is matched dollar for dollar. We feel that this is a fair compromise between no match for any dollars and a match for all kinds of funding.



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January 9, 1981

JAN 12 1981

The Honorable Strom Thurmond
Chairman
Committee on the Judiciary
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

During the Senate Judiciary Committee hearings inquiring into the national crisis of Crime in America, held on December 3, 1980, questions were raised specific to the future federal role in resolving problems confronting the criminal justice system in view of dismantling of the Law Enforcement Assistance Administration (LEAA). With reference to these questions, we submit the following:

I. What type of federal program is necessary and why?

Any program of federal assistance to state and local criminal justice must emphasize new programs, such as the career criminal program, standards and accreditation and "sting" operations. This should be accomplished with discretionary money, not through block grants. Promises of reducing crime should be eliminated, with renewed emphasis placed on new techniques of dealing with the present crime problem. In the area of corrections, emphasis should be placed on standards development, research, compliance assistance, de-institutionalization alternatives, victim/witness assistance, improved staff training, inmate vocational education programs, overcrowding, classification, treatment for incarcerated mentally-ill, handicapped and public inebriates, and special approaches to the unique problems of juveniles.

II. If no new or substitute program comes forth, what do we think will be the consequences?

The consequences of federal inaction will lead to even greater use of correctional institutions as control devices. This will be

increasingly costly and, as an overall strategy, is inefficient and will be ineffective. At best, stagnation will result...at worst, loss of the progress made in the past decade.

III. If LEAA is to be reorganized, how should it be reorganized?

LEAA needs one administrator, the agency should be housed organizationally within the U. S. Department of Justice under the jurisdiction of the Attorney General. There should be a professional deputy director and divisional administrators with specific responsibilities and knowledge in designated areas; i.e., corrections, courts, law enforcement assistance, juvenile justice, criminal justice research/statistics, etc. This development would require careful thought and advanced planning which should involve participation by all sectors of the criminal justice "system" in America for the broadest input. LEAA, because of its legislative insecurity, never was able to professionalize its staff. The LEAA never had the confidence of local officials.

IV. If LEAA was streamlined -- how? What are the priorities?

LEAA does not need streamlining as much as it needs direction. The first priority is that of setting priorities within the agency and vigorously pursuing them. After that comes the need for determining how goals and objectives can best be met and whether progress can be measured in meeting those objectives. A top priority is dealing with the causes of crime which has never been addressed by LEAA and probably never will be, because the problem lies beyond the reach of any one agency or program. LEAA's solutions are technical in nature, dealing primarily with the management of the problem, not the problem itself.

V. Can the same objectives be accomplished via revenue sharing? If not, why?

Revenue sharing will solve no problems because leadership will not come from the states. Hard goals and objectives get watered down by competing intrastate political views (as has been the case with standards). Money should flow to the states, but only for programs which are specifically designed to yield demonstrative results, preferably after their development through a national strategy (see I above).

- VI. From our point of view, LEAA has to be renamed to be considered by the Congress. What would we call it?

We recommend redesignating LEAA the "Justice Assistance Administration," and thus removing "law enforcement" which has been a stigma because it is not an appropriate umbrella under which other important criminal justice sub-components felt a share of equality. As its name implied, LEAA did not focus upon the broad criminal justice family. There are other important functions of our criminal justice system beyond "law enforcement" interests which also deserve priority attention from any federal program of assistance to the criminal justice system in America.

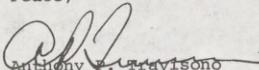
- VII. What programmatic approach do we support?

We support highly directed grants to the states with most of the money going to the "Justice Assistance Administration" to try to develop and improve the effectiveness of various approaches to the crime problem, with sufficient guidelines for equal formula distribution of funds for corrections, police, and the courts.

Finally, if the federal government continues to mandate, through passage of laws and regulations, action required by state and local government, then the federal government must not abandon its federal responsibility, in partnership with these political subdivisions, to provide the national leadership and adequate federal resources necessary to effectively carry out such federal mandates.

We are available to testify on the problems specific to corrections in America.

Peace,


Anthony W. Trivisono
Executive Director

CC: Amos Reed, President, ACA
APT/BN/dg

ADDITIONAL SUBMISSIONS OF TIMOTHY J. FLANAGAN

CRIME IN AMERICA: TRENDS, PROJECTIONS AND PUBLIC ATTITUDES

Materials prepared for the
United States Senate
Judiciary Committee
Subcommittee on Jurisprudence and Governmental Relations

by

Timothy J. Flanagan, Ph.D.
Project Co-Director
Utilization of Criminal Justice Statistics Project*
Criminal Justice Research Center
One Alton Road
Albany, New York 12203

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Introduction

This report is intended to serve as background materials on crime for the use of members of the Subcommittee, staff, and others. As such it is a general, atheoretical report that attempts to bring together some basic data sources on crime and related issues, present trends in crime statistics, discuss some of the issues, limitations and recent findings in the area of forecasting as it relates to crime rates, and provide an overview of trends in public opinion regarding crime.

The first section deals with trends in official crime statistics over the period 1960-79. The Federal Bureau of Investigations' Uniform Crime Report series provides the data base for this analysis. Despite the limitations of the UCR data base for this type of analysis, several discernable trends that characterize the past two decades are discussed.

The second section discusses an alternative measure of trends in crime: seven year trend findings from the National Crime Survey program conducted by the U.S. Bureau of the Census in conjunction with the U.S. Department of Justice. This data program represents a wholly different approach to the measurement of crime, and the findings help to shed light on trends discerned from the UCR and other data sources.

The third section of the report considers the research that has been done on correlates of the national crime rate, as a prelude to the discussion of forecasting and projection methods in relation to crime rates. Two forecasts of future crime rates - one for the mid-1980's and the other to the end of the century - are presented.

Finally, section four presents data from the periodic national public opinion surveys that have sought to measure the public's perceptions

the level of crime and the degree of the public's fear of crime. These data once again assist us in viewing the crime problem from a different perspective. They allow us to speculate about the pervasive effects of crime on the society as a whole through the maintenance of fear and anxiety about personal safety.

I. Trends in Reported Crime and Arrests, 1960-79

The primary source of official data on crime in the United States is the Uniform Crime Reports, published annually by the Federal Bureau of Investigation since 1930. On a monthly basis, law enforcement agencies (police departments, sheriffs and State police) report the number of offenses that become known to them. In recent years, the law enforcement agencies participating in the UCR program have represented coverage of about 95 percent of the U.S. population. The UCR program uses seven crime categories to establish a "crime index" in order to measure the trend and distribution of crime in the United States. Crime index offenses include murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft and motor vehicle theft. The "Total Crime Index" is a simple sum of the index offenses. The "Violent Crime Index" is comprised of the sum of murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault. The "Property Crime Index" is the sum of burglary, larceny-theft, and motor vehicle theft categories. Arson was designated as an index offense in October 1978; data collection for arson was begun in 1979.

Over the years, the methodology of the Uniform Crime Reporting program has been criticized by various observers on a number of grounds. (See Wolfgang, 1963, Robison, 1966). In fact, a recent review noted that "it might be argued that recognition of the problems involved in using the UCR is one of the few areas of general agreement in the field of criminal justice" (Hindelang, 1974:1). These shortcomings range from interstate variation in the definition of crime categories, use of the total population as a base for the calculation of crime rates rather

than bases restricted to populations more clearly "at risk" of certain types of victimization, and failure to incorporate the notion of differential seriousness of crime categories to the fact that "crime known to the police" is only a subset of all crimes. Hindelang adds that "to complicate matters, most of the problems enumerated above are not invariant across time and geography, but rather are free to vary as a function of policy changes, increased sophistication in police detection and investigation, changes in reporting propensities of victims, penal code changes, changes in local data needs and demands, etc." (1974:2).

These problems have been particularly noted in regard to trend analyses of the UCR data. Some researchers have noted that these trends may be largely a function of variation in the quality of data collection and reporting systems in operating police agencies and/or variation in the rate at which offenses are reported to the police. Cohen, Land, and Felson observe, however, that the F.B.I.'s auditing procedures exclude jurisdictions "which are notorious for questionable reporting systems" (1980:95), and that remaining inconsistencies can be expected to average out when the data are examined at the national-aggregate level. On the issue of citizen reporting rates, the researchers demonstrate that "increases in report rates, taken by themselves, have not been sufficiently large to account for all, or even most, of the variance in reported index property crime rates since 1960" (1980:96). They conclude that despite their limitations, "official crime statistics are significant social indicators of the volume of cases brought to the attention of the criminal justice system and of the reaction of the system thereto." (1980:92).

Crimes known to the police

Table 1 presents data on the number and rate (per 100,000 inhabitants) of crimes known to the police for the 20 year period from 1960 to 1979. Because the rate per 100,000 inhabitants standardizes the figures to the population size, these figures are examined here. In 1979, the index crime rate was 5521.5 offenses per 100,000 population, an increase in the rate of 39 percent over 1970 and 193 percent over 1960. Thus the rate of reported index crime has nearly tripled in the past two decades. As shown in Table 1 and Figure 1, the violent crime rate demonstrates a greater increase over the 20 year period than the property crime rate. The rate of violent crime in 1979 increased by 47 percent over 1970 and by 233 percent over 1960 levels. During the same periods, property crime rates rose 38 percent and 189 percent, respectively.

In terms of specific offenses, the forcible rape rate showed the largest percent change (+259 percent) from 1960 to 1979, followed closely by the 253 percent increase in the rate of robbery and the 224 percent increase in the aggravated assault rate. In contrast, the murder and nonnegligent manslaughter rate rose 90 percent over the twenty year period. Property crimes showed fairly consistent percent increases over the period, with the rate of reported burglary increasing 195 percent, larceny-thefts 189 percent, and motor vehicle theft 172 percent. Note, however, that in the motor vehicle theft category, most of the increase was reported in the 1960's; the period 1970-79 reported motor vehicle thefts have risen only 9 percent. Several researchers have suggested that the introduction of improved auto ignition security systems in the early 1970's may account for these figures (see Cohen, Felson and Land, 1980).

Table 1 Estimated number and rate (per 100,000 inhabitants) of offenses known to police, by offense, United States, 1960-79

NOTE: These data were compiled by the Federal Bureau of Investigation through the Uniform Crime Reporting Program. On a monthly basis, law enforcement agencies (police, sheriffs, and State police) report the number of offenses that become known to them in the following crime categories: murder and nonnegligent manslaughter, manslaughter by negligence, forcible rape, robbery, assault, burglary, larceny-theft, and motor vehicle theft. A count of these crimes, which are known as Part 1 offenses, is taken from records of all complaints of crime received by law enforcement agencies from victims or other sources and/or from officers who discovered the offenses. Whomever complaints of crime are determined through investigation to be unfounded or false, they are eliminated from the actual count (Source, p. 2).

The Uniform Crime Reporting Program uses seven crime categories to establish a "crime index" in order to measure the trend and distribution of crime in the United States. Crime index offenses include murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft; the "Total Crime Index" is a simple sum of the index offenses. Arson was designated as a Part 1 offense in October 1978; however data collection was not begun until 1979.

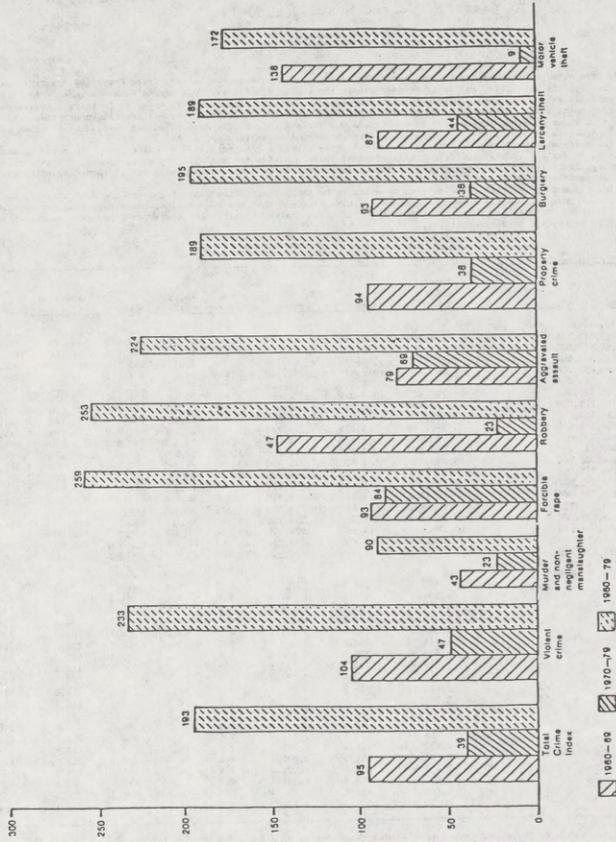
The figures in this table are subject to updating by the Uniform Crime Reporting Program and, therefore, may not be consistent with prior editions of the Uniform Crime Reports. It should also be noted that the number of agencies reporting and populations represented may vary from year to year. This table presents estimates for the United States or particular areas based on agencies reporting. For definitions of offenses, see U.S. Department of Justice (1980).

Population ^a	Total Crime Index ^b	Violent crimes ^c	Property crimes ^d	Murder and nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny-theft	Motor vehicle theft
Number of offenses:										
1960 — 179,323,175	3,386,200	288,480	3,095,700	9,110	17,180	107,810	156,320	912,100	1,855,400	328,200
1961 — 182,992,000	3,488,000	289,390	3,198,600	8,740	17,220	106,670	156,700	949,800	1,913,000	336,000
1962 — 185,771,000	3,752,200	301,510	3,450,700	8,530	17,550	110,860	164,570	994,300	2,089,600	366,800
1963 — 188,483,000	4,109,500	316,970	3,792,500	8,640	17,450	116,470	174,210	1,086,400	2,297,800	408,300
1964 — 191,141,000	4,564,600	364,220	4,200,400	9,360	21,420	130,390	203,050	1,215,200	2,514,400	472,800
1965 — 193,526,000	4,739,400	387,390	4,352,000	9,960	23,410	138,690	215,330	1,282,500	2,572,600	496,900
1966 — 195,576,000	5,223,500	430,180	4,793,300	11,040	25,820	157,990	235,330	1,410,100	2,822,000	561,200
1967 — 197,457,000	5,901,400	499,930	5,401,500	12,240	27,620	202,910	257,160	1,632,100	3,111,600	659,800
1968 — 199,399,000	6,720,200	595,010	6,125,200	13,800	31,670	262,840	286,700	1,858,900	3,482,700	783,600
1969 — 201,285,000	7,410,900	661,870	6,749,000	14,760	37,170	298,850	311,090	1,981,900	3,888,600	878,500
1970 — 203,235,298	8,098,000	728,820	7,369,200	16,000	37,990	349,860	334,970	2,205,000	4,225,800	928,400
1971 — 206,212,000	8,588,200	816,500	7,771,700	17,780	42,260	387,700	368,760	2,329,500	4,424,200	948,200
1972 — 208,230,000	8,248,800	834,900	7,413,900	18,670	46,850	376,290	393,090	2,375,500	4,151,200	887,200
1973 — 209,851,000	8,718,100	875,910	7,842,200	19,640	51,400	384,220	420,850	2,585,500	4,347,900	928,800
1974 — 211,392,000	10,253,400	974,720	9,278,700	20,710	55,400	442,400	456,210	3,039,700	5,482,500	977,100
1975 — 213,124,000	11,256,600	1,026,280	10,230,300	20,510	56,090	466,110	484,710	3,252,100	5,977,700	1,000,500
1976 — 214,839,000	11,304,800	986,580	10,318,200	18,780	56,730	420,210	490,850	3,089,800	6,270,800	957,600
1977 — 216,332,000	10,935,800	1,009,500	9,926,300	19,120	63,020	404,850	322,310	3,052,200	5,905,700	968,400
1978 — 218,059,000	11,141,300	1,061,830	10,079,500	19,560	67,130	417,040	358,100	3,104,500	5,983,400	991,600
1979 — 220,099,000	12,152,700	1,178,540	10,974,200	21,460	75,990	466,880	614,210	3,299,500	6,577,500	1,097,200
Rates per 100,000 inhabitants^e										
1960	1,887.2	160.9	1,726.3	5.1	9.6	60.1	86.1	508.6	1,034.7	183.0
1961	1,906.1	158.1	1,747.9	4.8	9.4	58.3	85.7	518.9	1,045.4	183.6
1962	2,019.8	162.3	1,857.5	4.6	9.4	59.7	88.6	525.2	1,124.8	197.4
1963	2,180.3	168.2	2,012.1	4.6	9.4	61.8	92.4	576.4	1,219.1	216.6
1964	2,388.1	190.6	2,197.5	4.9	11.2	68.2	106.2	634.7	1,315.5	247.4
1965	2,449.0	200.2	2,248.8	5.1	12.1	71.7	111.3	662.7	1,329.3	256.8
1966	2,670.8	220.0	2,450.9	5.6	13.2	80.8	120.3	721.0	1,442.9	286.9
1967	2,989.7	253.2	2,736.5	6.2	14.0	102.8	130.2	826.6	1,575.8	334.1
1968	3,370.2	298.4	3,071.8	6.9	15.9	131.8	143.8	932.3	1,746.6	393.0
1969	3,680.0	328.7	3,351.3	7.3	18.5	146.4	154.5	984.1	1,930.9	426.2
1970	3,984.5	363.5	3,621.0	7.9	18.7	172.1	164.8	1,084.9	2,079.3	456.8
1971	4,164.7	396.0	3,768.8	8.6	20.5	188.0	178.8	1,163.5	2,145.3	459.8
1972	5,281.7	481.5	4,800.2	9.0	22.5	180.7	188.8	1,140.8	1,993.6	426.1
1973	4,154.4	417.4	3,737.0	9.4	24.5	181.1	200.5	1,222.5	2,071.9	442.6
1974	4,850.4	461.1	4,389.3	9.8	26.2	209.3	215.8	1,437.7	2,489.5	462.2
1975	5,281.7	481.5	4,800.2	9.6	26.3	218.2	227.4	1,525.9	2,804.8	469.4
1976	5,266.4	459.8	4,806.8	8.8	26.4	195.8	228.7	1,439.4	2,921.3	446.1
1977	5,055.1	466.6	4,588.4	8.8	29.1	187.1	241.5	1,410.9	2,759.9	447.6
1978	5,109.3	486.9	4,622.4	9.0	30.8	191.3	255.9	1,423.7	2,743.9	454.7
1979	5,521.5	535.5	4,986.0	9.7	34.5	212.1	279.1	1,499.1	2,986.4	498.5

^aPopulations are U.S. Bureau of Census provisional estimates as of July 1, except for the April 1, 1960 and April 1, 1970 censuses.
^bDue to rounding, the offenses may not add to the Total Crime Index.
^cViolent crimes are offenses of murder, forcible rape, robbery, and aggravated assault. Property crimes are offenses of burglary, larceny-theft, and motor vehicle theft.
^dCrime rates calculated prior to rounding number of offenses.

Source: M. Hindelang, M. Gottfredson, and T. Flanagan, eds. *Sourcebook of Criminal Justice Statistics - 1981* U.S. Department of Justice, Bureau of Justice Statistics. (Forthcoming.)

Figure 1. Percent change in rates (per 100,000 population) of index crimes known to the police, by type of crime, 1960-69, 1970-79, and 1960-79



Source: Data calculated from figures presented in Table 1.

The motor vehicle theft category provides an illustration of the problems inherent in using the general population figures as the base for computation of crime rates. It is obvious that all citizens are not equally "at risk" of auto theft victimization. Rather, the population at risk will vary in relation to the availability of autos for theft. When motor vehicle theft is examined as a function of the number of motor vehicles extant, a different picture of the trend in motor-vehicle theft emerges (Figure 2). These data, compiled by the Insurance Information Institute, show that the motor vehicle theft rate (per 100,000 motor vehicle registrations) actually decreased by over 22 percent during the period from 1970 to 1978. Another illustration of the "base problem" is the rape rate, which is reported by the UCR program on the total population base. If the rape were calculated on the basis of the total female population (99 percent of reported rape victims are female) it is clear that the rate would roughly double. Moreover, if the base were restricted to the female age groups that are most "at risk" of rape victimization (e.g., ages 15-50), the rate would again show a marked increase.

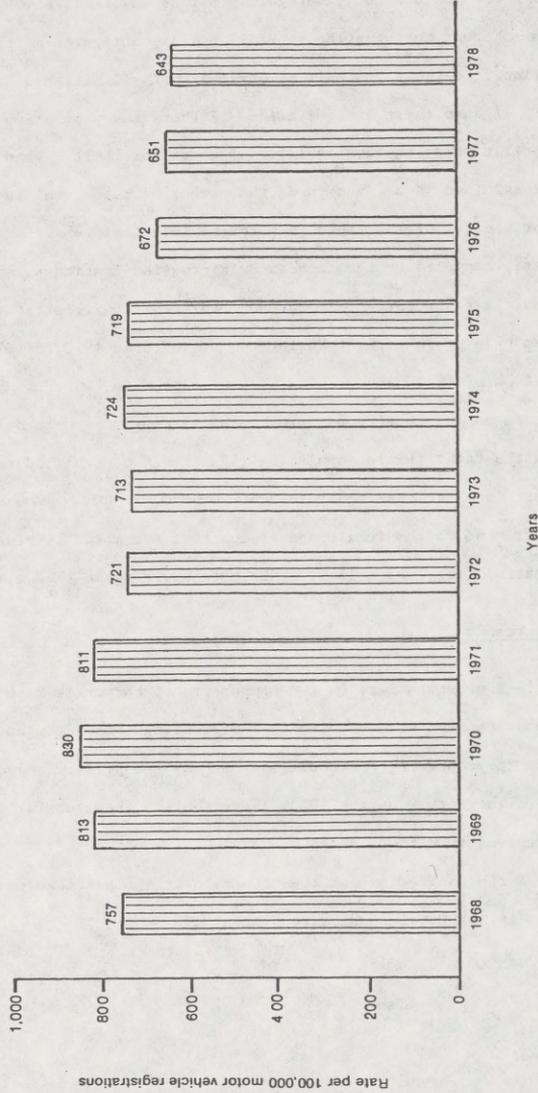
Regional trends

Table 3 presents data on the components of the crime rate broken down by region. Caution must be used in interpreting these data because of a change in the reporting procedure for larceny - a primary component of the property crime rate - during 1973. Nevertheless, some useful comparisons can be derived from these data.

The Northeast region led the country over the past two decades in increases in the total index crime rate, followed by the

Figure 2. Estimated rate (per 100,000 motor vehicle registrations) of motor vehicle thefts known to police, United States, 1968-78

NOTE: This figure was constructed from data compiled by the Insurance Information Institute. Data on motor vehicle registrations were obtained from the Federal Highway Administration. Registration figures include motorcycles. Theft data are Federal Bureau of Investigation estimates.



Source: M. Hindelang, M. Gottfredson, and T. Flanagan, eds. *Sourcebook of Criminal Justice Statistics - 1981* U.S. Department of Justice, Bureau of Justice Statistics. (Forthcoming.)

Table 3. Total crime rate, violent crime rate, and property crime rate (per 100,000 inhabitants) by region, 1960-79

NOTE: These data are from the 1960-79 annual editions of the Federal Bureau of Investigation, Uniform Crime Reports. For a list of States in regions, see U. S. Department of Justice (1980). Property and total index crime rates below are not comparable to the figures presented in Table 1 because of a change in the reporting of larceny-thefts which occurred in 1973. In this table, property crime rates for 1960-72 include only larcenies which occurred while 1973-79 includes all larceny-thefts.

[Rate per 100,000 inhabitants]

Year	Northeast			North Central			Southern			Western		
	Total index crime	Violent crime	Property crime	Total index crime	Violent crime	Property crime	Total index crime	Violent crime	Property crime	Total index crime	Violent crime	Property crime
1960	873.7	98.5	775.2	953.7	128.9	824.8	958.7	152.5	746.2	1609.7	176.5	1433.3
1961	893.8	94.6	799.2	1014.1	142.3	871.8	936.4	139.3	711.4	1595.6	169.6	1426.0
1962	971.6	102.9	868.7	1037.3	149.9	887.4	963.6	142.3	821.3	1674.3	172.6	1501.7
1963	1085.4	109.3	976.0	1092.6	145.3	947.3	1060.5	154.7	905.8	1805.0	177.7	1627.2
1964	1244.3	129.6	1114.7	1227.3	167.8	1059.5	1227.2	187.9	1039.2	2013.2	204.2	1809.1
1965	1341.0	146.7	1194.3	1269.6	176.2	1093.4	1265.5	205.0	1060.5	2163.9	216.8	1947.0
1966	1702.0	194.6	1057.3	1440.7	204.0	1236.8	1438.6	230.4	1208.1	2352.6	272.2	2406.8
1967	2032.0	237.0	1795.0	1686.0	236.3	1449.6	1638.9	260.5	1378.5	2679.0	272.2	2406.8
1968	2482.4	308.0	2174.4	1891.3	258.7	1632.6	1870.5	299.0	1571.5	3127.4	326.8	2800.5
1969	2585.8	330.4	2255.4	2170.4	293.3	1877.1	2087.2	326.2	1761.1	3515.9	363.9	3152.0
1970	2845.9	385.3	2460.6	2398.7	323.2	2075.5	2500.6	362.2	2038.0	3761.4	380.0	3381.3
1971	3071.6	454.9	2616.7	2530.7	330.1	2200.6	2500.6	386.9	2113.8	4014.4	417.3	3597.1
1972	2840.6	449.8	2390.9	2480.7	334.6	2146.1	2482.7	391.4	2071.3	4030.3	438.0	3592.3
1973	3738.5	453.8	3284.7	3922.2	353.3	3568.9	3636.8	411.8	3223.1	5801.5	461.4	5340.1
1974	4377.5	495.7	3881.9	4661.6	409.5	4252.1	4353.7	447.0	3906.7	6501.1	507.2	5993.9
1975	4931.9	535.4	4396.4	5081.3	416.8	4664.6	4847.8	460.8	4387.0	6823.7	547.1	6276.6
1976	5157.7	523.6	4634.1	4922.9	381.7	4541.2	4783.4	429.3	4354.1	6782.8	548.3	6234.5
1977	4957.1	510.3	4446.9	4635.6	373.5	4262.1	4618.1	451.8	4166.3	6574.7	575.8	5998.9
1978	4877.1	528.6	4348.5	4617.8	378.3	4239.5	4778.0	478.7	4299.3	6691.2	608.3	6082.9
1979	5348.5	590.1	4758.4	4988.4	409.4	4579.0	5202.6	528.9	4673.7	7038.9	660.7	6378.2

Southern region and the North Central states. The Western region recorded the smallest percent increase in the total crime index rate from 1960-79, but it must be observed that the Western region began and ended the time series with the highest actual crime rates. In fact, the 1979 total index crime rate for the Western states was 31 percent higher than the rate for the Northeast, 41 percent higher than the North Central region, and 35 percent higher than the Southern region.

For the violent crime rate over the period 1960-79, the Northeast region rose 499 percent, North Central 218 percent, Southern 247 percent and the Western states, 274 percent. However, once again the Western region began and ended the period with the highest violent crime rate. In 1979, the Western violent crime rate was 12 percent higher than the Northeast, 61 percent higher than the North Central, and 25 percent higher than the Southern region rate. Similar patterns are present for property crime rates.

Urbanization

Historically, urban areas have been thought to be centers of criminal activity, while suburban and rural areas have been characterized as comparatively safe locales. These assumptions are in some respects affirmed by the trend data on crime rates when examined in relation to size of place. However, in other respects these assumptions are questioned. (Table 4).

In each year of the past two decades the rate of reported crime in Standard Metropolitan Statistical Areas has been substantially greater than the rate for non-SMSA areas and rural areas. In turn, non-SMSA areas have shown higher crime rates than rural areas in each year. Thus,

Table 4. Total crime rate, violent crime rate, and property crime rate (per 100,000 inhabitants), by size of place, 1960-79

NOTE: These data are from the 1960-79 annual editions of the Federal Bureau of Investigation Uniform Crime Reports. For area definitions, see U.S. Department of Justice (1980). Property and total crime rates below are not comparable to the figures presented in Table 1 because of a change in the reporting of larcenies which occurred in 1973. In this table, property crime rates for 1960-72 include only larcenies over \$50., while 1973-79 includes all larceny-thefts.

[Rate per 100,000 inhabitants]

Year	SMSA's			Non-SMSA's			Rural		
	Total crime index	Violent crime	Property crime	Total crime index	Violent crime	Property crime	Total crime index	Violent crime	Property crime
1960	1327.9	174.6	1153.4	728.8	71.7	657.1	423.2	67.3	355.8
1961	1332.4	174.7	1157.6	719.3	69.0	650.2	459.6	66.9	392.6
1962	1407.8	182.1	1225.7	754.6	67.6	686.9	445.8	62.5	383.1
1963	1501.3	183.1	1318.1	815.5	74.4	741.1	492.3	68.2	424.0
1964	1699.1	213.2	1485.8	948.9	99.0	849.9	549.4	80.1	469.3
1965	1781.5	226.7	1554.8	995.7	111.1	884.7	567.8	92.1	475.7
1966	2068.1	267.3	1800.8	1080.8	118.9	961.8	623.1	99.2	523.9
1967	2397.3	313.8	2083.6	1210.0	128.3	1081.7	709.2	104.4	604.8
1968	2803.0	376.0	2427.0	1357.8	136.5	1221.3	779.7	108.4	671.3
1969	3095.8	416.6	2679.3	1519.2	144.7	1374.5	858.6	113.8	744.8
1970	3396.4	457.2	2939.2	1874.6	181.4	1666.2	927.4	120.0	807.4
1971	3546.7	490.6	3056.1	1890.7	193.0	1697.7	1032.3	133.4	898.9
1972	3412.8	492.1	2920.7	1917.3	205.4	1711.9	1084.4	143.6	940.8
1973	4823.0	502.9	4320.0	3348.7	220.7	3128.0	1471.8	147.4	1324.4
1974	5621.6	558.4	5063.2	4027.2	249.2	3777.9	1746.5	151.2	1595.3
1975	6110.5	580.8	5529.7	4437.2	269.1	4168.1	1997.2	167.3	1829.9
1976	6073.4	550.3	5523.1	4374.0	265.9	4108.1	2047.5	169.8	1877.7
1977	5813.6	558.9	5254.7	4198.0	267.4	3930.6	2012.5	172.7	1839.8
1978	5870.2	583.9	5286.3	4363.9	285.4	4078.6	1997.9	174.8	1823.1
1979	6313.1	640.6	5672.5	4948.6	329.9	4618.7	2167.5	187.4	1980.1

movement along the urban-rural continuum in examining crime rates yields sizeable effects for the "size of place" variable. In 1979, for example, the violent crime rate in SMSA's was 94 percent higher than the violent crime rate for non-SMSA areas, and 241 percent greater than rural areas. Similarly, the SMSA property crime rate was 23 percent higher than the non-SMSA areas and 186 percent higher than the rural rate in 1979.

These data of course support the traditional notion of urban-rural differences discussed above. However, examination of the growth in the crime rate over the past two decades yields a somewhat different picture.

In both the property and violent crime categories, non-SMSA areas had the largest percent increases in crime over the last twenty years. For example, the violent crime rate in non-SMSA areas (or non-metropolitan areas) rose by 360 percent from 1960-79, compared to a 267 percent increase in SMSA's and a 178 percent increase in rural areas. For property crime, the rate increased by the greatest amount in non-SMSA areas, followed by rural areas and SMSA's. Thus, although urban areas (SMSA's) have been and remain the areas with the highest rates of reported crime, smaller cities and suburban and rural areas have suffered the greatest growth in crime over the period 1960-79. If these differential growth patterns were to continue into the future, the urban-rural differential in crime rates would diminish over time. Of course these findings coincide with residential mobility patterns over the last twenty years, specifically the migration from large urban areas to suburbs and rural areas. To the extent that these patterns stabilize or reverse during the next decade, corresponding changes in crime rates can be anticipated.

Trends in arrest rates

The Federal Bureau of Investigation observes that "arrest rates are a measure of law enforcement activity in response to crime" (U.S. Department of Justice, 1980:187). According to the UCR program guidelines, an arrest is counted "each time an individual is taken into custody for committing a specific crime." If the offender taken into custody is a juvenile and the circumstances are such that if he/she were an adult an arrest would be made, an arrest is counted. One of the implications of this measure is that the same person may be arrested several times within the same year, thus, the number of arrests is not simply a measure of people arrested. Because of changes in reporting procedures for the larceny category during the early 1970's, the early data are not strictly comparable to the most recent data for property crimes.

Tables 5 and 6 present arrest rates broken down by size of place and by geographic region. These data show that the arrest rate for violent crime has increased by 118 percent over the period 1960-79. The property crime arrest rate increased by 109 percent on the basis of these data, however, the actual percent increase is lower than this due to alterations in the reporting procedures for larceny - a primary component of the property crime rate - over the period.

The patterns that are present in these arrest data mirror the patterns discussed concerning crime rates. For example, although cities exhibit much higher violent crime arrest rates than suburban or rural counties during each year of the period, the greatest increase in arrest rates for violent crimes occurred in the suburban counties (+341 percent; followed by +167 percent for rural counties and +106 percent for cities).

Table 5. Arrest rates (per 100,000 population) for index crimes known to the police, by size of place and type of crime, United States, 1960-79

NOTE: See Note, Table 4.

[Rate per 100,000 inhabitants]

Year	Cities			Suburban counties			Rural counties			Total		
	Total crime index	Violent crime	Property crime	Total crime index	Violent crime	Property crime	Total crime index	Violent crime	Property crime	Total crime index	Violent crime	Property crime
1960	568.0	112.8	455.2				298.2	51.0	247.2	500.7	97.4	403.3
1961	602.9	117.8	485.1				315.4	48.5	266.9	529.2	101.3	427.9
1962	597.3	112.8	484.4				308.5	49.0	299.6	530.4	99.1	431.2
1963	635.3	114.1	521.3				281.4	42.6	238.8	545.9	96.3	449.7
1964	675.2	119.2	555.9	370.5	43.3	331.6	293.8	43.5	250.2	587.3	101.7	485.4
1965	707.7	128.3	580.2	447.6	52.7	394.8	297.6	46.5	251.1	620.1	110.6	509.5
1966	728.9	139.9	588.9	456.8	59.6	397.1	267.3	44.0	223.2	629.8	119.5	510.4
1967	783.5	151.1	632.4	479.4	67.2	412.2	317.7	53.8	263.8	681.0	129.5	551.6
1968	827.9	158.6	669.2	510.6	71.8	438.8	312.9	54.7	258.2	718.5	136.8	581.8
1969	881.6	172.5	709.2	541.5	77.2	464.4	313.8	56.6	257.2	770.8	150.3	620.4
1970	984.8	186.4	798.4	581.3	85.8	495.6	326.7	63.1	263.6	838.2	159.6	678.6
1971	1044.3	204.9	839.4	621.2	93.0	528.2	370.0	71.2	298.8	897.1	175.8	721.4
1972	1041.0	220.2	820.7	689.1	116.6	572.6	357.4	72.2	285.2	881.5	186.5	695.0
1973	1013.2	214.7	798.5	707.4	121.1	586.3	420.1	85.5	334.6	883.4	187.3	696.1
1974	1221.9	240.5	981.4	892.7	144.6	748.1	525.2	116.5	408.8	1097.9	219.7	878.3
1975	1201.8	230.5	971.4	901.1	142.2	758.9	562.4	132.0	430.4	1059.6	206.7	852.9
1976	1164.8	215.1	949.7	890.3	137.4	752.9	534.4	127.7	406.7	1016.8	193.1	823.7
1977	1187.8	223.1	964.7	868.1	145.9	722.3	526.8	132.7	394.1	1039.5	202.7	836.7
1978	1159.4	223.4	936.0	1032.1	258.2	774.0	508.8	145.4	383.5	1047.6	215.5	832.2
1979	1192.1	232.5	959.6	891.4	191.1	700.3	569.9	136.4	433.4	1057.2	212.5	844.7

Table 6. Arrest rates (per 100,000 population) for index crimes known to the police, by region and type of crime, United States, 1970-79

NOTE: See Note, Table 4.

[Rate per 100,000 inhabitants]

Year	Northeast			North Central			Southern			Western		
	Total crime index	Violent crime	Property crime									
1970	690.0	146.2	453.8	843.8	132.3	711.5	913.7	187.0	726.7	1081.5	183.5	898.0
1971	728.1	180.2	547.9	828.7	132.7	696.0	916.3	198.8	717.5	1224.5	206.0	1018.5
1972	695.1	182.7	512.4	801.3	135.0	666.3	904.2	210.6	693.6	1283.2	245.6	1037.6
1973	748.8	201.3	547.5	754.3	116.5	637.8	886.0	205.8	680.2	1258.0	245.2	1012.8
1974	887.8	214.6	673.2	1026.8	165.0	861.8	1117.8	239.1	878.7	1407.8	288.5	1182.3
1975	897.9	219.1	678.8	898.6	133.4	765.2	1135.1	235.6	899.5	1365.2	250.6	1114.6
1976	931.8	209.2	722.6	831.8	123.3	708.5	1060.9	217.9	843.0	1337.4	222.9	1114.5
1977	982.1	220.1	762.0	875.6	131.2	744.4	1025.2	216.5	808.7	1360.1	255.8	1104.3
1978	1095.6	282.4	813.2	830.8	122.8	708.0	1027.8	222.9	804.9	1326.1	251.4	1074.7
1979 ^a	941.1	212.1	729.0	847.9	133.0	714.9	1069.5	235.6	833.9	1427.8	285.3	1142.5

^aExcludes arson.

The regional arrest rate data also yields similar patterns to data on crime rates in the regions. The Western region of the country recorded the greatest increase in the arrest rate for violent offenses during the period 1970-79 (+55 percent), followed by the Northeast region (+45 percent), the Southern region (+26 percent), and the North Central Region (+ less than 1 percent). Moreover, the Western region had the highest arrest rate for violent offenses in all but one year in the time-series. The Northeast region had the greatest percent increase in the total crime rate over the decade.

Characteristics of persons arrested

In addition to examining the trends in the rates of crime and arrests in the United States, it may be useful to examine some gross characteristics of persons arrested. These data might suggest, for example, that the characteristics of persons arrested are changing over time in specific directions, thus suggesting new crime prevention methods, correctional alternatives, etc. In Tables 7-9, the distributions of arrests by age, sex, and race for the period 1960-79 are examined.

Age. One of the most thoroughly documented findings in the criminological literature is the inverse relationship between age and involvement in rule-breaking. Many criminologists would argue that the time during which persons are most "at risk" of involvement in crime - for a number of reasons - is the adolescent and young adult period, roughly from ages 15-24. In recent years, however, concern has been expressed about the perception of a "juvenile crime wave", especially in terms of violent crimes. The data in Table 7 provide a perspective on trends in the proportion of index

Table 7. Percent of arrests for index crimes known to the police of selected age groups, by type of crime, United States, 1960-79

[Percent]

Year	Total index crimes			Violent crimes			Property crimes		
	Under 18	Under 21	Under 25	Under 18	Under 21	Under 25	Under 18	Under 21	Under 25
1960	43.2	57.8	68.9	16.2	29.9	45.4	49.8	64.6	74.7
1961	42.7	57.8	69.3	15.8	30.3	46.7	49.2	64.3	74.7
1962	45.4	59.7	70.9	17.3	31.7	48.2	51.9	66.2	76.1
1963	46.4	60.6	71.8	17.7	31.8	48.3	52.5	66.8	76.8
1964	48.5	62.5	73.6	18.5	32.4	49.2	54.8	68.8	78.7
1965	50.0	63.6	74.1	21.2	35.4	51.9	56.3	69.8	79.0
1966	50.8	64.7	74.9	21.8	36.5	52.8	57.7	71.4	80.2
1967	50.2	64.9	75.4	20.2	38.7	55.1	56.8	71.2	80.3
1968	48.9	64.9	76.2	22.2	39.5	56.7	55.2	70.9	80.8
1969	48.8	64.6	76.7	23.5	40.6	59.2	55.0	70.4	80.9
1970	46.1	63.2	76.0	22.6	40.1	58.5	51.7	68.6	80.1
1971	45.3	62.5	76.1	22.8	40.1	59.3	50.8	68.0	80.2
1972	44.6	61.3	75.2	22.6	39.3	58.5	50.5	67.2	79.6
1973	44.8	61.7	75.3	22.7	39.6	58.4	50.8	67.7	79.8
1974	45.1	62.9	76.4	22.6	40.7	59.7	50.7	68.5	80.6
1975	43.1	61.5	75.2	23.1	41.2	59.5	48.0	66.5	79.0
1976	41.6	59.5	73.7	22.0	39.6	57.8	46.1	64.4	77.5
1977	41.2	59.0	73.1	21.0	38.6	57.3	46.2	64.0	76.9
1978	40.5	58.2	72.3	21.4	38.8	57.5	45.5	63.2	76.2
1979	38.8	57.1	71.7	20.1	38.0	57.4	43.5	62.0	75.2

crime arrests attributed to youth.

Two patterns of substantive interest stand out in these data. First, the proportionate representation of youths varies considerably across the violent/property crime categories. For example, although persons under 18 represented over 43 percent of arrests for property crimes in 1979, this age group's share of arrests for violent offenses was only 20 percent. The second pattern that is evident in these data is the relative stability of the proportions of arrests attributable to the age groups over time, and especially in the past decade. Looking at violent crimes attributable to persons under 18 years of age shows the range over the twenty year period (1960-79) to be between 15.8 and 23.5 percent. In the decade of the 1970's, the proportion of violent crime arrests attributable to persons less than 18 has remained between 20 and 23 percent. Similar patterns are extant for the "Under 21" and "Under 25" age groups. Thus, these data would not lend credence to the arguments discussed above insofar as the relative contribution of youthful arrests to the total arrest picture appears, on the basis of these data, to have been stable over the last decade.

More generally, the data show that about one of every two arrests for a property crime during the period involved a person 18 or under. About one in five arrests for violent crimes involved a person under 18. Therefore, as noted above, youth are clearly overrepresented in these arrest statistics in relation to their numbers in the population.

Sex. In contrast to the age distribution of arrests, data on the sex distribution of arrests show marked changes - at least for property crimes. Females have always been underrepresented in official crime

Table 8. Percent of arrests for index crimes known to the police, by sex and type of crime, United States, 1960-79

[Percent]

Year	Total index crimes		Violent crimes		Property crimes	
	Male	Female	Male	Female	Male	Female
1960	89.9	10.1	89.5	10.5	90.0	10.0
1961	89.6	10.4	89.8	10.2	89.5	10.5
1962	88.5	11.5	89.7	10.3	88.2	11.8
1963	88.3	11.7	89.7	10.3	88.0	12.0
1964	87.4	12.6	89.6	10.4	87.0	13.0
1965	86.6	13.4	89.8	10.2	85.9	14.1
1966	86.1	13.9	89.9	10.1	85.2	14.8
1967	85.9	14.1	90.2	9.8	84.9	15.1
1968	85.8	14.2	90.6	9.4	84.6	15.4
1969	84.3	15.7	90.4	9.6	82.9	17.1
1970	83.1	16.9	90.4	9.6	81.3	18.7
1971	82.7	17.3	90.0	10.0	81.0	19.0
1972	82.0	18.0	90.0	10.0	79.8	20.2
1973	81.2	18.8	89.8	10.2	78.9	21.1
1974	81.0	19.0	89.8	10.2	78.8	21.3
1975	80.5	19.5	89.7	10.3	78.3	21.7
1976	80.1	19.9	89.5	10.5	77.9	22.1
1977	79.9	20.1	89.6	10.4	77.6	22.4
1978	80.1	19.9	89.8	10.2	77.6	22.4
1979	80.5	19.5	89.8	10.2	78.2	21.8

statistics relative to general population share. However, while the proportion of arrests for violent crimes involving females remained stable during the past 20 years (never varying more than .6 percent above or below a 10 percent share), the proportion of arrests for property crimes which involved females doubled over the period. Because property crimes make up the bulk of the index total, the total crime index also reflects a doubling (from a ratio of one in 10 to one in 5) of the proportion of arrests involving females.

Race. Finally, breakdowns of the arrests for index offenses by race are presented in Table 9. Once again, variation across crime types and consistency over time are the patterns that are present in these data.

The proportion of arrests for violent crimes that is attributable to whites has hovered at about 44 percent during the period 1960-79, while the white share of property crime arrests has been around 68 percent. The proportionate shares of blacks has been roughly 54 percent and 29 percent, respectively. The proportion of arrests involving other races has never exceeded 2.5 percent. Thus, while blacks have been and continue to be overrepresented in the official arrest statistics relative to the proportion of blacks in the general population, this fraction does not appear to be increasing over time.

Trends in the clearance rate

The final measure of police activity (or productivity) to be examined is the clearance rate, or the proportion of crimes known to the police that are "cleared by arrest." The UCR program considers a crime cleared by arrest (solved for reporting purposes) when at least one person is

Table 9. Percent of arrests for index crimes known to the police, by race and type of crime, United States, 1960-79

[Percent]

Year	Total index crimes			Violent crimes			Property crimes		
	White	Black	Other	White	Black	Other	White	Black	Other
1960	64.2	33.4	2.4	43.5	55.2	1.3	68.8	28.5	2.6
1961	66.4	31.6	1.7	45.9	52.8	1.3	70.6	27.2	1.8
1962	64.5	32.7	2.0	41.7	52.0	1.7	69.3	28.6	2.1
1963	65.5	32.8	1.7	45.0	53.6	1.4	69.5	28.7	1.8
1964	68.5	29.7	1.5	42.0	56.8	1.1	70.1	29.0	1.8
1965	63.6	34.4	2.0	43.6	53.6	1.8	67.3	30.7	2.0
1966	64.7	33.5	1.8	44.7	53.6	1.8	68.3	29.8	1.8
1967	66.0	32.1	1.9	36.8	61.7	1.5	68.2	29.9	1.9
1968	61.7	36.3	2.0	41.2	54.0	1.8	65.5	32.5	2.0
1969	57.9	40.1	2.0	44.8	53.4	1.8	63.0	34.9	2.1
1970	63.9	34.0	2.1	35.0	62.9	2.1	66.6	31.3	2.1
1971	59.2	36.7	2.1	35.2	62.7	2.1	68.1	29.8	2.1
1972	62.3	35.9	1.8	44.3	53.7	2.0	66.8	31.5	1.7
1973	67.4	31.2	1.4	40.7	58.0	1.3	70.2	28.4	1.5
1974	63.4	34.3	2.4	47.5	49.9	2.5	67.0	30.7	2.3
1975	65.1	32.8	2.1	50.8	47.1	2.2	68.3	29.6	2.1
1976	68.1	29.7	2.2	45.9	52.1	1.9	70.3	27.6	2.2
1977	64.2	33.6	2.2	52.2	45.7	1.1	67.1	30.6	2.2
1978	63.1	33.9	3.1	50.3	46.2	3.4	66.4	30.7	3.0
1979	65.3	32.4	2.3	53.7	44.1	2.2	68.2	29.4	2.4

arrested, charged, and turned over to the court for prosecution. The UCR program also lists 10 categories of "cleared by exceptional means", which include cases such as a suicide by the offender, police or citizen killing of the offender, reluctance by the victim to pursue prosecution, and others. The relationship between arrests and clearances must be noted: an arrest of a single person may clear several crimes, or one crime may be cleared by the arrest of several persons.

Table 10 presents data on the clearance rate by type of crime and size of place. First, note that clearance rates for violent crimes are substantially higher than for property crimes. The F.B.I. observes that "clearances for crimes against persons are generally higher than for those against property because more intense investigation efforts are often afforded these offenses and because witnesses who can identify the perpetrators are frequently available." (1980:177). Second, the clearance rates vary by size of place. Considering the decade of the 1970's, these data show that rural areas have slightly higher clearance rates than cities or suburban areas for property crimes, but substantially higher clearance rates for violent crimes. The increased anonymity of persons within cities may be a factor in this area.

The third pattern that emerges from these data is the relative stability of the clearance rate, especially during the last decade. In the total index crimes, the clearance rates for cities from 1970-79 have ranged from 19 to 22 percent, for suburban areas from 16 to 20 percent, and in rural areas from 22 to 26 percent - in no case does the range exceed 4 percent points. Thus, despite substantial increases in the volume and rate of crimes reported to the police over the last decade, the police have cleared a fairly constant proportion (about one of five)

Table 10. Percent of offenses known to police that were cleared by arrest, by type of crime and size of place, United States, 1963-79

[Percent]

Year	Total index crimes			Violent crimes			Property crimes		
	Cities	Suburban areas	Rural areas	Cities	Suburban areas	Rural areas	Cities	Suburban areas	Rural areas
1963	27.3	26.6	34.1	74.0	66.3	72.4	23.1	21.8	30.3
1964 ^a	26.7	26.1	35.5	61.0	63.8	79.6	22.0	22.8	30.2
1965 ^a	26.3	23.3	31.3	59.3	58.3	70.1	21.4	19.8	26.9
1966 ^a	24.3	21.4	29.3	55.5	55.6	69.8	19.6	18.1	24.9
1967	22.4	19.8	27.0	51.4	53.2	66.2	18.0	16.7	22.7
1968	20.9	18.9	28.1	47.9	50.8	69.8	16.8	16.0	23.6
1969	20.1	18.8	25.3	46.5	52.8	66.6	16.1	15.9	21.0
1970	20.1	16.6	25.7	47.6	48.7	71.7	16.1	13.8	20.9
1971	19.7	16.6	25.5	46.5	48.7	72.1	15.7	13.8	20.4
1972	20.6	17.2	25.2	48.8	50.3	70.2	16.1	14.0	20.1
1973	21.2	19.2	23.5	45.2	51.2	69.5	18.3	17.0	19.3
1974	21.3	19.5	24.0	45.2	50.0	69.7	18.5	17.3	19.7
1975	21.0	19.7	23.6	44.7	50.0	70.1	18.5	17.6	19.4
1976	20.5	19.1	22.7	45.5	51.3	69.5	18.0	16.9	18.7
1977	21.0	19.3	23.1	45.8	50.9	69.2	18.3	16.9	18.8
1978	20.8	19.4	22.7	45.5	49.9	67.9	18.1	17.0	18.4
1979	19.8	19.0	22.8	43.7	49.3	67.0	17.1	16.6	18.8

^a Agencies and population represented in suburban areas are also represented in other city groups.

of the cases before them.

Summary

In this section, time-series data on reported crime, arrests, and clearances have been reviewed. These data have shown that over the past 20 years, violent crime has increased 233 percent and property crime has risen 189 percent. The increase in crime has been felt in all regions of the country, but the Northeastern states saw the highest percent increases in the crime rate from 1960-79. The Western region of the country continues to have the highest crime rates in the nation.

Crime rates continue to be higher in metropolitan areas, but non-metropolitan areas incurred the greatest growth in crime rates over the past two decades.

The regional and urbanization patterns in the crime rates are mirrored by the arrest rate. For example, although cities exhibit higher arrest rates for violent crimes, the largest increases in arrest rates for violent offenses took place in suburban counties.

The data on trends in the distribution of demographic characteristics of arrests yielded several interesting findings. Contrary to some contemporary notions, the proportional share of arrests involving youths has been fairly stable over time, and especially so in the last decade. On the other hand, the proportion of arrests for property crimes attributable to females has doubled over the period 1960-79. The trends in arrests across racial categories shows that the race distribution varies by type of crime, but that the proportions have demonstrated consistency over time.

Finally, the analysis of trends in the crime clearance rate showed that these rates vary by type of crime and size of place, but that the proportion of crimes cleared by arrest has remained stable during the last decade.

II. Victimization Experience: The National Crime Survey

alternative
 A different approach to the measurement and assessment of trends in criminal behavior is represented by the data collected through the National Crime Survey (NCS). *As Dr. Zedler noted.* As noted earlier, one of the chief criticisms of the official police statistics reported in the Uniform Crime Reports is that these data are based on crimes known to the police. The "dark figure" of crimes not known to the police - either because the offenses are not detected or because victims fail to report some offenses - is not represented in the Uniform Crime Reports data base. Early studies of victimization experience based on general population surveys suggested that the undercount involved in official police statistics may have been 50 percent across all offense categories (President's Commission on Law Enforcement and Administration of Justice, 1967a).

→ The National Crime Survey is a continuous national survey of households that collects data on the criminal victimization experiences of household members.¹ (For more detailed information concerning the development of the survey and data collection procedures see Garofalo and Hindelang, 1977 or Hindelang, 1976). The data reported below are from the NCS national sample, collected by the U.S. Bureau of the Census, in cooperation with the Bureau of Justice Statistics. In the national survey, probability samples of both housing units and businesses were selected on the basis of a stratified, multistage, cluster design.² The data reported herein cover the period from 1973 to 1979.

The total sample size interviewed annually for the national surveys is about 60,000 households containing about 136,000 individuals. The total interviewed sample is composed of six independently selected subsamples of

about 10,000 households with 22,000 individuals. Each subsample is interviewed in successive months about victimizations suffered in the preceding six months; each subsample is interviewed twice per year. For example, in January 22,000 individuals (in 10,000 households) are interviewed. In the following month -- and in each of the next four succeeding months -- an independent probability sample of the same size is interviewed. In July, the housing units originally interviewed in January are revisited and interviews are repeated; likewise, the original February sample units are revisited in August, the March units in September, etc. Each time they are interviewed in the national survey, respondents are asked about victimizations that they may have suffered during the 6 months preceding the month of interview.

Thus, the national survey is conducted using a panel design; the panel consists of addresses. Interviewers return to the same housing units every 6 months. If the family contacted during the last interview cycle has moved, the new occupants are interviewed. If the unit no longer exists or is condemned, it is dropped from the sample, but new units are added to the sample periodically. For household units this is accomplished by a continuing sample of new construction permits; new business units are added to the samples as they appear in the sampling segments during each month's enumeration. No attempt is made to trace families or businesses that have moved.³ Housing units in the panel are visited a maximum of seven times, after which they are rotated out of the panel and replaced by a new, independent probability sample; maximum time in the sample for any housing unit, then is 3 years.

The data reported in NCS reports represent estimates of crimes occurring in the United States, based on weighted sample data. It is possible to make

these estimates because a probability sample of respondents was surveyed. The interview completion rate in the national sample is about 95 percent or more of those selected to be interviewed in any given period, and hence population estimates are relatively unbiased.

On the basis of the details of precisely what transpired -- whether force or threat of force was used by the offender, whether some theft was attempted or completed, whether serious injury was sustained, etc. -- crimes are classified according to definitions used in the Uniform Crime Reports.

Table 11 below presents data on the number and rate (per 1,000 individuals 12 years of age or older for personal victimizations, and per 1,000 households for household victimizations) of victimization as reported by the National Crime Survey program for the period 1973-79. Table 12 presents data on the percent change in reported victimization rates over the seven year period. These data show that crimes of violence increased by 6.1 percent from 1973 to 1979, led by a nearly 17 percent increase in the simple assault victimization rate and a nearly 14 percent increase in the rape rate. In contrast, the rate of reported robbery victimization declined by over 7 percent over the same period. Rates of personal crimes of theft were relatively stable throughout the period.

In the household sector, rates of burglary and motor vehicle theft decreased by over 8 percent during 1973-79, however, a 25 percent increase in the rate of household larceny was recorded. The only victimization categories that yielded statistically significant differences over the 7 year period were the rates of simple assault, (increase) household burglary, (decrease), and household larceny (increase). Other data reported by the NCS

Table 11. Estimated number and rate (per 1,000 of respective category) of personal and household victimizations, by type of crime, United States, 1973-79

[Rate per 1,000 persons 12 years of age or older for personal crimes; rate per 1,000 households for household crimes]

Sector and type of crime	1973	1974	1975	1976	1977	1978	1979
Personal sector							
Crimes of violence							
Number	5,351,000	5,510,000	5,573,000	5,599,000	5,902,000	5,941,000	6,159,000
Rate	32.6	33.0	32.8	32.6	33.9	33.7	34.5
Rape							
Number	156,000	163,000	154,000	145,000	154,000	171,000	192,000
Rate	1.0	1.0	0.9	0.8	0.9	1.0	1.1
Robbery							
Number	1,108,000	1,199,000	1,147,000	1,111,000	1,083,000	1,038,000	1,116,000
Rate	6.7	7.2	6.8	6.5	6.2	5.9	6.3
Assault							
Number	4,087,000	4,148,000	4,272,000	4,344,000	4,664,000	4,732,000	4,851,000
Rate	24.9	24.8	25.2	25.3	26.8	26.9	27.2
Aggravated assault							
Number	1,655,000	1,735,000	1,631,000	1,695,000	1,738,000	1,708,000	1,769,000
Rate	10.1	10.4	9.6	9.9	10.0	9.7	9.9
Simple assault							
Number	2,432,000	2,413,000	2,641,000	2,648,000	2,926,000	3,024,000	3,082,000
Rate	14.8	14.4	15.6	15.4	16.8	17.2	17.3
Crimes of theft							
Number	14,971,000	15,889,000	16,294,000	16,519,000	16,933,000	17,050,000	16,382,000
Rate	91.1	95.1	96.0	96.1	97.3	96.8	91.9
Personal larceny with contact							
Number	504,000	520,000	524,000	497,000	461,000	549,000	511,000
Rate	3.1	3.1	3.1	2.9	2.7	3.1	2.9
Personal larceny without contact							
Number	14,466,000	15,369,000	15,770,000	16,022,000	16,472,000	16,501,000	15,871,000
Rate	88.0	92.0	92.9	93.2	94.6	93.6	89.0
Total population age 12 and over							
	164,363,000	167,058,000	169,671,000	171,901,000	174,093,000	176,215,000	178,284,000
Household sector							
Household burglary							
Number	6,458,700	6,720,600	6,743,700	6,663,400	6,764,900	6,704,000	6,685,400
Rate	91.7	93.1	91.7	88.9	88.5	86.0	84.1
Household larceny							
Number	7,537,300	8,933,100	9,223,000	9,300,900	9,418,300	9,351,900	10,630,100
Rate	107.0	123.8	125.4	124.1	123.3	119.9	133.7
Motor vehicle theft							
Number	1,343,900	1,358,400	1,433,000	1,234,600	1,296,800	1,365,100	1,392,800
Rate	19.1	18.8	19.5	16.5	17.0	17.5	17.5
Total number of households	70,442,400	72,162,900	73,559,600	74,956,100	76,412,300	77,980,400	79,498,600

NOTE: Detail may not add to total shown because of rounding.

Source: U.S. Department of Justice, Bureau of Justice Statistics, Criminal Victimization in the U.S. Summary Findings of 1978-79 Changes in Crime and of Trends Since 1973. National Crime Survey Report SD-NCS-N-18, Washington, D.C.: U.S. Department of Justice, September 1980.

Table 12. Percent change in estimated rates (per 1,000 of respective category) of personal and household victimization, by type of crime, United States, 1973-79

[Rate per 1,000 persons 12 years of age or older for personal crimes; rate per 1,000 households for household crimes]

Sector and type of crime	Percent change in victimization rate					
	1973-79	1974-79	1975-79	1976-79	1977-79	1978-79
Personal sector						
Crimes of violence						
Rape	*+6.1	**+4.7	**+5.2	*+6.0	+1.9	+2.4
Robbery	+13.7	+10.2	+18.7	+28.6	+21.3	+11.3
Assault	-7.1	*-12.8	-7.4	-3.1	+0.6	+6.3
Aggravated assault	*+9.4	*+9.6	*+8.1	*+7.7	+1.6	+1.3
Simple assault	-1.5	-4.5	+3.2	+0.6	-0.6	+2.4
Crimes of theft	*+16.8	*+19.7	*+11.1	*+12.2	+2.9	+0.8
Personal larceny with contact	+0.9	*-3.4	*-4.3	*-4.4	*-5.5	*-5.0
Personal larceny without contact	-6.5	-7.7	-7.1	-0.7	+8.3	-8.0
Motor vehicle theft	+1.1	*-3.2	*-4.2	*-4.5	*-5.9	*-4.9
Household sector						
Household burglary	*-8.3	*-9.7	*-8.3	*-5.4	*-5.0	-2.2
Household larceny	*+25.0	*+8.0	*+6.6	*+7.8	*+8.5	*+11.5
Motor vehicle theft	-8.2	-6.9	*-10.1	+6.4	+3.2	+0.1

*Statistically significant at the 95 percent confidence level.

**Statistically significant at the 90 percent confidence level.

Source: U.S. Department of Justice, Bureau of Justice Statistics, Criminal Victimization in the U.S. Summary Findings of 1978-79 Changes in Crime and of Trends Since 1973. National Crime Survey Report SD-NCS-N-18, Washington, D.C.: U.S. Department of Justice, September 1980.

program indicate that the police reporting rate for all crime categories has not changed significantly over the period 1978-79. About 45 percent of victimizations involving personal crimes of violence are reported to the police, ranging from less than 38 percent of simple assaults to over 55 percent of robbery victimizations. In the household sector, only 48 percent of household burglaries are reported to the police, and only 25 percent of household larcenies are reported. However, over 68 percent of motor vehicle thefts are reported to the police. The reasons offered by crime victims for not reporting victimizations to the police have been extensively examined in recent studies. (See Hindelang, 1976).

A question that has received considerable attention from statisticians and social scientists since the publication of National Crime Survey findings is the apparent inconsistency between victimization rates derived from the surveys and official estimates of crime rates as recorded by the UCR program. These differences are illustrated by the data reviewed in this report. For example, the UCR data showed an 84 percent increase in the rape rate from 1970 to 1979, a 23 percent increase in the robbery rate, and a 38 percent increase in the burglary rate. NCS data for the period 1973-79 reflect 13.7, -7.1, and -8.3 percent changes in these offenses respectively. Similarly, UCR data show a 9 percent increase in auto theft over 1970-79 while NCS 1973-79 statistics reflect on 8.2 percent decrease in motor vehicle theft. These comparisons must be viewed cautiously because of the different time periods involved, however, the critical question of how victimization survey data "relate" to official police data remains.

Hindelang (1976) notes that the ability to make comparisons with Uniform Crime Reports was not one of the major justifications for undertaking

the National Crime Surveys. He lists several key differences between the data collection systems that make comparison of UCR/NCS data problematic, including (1) the limited range of offenses for which data are collected in the victimization survey, (2) different reference periods used to report the data, (3) differing counting rules which complicate the recording of series victimizations, (4) the restriction of victimization survey only to residents who are 12 years of age or older (5) biases such as memory decay and telescoping of past events that may influence reporting of victimizations, and (6) the inclusion of victimizations not reported to the police in the victimization survey data. Hindelang's cross-city analysis of UCR/NCS figures showed that congruence between the two data sources varied by type of crime (the auto theft rate comparison showed close correspondence) and the rate of non-reporting to police. That is, offenses with higher rates reporting to police reflect closer correspondence between NCS and UCR figures. Nelson (1978) reached similar conclusions in his comparative analysis of NCS and UCR rates in 26 cities.

Eck and Riccio (1979) have addressed the issue of the relationship between changes in victimization rates and official crime rates over time. Comparing the percent changes in counts for total crime and violent crime from the NCS and UCR for the period 1973-75, Eck and Riccio observed that "[L]ooking at these figures, one would infer that the two series are telling somewhat different stories about crime. The UCR indicated that crime was going up more than twice as fast as the victimization studies indicated. The obvious question is, of course, why is there such a difference in the size of the increase in crime?" (1978:294-5). They conclude, on the basis of several analyses, that percent changes in the proportion of victimizations

reported to the police is a key factor in the discrepancy between the survey-derived and official-record rate increases. Even small year-to-year percent changes in the proportion of victims who report their victimization to the police produce volatility in official crime rates. In short, Eck and Riccio conclude that a fuller understanding of the nature of changes in crime requires that both major sources of data - official data on crimes known to police as well as victim survey data - be examined in concert.

III. Analysis of Crime Rate Changes and Forecasts for the Future

If we knew, with some degree of certainty, the factors and conditions in society that "drive" crime rates at the national level, projecting future trends in the crime rate would be a simple matter of quantifying expected changes in these related indicators and calculating the associated anticipated change in crime. Thus projections of the future in terms of crime would reduce to relatively mechanical estimation under various sets of assumptions. The crucial problem in this enterprise has been (and continues to be) the identification of indicators that vary in a systematic fashion with trends in crime.⁴ Therefore, before discussing several statistical forecasts of future crime rates that have been produced by various researchers, it may be helpful to review the studies that have sought to identify the macro-level correlates of crime rates.

In 1967, the President's Commission on Law Enforcement and Administration of Justice (1967a) undertook an examination of demographic variables associated with the increase in the volume of crime from 1960 to 1965. The introduction to the Commission's analysis summarizes the premises of this approach:

"If young persons are more likely than older persons to commit certain types of offenses, it follows that a population which experiences an increase in the number of young persons will also experience an increase in the volume of these crimes. In a similar vein, it has been demonstrated that males are more prone than females to some offenses, residents of central cities, especially the 'inner city,' than of rural areas, etc. An adequate analysis of the impact of this kind of demographic change on the volume of crime would permit more precise understanding of the nature of the crime problem. . . . Such knowledge would assist in making the most efficient allocation of effort and resources for the prevention and control of crime . . . would also permit projections of the likelihood of increases in the volume of certain offenses because of prior birth rates and population movements within the country (1967a:207).

The Commission's analysis of 1960-65 changes in the volume of crime concluded 24 percent of the increase could be "explained" by population size; 21 percent by population size and urbanization shifts; 20 percent by the combined effects of population size, urbanization, and sex distribution; 49 percent by population size and age composition; 46 percent by population size, age composition and urbanization; and 46 percent by population size, racial composition and urbanization.

The importance of the age composition of the population in relation to crime rate changes was confirmed by Sagi and Wellford (1968), who reported that 40 percent of the increase in the "offense rate" over the period 1958-64 was attributable to shifts in the age distribution of the U.S. population. In a subsequent report Wellford (1973) extended the time frame from 1958 to 1969 and reported that 45 percent of the "offense rate" increase over the period was accounted for by age component changes. Ferdinand (1970) studied the period 1950-65 and found that about 30 percent of the increase in reported crime was attributable to demographic shifts (specifically, 12 percent to age structure and 19 percent to urbanization).

Fox (1978) has criticized these early attempts to conceptualize components of crime rate changes on methodological and analytic grounds, particularly in regard to the use of only two time periods for comparison and the use of only a small number of exogenous variables. Substantively, Cohen, Felson and Land (1980) contend that the influence of age composition of the population on crime rate changes may have been overemphasized. They report that "these few studies conclude consistently that changes in age structure alone can account for only a relatively modest portion of the increments in the general crime rates since

1960 in the United States" (1980:91), and suggest that researchers utilize more rigorous macrodynamic social indicator models in the analysis of crime rate trends.

Analyses of the type suggested by Cohen, Felson and Land have been conducted only in the last five years as multivariate analytic methods developed by econometricians have been adopted by sociologists. Fox (1976) for example, examined several demographic and economic indicators in relation to time-series data on crime rates for the United States since 1950. His analysis pointed to the importance of race, sex and age composition (specifically, the proportion of young black males in the population) and the consumer price index in accounting for annual changes in the UCR Index property and violent crime rates. A multivariate analysis of property crime rates from 1947-72 reported by Cohen, Felson and Land (1980) incorporated a theoretical position that changes in the routine activities of Americans (such as labor force participation and dispersal from households during the day) have an impact on criminal opportunity that can influence the rate of property crime. In addition to these factors, the researchers considered the age composition of the population over the 25 year period, total consumer expenditures for non-automobile durable goods ("to measure trends in the availability of suitable property targets") and the number of automobiles per capita (an index of available targets for auto theft). The findings of this analysis were reported separately for the offenses of robbery, burglary and auto theft.⁵

For the crime of robbery over the period 1947-72, the research found that the "rate increases with greater proportions of adolescents and lower residential population density ratios, yet it is fairly slow to respond to changes in these variables. . ." (1980:105). The findings also suggest a modest inverse relationship between robbery rates and unemployment. That is, as the employment

rate increases, the robbery rate is decreased. Cohen, Felson and Land suggest two explanations for this finding: "It can be argued that periods of high unemployment tend to remove some persons from work activity and therefore to reduce their exposure to property crime victimization in transit locations . . . it can also be argued that an economic downturn, by reducing overtime work and money available for leisure, contributes to the concentration of activities within or proximate to households." (1980:102).

For the crime of burglary, the 1947-72 data showed that, once again, the age composition factor and residential population density ratio are important correlates of the burglary rate. In addition, the researchers conclude that "increases in the consumption of non-automobile durable goods feeds the burglary rate" (1980:106). In contrast to the robbery findings, the unemployment rate was positively associated with the burglary rate, leading Cohen, Felson, and Land to conclude that for burglary, "the unemployment rate seems to behave more as an index of the presence of offenders than as an index of variations in criminal opportunity due to the presence or absence of guardians" (1980:107).

Finally, the auto theft rate was found to be significantly associated with the proportion of the population aged 15 - 24, the residential population density ratio, and the unemployment rate. As was the case with robbery, the unemployment rate and auto theft rate were inversely related, indicating "that persons not working (or working less during a business slump) may be less likely to expose their automobiles to illegal removal." (1980:108).

The studies reviewed above illustrate the multitude of factors that must be considered in developing forecasts of future crime rates. Although certain

variables - particularly the age distribution of the population - have repeatedly been shown to be important indicators of crime rate trends, these studies show that meaningful forecasts must recognize the complexity of the social factors that influence crime.

Forecasts

As noted above, our limited knowledge of the forces that drive crime rates makes projection in this area difficult. Various forecasting methods that have been utilized in the past, such as genius forecasting, opinion consensus methods, simulation, and scenario writing make it difficult to identify the components which are presumed to influence the forecast (see Hasenpusch, 1978). Straight-line projections of crime rates into the future fail to incorporate exogenous factors that can materially influence projections of crime levels. (See Sepler, 1979 for an example of this method.) The method which flows from the studies discussed above -- projecting ecological relations into the future -- most fully incorporates potential social, demographic, economic and related developments into the projection. However, even these projections will be incomplete to the extent that unanticipated developments that are not considered by the forecaster may occur. Cohen, Felson and Land provide an example of this problem in their discussion of the effect of improved automobile ignition security systems installed in automobiles beginning in the early 1970's on the auto theft rate. They note that . . .

"As with all ex ante forecasts, our efforts are based on structures estimated on the basis of past behavior and assume that the technology, social organization, and behavior patterns that have governed the reactions of Americans to criminal risk in the past will apply in the future. For example, our forecasts obviously assume that there will not be major technological advances in domestic security systems during the next decade, no major reorganizations of police or citizen behavior patterns vis-a-vis guardianship of exposure to risk of property

crime, no major increase in the effectiveness of the criminal justice system in controlling property crime, etc. They also assume no major alterations in social organization or individual behavior patterns in reaction to the forecasts themselves!" (1980:115-116).

Finally, another limitation to these statistical projection efforts is that they cannot consider the development of totally new forms of crime that may arise in the future. Wilkins (1975) has observed that social variety and technological advancement is often accompanied by the creation of new forms of criminal behavior. The lack of preparedness and ability of traditional policing organizations to deal with sophisticated forms of computer crime is an example.

With these considerable limitations of forecasting in mind, the results of recent forecasting efforts can be discussed. This is not a difficult task, since "surprisingly little research has been devoted to the problem of forecasting trends in official crime rates" in the United States. (Cohen, Felson, and Land, 1980:90-91). However, two recent efforts in this area can be reported.

On the basis of his examination of crime rates since 1950, Fox (1978) presents several forecasts of crime rates through the year 2000. As noted earlier, the primary factors in Fox's research that influence the forecasts are the proportion of young nonwhite males in the population and fluctuations in the Consumer Price Index. The forecasted rates (based on Series 2 population projections) are presented in five-year intervals below:

Year	Total Crime Rate	Violent Crime Rate	Property Crime Rate
1980	7329.7	741.2	6588.5
1985	7654.5	694.7	6959.8
1990	8095.9	667.5	7428.4
1995	8936.9	647.4	8298.5
2000	9467.0	747.9	8719.1

Source: Fox, 1978:55

Fox concludes, on the basis of his model, that "the crime rate forecasts reveal a general reduction in upward trend during the 1980's and a trend increase during the 1990's. In fact, the violent crime rate, albeit a small portion of all Index offenses, should decline in the 1980's before increasing again in the 1990's" (1978:51). Returning once again to the importance of the age pyramid in determining crime rate trends, Fox observes that his results affirm the important conclusion: "fluctuations in the crime rate occur as a function of fluctuations in age composition" (1978:74).

The forecast of robbery, burglary and auto theft rates for 1985 reported by Cohen, Felson and Land also incorporates anticipated shifts in the age structure of the U.S. population during the next five years. They project a 14 percent decline in the proportion of the population aged 15-24 in 1985 over 1977. In addition, they assume the following 1977-1985 changes in other factors: a 4 percent decline in their residential population density ratio; a 62 percent increase in constant dollar consumer expenditures for non-automobile durable goods; and assumed unemployment rates of 5 percent and 6 percent in 1985, versus 7 percent in 1977. Given these assumptions, their findings forecast a 26-32 percent decline in the robbery rate; 19-21 percent increase in the burglary rate, and an 8-15 percent decrease in the auto theft rate for 1985. (1980:114). The forecasted increase in the burglary rate is linked to the anticipated increase in "target availability" as indicated by the projected increase in non-automobile consumer durables expenditures. However, the researchers note that the burglary rate "has tended historically to move in the same direction as the robbery and automobile theft rates. Therefore, if one accepts the premise that this association will continue into the next decade, one is led to conclude

that the major social forces affecting changes in the burglary rate should be the same as those affecting robbery and automobile theft. From this, it follows that a decrease is to be expected in all three rates" (1980:115).

Summary

Although great caution must be exercised in the development and interpretation of forecasts of social phenomenon such as crime, the findings of the studies reviewed above allow us to make several conclusions. First, the age composition of the U.S. population -- particularly the proportion of the population in the most crime-prone years of youth and early adulthood -- has been shown repeatedly to play an important role in the crime rate. To the extent that shifts in the age structure are anticipated in the coming decade, corresponding shifts in rates of reported crime are also expected. However, these studies also demonstrate that various other factors, such as economic conditions, and alterations in family, social and related activities, also influence crime rates. Nevertheless, these studies forecast a abatement in the rate of increase of reported crime, if not an actual reduction in the volume of serious crime, in the decade of the 1980's. Thus, it would appear that the dramatic annual increases in the crime rate of the 1960's are behind us. However, it must be borne in mind that even small increases in the crime rate in the future will be based on current rates which are at high levels (compared to the past). Thus, while the forecasts reported above are encouraging, it is clear that crime will remain a significant concern for Americans throughout the decade.

IV. Trends in Public Attitudes Regarding Crime

The analysis of changes in crime and its impact over time can be approached from a different perspective through the examination of public opinion poll data on attitudes toward crime in the country. Garofalo has noted that "the public's fear of crime has become the basis for a number of social-political decisions and programs in the United States," (1979:80) ranging from programs designed to alleviate fear to legislation that attempts to address specific crime types most feared by the public. In addition to political ramifications of public attitudes concerning crime, some observers have suggested that - like official crime rates and victimization survey findings - data on the public's fear of crime and perception of the crime problem are important "social indicators" of the quality of Americans' lives. (Garofalo and Laub, 1978). Lewis and Maxfield (1980) cite newspaper editorial opinion that labels "the fear of crime as one of the principal causes of the decline of city life." Skogan (1977) summarizes the importance of this issue:

"The fear of crime greatly affects the quality of urban life. It affects it directly through its impact upon our use of the streets and parks, the bustle of social activity, shopping, and recreation, and the diversity and anonymity that have long characterized city dwelling. It affects it indirectly through the debilitating impact of crime upon social intercourse, community morale, and even the economic base of the city. When shops and restaurants close, when downtown streets become lonely canyons in the evening and when families rearing children flee the central city, we all suffer the consequences. The fear of crime has a social, political, and economic reality of its own, quite independent of the true dimensions of the crime problem and the efficacy of crime-reduction policies. The development of social indicators of this aspect of the quality of life and the cultivation of programs that succeed in coping with it should be high on the agenda of innovators in criminal-justice administration."

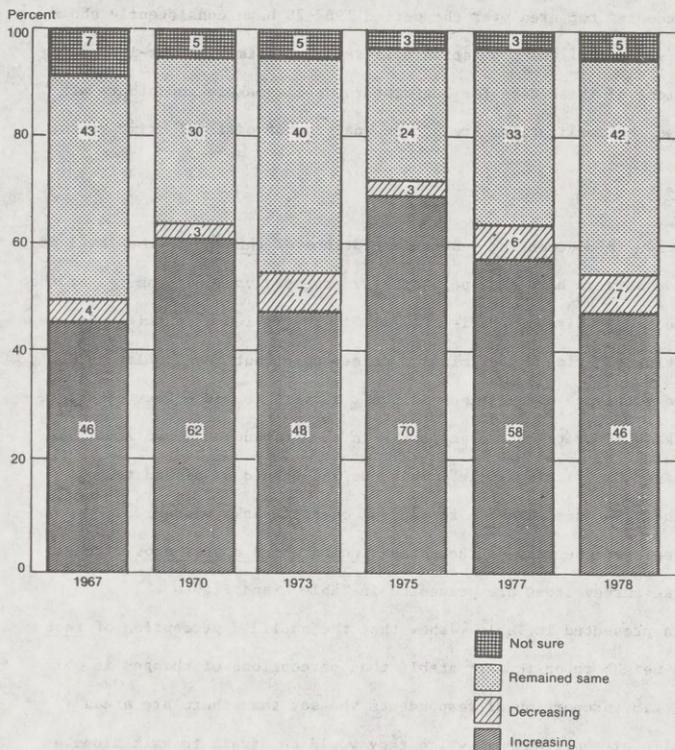
Several studies have been undertaken in recent years that examine the nature and extent of the public's attitudes regarding crime, correlates of these attitudes, and changes in these perceptions over time. In this section, these data are briefly presented to provide an additional perspective on crime in America.

Perceptions of Changes in Crime Levels

Public opinion polls rarely ask respondents about their perceptions regarding national trends in crime (Margarita and Parisi, 1979). Rather, periodic surveys of attitudes toward changes in the level of crime usually ask the respondent to assess changes in the crime rate in the respondent's "area". Figure 3 presents data on these perceptions for selected years from 1967 to 1978. A plurality of respondents in each year responded that they felt crime was increasing in their own area during the past year. However, the proportion of respondents who felt crime had increased fluctuated from survey to survey, ranging from 46 percent in 1967 and 1978 to 70 percent in 1975. Because of the manner in which the questions were worded and the restriction of coverage to the respondent's "own area", it is impossible to make a meaningful comparison between these attitudinal data and national rates of reported crime published by the Uniform Crime Reports. Moreover, public perceptions of changes in the level of crime may encompass more than assessments based on knowledge of national crime statistics. For example, Margarita and Parisi report studies that suggest that other factors such as media coverage of crime generally, and news reports of particularly heinous offenses in the local area may influence citizens' perceptions. In addition, Garofalo and Laub (1978) have suggested that the public's perception of crime may involve larger concerns such as decaying physical environments, inadequate

Figure 3. Attitudes toward changes in the level of crime in own area, United States, selected years 1967-78

Question: "In the past year, do you feel the crime rate in your own area has been increasing, decreasing or has remained the same as it was before?"



Source: Louis Harris, *The Harris Survey*, May 8, 1977, p. 1; *The ABC News-Harris Survey*, May 17, 1978, p. 3 (Chicago: *The Chicago Tribune*). Reprinted by permission. Figure constructed by SOURCEBOOK staff.

public facilities and others.

Regardless of these factors, public perceptions of the level of crime in the respondents' own area over the period 1967-78 have consistently shown that a large segment of the population believes that crime is ever-increasing. The implications of these data for legislators, policymakers and others are as pressing as the implications drawn from analyses of official crime rates.

Fear of Crime

In addition to documenting public perceptions of changes in the level of crime, opinion surveys have also periodically assessed various measures of the fear of crime. Margarita and Parisi (1979), in their view of public opinion data in relation to crime and criminal justice, point out that pollsters generally use two types of questions in their surveys to gauge fear of crime. The first asks whether there are any areas in the respondent's own area (usually defined as "within a mile") where he/she should be afraid to walk alone at night. The second and more general question asks whether the respondent feels more uneasy on the streets compared to a year ago. Trend data for these survey items are presented in Table 13 and Figure 4 .

The data presented in Table 13 show that the public's perception of fear in one's own neighborhood is more stable than perceptions of changes in crime rates. The proportion of respondents who say that there are areas within one mile of their home in which they would be afraid to walk alone at night was around 42-45 percent in the 1972, 1975, and 1979 Gallup surveys. These findings coincide with data reported by the General Social Survey conducted by the National Opinion Research Center. The NORC surveys asked the same question posed by the Gallup organization to national samples of the

Table 13. Respondents reporting fear of walking alone at night, by demographic characteristics, 1967, 1972, 1975, and 1979

Question: "Is there any area right around here—that is, within a mile—where you would be afraid to walk alone at night?"

	[Percent]			
	1967	1972	1975	1979
National	31	42	45	42
Sex:				
Male	16	22	28	25
Female	44	60	63	57
Race:				
White	29	42	43	40
Nonwhite	46	48	57	57
Education:				
College	29	42	42	36
High school	31	42	45	44
Grade school	33	46	50	48
Occupation:				
Professional and business	32	39	40	40
Clerical and sales	40	46	51	45
Manual workers	31	41	43	40
Nonlabor force	NA	NA	54	51
Income:				
\$25,000 and over	NA	NA	NA	32
\$20,000 to \$24,999	NA	NA	NA	33
\$15,000 to \$19,999	NA	NA	NA	38
\$10,000 to \$14,999	NA	NA	NA	44
\$5,000 to \$9,999	NA	NA	NA	52
Under \$5,000	NA	NA	NA	55
Age:				
Total under 30 years	NA	NA	43	44
18 to 24 years	NA	41	44	45
25 to 29 years	NA	37	42	42
30 to 49 years	30	38	42	32
50 years and older	33	48	50	49
City size:				
500,000 and over	40	48	56	52
50,000 to 499,999	38	51	50	50
2,500 to 49,999	22	40	45	38
Under 2,500, rural	21	28	28	25
Region:				
East	32	42	47	42
Midwest	26	34	39	36
South	34	52	48	46
West	32	41	49	44
Religion:				
Protestant	30	42	44	44
Catholic	30	42	46	39
Politics:				
Republican	26	46	43	41
Democrat	34	47	48	46
Independent	29	33	43	37

Source: George H. Gallup, *The Gallup Opinion Index, Report No. 172* (Princeton, N.J.: The Gallup Poll, November 1979), p. 22. Reprinted by permission.

population. The proportion responding affirmatively from 1973 to 1977 was 41, 45, 44, and 45 percent respectively for each year (Flanagan, Hindelang, and Gottfredson, 1980, Table 2.9). Thus, throughout the decade of the 1970's more than four in 10 Americans expressed fear of crime within their own area.

The data on personal safety on the streets parallel these findings (see Figure 4). During the period 1966-1978, between 40 percent and 60 percent of the public told opinion survey interviewers that they felt more uneasy on the streets than they had in the previous year. Although this proportion has been falling somewhat since 1975, the difference is being made up in large measure by respondents who report that they feel "not much different" in terms of personal safety rather than "less uneasy".

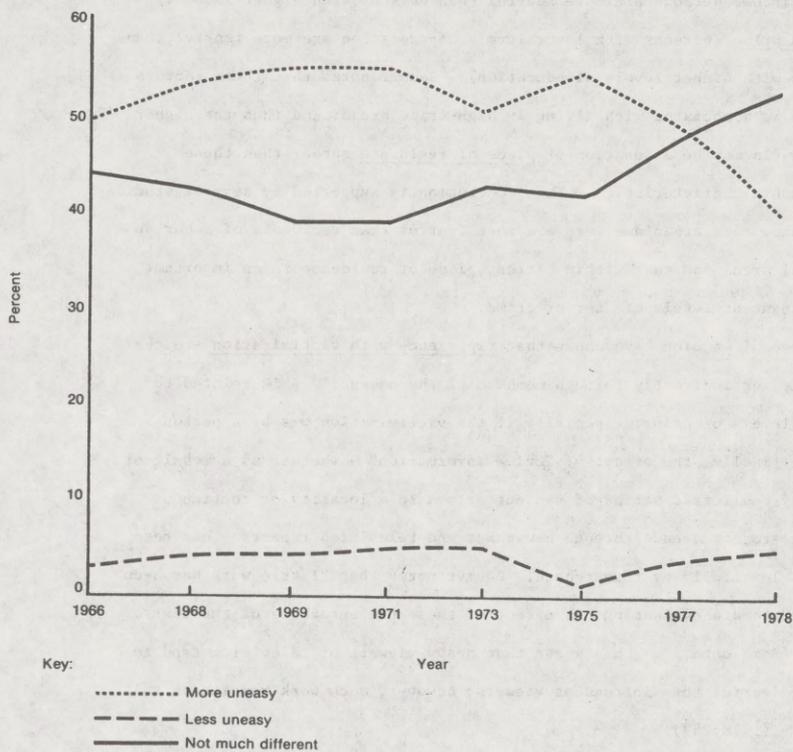
Correlates of Fear of Crime

An interesting feature of the self-report data on fear of crime reported by public opinion polls is that fear of crime is not equally distributed in the population. Table 13 provides breakdowns on the fear question by demographic characteristics of the respondents that show some of the patterns of variability in fear of crime. Another interesting aspect of this issue is that variation in levels of fear of crime are not, in many cases, related to the relative probability of actual criminal victimization as presented in other data sources. Baumer (1978) has summarized these relationships in a recent review. For example, Baumer notes that sex and age have been fairly consistently found to be positively related to fear levels, but these variables are related to victimization rates in the opposite direction. While females and the elderly demonstrate higher fear levels, males and the young incur higher rates of actual criminal victimization in most crime categories. Other

Figure 4. Attitudes toward personal safety on the streets compared to a year ago, United States, selected years 1966-78

NOTE: Percents do not add to 100 because "Not sure" responses have been excluded from this figure.

Question: "Compared to a year ago, do you personally feel more uneasy on the streets, less uneasy, or not much different?"



Source: Louis Harris, *The Harris Survey*, May 9, 1977; *ABC-Harris Survey*, May 17, 1978, p.3. (Chicago: The Chicago Tribune). Reprinted by permission. Figure constructed by SOURCEBOOK staff.

factors that have been less consistently shown to be related to high levels of fear of crime are race (nonwhites are more fearful than whites), income (lower income persons are more fearful than persons with higher incomes) and education (persons with lower levels of education are more fearful than persons with higher levels of education). Baumer notes that these factors tend to be associated with living in high-crime areas, and thus the higher fear levels may be a function of place of residence rather than these demographic characteristics. This conclusion is supported by several studies which show that urban dwellers are more fearful than residents of suburban or rural areas and that within cities, place of residence is an important determinant of levels of fear of crime.

Several studies have shown that experience with victimization - either directly, or indirectly through members of the household - is related to higher levels of crime, especially if the victimization was by a personal crime. Finally, the effect of "crime information" - whether as a result of a highly publicized series of violent crimes in a locality or continuous exposure to crime news through newspaper and television reports - has been studied less fully by researchers. Baumer notes that "little work has been directed toward evaluating the effect of these presentations of the fear of crime. Some data . . . has shown that heavy viewers of television tend to be more fearful than infrequent viewers; however, much work remains on this topic." (1978:259).

Summary

That data presented in this section take a different approach to the problem of crime in America. Although public opinion survey data are often

criticized on a number of methodological and substantive grounds, these time-series studies of the public perception of crime and fear of crime provide an important perspective on the crime problem that must be considered in conjunction with official crime statistics. By examining these dimensions together, we see that the "crime problem" portrayed by official data and the "fear of crime" problem presented in the poll findings sum to a quality of life issue facing America. A recent report issued on the topic concluded that "fear of crime is slowly paralyzing American society. Yet of all the problems confronting the nation at this time, this fear is perhaps the least appreciated and most dimly understood" (A-T-O, Inc., 1980).

Whether particular studies precisely measure the level of fear is less important than an understanding of the consequences of this fear for citizens and the obstacles to change that it represents. To the extent that the public's fear of crime sets in motion social changes that fuel actual increases in crime rates, the importance that public policymakers must attach to reducing both crime and fear of crime is apparent. The challenge is summarized by Henig and Maxfield:

"There has, however, been relatively little attention devoted to fear of crime as a policy issue. Policy-makers and social scientists have devoted the bulk of their energies and resources to addressing the problems directly caused by crime. Yet the incidence of crime is only part of the problem. Official rates of violent crime in large cities have declined since 1974. The sharp increases in major crime during the 1960's and early 1970's have slowed, and may now be reversing. The problem of fear remains. Scholars have begun to realize that fear of criminal victimization does not automatically decline along with crime rates. Recent public opinion polls have shown that while fear tends to go up with increasing crime, declines in the crime rate are not always accompanied by corresponding drops in levels of fear. Fear as a problem for urban decision-makers, merchants, and residents ought to be regarded as at least partially independent of the actual threat of crime. Policies which reduce crime are vital for the continued viability of our central cities, but the effects of fear on the behavior of urbanites must be considered as well." (1978: 297-8, citations omitted).

NOTES

¹This section is based upon John H. Laub and Michael J. Hindelang, (1980), Juvenile Criminal Behavior in Urban, Suburban, and Rural Areas (Albany, NY: Criminal Justice Research Center, draft).

²The business portion of the NCS has been discontinued. The last full year for which data are available is 1976. Also, 1973 business survey results reportedly been permanently lost by the Bureau of the Census and hence, are not reported here.

³This procedure does not completely ignore mobile families. Although mobile families are not specifically traced when they move away from a specific address, a similar mobile family may move into that address and will be included in the survey.

⁴As an illustration of the critical problem of identifying and specifying components of change in social indicators, the following discussion notes the difficulty in predicting levels of fertility, a major factor in population change:

Fertility is the component of population change that is subject to the greatest uncertainty in the future. Because of the difficulty of ascertaining the annual number of future births, even in the short run, alternative assumptions were made about the course of fertility. Together, these assumptions are believed to provide a reasonable range. No one series is likely to depict the future course of fertility for an extended period. Even if one of the alternative assumptions about cohort fertility turns out to be essentially correct, the trend in annual births could differ greatly from that projected because of changes in the timing of childbearing. (U.S. Department of Commerce, 1975).

⁵Although traditionally considered a violent crime, Cohen, Felson, and Land treat robbery as a property crime in their analysis.

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ADDITIONAL SUBMISSIONS OF MELVIN BAILEY

RAYMOND BELCHER
Chief Deputy
ROBERT F. "BOB" BROOKS
Administrative Assistant



DAVID W. ORANGE
Assistant Sheriff
Bessemer Division
CAPT. LIONEL BRAGAN
Correctional Officer

MELVIN BAILEY
SHERIFF, JEFFERSON COUNTY

JEFFERSON COUNTY COURTHOUSE • 716 NORTH 21st STREET • BIRMINGHAM, ALABAMA 35203

January 16, 1981

Senator Howell Heflin
United States Senate
Committee on the Judiciary
Washington, D.C. 20510

Dear Senator Heflin:

I received your letter today as I was writing you in respect to the opportunity that you gave me in appearing as a witness before your Senate Committee on the Judiciary.

It is mere coincidence that you mention in your correspondence that should I have other thoughts and remarks to make regarding the problem of crime, that I should forward them to you. That is just what I wish to do.

You will recall that I stated that we cannot cure the problem of crime in this country with money at the local level. I firmly believe that federal funding to local law enforcement has been more than ample and should be discontinued except through discretionary grants that are carefully screened for justification. These discretionary grants should be in the area of law enforcement, continuing education, juvenile justice, "youth" gangs, youthful offenders, etc., in the nation-wide problem of prison reform (aid to states and counties for larger detention at the county and state level). This being the case of federal assistance, then it appears to me that the funding of a state law enforcement planning agency no longer can be justified, since these type programs could be funded directly through the regional office (in our case Atlanta).

More importantly, I think, that this is a new look and direction at the federal level in the effort to stop drug traffic. We know at every level that the trafficking in drugs, the distribution on the street, the petty pusher, the young novice becoming involved in the use of drugs,

subscribes to an established theory that a drug user is either a criminal before or after addiction; it is just a matter of what crime the user wishes to commit in order to support the habit, most often the user committing armed robbery, purse snatching, burglary, all of which categories are the number one threat to the law abiding citizen.

I am enclosing an article from the January Reader's Digest for your perusal, emphasis from page 127 without bothering to describe, but to urge you to take notice. This is exactly what is contributing greatly to the nation-wide crime problem; the inability of the military to correlate and cooperate with local law enforcement; the IRS is handicapped in their effort to work with local law enforcement, and I still firmly believe that the Border Patrol, Immigration Service and the Drug Enforcement Administration presently has the quarterback position to stem the ever growing threatening menace of crime in the United States.

Sincerely,

Mel Bailey
Melvin Bailey
Sheriff

cc: Lieutenant Governor George H. McMillan
Major David Orange
Mr. Frank Dominick

July 11, 1979: At a crowded Miami shopping mall, two drug traffickers are machine-gunned to death and two bystanders are wounded. Police recover an armored car complete with gunports, dozens of bulletproof vests and submachine guns. Case status: unsolved.

February 3, 1980: The quiet of a residential neighborhood in South Miami is shattered by automatic-weapons fire, and a man is found literally shot to pieces. Although there are eight witnesses to the killing, they are so terrified of possible retaliation from drug-running rack-

eteers that they refuse to co-operate with police. Case status: unsolved.

May 8, 1980: At Miami International Airport a young man whips out a revolver and, before hundreds of horrified witnesses, fires five shots into a recently arrived passenger, killing him instantly. Both victim and assassin are linked to drug smuggling. Case status: unsolved.

THESE INCIDENTS—and others like them that now occur at the rate of two a week in Miami—are part of a bloody war being waged over southern Florida's multibillion-dollar-a-

MIAMI'S MURDEROUS DRUG WAR

Fighting for control of south Florida's \$50-billion drug trade, a dozen or so Colombian crime families have turned Miami and nearby communities into a bloody battleground

BY NATHAN M. ADAMS



year cocaine and marijuana traffic. While fought in Florida, the war is controlled by a dozen or so crime families in Colombia, 1100 miles across the Caribbean.*

By last fall, the homicide rate in Dade County (including Miami) was up 61 percent over the previous year. One Miami television station actually advises viewers how to take cover if they are caught in a crossfire. "We have a war on our hands," says

*See "The Colombian Connection," Reader's Digest, March '79.

Marshall Frank, chief of the Dade County Homicide Division. "This is Dodge City."

Nobody, it seems, is safe. Florida Governor Bob Graham flew to Bogotá, Colombia, in 1979 to plead with President Julio Cesar Turbay to crack down on the traffic. Upon returning to Florida, the governor learned that a contract had been issued on his life by traffickers based in Medellín, Colombia.

"Through an accident of geography, Florida has become an international port of entry for most

of the illicit drugs coming into the United States,"

says State Attorney General Jim Smith. "The

drug trade is now the biggest retail business in our state." The Drug Enforcement Administration (DEA) intelligence suggests that more than five

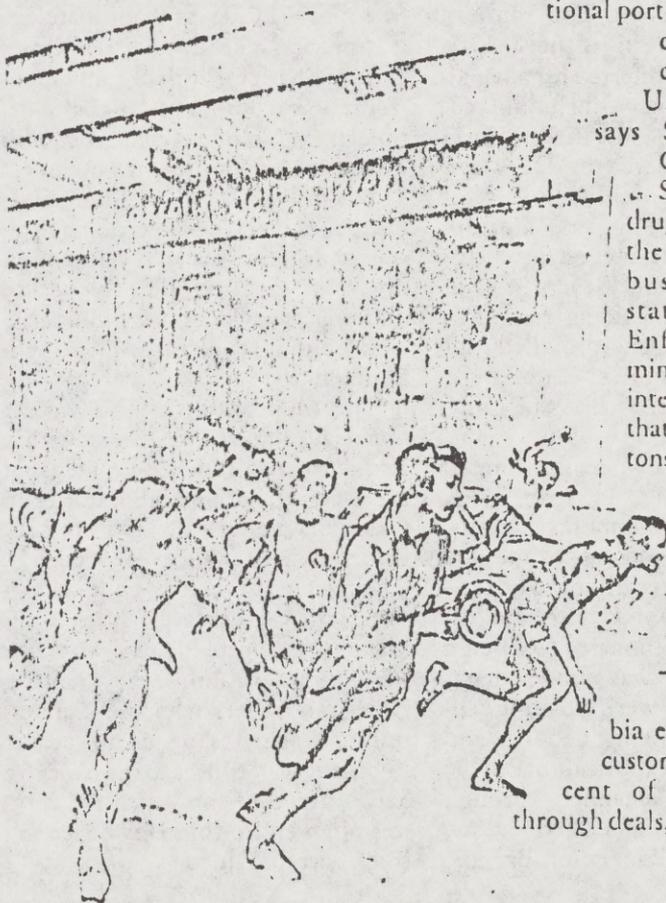
tons of cocaine and more than 5000

tons of marijuana—with a retail value totaling

over \$50 billion

—are exported from Colombia each year to U.S.

customers. Ninety percent of it is handled through deals, contracts or oth-



or arrangements in southern Florida.

A rising tide of violence is one result. Corruption is another. State and federal agents are investigating more than a score of police and public officials in Key West tied to the drug traffic. The commander of Florida's marine-patrol station in nearby Marathon has been charged with accepting a \$50,000 bribe to overlook a smuggling operation. In Miami, the FBI is investigating corruption within the Dade County Public Safety Department. Some 15 officers and detectives have been suspended or transferred for allegedly accepting favors—including cocaine—from Cuban trafficker Mario Escandar, considered by DEA and the FBI to be one of the nation's most important drug smugglers. "Corruption is one of the biggest problems we face," says Don Meyer, head of DEA's regional headquarters in Miami. Another agent provided this dismaying opinion: "Look, the 'dopers' own parts of this state. Lock, stock and barrel."

Nor is this ownership limited to public officials. In 1977, DEA learned that huge amounts of cash—as much as \$500,000 at a time and often delivered in cardboard boxes—were being deposited in certain Miami banks, then funneled to foreign accounts. There was also evidence that many banks were violating federal law by falsifying deposits and obscuring their export abroad.

To close the channels through which such "narco-dollars" flow, DEA launched "Operation Banco."

By the time the probe ended last June, DEA had traced \$2 billion from cocaine and marijuana deals through Miami banks to overseas accounts. Thirty-one of Miami's 250 banks were discovered to be servicing 1300 suspect accounts, many opened under aliases. At least five banks were found by DEA to be owned by the drug smugglers themselves.

Many of the narco-dollars "laundered" abroad eventually return to south Florida as legitimate investments. Dade County real-estate expert Charles Kimball, an organized-crime consultant to the state, reports that in one recent six-month period criminal elements bought up \$192.1 million worth of south Florida real estate. One Colombian drug smuggler now owns seven houses in Dade County, plus an office building, two warehouses, four large land holdings and three apartment buildings.

The foundations of this violent financial empire lie deep within Latin America. DEA estimates that there are 50 cocaine laboratories in Colombia alone, most of them controlled by five families in Medellín. Their payroll includes political figures, police officers and army commanders who provide protection for smuggling operations. For example, American buyers who use clandestine landing strips to pick up cocaine shipments can expect to pay an extra \$2000 per kilo—for which the services of an entire company of federal troops are provided.

1981

MIAMI'S MURDEROUS DRUG WAR

With millions of dollars at stake, traffickers stop at nothing—including murder—to protect their investments. A typical murder “contract” is made in Colombia. Smuggled into the United States or traveling on a phony passport, the assassin goes to a Miami-area “safe house” where he picks up a photo of the victim, his address and a record of his likely movements. Within a day after the killing, the hit man is on his way back to Colombia.

Even if he is caught, there is little chance of prosecution. The few witnesses the police do find usually refuse to co-operate—and why not? Late in 1979, Miami police thought they had a witness who was willing to talk, if assured anonymity and protection. But at homicide headquarters he changed his mind. “Do you realize,” he said, “that just being in this building is enough to get me killed?” He was right. Two months later his bullet-riddled body was found in a parking lot.

Even when convicted, drug smugglers face an average jail sentence of only three years, hardly a deterrent. Major smugglers have it even easier. They simply bail themselves out and flee the country. One Miami trafficker posted a \$1-million bail without batting an eye, and of course never returned to face trial. As DEA Administrator Peter B. Bensinger told the Senate Committee on the Judiciary: “Bail is just another business expense—and a ticket to freedom.”

In addition to bail reform, Con-

gressional action is desperately needed in three areas:

1. Under current law, foreign crewmen caught on vessels seized for drug smuggling in U.S. waters cannot be charged with a crime. Usually they are simply flown back to Colombia, or wherever, at taxpayers' expense. One such seaman was arrested and deported three times in a single year. A bill sponsored by Rep. Mario Biaggi (D., N.Y.) would make foreign crewmen on drug-smuggling ships eligible for prison.

2. The Tax Reform Act of 1976 prohibits access to IRS tax information on suspected traffickers. Thus clues that could lead authorities to drug smugglers remain a secret. Four bills currently before the Senate Finance Committee would enable law-enforcement agencies to get to this information, without threatening the rights of legitimate businessmen.

3. Almost daily, U.S. Air Force and Navy reconnaissance flights detect smugglers in American air space or territorial waters. But they are prohibited by law from relaying this information to either the Coast Guard or federal law-enforcement authorities. Sen. Sam Nunn (D., Ga.) plans to introduce legislation allowing the Air Force and Navy to interdict smuggler ships and aircraft.

THE LAWLESSNESS rampant on the streets of Miami and in surrounding counties is a national disgrace. There can be no excuse for further Congressional delay in dealing with it.

RAYMOND BELCHER
Chief Deputy
ROBERT F. "BOB" BROOKS
Administrative Assistant



DAVID W. ORANGE
Assistant Sheriff
Bessemer Division
CAPT. LIONEL BRAGAN
Correctional Officer

MELVIN BAILEY

SHERIFF, JEFFERSON COUNTY

JEFFERSON COUNTY COURTHOUSE • 716 NORTH 21st STREET • BIRMINGHAM, ALABAMA 35203
January 20, 1981

The Honorable Howell Heflin
United States Senator
Committee on the Judiciary
Washington, D. C.

Dear Senator Heflin:

Since writing you, other thoughts have come to mind concerning the ever-increasing crime in our area, but more particularly in the major cities mentioned earlier.

You know the only facilities in this country that are large enough and still have vacancies are the facilities of the federal bureau of prisons. The point made regarding drug traffic, especially in Miami and Dade County, homicides due to double-cross and rival operations ought to be made a federal offense.

The D.E.A. has historically taken cases from local enforcement ounce of heroin, ounce of cocaine, 10 - 20 lb. of marijuana, large quantities of otherwise legal drugs, etc. Interlaced in and amongst all of this, again especially in Miami, are organized crime, homicides.

My point is that these people need legislation that will enable them to prosecute in federal court. Not only would this be a great assist to relieve the area of major offenders, but federal prosecution could be very severe in sentence and fine, and utilize the available space in federal facilities.

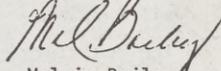
I recommend that state cases for felonies be assessed fines upon conviction. To my surprise, circuit judges said, "If they lived 100 years, they hoped to never see such". The certainty of punishment is no longer a worry here. Pre-trial detainees have little or no fear of circuit court (state). On the other hand, these held here in county jail dread going to federal court. This enlightens me a whole lot.

Like aliens, these major drug traffickers must be stopped at the point of entry.

The greatest waste of manpower on the local level are the people in our various drug units; chasing petty drug offenders, and from time to time discovering that a much larger amount got through. I am convinced that we cannot win the direction we are going.

I am confident should you wish to ask others as to my observations, you will find a consensus.

Sincerely,



Melvin Bailey
Sheriff

cc: Major David Orange
Captain Earl Robins
Mr. Gerow Hodges

ADDITIONAL SUBMISSIONS OF DENNIS J. ROBERTS



STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS
 DEPARTMENT OF THE ATTORNEY GENERAL
 PROVIDENCE COUNTY COURT HOUSE
 PROVIDENCE

December 4, 1980

DENNIS J. ROBERTS II
 ATTORNEY GENERAL

OFFICE OF SENATOR HEFLIN
 1980 DEC 12 AM 4:12

Honorable Howell Heflin
 United States Senate
 Committee on the Judiciary
 Washington, DC 20510

Dear Senator Heflin:

I wish to express my gratitude to you for the opportunity to testify before the Senate Judiciary Committee with respect to the federal involvement in law enforcement assistance programs for state and local government.

It is impossible to overstate the importance to attorneys general of the several states of federal involvement in the war on crime. We applaud your strong commitment to that cause.

Many of the questions raised by yourself and Senator Biden at the December 3rd hearing should properly receive a good deal of reflection and discussion among the several state attorneys general. I have proposed to the National Association of Attorneys General that we constitute a special committee to address the issues which you have raised and to report to you. A copy of my letter to C. Raymond Marvin, Washington Counsel of the National Association of Attorneys General, is enclosed for your information.

With your approval, I propose to file an extension of remarks limited to the experiences of the State of Rhode Island within the time designated at the committee hearing. I would request further leave to take up further the issues raised after the special committee of the National Association of Attorneys General has had an opportunity to review them.

Best wishes,

Very truly yours,

DENNIS J. ROBERTS II
 Attorney General

DJR:es

Honorable Richard S. Gebelein
 Honorable Carl R. Ajello



STATE OF RHODE ISLAND & PROVIDENCE PLANTATIONS
DEPARTMENT OF THE ATTORNEY GENERAL
PROVIDENCE COUNTY COURT HOUSE
PROVIDENCE

DENNIS J. ROBERTS II
ATTORNEY GENERAL

December 5, 1980

C. Raymond Marvin,
Washington Counsel
National Association of Attorneys General
444 North Capitol Street
Washington, DC 20001

Dear Ray:

On December 3, 1980, Attorney General Richard S. Gebelein and myself appeared as witnesses before the Senate Judiciary Committee in the matter of proposed renewed funding to the Law Enforcement Assistance Administration.

During the course of the hearing, Senators Heflin and Biden raised a number of issues which require additional study and comment. We were afforded two weeks within which to submit a statement in extension of those remarks before the Judiciary Committee.

The nature of the questions which the Senators wish to have addressed are based on a realization that LEAA will not be revived in its pre-1981 status quo. Senator Heflin feels there are a number of issues which, if addressed properly, could convince the Congress to renew some form of assistance to state and local law enforcement agencies.

First among these is the proposition that there are now federally mandated requirements operating on state and local government. These mandates, legislative, judicial and executive, impose funding requirements on the states and local governments which should properly be met by federal funding of some type. In this regard, I believe it is also important to emphasize regional programs and cooperative undertakings among the states and of the states with local and federal law enforcement officials, such as, the Joint Executive Working Group.

The Senators are also interested in being advised as to what will be the precise consequences to state and local governments if there is no federal assistance program and the concomitant responsibilities of state and local law enforcement to cooperate in setting the priorities for what should be its form if the modified program is restricted financially. Senator Heflin stated that it is important to know what are the areas of generally unquestioned value which should be retained in a limited program. Senator Biden placed emphasis on the priorities set out in the Criminal Justice Improvements Act of 1979. He also raised, in a variety of ways, whether under a restricted program, there should be a narrow federal focus on specific grants, or some form of revenue sharing program for law enforcement, or something in between.

Both Senators expressed the opinion that much of the Congressional antipathy to LEAA comes from early failures of the program. Senator Heflin stated that an extension of remarks should address the things that have happened in the "turn-around" of LEAA that have made the program effective in its latter days.

Both Senators emphasized that interested parties should not be addressing whether the federal government will become involved in the war on crime, but how it will be involved. In this regard, Senator Biden would like a statement of priorities as to what the federal government could do most -- financially and otherwise -- to assist state and local authorities in criminal justice areas.

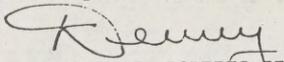
Obviously, the questions which have been raised are complex and deserve a good deal of reflection and discussion. I do not believe it is appropriate, or even possible, for Attorney General Gebelein or myself to prepare extensions of remarks reflecting the views of the National Association of Attorneys General accurately and completely within two weeks.

I would propose that a special committee of the Association be appointed by the President or the Executive Committee which would review the questions raised by the Judiciary Committee and respond as soon as is practicable. I believe that the National Association of Attorneys General should have a deep involvement in the course and direction of any future federal law enforcement assistance programs, however limited or restricted that might be.

I am advising Senator Heflin of the recommendation which I am making to the National Association of Attorneys General.

Best wishes,

Very truly yours,


DENNIS J. ROBERTS II
Attorney General

DJR:es

Honorable Richard S. Gebelein
Honorable Carl R. Ajello
Honorable Howell Heflin



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF ATTORNEY GENERAL

72 Pine Street
Providence, R.I. 02903

Dennis J. Roberts II, Attorney General

December 22, 1980

OFFICE OF SENATOR HEFLIN
1980 DEC 29 AM 2:52Honorable Howell Heflin
United States Senate
Committee on the Judiciary
Washington, D.C. 20501

Dear Senator Heflin:

Following my testimony before the Senate Judiciary Committee concerning possible federal involvement in law enforcement assistance to state and local governments, I corresponded to you and stated that I proposed to file an extension of my remarks before the Committee. Attached please find a paper entitled "future Federal Criminal Justice Assistance to State and Local Units of Government: Some Consideration for the Next Congress", which should be added to my original statement and placed into the record.

This paper represents some of my general thoughts on the subject of future assistance which I believe should be seriously considered by the next session of congress. This paper by no means represents my complete thinking on the issue, nor does this paper represent a final and complete format for discussion.

Rather, I have sought to expand upon my initial remarks before the Committee by suggesting some possible future direction. I am in agreement with you, and other members of the Committee, that future assistance must be reviewed prospectively.

My request to establish a special committee of the National Association of Attorneys General on this subject has been favorably received, and I expect that the enclosed paper will constitute the basis for considerable discussion.

Best wishes.

Very truly yours

DENNIS J. ROBERTS II
Attorney GeneralDJR:gaj
Enclosure

FUTURE FEDERAL CRIMINAL JUSTICE ASSISTANCE TO STATE AND
LOCAL UNITS OF GOVERNMENT: SOME CONSIDERATION FOR THE
NEXT CONGRESS

I. Introduction

Crime continues to be one of the most serious social problems plaguing the United States. Though most types of crime are best dealt with at the state and local levels, the magnitude and public fear of crime, the similarity of the problems faced by state and local governments, and the importance of crimes which transcend governmental boundaries, all mandate federal leadership, some form of federal assistance, and the establishment of a strong federal, state, and local partnership.

In order to determine what form such future federal assistance should take, four general questions should be explored.

- A. What should be the basic premises, goals and objectives of future federal support?
- B. What is the most efficient and effective process for passing the funds down to state and local governments?
- C. What general types of purposes should be eligible for federal funding?
- D. What specific program initiatives appear worthy of federal funding?

The rest of this paper discusses these issues in a preliminary fashion. Section II suggests some underlying premises which are largely based on lessons learned from the LEAA program. Sections III, IV, and V offer options for means of distributing funds, and options for types of purposes and specific program initiatives which might be worthy of federal funding.

With the exception of the premises advanced in Section II, no firm recommendations are made in these proposals. It is believed that as a first step possible alternatives should be developed and examined. It is also recognized that various organizations representing different constituencies may disagree on some of these matters and the finalized program of federal assistance may represent a combination of some of the options.

II. Basic Premises

- A. Future federal assistance should not be predicated on the assumption that crime, a complex social economic, and psychological phenomena, can be eradicated, or perhaps even reduced, by pouring money into criminal justice agencies. The "causes" of crime are beyond the control of the criminal justice system and expectations of the system's ability to respond to crime problems must be realistic.

- B. Federal efforts should continue to seek out and eliminate the "causes" of crime through research and improved coordination of federal departments and agencies.
- C. Future federal assistance should concentrate on improving the response of the criminal justice system as a system rather than shoring up individual components of the system without regard for the system as a whole.
- D. Future federal assistance should avoid programs which polarize relations between criminal justice agencies and the public.
- E. Crime should no longer be viewed as essentially a state and local concern. Few types of crime are indigenous to any particular geographical area. Crime is truly a national concern and a strong federal, state and local partnership is needed.
- F. If federal funding resources are limited, so too should be the types of initiatives eligible for federal support. Spreading funds too thinly precludes impact in any one area.
- G. While parameters should be established for use of federal funds, there should be considerable discretion granted to state and local governments to make program decisions within these parameters.
- H. Limited funding assistance should be available for state regional, and local coordination. However, planning and coordination are primarily the responsibilities of state and local government and should be so supported.
- I. Major research and other experimental undertakings should be pursued at the federal level with results transmitted to state and local governments.
- J. Future federal assistance should concentrate on replication of programs of proven success as a major effort.
- K. Future federal assistance for specific programs should support such programs for an adequate period of time (perhaps 2 - 3 years) in order to give the programs a fair opportunity to prove and institutionalize themselves.
- L. Future federal efforts should strive to make coordination and cooperation more than mere words. Some striking successes have been realized with a minimum expenditure of funds.
- M. Future federal efforts should mandate accountability through evaluation, auditing, and monitoring and should take the lead role in such activities. Unnecessary and duplicative efforts should be eliminated.
- N. Priorities established at the federal level should be developed rationally with considerable input from state and local governments.

III. Alternative Consideration for Distributing Funds

A. Revenue Sharing:

Procedure -

Funds would be provided directly to state and local units of government with no restrictions other than that the funds be applied for criminal justice purposes.

Advantages -

Increased executive discretion to state and local government.

Greater flexibility and use of funds.
Less administrative bureaucratic processing.

Disadvantages -

Level of federal funding would have to be substantial in order to insure adequate involvement of all state and local units of government.

Accountability of expenditures may be difficult to ascertain.

Coordination among federal/state/local units may be lacking.

B. Restricted Revenue Sharing:

Procedure -

Funds would be provided directly to state and local units of government, but use would be restricted to expenditures determined by nationally established categories/priorities.

Advantages -

Still considerable executive discretion granted to state/local units of government.

Streamlined administrative process with specific focus given to overall program.

Disadvantages -

Level of funds to state and local governments would have to be substantial in order to insure minimal involvement of state and local units of government.

Limited coordination and cooperation among federal/state/local units of government could result.

C. Restricted Block Grant:

Procedure - Funds would be made available to a state agency to administer to both the state and local level.

Advantages -

Considerable executive state control .
 Program funding need not be considerable or
 not all units of local government would participate.

Disadvantages -D. Nationally Awarded - Specific Purpose GrantProcedure:

All funds controlled and awarded at national level for specific programs according to nationally defined categories. Awards would be based on national competition.

Advantages -

Total cost of assistance can be controlled;
 could be least expensive procedure.
 Greater control (federal) over types, and number of programs funded.

Disadvantages -

State and local units of government would have minimal involvement in setting priorities.

Needs would be nationally determined, not assigned at state/local level.

State/Local Executive discretion/authority would be almost non-existent.

National competition format would favor jurisdictions versed in grantsmanship.

IV. Potential General Purposes Eligible for Funding

- A. Research - Primary emphasis at the federal level
- B. Evaluation
- C. Technical Assistance
- D. Replication of programs of proven effectiveness
- E. National priorities - established with considerable input from state and local representatives
- F. Implementation of federal government mandates
 - 1. Complying with federal court orders relating to Criminal Justice functions such as Corrections
 - 2. Implementing federally mandated Criminal Justice legislation
- G. Cooperative inter-state initiatives - promoting

regional and national efforts to deal with problems which transcend state boundaries such as illegal dumping of toxic waste.

H. Coordinated federal inter-agency activities

1. Improving coordination of federal criminal justice related agencies
 2. Coordinating federal inter-governmental research into variables affecting crime
 3. Coordinating development and implementation of federal policies likely to impact crime. (economic, social service, educational policies, etc.)
- I. Unsolicited programs - Problems not considered when federal priorities established but which are particularly critical in one or more governmental units and for which possible solutions have been systematically planned and developed. (somewhat analogous to the Unsolicited Research Program).

V. Specific Programs Potentially Worthy of Federal Assistance

- A. Career criminal investigation, prosecution, and treatment
- B. Criminal Justice facilities improvement and construction
- C. Crime prevention (coordinated police/community activities)
- D. Training
- E. White collar crime, organized crime, public corruption
- F. Reduction in court delay
- G. Victim/Witness assistance
- H. Improved defense (Public Defender programs, etc.)
- I. Drug abuse investigation, prosecution, and treatment
- J. Non-institutional correctional alternatives
- K. Information and statistical systems
- L. Combatting occupational stress among criminal justice system employees
- M. Improved resource management by criminal justice agencies

- N. Arson control
- O. Intergroup violence prevention and control
- P. Family violence prevention and control
- Q. Improved bail systems
- R. Improved sentencing guidelines and practices
- S. Charitable Trust enforcement
- T. Enforcement of government spending programs, state and federal.

ADDITIONAL SUBMISSION OF JOHN O'SULLIVAN



U.S. SENATE
 DEC 11 AM 9
 THE NATIONAL ASSOCIATION OF
 CRIMINAL JUSTICE PLANNERS

December 9, 1980

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The Honorable Howell Heflin
 U. S. Senate
 6327 Dirksen Senate Office Building
 Washington, D.C. 20510

Dear Senator Heflin:

This is to follow up on your request to provide the Judiciary Committee with additional comments to the points raised at the December 3 hearing. Before doing so, I would like to thank you on behalf of the National Association of Criminal Justice Planners for your continuing interest in fostering a dialogue among all levels of government with regard to the tremendous crime problem confronting our society. Crime is a societal problem over which no particular governmental entity has a monopoly in terms of a solution. While the word, partnership, verges on becoming trite due to overuse, it nonetheless is the essence of the relationship that needs to exist among all governmental entities in coming to grips with crime. Too often governmental efforts against crime are diminished due to jurisdictional disputes or differences in policy. Criminal justice resources are too scarce to be wasted on such matters. We are gratified therefore, that you understand the dynamics behind the problem and we pledge our support to assist you in whatever way we can.

There are three priorities that compose our response. These priorities are prompted not by our Association's policy considerations but rather by federal fiscal considerations toward financial assistance to state and local criminal justice operations. Priority number one addresses the relationships among federal, state and local operational agencies and this priority requires little federal money or even none to state and local agencies. Priority number two addresses research and the need for an effective dissemination program and this priority would require a minimum of \$150 million. Finally a third priority addresses Federal financial assistance to state and local criminal justice operations and this priority would require a minimum of \$500 million.

Before any of these priorities can be developed further however, it is absolutely necessary for the federal government to designate a specific office that will serve as the

Cont...

focal point for intergovernmental relations governing criminal justice matters. We would strongly urge that this office not be in the Department of Justice because the type of role envisioned for this office would be one of arbitrating and coordinating policies within the federal government as well as between the federal government and state and local governments. We will not presume to indicate where such an office might be located because we feel that this issue should be thoroughly examined by the Congress and the President in consultation with all interested parties.

Priority Number One

We are of the opinion that there is a critical need for the federal government to make a self assessment of what its operational relationships are to state and local law enforcement and prosecutorial agencies and to communicate those relationships to agency and elected officials. Such a development would not only contribute toward improving intergovernmental relationships but it would also provide a basis for the eventual evaluation of such policies. The LEAA program has taught us at the local level that without stated policies it's impossible to evaluate agency operations. We feel that this lesson needs to be applied to the federal level in this particular area.

It is important to note that this recommendation can be carried out with no costs. However, if very limited federal dollars are made available, these dollars should be directed at enhancing the operational relationships among federal, state and local law enforcement and prosecutorial agencies.

Finally, under the heading of Priority Number One, we request that the Congress and the President refrain from passing legislation that mandates specific expenditures in criminal justice out of state and local revenues. We further request that the Congress and the President carefully review the activities of federal agencies to make sure that they are not developing and implementing programs that will mandate the expenditure of state and local revenues. It is important to point out that this in no way is directed at federal court orders. Federal court orders stem from specific cases which have been contested under a set of rules and affected jurisdictions will comply with them. This concern deals with prescriptive measures that are of a general nature and have a very broad impact. The bottom line on this matter is that if the federal government does not elect a financial assistance role in criminal justice then it should not engage in a revenue assessment role.

Priority Number Two

Research and statistics are an area where the federal government can become involved in state and local criminal justice issues. Our concerns

Cont...

about how these efforts should be conducted and the need to examine the strategy of disseminating findings are outlined in our testimony and need not be repeated here. What we would like to do here, however, is to explain how the \$150 million dollar figure was arrived at.

This figure includes the \$50 million that was originally budgeted for the National Institute of Justice and the Bureau of Justice Statistics as well as another \$100 million representing the discretionary portion of the LEAA program. Those LEAA discretionary monies were used to test new ideas in operational settings as well as to facilitate the replication of proven programs. We are of the opinion that without federal demonstration monies, the research and statistical programs will not be utilized.

Within this context, the concern over continuing the more successful programs of LEAA might be addressed. It is our understanding that programs like Career Criminal would be funded for a limited time period (three to five years) after which time they would be picked up. We do not subscribe to any kind of maintenance program.

In terms of organization we would not advise enlarging the National Institute of Justice to take the lead in the dissemination of research. The track record of NIJ in working with criminal justice operational agencies is checkered primarily because of its preoccupation with scientific experimental designs. Rather we strongly urge that an office like LEAA's Office of Criminal Justice Programs which does have a good track record of working with line agencies and governmental entities take a lead in the dissemination effort.

Priority Number Three

It is our strongly held belief that a federal financial assistance program is a legitimate federal undertaking. For better or worse the state and local budgetary process for criminal justice tends to be short-sighted and focuses on what is, rather than what ought to be (either in terms of improving criminal justice operations or in terms of assisting criminal justice to cope with changing societal forces). The role that is envisioned for the federal government would be a modest one. While \$500 million would be modest compared to state and local efforts, that amount would generate considerable federal scrutiny at a time of concern for a balanced budget.

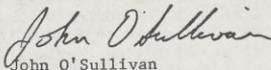
The \$500 million figure is arrived at by examining the printouts of estimated awards under the JSIA with this base. There is a fine line between where the money in this kind of federal financial assistance can make a difference and where it would not make a difference. It is our judgment that a minimum of \$500 million is required to make a difference.

Cont...

The issue of what delivery mechanism ought to be employed is really moot until there is evidence that the President and the Congress feel comfortable with the principle of federal financial assistance. We are of the opinion that it was not the LEAA program that did itself in but rather the lack of philosophical commitment that many felt at all levels of government in having the federal government involved in an area which is viewed as a state and local matter. Until there is a resolution in this conflict, it is futile to discuss various delivery schemes.

If you find that a clarification of this letter or our testimony as presented on December 3 would be helpful, please feel free to contact me.

Sincerely,



John O'Sullivan
Chairperson, NACJP

JO/pa

ADDITIONAL SUBMISSION

Sheriff George Papadopolis
President
Canton, Ohio

Ferris E. Lucas
Executive Director
Washington, D.C.



NATIONAL SHERIFFS' ASSOCIATION

SUITE 320 • 1250 CONNECTICUT AVENUE • WASHINGTON, D.C. 20036
TELEPHONE: (202) 872-0422

November 4, 1980

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Treasurer
Sumter, South Carolina

Courtney A. Evans
General Counsel
Washington, D.C.

The Honorable Robert Dole
United States Senate
Washington, D.C. 20510

My Dear Senator Dole:

I have received your letter dated October 22, 1980, regarding the proposed legislation of the Criminal Justice Construction Act.

The National Sheriffs' Association, representing the nation's 3,105 sheriffs and approximately 54,000 members, supports legislation that will provide federal financial assistance to state and local criminal justice agencies for the planning, construction, and renovation of criminal justice facilities.

While inadequate headquarters facilities form a substantial problem, the most pressing concern involves the widespread inadequacies associated with jail facilities. Stricter guidelines and standards for jail facilities and operations and the success of inmate litigation for improved conditions and services has caused a situation which nears chaotic in many states. Therefore, the Association's position is that the proposed legislation should focus upon allocating specific federal funds for the improvement of jail facilities and programs.

In 1978, the Association conducted a nationwide study of the Capabilities and Needs of County Law Enforcement. A copy of our report is enclosed. Chapters five and seventeen of the study discuss facilities and jails.

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Senator Robert Dole
Page Two

Selected results of our study regarding sheriffs' facilities are presented below:

- Over one-half of all headquarters facilities and jails are over 20 years old;
- One-third are more than 50 years old;
- Five percent are over 100 years of age.

One-third of all sheriffs responding to our survey rated their facility as either "excellent" or "good", while the remaining two-thirds reported an "adequate" to "inadequate" rating. One-third of the sheriffs reported that their facilities were "inadequate".

County sheriffs operate the primary county jail in nearly 90 percent of all cases whether in suburban or rural counties. Eighty-five percent of rural sheriffs and eighty-nine percent of suburban sheriffs responding to our survey indicated that their jail is located in the sheriff's building.

The construction of new jail facilities was also addressed in our 1978 survey. Thirteen percent of the suburban and seven percent of rural agencies had new jail construction underway. Capital funds had been approved for construction in an additional nine percent and eight percent for suburban and rural counties. The cost per additional inmate bed was \$54,000 in suburban as compared with \$52,000 in rural counties.

The most pervasive problem facing county law enforcement is the lack of adequate funds. To understand the basis for this problem, it is helpful to recognize that about 80 percent of county sheriffs' jurisdictions are rural in nature. Seventy-one percent of suburban and sixty-seven percent of rural sheriffs responding to our survey indicated that their budgets are not adequate to effectively administer their agencies. Further, there was a general feeling among law enforcement administrators that smaller agencies are ignored and do not receive their share of the available funds. The most common function where agency administrators are forced to limit their services due to inadequate funds is in the area of jail operations.

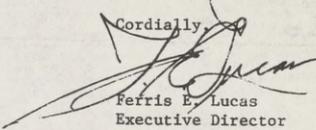
According to preliminary data from the U.S. Bureau of Census, there is an unexpected shift in the rate of population from the cities and suburbs to rural America. It is estimated that this significant population shift could result in a movement to rural America of 17 million people in the 1980's and probably more in the 1990's. This shift in population will substantially create a greater demand upon the delivery of law enforcement services at the county level.

Senator Robert Dole
Page Three

Only a review of the need for federal financial assistance for the planning, construction, and renovation of criminal justice facilities -- especially jails -- has been presented in this letter. Please contact me should the Subcommittee need additional information or if testimony is desired.

On behalf of the officers, directors, and members of the National Sheriffs' Association, the opportunity to review the proposed legislation and to provide comments is appreciated.

Cordially,



Ferris E. Lucas
Executive Director

FEL/jj

Enclosure

cc: Mr. Romano Romani
Staff Director
Subcommittee on Improvements
in Judicial Machinery

ADDITIONAL SUBMISSIONS OF NORMAN DARWICK



**International
Association of
Chiefs of
Police, Inc.**

Eleven Firstfield Road
Gaithersburg, Maryland 20760
Phone (301) 948-0922
Cable Address IACPOLICE

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Farmingdale, NY

November 4, 1980

The Honorable Robert Dole
United States Senate
Committee on the Judiciary
Washington, D. C. 20510

Dear Senator Dole:

We wish to thank you for the opportunity to respond to your proposed Criminal Justice Construction Act. The IACP has historically been very active in assisting local municipalities, counties and states in their efforts to modernize criminal justice facilities. Thus, our interest in your proposed legislation is well founded.

Your impression that many of the nation's criminal justice facilities are "inadequate, obsolete and lacking in basic necessities" is supported by our professional knowledge of existing criminal justice deficiencies.

The IACP has been active in providing direct criminal justice facility design assistance to local agencies since the early 1960's. For example, our current staff played a major role in providing professional assistance for the design and construction of criminal justice facilities in (1) St. Croix, U.S. Virgin Islands; (2) East Chicago, Indiana; (3) Lancaster City and Lancaster County, South Carolina; (4) The City of Boise and Ada County, Idaho; (5) the Public Safety and Criminal Justice Systems of the Navajo Nation and Eagle Pass, Texas, to name just a few.

We continue to offer several levels of architectural assistance depending on local desire and financial capabilities. Our preferred and most effective methodology in providing staff assistance in the construction of criminal justice facilities is through a process of first conducting a comprehensive Administrative and Operational Study of the Agency(s). Upon completion of this study, we then work with our Associate Consulting Architectural firm and together design a building that meets the specific recommendations for operational improvement contained in the report. This appears to be the critical relationship that is absent from most other facility designs. In the absence of this methodology, local jurisdictions generally employ a local architect with little or no expertise in criminal justice facilities. He then perpetuates existing police management and operational deficiencies by designing them into the new facility.

The Honorable Robert Dole
November 4, 1980
Page 2

Let me now address specific portions of your proposed bill.

Page 1 Line 8:

The amount of criminal justice activity within the states is continuing to increase. For example, in 1978 Index crime increased two percent; in 1979 nine percent; and 1980 shows no signs of a decrease.

Page 1 Line 10:

Criminal justice physical plants generally tend to be obsolete and overcrowded. We find that many police facilities were designed 50 and even 75 years ago. Their designs were often intended for a purpose other than housing a modern police agency. If they were in fact intended to house a law enforcement agency, the agency has long surpassed the personnel numbers for which the facility was programmed to accommodate. Secondly, contemporary law enforcement management and technology has changed significantly in those ensuing years.

Page 1 Line 13:

State and local financial resources are being strained by citizen's demands for service. Many communities have in fact been forced to cut back on law enforcement services and personnel. Local funds for construction are becoming rare.

Page 1 Line 16:

In the case of correctional facilities, the situation is critical. Inmates are indeed being housed in facilities that are inhumane, unsafe, and not at all conducive to rehabilitation. Courts are placing more and more convicted persons on probation, not because they do not cause a threat to society or are not in need of professional counseling, but because of the revolving prison door. When one goes in the front door one must exit the rear because of overcrowding.

Page 2 Line 3:

Police training in the past several years has advanced far beyond the point where local police facilities can meet the demands of seating, acoustics, privacy, or equipment requirements.

The Honorable Robert Dole
November 4, 1980
Page 3

Page 2 Line 5:

Several forms of federal financial assistance for criminal justice facility construction have been made available over the past twenty years. In the 1960's, the Model Cities Program provided some assistance to a few cities. Also in the 60's and 70's Civil Defense monies were available to agencies willing to incorporate civil defense disaster planning in their overall design. In 1976, approximately two billion dollars were made available by the Economic Development Agency under the Public Works Employment Act.

Page 2 Line 22:

All of the programs mentioned above were carried out under various "National plans." For example, facilities constructed with civil defense money were required to meet certain "Emergency Operating Center" requirements. These requirements were limited to the Communications Center, storage, and emergency administrative offices. No restrictions were placed on other management and operational aspects of the design. Relatively few requirements were demanded from the Economic Development Agency. The Model Cities programs were limited to cities with overall criminal justice planning.

Two major federal funded facility planning programs were initiated in 1976 (1) Seismic Design for Police and Fire Stations funded by the National Science Foundation and (2) The National Clearinghouse for Criminal Justice Planning and Architecture funded by the Law Enforcement Assistance Administration. Neither of these projects provided for on-site technical assistance, they merely provided for broad based recommendations.

Page 2 Line 28:

It has been our experience that police officers and police agencies project an image closely aligned to the facility from which they work. Public confidence in the police is likewise affected by the physical appearance of the facility from which the police, court and correctional components of the criminal justice system operate.

Page 5 Line 32:

You may want to consider the level of crime in addition to population as a criteria for allocating funds. Police agency size is affected by crime, and crime is affected by such factors as population density, age, and stability; economic and cultural conditions and climate. Therefore, raw population is not necessarily an indicator of community criminal justice needs.

The Honorable Robert Dole
November 4, 1980
Page 4

Page 7 Line 4:

Like the above, you should consider rate of crime as reported in the Federal Bureau of Investigation Uniform Crime Reports.

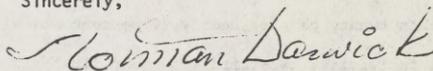
Page 8 Line 5:

There should be some requirements that competent criminal justice expertise be coupled with professional architectural firms to assure a facility design that will include both modern design technology and contemporary criminal justice management and operation theory.

To conclude, we agree in concept with your proposal to financially undertake comprehensive criminal justice construction programs. The facilities are needed and your proposal warrants diligent consideration.

Thank you for the opportunity to respond to this very important legislative proposal. Please do not hesitate to call upon us for additional assistance. We have enclosed a copy of our Police Facility Design Monograph for your reference.

Sincerely,



Norman Darwick
Executive Director

Enclosure

NEED FOR FEDERAL JAIL REFORM LEGISLATION

A CONCEPT PAPER

The Problem

Local jails have been enmeshed in controversy in this country for 200 years. What is the purpose of local corrections? Who should be in jail? What are the minimum standards for jail conditions? The answers to these questions have varied across both time and community. Today, even with the growth of professional knowledge about corrections and the increased public perception of a crime problem, the issues and answers seem less clear, the leadership on the issues posed by jails more fragmented.

There is no argument today, however, about whether we have a national jail crisis. In 1978, counties and other units of local government operated 3,493 jails with some 158,000 people confined on an average day. It has been estimated that between three and five million people are processed through local jails every year. One out of every four jails is over fifty years old. Three-quarters of these jails house less than twenty people; nearly 90 percent are without either educational or recreational facilities; two-thirds have only first-aid medical capability; and only half could separate pre-trial detainees from sentenced offenders.

Many people in jail do not belong there--juveniles, alcoholics, the mentally ill and retarded and most of those who cannot afford bail. Each year, according to reliable estimates, 120,000 juveniles are processed through adult jails and one million persons are arrested for public drunkenness, many of whom are placed in jail. Estimates of annual admissions to jail of the mentally ill and retarded range as high as 600,000. Forty percent of jail inmates are awaiting trial with four-fifths of this group detained not because they are a threat to the community or are likely to flee if released, but simply because they cannot raise bail.

Most jails are in deplorable condition. Former Assistant Attorney General Patricia Wald cited an estimate that only 5 percent to 15 percent of the nation's jails meet constitutionally acceptable criteria. Approximately 10 percent of all jails are under court order to upgrade conditions. When the federal government releases its long anticipated standards for jails, the federal judiciary, already active in enforcing constitutional rights on local facilities, will have a new tool to use in ordering improvements to local jails.

At the same time, many counties face severe fiscal constraints, whether through voter initiated property tax caps or demands for service outstripping revenue source capability. Capital construction for local jails can cost \$40,000 to \$50,000 a bed. Added to this basic cost are the exorbitant costs of borrowing money, which can double initial capital need over the life of a twenty year bond, and dramatic increases in operating expenditures for new facilities.

Counties are often reluctant to replace their aging jails with new ones that could double their present operating costs. But a county under pressure from a court order or threat of state agency mandated closure may absorb the cost of a new jail as the quick solution. In consequence, other desirable county programs are neglected and less expensive alternatives to incarceration are seldom even considered.

The federal response to this national crisis has fallen far short of what is needed. In the last session of Congress, two identical bills that would have provided funds for construction and renovation of state, county and local corrections facilities were introduced. Not even subcommittee hearings were held on these bills. Representative Zefferetti has introduced the only jail construction bill in Congress this session. It has had one subcommittee hearing.

In recent years, funding has been severely cut back for the few federal programs assisting counties to deal with problems in their jails and alternatives to incarceration. The new Justice Assistance Improvement Act which reauthorizes the LEAA program

prohibits money for new construction; only renovation is permissible. Discretionary funds have been cut almost in half. Some of that money has supported programs providing alternatives to jail and advanced treatment programs within jails. Other federal agencies whose assistance counties have used to support jail construction and alternatives projects are the Economic Development Administration, the Comprehensive Employment and Training Administration, and the National Institute of Corrections. Their budgets too have been reduced either by actual cuts or inflationary erosion.

Jail Reform -- A NACo Priority

Jails are the number one criminal justice priority for counties. In the last few years, NACo has focused considerable attention on the jail crisis in our country. It sponsored the first National Conference on the Intake Service Center and, in cooperation with more than 30 national organizations, has sponsored two national conferences on the jail crisis. NACo has also taken an active role in the development of the very successful National Coalition for Jail Reform.

Most recently, NACo members approved a resolution calling for federal jail reform legislation at their 1979 Annual Convention (see attachment). Therefore, NACo is proposing a comprehensive bill that would promote:

- (1) elimination of unconstitutional jail conditions;
- (2) removing from jail the many people who do not belong there;
- (3) sharing of resources in rural areas; and
- (4) community alternatives to jail.

A preliminary outline of the bill, based on the NACo resolution, suggests eligibility requirements including a population of at least 30,000 for single counties or combinations, establishment of a corrections advisory board, and development of a comprehensive plan that would include emphasis on community-based correctional facilities

and programs; advanced techniques for the design of institutions and facilities; sharing of correctional institutions and facilities on a regional basis, where feasible and desirable; and assurances that conditions and programs of jails will reflect federal standards. The bill outline also recommends \$2 billion authorization and 50/50 federal/local match. (A more detailed outline is attached.)

TITLE: "The Jail Reform Act of 1980"

I. Eligibility

a. Population Requirement

- A single county with a population of 30,000 or more or a group of contiguous counties with an aggregate population of 30,000 or more.

b. Corrections Advisory Board

- Basic to the act is the requirement that participating counties must establish a corrections advisory board. This board must be representative of law enforcement, prosecution and defense attorneys, the judiciary, education, corrections, racial minorities, social welfare services and lay citizens. If two or more counties come together for purposes of implementing a joint corrections program, membership is shared among the counties at the discretion of the joint county boards. The advisory board is actively involved in the development of a local comprehensive plan and in reviewing the progress being made. In addition, the board is expected to provide the coordination which is needed to make an expanded community corrections system a reality.

c. Comprehensive Plan

- The local comprehensive plan identifies correctional needs and defines the programs and services necessary to meet these needs. This plan is developed by the corrections advisory board and presented to the board of county commissioners for final adoption. The plan shall provide an analysis of the jail population, address inappropriate confinement and specify how the county or group of counties plans to maximize the use of community alternatives to incarceration. The plan:
 - provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs;
 - provides for advanced techniques in the design of institutions and facilities;
 - provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis; and
 - provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices.

II. Funding Section

- a. References the Justice Systems Improvement Act for program funding.
- b. Contains an authorization of \$2 billion for construction/renovation.
- c. Provide for 50 percent federal match.
- d. The Act provides limitations on using construction funds to increase a county's overall jail population.

RESOLUTION ON JAIL REFORM LEGISLATION

WHEREAS, there is a critical need to upgrade local correctional facilities, services and programs; and

WHEREAS, many county governments are financially unable to provide the necessary funds to accomplish these goals; and

WHEREAS, it has been estimated that the total cost of basic renovation to county jails nationally would be in excess of \$4 - \$5 billion; and

WHEREAS, NACo recognizes that a program of construction and renovation would attempt to solve only one aspect of the county jail crisis; and

WHEREAS, NACo recognizes that there are people in county jails who are inappropriately confined; and

WHEREAS, NACo supports increased emphasis on the establishment of an intake and screening process and the creation of community-based corrections and other alternatives to incarceration; and

WHEREAS, NACo supports the development of multicounty corrections and detention facilities and services; therefore, be it

RESOLVED, that the National Association of Counties urge that:

o Congress authorize and appropriate adequate sums of money on a 50 percent federal, 50 percent local matching basis to assist local governments in the construction and renovation of local corrections and detention facilities;

o Any program of federal financial assistance offer greater incentives where feasible, for the creation of multicounty and other multijurisdictional corrections and detention facilities and services;

o Any program of federal financial assistance for local corrections, consistent with a locally developed comprehensive plan, place emphasis on community-based corrections and alternatives to incarceration;

o Existing federal programs designed to provide health and mental health delivery services, social services, educational and vocational training, employment services, and other relevant programs be made available to local correctional/detention facilities.

ADOPTED

JULY 17, 1979

PREPARED STATEMENT OF MAUDINE R. COOPER

The National Urban League is pleased to take this opportunity to submit this statement on the issue of the existence of the Law Enforcement Assistance Administration (LEAA).

The National Urban League is a non-profit community service organizations dedicated to securing equal opportunities for the poor and minorities in all sectors of your society. Through our network of 116 affiliates in 35 states nationwide, we provide social services to disadvantaged individuals in this nation's cities. It is because of this commitment to Blacks and other minorities that we welcome this opportunity to state our views on the existence of LEAA.

Since its creation by the Johnson Administration, during the riots of the late 1960's, LEAA has functioned as this nation's only crime fighting agency working to reform the criminal justice system. From 1969 to 1980, LEAA provided \$7.7 billion to state and local governments to fund such program and project initiatives such

as government integrity, child abuse, training and education, family violence, drug treatment and prevention, drug strike forces, arson, and community anti-crime.

The history of LEAA is characterized by uncertainty. Budget levels fluctuated from the first \$63 million appropriation in 1969 to a peak of \$800 million back to a low of \$200 million; there were frequent changes of administrators; regional operations were created and, subsequently, eliminated; and there were several attempts at major legislative reforms.

During this 12 year search for effective crime prevention mechanisms, the Urban League has had its own serious problems with LEAA. While we recognize that the impact of crime on the minority community is disproportionately negative, there was a general consensus that LEAA was unresponsive to these needs. The basis of that problem was LEAA "Law and Order" approach to community crime--a posture that focused on law enforcement rather than crime prevention and due process of law. Another source of the problem was a total absence of minority participation in the LEAA programs. Minorities were excluded at the decision-making level, the administrative level, and the recipient level. Further, LEAA functioned on the underlying assumption that the criminal justice system alone could control crime problems when, in fact, many of us recognized the necessity of community input, especially minority input, in criminal justice reform.

Even with these problems, however, the Urban League movement was not prepared to sanction the total abandonment of LEAA. Instead we advocated a restructuring so that these problems could be more effectively addressed. In a position paper presented

by the League on the proposed 1979 restructuring contained in the Criminal Justice Improvement Act, we stated: "The National Urban League supports the restructuring of the LEAA, but we feel that any reorganization plans must take into account the concerns and needs of the minority community if they are to be successful. The Department of Justice must recognize the enormous potential for community involvement, especially minority community involvement, in crime control and prevention."

Since the early 1970's, LEAA has demonstrated its awareness of and concerns for the problems of community involvement, police community relations, and affirmative action. Vernon E. Jordan, Jr., President of the National Urban League, recently wrote "The Law Enforcement Assistance Administration (LEAA) has overcome its shaky start as a supplier of heavy weapons to local police forces to become an effective catalyst for badly needed change..." One of the major sources of change in the Administration's approach to crime control took the form of Community Anti-Crime Programs.

Although the omnibus Crime Control and Safe Streets Act of 1968, which established LEAA, referred to the concept of community anti-crime projects, thereby acknowledging the necessity for community input, no federal funds were appropriated for such implementation for nearly a decade. In 1977, the President's Commission on Law Enforcement and the Administration of Justice reported that:

"Every American can translate his concern about, or fear of crime into positive action. Every American should. Specialists alone cannot control crime. Controlling crime is the business of every American. Direct citizen action to improve law enforcement has become an absolute necessity."¹

After holding congressional hearings at which community-based organizations and citizens testified to their concerns about neighborhood crime and their own efforts to combat it, the Crime Control Act of 1976 provided for the establishment of the Office of Community Anti-Crime Programs (OCACP). OCACP has funded over \$6 million in grant awards to minority community neighborhood organizations. The need for such programs continue to be among the top priorities within the Black community.

For it is within those communities that crime continues to rise. For example a recent FBI report indicates a 10 percent increase in major crimes, such as murder, robbery, and larceny, over those reported in 1978; the number one crime in Black communities being homicide. These circumstances have resulted in a concomitant rise in fear of crime in minority neighborhoods. In recent victimization survey conducted by Research and Forecast, Inc., it was reported that Blacks experienced substantially higher levels of fear of crime than whites.

What all this suggest is what the League and others have recommended for some time—the need for minority community involvement. For without this input, citizens will live without the sense of security that should, by rights, be second nature. Without LEAA, without OCACP, there is little or no assurance that such security will be assured. The absence of LEAA would also leave another problem, which faces our cities, largely unattended—that is the issue of police-community relations. Recent racial disturbances in Miami, Chattanooga, and Philadelphia exemplify a deterioration of that relationship that is reflective of conditions in most urban areas in the country.

Police use of deadly force is also a top priority among our constituency. The elimination of LEAA would signal the end of a federal mechanism to cope with these issues society now faces. In addition, LEAA's demise would also greatly hamper equal opportunity development in the criminal justice system. Due to the 1977 Jordan Amendment, the Administration has become a force for more equitable treatment for women and minorities. The amendment requires that criminal justice agencies receiving more than \$25,000 from LEAA and having 50 or more employees serving a constituency that is more than 4 percent minority, must have an equal opportunity plan. The goals and timetables established pursuant to those plans, has resulted in the hiring of women and minorities long excluded from jobs in police departments, courts, probation and prison facilities.

By law, LEAA must discontinue funding agencies found not in compliance. Non-complying agencies could also be legally forced to repay all funds received from the Administration. Those who have already lost funding, thus serving as an example, force others to adopt appropriate plans. Because it boasts such an inflexible penalty, the Jordan Amendment virtually assured LEAA of becoming an effective affirmative action force affecting the entire criminal justice system.

The law also provides that there can be no disparity of service to constituents of LEAA-funded local agencies. In effect, this provision promotes equal police protection and quality of service in minority neighborhoods. For the first time, there was a powerful tool against local police departments that responded quickly to incidents in white communities and slowly to those in Black ones. Likewise, it was a force to ensure that white prison inmates didn't get favored prison assignments while Black and Hispanic inmates received worse assignments. This mandate extended to probation as well, and left virtually no part of the criminal justice system untouched.

We cannot afford to lose the commitment of these and other program initiatives due to lack of funding for LEAA. We must work desperately now, with those responsible for the Administration's phase-out plan, to salvage such LEAA components as the community anti-crime program, corrections, standards and training, and equal opportunity monitors. The current budgetary attack has much wider ramifications than simply the discontinuation of a federal agency. For LEAA's demise will signal yet another defeat to many communities particularly minority communities when crime prevention efforts are a day-to-day life and death concern.

¹The President's Commission on Law Enforcement and the Administration of Justice. "The Challenge of crime in a free society." Washington, DC, U.S. Government Printing Office, 1967, p. 35, from The Community Anti-Crime Program by the American Institute for Research.

PREPARED STATEMENT OF LUCY N. FRIEDMAN

As Director of the Victim Services Agency, (VSA), I welcome the opportunity to testify on the importance of continued federal support for criminal justice programs in general, and victim-witness projects in particular. Before addressing myself to this issue, I will briefly describe VSA and the services it provides, many of which have been made possible through federal assistance.

The Victim Services Agency is a not-for-profit corporation established by the Mayor in 1978 to reduce the inconvenience, cost, and trauma associated with being a crime victim in New York City. The Agency operates units in four of the City's Criminal Courts and three Family Courts. These court-based units offer such services as: notification of court appearances; transportation to and from court; reception centers for victims and witnesses awaiting court appearances; a children's center; counseling; assistance in obtaining restitution; advocacy within the court system; and referrals to and advocacy with social services.

VSA also assists crime victims not involved in the court process by providing services at four police precincts and six neighborhood offices throughout the City. At these locations, services include crisis intervention and counseling; referrals; assistance in obtaining emergency shelter and financial support; and escort to police stations and hospitals. VSA also provides relocation assistance and financial assistance to meet emergency needs at all sites.

In addition, the Agency operates a 24-hour hotline for crime victims, a counseling program for families of homicide victims, and Project SAFE, a citywide home security program for the elderly which provides emergency burglary repair. VSA currently serves approximately 5,000 crime victims per month.

The experience of the Victim Services Agency in providing services to crime victims in New York City has pointed up the fact that while there has been progress towards making the criminal justice system responsive to the problems and needs of victims and non-complainant witnesses of crime, there continue to be many unresolved issues. Among these, one of the most significant is the need for ongoing rather than pilot project funding of victim/witness services; another is the need for continued assistance in the development of innovative projects. It is therefore disturbing that at a time when the need for federal leadership and involvement in this area is more critical than ever, Congress has chosen not to reauthorize funds for LEAA block or discretionary action grants, thus eliminating a major source of funding for such programs.

The federal government's principal effort to help crime victims was generated and financed by the Law Enforcement Assistance Administration (LEAA) created by the Omnibus Crime Control and Safe Streets Act of 1968. A great deal of criticism has been levelled at LEAA over the years, much of it accurate. Despite these criticisms, and despite a lack of adequate financial support by Congress over the last five years, LEAA has made important contributions to fighting crime in the United States.

First, LEAA served as a symbol of federal leadership in the fight against crime. Crime and the fear of crime are problems of nationwide importance. Although advances in the fight against crime will be made, of necessity, on the state and local level, it is fitting that the federal government take a leading role in the effort to improve the quality of life by assisting in that fight.

LEAA's contributions have been, of course, much more than symbolic. LEAA has made possible valuable research efforts that would otherwise not have been undertaken, and it has funded innovative projects on an experimental basis that have led to important improvements in our ability to respond to crime. Many of these successful projects have been absorbed by localities and continued with local tax-levy funding.

More than 350 projects have been made possible by LEAA funds in New York City alone. Not all of these projects were beneficial and successful. Many of the early purchases of law enforcement hardware are, in retrospect, embarrassing. However, the vast majority of LEAA dollars that have been spent in New York City have been for the development, implementation, and evaluation of innovative approaches to important crime and juvenile delinquency problems. Approaches that proved cost-effective have since been institutionalized and are now permanent fixtures of the New York City criminal justice system. Those projects that were less successful are also important; by asking "What went wrong?" about unsuccessful projects, we have

gained valuable knowledge about many crime and juvenile delinquency problems.

In the area of assistance to crime victims, LEAA's efforts were successful in many respects. Remedial measures fostered by LEAA included the following:

- Victim Witness Reception Centers (comfortable waiting facilities where victims and witnesses could await court appearances in a secure atmosphere);
- Victim Counseling Programs (both general and specialized counseling services);
- Property Return Programs designed to expedite the return of recovered stolen property;
- Witness Telephone Alert Systems to reduce unnecessary and counterproductive waiting periods; and
- Social Service Referral Systems designed to direct victims to agencies which can render effective aid.

One example of an LEAA-funded crime victims assistance project in New York City that was developed as a model program in one borough and has been replicated in other boroughs and, indeed, in other jurisdictions outside New York City, is the Vera Institute's Victim/ Witness Assistance Project, VSA's predecessor. This project received LEAA funding for 3½ years: two years of discretionary funding and one and a half years of block funding. In its first three years, this project developed a comprehensive program in the Kings County (Brooklyn) Criminal Court to reduce the number of unnecessary court appearances of

civilian and police witnesses, reduce the amount of wasted court time, divert suitable cases to mediation, assist crime victims, and maintain a computerized appearance management system. By the end of the third year, the project's productivity and the dollar savings it generated were valued at \$3.6 million annually. The project cost was \$1 million. Final year LEAA funding was used to continue the project and to start the process of institutionalization. The Victim/Witness Assistance Project has been absorbed in the Victim Services Agency and is now funded by a combination of City, federal, and private money.

LEAA's early efforts in this field, involving primarily the financing of model "action" programs, and its more recent activities designed to institutionalize reforms made through such programs, have both been instrumental in bringing about improvement in the treatment of crime victims and witnesses. While state-level institutions and local communities clearly share the obligation in the victim witness assistance arena, the continuation of federal initiatives and leadership is essential if further efforts on these levels are to be stimulated.

STATEMENT BY

SHERIFF RICHARD WILLE
WEST PALM BEACH COUNTY, FLORIDA

PRESIDENT OF THE BOARD OF DIRECTORS
AND CHAIRMAN OF
THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES, INC.
WASHINGTON, D. C.

BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

REGARDING

THE ROLE OF THE FEDERAL GOVERNMENT IN STATE
AND LOCAL LAW ENFORCEMENT IN THE FIELD OF CRIMINAL JUSTICE

DECEMBER 3, 1980

Contacts: Sheriff Richard Wille
Palm Beach County Sheriff
P.O. Box 670
West Palm Beach, FL 33402
(305) 837-2000

Commission on Accreditation
Public Information Office
Suite 460
1730 Pennsylvania Ave NW
Washington, DC 20006
(202) 783-5247

INTRODUCTION

Thank you, Senator, for your kind invitation to testify before this Committee about the question of what should be the federal role in providing assistance to local law enforcement in the United States.

I am Sheriff Richard Wille and am the elected Sheriff of Palm Beach County, Florida. Currently, I am also the President of the Board of Directors and Chairman of the Commission on Accreditation for Law Enforcement Agencies, Inc., which is a national non-profit organization established by four of the major professional law enforcement associations in the United States, namely, the International Association of Chiefs of Police, the National Sheriffs Association, the Police Executive Research Forum, and the National Organization of Black Law Enforcement Executives. Collectively, these four organizations represent the vast majority of local law enforcement executives, practitioners, and agencies in this country.

The Commission on Accreditation was formed in 1979 as a result of joint efforts between the Law Enforcement Assistance Administration and the four sponsoring organizations--an effort, I may note, that is unparalleled in the history of law enforcement in this country and which indicates the high level of professionalism that characterizes the law enforcement community today. Our mission is to develop, establish, and maintain performance standards for law enforcement agencies and to use an accreditation process by which these local agencies can, voluntarily, apply for and be subjected to the discipline of outside scrutiny to qualify for certification that they meet the highest standards of professional performance. Our undertaking is rooted in a long-term

desire by the law enforcement community to have such an independent, voluntary, professionally acceptable process. I am enclosing, as part of this testimony, background information which describes in more detail the mission of the Commission, its current membership, and the standards research and accreditation methodology which the Commission proposes to use in the near future. Further information about the current day-to-day operations of the research on standards, their development and acceptance, as well as the accreditation methods to be followed, can be obtained from the Commission Information Office listed on the enclosed descriptive materials.

My comments today will summarize our thinking to date and our response to the question you and your colleagues have raised: What should be the federal role in providing assistance to local law enforcement?

Our response will be four-fold: (1) We shall comment on the timeliness and appropriateness of this question as it affects this Committee, the incoming Administration, and the next 97th Congress; (2) We shall discuss the effects the phase-out of current LEAA operations will have on the law enforcement community and use our discussion as a basis for our comments about the future federal role; (3) Since a future role will inevitably affect how the Commission on Accreditation will operate, we will describe how the Commission and a revised federal assistance program might operate in joint partnership; and (4) We will suggest how the time may be ripe for exploring a revised federal assistance role for local law enforcement that will build upon the success of the past and target on new opportunities in the present.

TIMELINESS AND CONSENSUS ABOUT THE QUESTION

Your question is timely and appropriate for several reasons.

The current Administration has recently chosen to phase-out the only federal assistance program for local law enforcement, namely the Law Enforcement Assistance Administration, as part of a major set of cutbacks in the federal budget. It is interesting to note that no one in this Administration has publicly stated any reason for LEAA's dismantling other than a budgetary one. I shall leave to others the task of probing the wisdom, practicality, and future impact of such a decision. However, I note with some satisfaction that members of your Committee seem to be in agreement that, though there may not be a total elimination of a federal assistance program for local law enforcement, there is a critical need to examine how federal assistance should be constructed and conducted. As Senator Biden mentioned earlier in this hearing--I trust I am paraphrasing his lengthy remarks accurately-- "It is not a question of whether there will be federal assistance. Rather it is a question about what type of assistance and how this assistance will be provided, given the many serious budget and policy constraints faced by this Congress, the incoming Administration, and the 97th Congress."

Thus, the question you have raised needs to be answered in the practical context of how assistance should be provided absent an LEAA apparatus as we have known such an agency in the past

This specific and practical question is also being dealt with by members of the various Transition Team Task Forces that have been organized by the Office of the President-Elect, Governor Ronald Reagan. Indeed, two members of the Commission on Accreditation serve on the Task Force on Law Enforcement: Lt. Jack Pearson of San Diego, California and Chief of Police Glen King of Dallas, Texas--the latter of whom was my

immediate predecessor as Chairman of the Commission on Accreditation. In our discussions, we have also noted the importance given this question by various levels of the Office of the President-Elect.

Your own Committee members and members of the reorganized Senate Judiciary Committee have indicated that this question will also be addressed, in depth, next month during the early days of the 97th Congress.

Finally, our own Commission, in its most recent meeting, spent considerable time on discussions about how a possible revised federal assistance program could aid and continue the development of improvements in the management and operations of local law enforcement agencies. In our discussions, we noted that this Congress agreed that improvements had been made, as indicated by the many exemplary improvement programs you included in Section 401 (a) of the Justice System Improvements Act of 1979--programs which this law states are worthy of continuation and funding because they are of proven value.

Thus, the question you and your colleagues raise is being asked by a wide variety of policy-makers and practitioners at both the federal level and the local level of responsibility for public safety and law enforcement. All of these actors are asking the same question despite the fact that they represent different political parties and interests. From that perspective alone, it seems to me that we are at an historic time--for too often our problem has been that too many people are asking different questions.

ANSWERING THE QUESTION: REVIEW OF THE PAST

In answering this question, I believe that we must base our response, partially, on what has already been accomplished and thereby build on the past investments of this government, rather than move too rapidly

to chart out new and/or untried ideas. In this approach, I accept the axiom that those who ignore the past may do so at their own peril. Because a revised federal assistance program must take into account both the successes and failures of past federal initiatives, it seems useful to review the fundamental accomplishments of prior federal assistance to local law enforcement. It seems that there were three principal effects that past federal assistance produced within the law enforcement community. I would like to describe, briefly, each of these three effects.

EFFECT NUMBER ONE: FEDERAL ASSISTANCE AS A NATIONAL PRESENCE

During its short, 15-year life span, LEAA has, in my judgment, had three effects. The first is that of presence.

For more than a decade LEAA has been a recognized presence in this country. It has tried to carry out a complex mission--a mission which was legitimate and valid--to provide assistance and guidance to local governments and law enforcement agencies so that the administration of justice in our American democracy could be achieved in a fair, equitable, efficient, and effective manner. It is clear that such a mission is a major part of our national interest and admits no serious debate. This mission was, I may add, legitimized and supported regularly by various administrations and the Congress.

LEAA was not an artificial presence. The agency functioned by two principal means: funds were distributed and monitored in order to improve the administration of justice and law enforcement in states and localities; other support, technical assistance, and guidance was provided to these grantees so that improvements could be conducted rationally, legally, carefully, and in conformity with the policies of the Congress and the various administrations.

LEAA was a helping and not a controlling presence. The agency tried to build lasting partnerships within the framework of the federal system of government and, in this latter sense, they were working within the principles of intergovernmental relationships as old as the Federalist Papers.

Granted that some would state LEAA was more of a hindrance than a help and that at times they gave the impression of being flawed, overbearing, and inadequate. However, I believe the real litmus test of whether this presence helped improve the administration of justice and the operations of local law enforcement can be found in two facts: (1) Today, there are real differences and positive improvements in the administration of justice and the operations of law enforcement compared to 15 years ago. Those whose vocations have spanned the past decade can attest to these differences. In this historical context, the proof of whether federal assistance was a helping presence can be found by answering the simple questions: What if, for the past 15 years, there had been no presence? Would there have been differences? Improvements? (2) The second fact centers on the emerging concern and outcry voiced by Congress, governors, mayors, criminal justice executives and practitioners, attorney generals and citizen-based organizations that there may no longer be a federal presence. This hearing is an example of this second fact.

FEDERAL ASSISTANCE AS A DEVELOPER OF NEW NETWORKS: EFFECT NUMBER TWO

The second effect of LEAA is closely tied to the first. Partly as a consequence of a federal presence, LEAA also developed and maintained new criminal justice networks throughout the country. Let me explain what I mean by the LEAA effect of establishing new networks--it is a

simple, but complex, explanation. In carrying out its mission of assistance, LEAA worked through others.

A federal presence like LEAA helped create, establish and support new organizations and agencies at the state and local level, e.g., SPAs, RPUS, Coordinating Councils. These were locally controlled, helping institutions that shared in the mission of the improvement of justice.

LEAA also worked through national, regional, and local agencies and organizations--public and private--such as universities, research centers, training academies, consultant firms, professional associations, etc. Some of these organizations are present in this room--the ABA, IACP, NSA, PERF, NOBLE, Police Foundation, NASLEDT, and others.

LEAA worked with individual police officers through the LEEP program and local colleges and universities that began and continue to develop professionally-oriented education programs for these officers.

LEAA worked through individual chiefs and senior officers of a host of small to large departments that chose to collaborate in the design, implementation, and evaluation of a variety of police improvement programs. Among such programs are projects involving Team Policing, Managing Criminal Investigations, Managing Patrol Operations, Integrated Criminal Apprehension Program, Police-Prosecutor Relations, sting operations, anti-terrorism research and training, urban crisis management, organized crime, and victims/witnesses programs.

LEAA worked with researchers and practitioners to develop tested and validated programs and practices to serve as the basis for these innovations in patrol and investigative management, as well as in other parts of police and criminal justice agency operations.

A lengthy list of experiments, demonstrations, tests and transfer of new ideas and skills were generated not by LEAA alone but through the collaborative efforts of a vast network of individuals, organizations, and agencies.

This network never existed prior to LEAA's presence. There are literally thousands of individuals--police executives and practitioners--whose understanding about the complexity of law enforcement and criminal justice operations is a great reservoir of new knowledge and whose experiences in helping make things work better is greater today than it was 15 years ago.

FEDERAL ASSISTANCE AS A PRODUCER OF NEW KNOWLEDGE AND PRODUCTS:
EFFECT NUMBER THREE

A third effect of LEAA, in addition to its presence and a new network, is in terms of what I call LEAA products. By products I mean those tangible and documented changes in the operations and management of law enforcement and criminal justice found in that enormous library of studies, reports, texts and other types of documentation. These social products also form the basis for the exemplary programs cited by this Congress in Section 401(a) of the Justice System Improvements Act. These documents sought to describe and explain the rationale and steps to be taken to improve the administration of justice or the operations of law enforcement.

LEAA deliberately sought to produce knowledge about what works and what doesn't work in improving policing. A national presence and the development of a network was not enough--they had to document and disseminate results. They learned from research, tests, evaluations, and experiences from the field and sought to document and transmit this new learning to others through the written text--a social product.

They also sought to disseminate this social product back to the field, through training, technical assistance, conferences, meetings, and a host of information dissemination techniques.

SUMMARY EFFECTS OF LEAA

Presence, network, and products--this trinity of effects will be the legacy of LEAA to others in this country. However, as a community of criminal justice professionals, we face a critical problem concerning the future use of this legacy.

LEAA is disappearing. It is possible, therefore, that some of the parts of the network of individuals and organizations will also disappear. Given the absence of a national presence and the possibility of a diminishing network, it is probable that the products of our new knowledge and skill--gained at great cost--will also diminish in use and importance.

Who or what will pick up where LEAA has left off? Who or what will continue to build upon the past 15 years and to improve the administration of justice and law enforcement? Who or what will interact with the vast network of agencies and individuals and, through such interaction, sustain the vision of improvement? Who or what will continue to assist in the transfer of new knowledge and make use of the products of new knowledge and skill?

ROLE OF THE COMMISSION

It is clear that the legacy of the past must not be set aside. A momentum centered around the improvement of the administration of justice and law enforcement has been stimulated by past initiatives and it seems wise to build on this momentum.

Indeed, the Commission on Accreditation seeks to link itself to this vast legacy by continuing its relationships with the network of

experiences that have been established by past federal initiatives. Moreover, the Commission seeks to continue the mission of improvement of law enforcement and seeks to use the products of the last decade as a means of carrying out this mission. Finally, as a national organization, the Commission seeks to maintain a national presence that will aid local agencies in the complex task of continuing the improvement of the management, operation, and functions of law enforcement.

However, no private national organization has either the capability or the fundamental responsibility for carrying out, alone, the task of the improvement of justice and public safety in this country. Indeed, seeing to the continuation of such improvement is the clear responsibility of both the states and the confederation of states in the federal system. Therefore, we come to the final part of my comments: How should federal assistance be provided in the near future?

A NEW APPROACH

It seems clear that there is some willingness to continue, under a revised format, a federal presence and a federal assistance program. It also makes sense to build this presence and assistance in a way that draws from the acknowledged successes of the past. Finally, a third principle should be operative in designing such a revised assistance program, namely, that the budget for such a program must be less than previously appropriated, given the cutback thinking of both this Congress and the incoming Administration. Meshing these principles together will, of course, require further hearings and work on the part of the 97th Congress and the new Administration. However, it would not be premature to suggest that a vehicle for such work already exists in the form of certain sections of the Justice System Improvement Act, particularly

Section 401(a), cited earlier in these comments.

A REVISED FEDERAL ASSISTANCE PROGRAM: PRINCIPLES

We suggest that a small but highly professional unit be established at the highest levels of the Department of Justice to carry out, through a revised financial assistance program, the task of supporting the improvement of law enforcement agencies already begun. This unit can have authority to grant, directly, to law enforcement agencies funds to be used in a categorical manner to initiate or maintain, for a specified period, already-proven improvement programs such as those cited in Section 401(a). Agencies must be willing to submit to the discipline of developing and writing a specific plan of implementation, evaluation, and transfer of findings to others as conditions for obtaining a grant. Further, each agency must be willing to match with its own funds or in-kind contribution (up to a specific percentage) in order to obtain the federal grant. The federal assistance unit can provide technical assistance to aid these agencies in both the development of the plan as well as in the conduct of the implementation process. Finally, at the completion of the improvement program, the agency grantee will also have the responsibility for transferring its findings and improvements to other nearby agencies, so that the federal investment can be used to assist other law enforcement agencies.

May I note that, in offering this suggestion, I am not recommending that a new agency or a new bureaucracy be created ex nihilo. In fact, the unit I envision already exists in the form of the Enforcement Division of the LEAA. It is already organized and has functioned in much the same manner with local law enforcement agencies as was described in our earlier suggestion. Further, it is, currently at least, equipped to

initiate the type of modest and targeted federal assistance in keeping with the principles discussed earlier. If one could, in this interim period of a new Congress and a new Administration, maintain the current efforts of such a Division, valuable time would be gained and expertise retained, allowing the leisure of examining the larger questions of policy and budget as these relate to a more detailed analysis of a future revised federal assistance program for the local law enforcement community in the United States. Indeed, the total administrative and grant budget required for the interim maintenance of such a unit would be less than \$10 million for the next calendar year.

In our judgment, a small federal assistance program to local law enforcement can, with a modest annual budget, continue the three-fold legacy of the past. It will retain a national presence but will target its resources and efforts directly by supporting only what has worked; it will encourage the new grantees to take advantage of what others may have already done and thereby continue a relationship between these local law enforcement agencies and other parts of the vast network of entities previously established through the work of LEAA; and, most importantly, this small unit will encourage and stimulate the use of products of over 15 years of research, study, and evaluation.

RELATIONSHIP TO THE COMMISSION

Of course, our recommendation is tied to our own interests in carrying out our mission of aiding in the professionalization of the law enforcement community. We believe that the application of new knowledge about the best and most acceptable mode of carrying out the operations of local agencies is vital to our own work in researching, developing, and applying--through a disciplined accreditation process--

standards of acceptable performance. The Commission will be the only national, voluntary vehicle by which local law enforcement agencies can be certified and accredited--a goal the profession has sought to achieve for over 30 years. Linking a new revised federal assistance program to our future efforts makes logical and practical sense. We need to be able to reach into an ongoing network of experimenting law enforcement agencies in order to test and evaluate, for our purposes, what is the best standard of performance in a host of complex areas of law enforcement. Having available a small but effective federal assistance program, such as we outlined above, will have the net effect of combining, for the first time in American history, a federal-private-local agency initiative aimed at institutionalizing and guaranteeing the improvements we need to meet the complex problems of crime and public safety service.

CONCLUSION

At the beginning of my remarks, I observed that the time is opportune for asking the right question: How should federal assistance for local law enforcement be constructed? In my remarks I have tried to point out that many different actors are asking the same question and that there seems to be a convergence of agreement on the response--namely, that there will be a presence, that it must be cost-effective, and that it must preserve the successes and accomplishments of the past.

Our suggestion is to create a small unit and enable it to deal directly on a partnership basis with local law enforcement agencies. Further, the improvement programs supported by this federal assistance unit must be capable of being evaluated and transferred to others. Finally, the products of such a federal assistance program--the actual

findings and details of what works--should form the pool of new knowledge needed by the Commission on Accreditation to carry out its long-term mission and operations.

Indeed, what we envision is a partnership, for the first time, between an independent, voluntary national Commission on Accreditation and the federal government that will enable the Commission to take forward the results of the federal investment to its next logical step--the institutionalization of improvements. We believe that we, as the Commission for Accreditation for Law Enforcement Agencies, Inc., can accomplish our part of this joint mission. We invite, through our recommendation, this Congress and the next Administration to explore this vision and join together in an unprecedented but practical and feasible program for the future. Thank you, Mr. Chairman, for your kind attention to my statement.

PREPARED STATEMENT OF BUSINESSMEN OF EAST BIRMINGHAM, ALABAMA

December 20, 1980
Birmingham, Alabama 35234

Mayor Richard Arrington
City Hall
Birmingham, Alabama 35203

Dear Mayor Arrington,

As merchants in the East Birmingham community we wish to solicit your help in controlling the increased crime against businesses in our area. Each of us as business owners have either been victims of armed robbery or had our businesses burglarized within the last few weeks. Some have been both robbed and burglarized. You must realize the trauma we and our employees have been subjected to because of this.

We feel that we are not getting adequate police protection under the present rules the police are forced to live with. The robbers are breaking our windows and stealing hundreds of dollars worth of merchandise, then running away, knowing full well that if the police happen to arrive in time they can only watch them run. The police are obviously delaying their arrival at the scene of the crime until the felon has left, in order to avoid a confrontation and possible use of their weapons. Being a burglar in East Birmingham is no longer a dangerous occupation.

We cannot continue to operate and still absorb these losses in merchandise, equipment, and building repairs. Some of us are already uninsurable and others of us are approaching that point. We will be happy to provide figures detailing our losses if it would be of benefit.

Our businesses are a vital asset to the good and decent people of East Birmingham. In addition to that fact we feel that we as merchants deserve a chance to make a living for ourselves and our employees.

In view of the above statements we urge you to allow the police to use whatever force is necessary to control the burglaries in our area. This includes the use of police guns to halt and maintain these criminals.

We respectfully request your prompt attention to this urgent matter. We would welcome an opportunity to discuss this further if you feel discussion would bring some relief.

Sincerely,

Curt Wasson
Wasson Drugs
3922 10th Ave. No.

Fred Southall
Fred's Hardware and
Appliance Service
3919 10th Ave. No.

J. R. Tucker
Coosa Street Service
3924 10th Ave. No.

James Collier
Fuzzy Hut
3921 10th Ave. No.

James B. Tucker
Tucker Salvage Sales
3922-A 10th Ave. No.

Robert L. Green
Green Arco Service
3925 10th Ave. No.

PREPARED STATEMENT OF M. L. CARTER

the City of
Gadsden
 ALABAMA
 BOX 267 / 35999

OFFICE OF SENATOR HEFLIN
 1981 JAN 16 AM 3:52

STEVE MEANS Mayor
 GEORGE SIZEMORE Commissioner
 TONY REYNOLDS Commissioner

January 13, 1981

The Honorable Howell Heflin
 United States Senator
 3203 Dirksen Senate Office Building
 Washington, D. C. 20510

Dear Senator Heflin:

I am writing this letter in regard to a subject that is of great concern to law enforcement officials in the State of Alabama.

The recent cutback of funds allocated to the Law Enforcement Assistance Administration could have a devastating effect upon the professionalism of police officers in Alabama. Unless there is a continuation of necessary funds from some source, the police academies will be forced to close their doors. In the past, these four academies have been funded entirely through LEAA funds. Because an overwhelming number of police officers in Alabama are trained by the police academies, closing these academies will have a negative effect from which it will take a long time to recover. To illustrate this last point, a brief history will be necessary.

The Alabama Legislature waited until 1972 before it passed a minimum standards act for law enforcement officers. This act called for defined physical and educational standards as well as attendance at a certified police training academy for new officers.

In general, the academies have enhanced and promoted professionalism in all areas of law enforcement. The full impact of the academies is just now becoming apparent.

"The City of Champions"



In the event that the academies do close down, law enforcement officials will be confronted with the basic options listed below:

1. The full cost of maintaining and operating the academies could be assumed by the individual agencies. This option would place a tremendous financial burden upon small and mid-size departments. Currently, it would cost approximately \$3,500 - \$4,000 for each officer to attend the academy. This figure does not include salary.
2. The State of Alabama could assume the responsibility of training all new police personnel. In my viewpoint, there are several factors to be considered by local law enforcement officials before going this route.
 - a. Cost
 - b. Convenience of attendance to one centralized academy as opposed to present situation
 - c. Instruction - there is a major difference concerning the function and duties of State Troopers as opposed to the function and duties of municipal and county law enforcement officers.

In addition, the local agency has input into the training of local officers by furnishing instructors when requested. The students are also instructed by various other federal and state officers. Under one centralized, state-run academy, the instruction would be predominately State Trooper oriented.

3. In the case of the Gadsden Police Department, possible creation of a training academy, the cost would be tremendous and we have not budgeted for such a project. In addition, there would be other major problems to confront.
4. The Alabama Legislature could amend the law. For reasons I have already listed, this would be a disaster to law enforcement.

As you can see, this situation has become critical if we are to maintain a high level of training and standards for law enforcement officers. At this time, the future of the police academies is very uncertain.

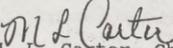
With crime increasing at an alarming rate, the people of Alabama cannot afford a cutback or reduction in the training of police officers.

With the current demand for fiscal restraint by the government, I can understand the need for some financial programs to be cut back or reduced in priority, but I do not believe that the training of police officers can be given a low priority under any set of circumstances.

I ask you to consider the continued funding of the Alabama Police Academies as one of your major priorities concerning future legislation.

If you require additional information, please advise. Thank you for your time and effort.

Sincerely,


M. L. Carter, Chief
Gadsden Police Department

PREPARED STATEMENT OF COIT A. McDONALD, JR.

Boards of Education
Metro-Birmingham, Ala.

1960 August 31

Gentlemen:

Hasn't the problem of violence in schools now reached the point where it must be recognized publicly, and steps—not just temporary but well thought out and long term measures—taken to eliminate the problem?

Newspaper articles have reported suggested solutions as guards roaming the halls and television cameras monitoring public areas. Carried further this kind of thinking might result in proposals for an armored tank in every school yard, and a body vest for every teacher.

On August 28, 1960, The Birmingham News published on its editorial page their condensed version of my letter to the Editor on the subject of violence, directly underneath the heading, "Something can be done to combat violence." I think significant details of the full text of the original letter would be of interest to you, and I am enclosing here a copy. Would you please be sure that one additional copy is distributed to every member of the Board of Education?

May I suggest that the Board contemplate the statements I made in this letter, that you read the referenced articles and others on the subject, if you wish, and that you consider taking appropriate action designed to attack, District-wide, the root cause of violence?

When I was a student in elementary and high school between 1933—1944, a parent, teacher, principal or superintendent would not tolerate violence in schools. I am suggesting that the solution to violence in the schools today is not to fortify the personnel and premises, except possibly as temporary measures, but to make people non-violent again—by eliminating the causative factor, commercial television viewing.

Yours very truly,

Mr. Coit A. McDonald, Jr.
Savannah Square Apartments
1639 - 11th Place, So.
Birmingham, Alabama 35205

Mr. Coit A. McDonald, Jr.
Savannah Square Apartments
1639 - 11th Place, So., Apt. N
Birmingham, Alabama 35205

328-8010

COPY TO: Birmingham Education Association/Uniserv
Birmingham City Council
Jefferson County Commission
The Birmingham News

PREPARED STATEMENT OF LAWRENCE H. COOKE

Each push into time requires a moment for appraisal of position and a setting of course. This has been the procedure of every successful governmental leader, field commander and shopkeeper in history. This hearing by this Senate Judiciary Subcommittee, inquiring into future relationships in dealing with state agencies of justice indicates that we have arrived at just such a juncture for inventory and direction.

There is no desire to set forth in this statement views which may be personal to me. Rather, this is a submission of the long standing position of the National Conference of Chief Justices. It is believed to incorporate the firm conviction of every Chief Justice of the Conference.

Very simply--and directly to the point--any future program of assistance to the justice systems of the States should subscribe to the underlying concepts of the proposed State Justice Institute (see State Justice Institute Act of 1980, S. 2387, H.R. 6709). Such an Institute would aid state and local governments in improving their judicial structures--consistent with the doctrines of federalism and separation of powers. Respect for these established principles is not only requisite for an independent judiciary but, indeed, a free populace as well. Since state courts handle over 96 percent of all cases tried in the United States, the Institute would improve, sub-

stantially, the quality of justice available to all Americans.

The State Justice Institute Act creates a private non-profit corporation to be supervised by an 11 member Board of Directors composed primarily of representatives of state judiciaries. Six judges and one state court administrator would serve on the board along with four members from the public. The President would appoint the judges and administrator from a list of at least 14 individuals submitted by the Conference of Chief Justices. Executive and administrative duties would be performed by an Executive Director selected by the board.

The Institute would be empowered to award grants and enter into cooperative agreements to conduct research and demonstrations, serve as a clearinghouse and information center, evaluate the sponsored programs, encourage and assist in judicial education and be responsible for certification of national programs intended to reinforce and modernize state judicial systems. Two stipulations were added to insulate the independence of state courts from any interference by the Institute: a prohibition against use of Institute money for the funding of regular judicial and administrative activities and a requirement that state and local judicial systems receiving funds administered by the Institute provide generally a matching amount equal to 25% of the total cost of the program or project. In short, the State Justice Institute would not subsidize ongoing state court operations but would focus attention on their deficiencies and inadequacies and assist

in their elimination. At all times the state judicial officials would be responsible for solution. The earnest expectation of supporters of the Institute is that it provide to the judiciaries of the States that "margin of excellence" which is essential in fulfilling the first end of organized society.

While the projected State Justice Institute envisages court funding on a project basis only, through the courts themselves or through existing court organizations, it is conceivable that, down the road someplace, under some new Federal program there might be a return to block grant disbursement. Should such a return eventuate, it would then become imperative that the same basic recognition be given to separation of powers and federalism in the organization and practices of the new arrangement. This is the heart of this statement--that any program to assist and improve courts should not be counterproductive, and that the independence of courts of all levels and locations be preserved as a sine qua non. The reason for this zealous protection is found in Alexander Hamilton's observation: "The judiciary * * * has no influence over either the sword or the purse; no direction either of the strength or of the wealth of the society * * * . [It] is beyond comparison the weakest of the three departments * * * " (The Federalist, No. 78). No force or being should "move by one hair's breath the even equipoise of the scales of justice" (Lord Bowen [1887]).

The signposts of recent history point to the route to be pursued in the days ahead. As observed repeatedly, the experiences with the Law Enforcement Assistance Administration were both good and bad. The Conference of Chief Justices strongly disapproves that type of relationship between State courts and Federal executive and legislative branches created by LEAA. In any future program designed to improve or assist state justice systems, there must be fidelity to the doctrines of separation of powers and federalism, not an arrangement in which a Federal executive department has control of decisions for funding programs to be undertaken by state and local courts. The basic decisions should be made only after discussion with and participation by competent and conscientious state judicial officials. Furthermore, the focus for improvement should not be restrictive but broad enough to envelop an entire state judicial structure, both civil and criminal.

There is a crying need for a program of Federal assistance in improving the courts of the States, both large and small. When and if such programs are set in motion, which hopefully will be in the immediate future, they should be conceived and implemented so as to observe and respect the delicate relationship between the Federal and State governments. They should be cast with an appreciation of the

heavy burdens borne by the judiciaries of the States. They should avoid unwarranted interference with state court operations. A model for such worthy ventures can be found in the frame envisioned for the State Justice Institute.

VA. DRAM SERVICE CENTER
MIDDLETOWN, VA. 22645

MAILGRAM
PREPARED STATEMENT OF NAACP

1-178292V338 12/03/80 ICS WA16614
008a3 MLTN VA 12/03/80

WSHA

Handwritten initials

HONORABLE HOWELL HEFLIN
ACTING CHAIRMAN
SENATE JUDICIARY COMMITTEE
DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20050

OFFICE OF SENATOR HEFLIN
1980 DEC -4 AM 9:48

IN CONNECTION WITH CURRENT HEARINGS ON FEDERAL
RESPONSIBILITY TO STATE AND LOCAL LAW ENFORCEMENT, THE NAACP
WISHES TO GO ON RECORD IN FAVOR OF SUPPORT FOR EXTENSION
AND CONTINUED FUNDING OF THE LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION.

ALTHEA T. L. SIMMONS
DIRECTOR
WASHINGTON BUREAU NAACP

3686
20:31 EST

MGMCOMP MGM

ARTICLES AND REPORTS

Differentiating "Smoking Gun" Cases*By*

J. EDWARD THORNTON

I.

COURT CONGESTION, particularly in the federal courts, is reaching panic proportions. Something must be done, and soon, or the system may well break down.

In thrashing about in this area, Chief Justice Burger has come up with an idea for state courts, that "minor disputes" should be taken out of courts and out of the hands of lawyers. He would have these disputes settled by non-professionals, outside courthouses, possibly in store-front offices, and after hours. Oddly enough, the American Bar Association supports this idea, and Congress is preparing to follow the normal procedure and throw federal money at a study of the problem.

Since the only acceptable standard for settling disputes between litigants is the law, only those trained and experienced in the law can operate such a system. To remove those so trained from the process raises the question of what standard can be applied for settling these "minor disputes" by laymen? Certainly the laymen cannot ascertain and apply the law. Will such lay judge then apply to these disputes the political clout of the litigants, race, religion, or wealth? And if he could, should he? Experience with the superseded justice of the peace should answer this. If disputes are to be resolved by law, there is no alternative to using lawyers to operate the system. This suggestion by the Chief Justice for clearing court dockets is without merit. And even if it had merit, it would be of no value in clearing the dockets of federal courts.

II.

The docket of the United States Supreme Court has gotten to the place where the Justices are expressing themselves about it in strange ways and places. The Supreme Court usually decides which cases it will review. In a case where review was denied in December, 1978, three of the Justices, and the Chief Justice, unburdened themselves in dissenting opinions to the denial of review. Justice White dissented from denying review by pointing out that in 1937 fewer than 1000 cases were docketed in that Court for review. In 1962, there were 2800 cases and today, over 4000. The relevance of this in dissenting from granting review in this case is not too apparent.

The Chief Justice observed in dissenting from denying review, that in 1970 there were 125,000 filings in the federal district courts, and in 1978, 166,000; and in the Courts of Appeal the filings in 1970 were 11,000, which have arisen in

(From 41 Ala. Lawyer 14 (Jan. 1980))

1978 to 18,000. He also noted that Congress has just created "117 additional district and 35 additional circuit judgeships" to pour more cases into the system. He explained this flood of cases as resulting from "(a) the enactment of more than 50 statutes by Congress since 1969 increasing the jurisdiction of federal courts; (b) the increasing tendency to bypass available state and municipal remedies in favor of assumed swifter remedies in federal courts; (c) the increasing perceived need for courts to become 'problem solvers' on great social and economic problems rather than the traditional resolvers of discreet, manageable disputes; (d) the default, perceived or real, of executive and legislative solutions; and (e) the increasing perplexity of much of the litigation arising from a modern society." In other words, the federal courts have dug themselves into an impossible position, and now must have protection from the consequences of their own folly.

III.

One of the most acute problems has been the tremendous growth of crimes and the prosecution of criminals. Historically, this was handled largely in the state courts, but with the increase of federal crimes created by Congress, and the assumption of judicial review of state criminal procedure by federal courts, the burden on the federal system has become overwhelming.

Congress injected itself into this maelstrom with the Speedy Trial Act of 1974. It demanded, over the objections of the courts, the prosecutors, defense counsel and the accused, that unless the time lapse between arrest and trial was curtailed now to 100 days, the accused must be freed for being denied a "speedy trial". Having opened up this Pandora's box, Congress seems disinclined to do anything about it.

IV.

One of the marks of a mature society is the ability to discriminate. The inability to discriminate is the sign of an immature society. For an Italian to be identified in a Mafia, makes all Italians members of the Mafia in an immature society. For a Black to rape a white woman makes all Blacks rapist. Because of a Simon Legree, all whites become slave persecutors. This can be accepted only in an immature society. Since all crimes have been handled the same by the courts and this has failed totally to lessen crime, maybe it is time to discriminate between crimes, criminals, and their prosecution and punishment.

V.

British handling of crime began in rudimentary self-government in a largely rural society, and this certainly was an important element in the growth of self-government. The big problem in that society was to assure the protection of the citizens from the Establishment. A grand jury of peers developed to make accusations, and unless that jury was satisfied that there had been a crime

committed and that the accused had probably committed the crime, no indictment was returned. But this was not enough. The accused had to be arraigned before a judge to plead to the charge against him. The prosecutor had to be convinced that a prosecution was sufficiently well-founded to justify a prosecution, or the case would be nol prossed. The trial had to be had before a judge and jury, and the judge had to be convinced that a conviction was justified, or the case was not given to the jury. The trial jury had to be convinced beyond a reasonable doubt, or the accused was acquitted. There were then post-conviction remedies available to the convicted accused, and finally, the Executive had a power of pardon.

This system grew with society and became one of the most valuable heritages of the English people. It was brought to this country by the English colonists, and was incorporated into the Declaration of Independence and the constitutions of the States and the Federal Government. The process was slow and sometimes tedious, but it was felt necessary to insure protection for those accused of crime. And though it slowed down the process, it worked very well in an agrarian society.

VI.

The problem was to insure that those in the vicinage were satisfied that (1) a criminal act had occurred, (2) the accused committed the act, and (3) the accused should be tried by jury for his acts. On the trial of the accused by his peers, the jury had to be convinced beyond a reasonable doubt of (1) and (2), and in addition, (4) that punishment was provided for the act, and (5) the punishment to be meted out to the accused.

The question is whether or not these safe-guards provided can be maintained, and the process can be speeded up to alleviate some of the crowding of the criminal dockets.

VII.

There is at least one situation in the criminal field which may well call for different treatment. Take the "smoking gun" crimes. Suppose that on a crowded street a man whips out a pistol and pulls the trigger. The gun fires. A victim falls dead. The accused is arrested with the drawn pistol in his hand, standing over the victim. Or suppose a plane is hijacked, and the hijacker is arrested on the plane with his hostages cowering before him. Or suppose the arsonist is caught at the burning building with a torch in his hand. Or the burglar is caught in the house he is burglarizing. Are these criminals entitled to all the protections created during the centuries to protect an accused in an agrarian society from wrongful prosecution, with all of the delays inherent in the system, lest the innocent be hastily tried where the act and the actor are not clearly shown to be entitled to prosecution in the present urban society?

When the criminal act is obvious and undisputed, and the accused is taken in the very act of committing the crime, the problems in (1) (2) and (3) have been satisfied, and the protection afforded by them has been achieved. That is, it is established beyond a reasonable doubt that (1) a criminal act occurred, (2) the accused committed the act, and (3) the accused should be tried for his acts. This eliminates the necessity for a grand jury indictment to protect the accused. To hold the "smoking gun" accused for the convening of a grand jury is a needless waste of time. The arrest at the scene of the act accomplishes these three requirements. All that the system then requires is the arraignment before the judge for a plea, and a trial limited to (4) and (5), or a determination of the appropriate punishment by a trial jury, and the meting out of that punishment to the guilty party.

The time necessary to try a "smoking gun" accused must be minimal. Early arraignment is called for by present procedure. How much time is necessary to prepare for trial a "smoking gun" accused? Alibi and entrapment defenses would seem to be impossible. Insanity might call for some time for preparation. But there are so few of those cases that generalizing for them would seem to be unnecessary. And these "smoking gun" cases could be disposed of in a matter of days, rather than months, now used in prosecutions.

The classification of cases as "smoking gun" cases poses no real problem. Of course, as with all rules, there are degrees; some clear, some not so clear. But this is no argument against the summary disposition of the clear cases.

The number of these cases is problematical. Would half or one-third of the cases fit this designation? Only time will tell. But it certainly will speed up the disposition of those clear cases. And it will certainly comply with the Speedy Trial Acts of Congress.

VII.

The problem of congestion of dockets has been most publicized in the federal courts. This is the area where Congress can experiment very effectively. An Act classifying "smoking gun" cases and providing remedies for them should not be impossible. The drafting of such an Act would present problems, but it is not apparent that they are beyond precise legislative delineation. It certainly would afford some relief for the tremendous number of criminal cases which have grown so rapidly during the last few years. The accused would have all the protection his acts justify.

This is an area where the Chief Justice and the A. B. A. can certainly devote their attention, and more practically than in the areas presently being explored.

Hence, it is suggested that "smoking gun" cases be legislatively defined, and appropriate procedure for them be provided, and thus accelerate the prosecution for them. It may not solve the problem of congested dockets, but it should be identified and specially provided for, and it might well be a solution for some of the many cases now clogging the dockets of the federal courts.

OPINION

Roscoe Drummond

Schools for
future criminals

Washington

Normally we think of the public schools as a source of the nation's future political and intellectual leaders.

It is time to take another look and be sufficiently disturbed to do something about it before it is too late. Our public schools are becoming an ominous training ground of future criminal leaders.

Violence and vandalism are rampant — and growing.

Here in Washington the school year had hardly begun before one student was seriously injured by gunshot and another was killed.

The purpose of this column is to cite enough of the statistics to prove the gravity of the problem, to try to focus on the principal causes, and to tap the insights of informed authorities on where we can begin to shield pupils and teachers alike from what is numbing the learning experience.

Willard McGuire, president of the National Education Association, told me that his surveys show that last year at least 111,000 teachers — one out of every 20 — were physically assaulted, and that there is no present sign that such assaults are decreasing.

Neither pupil nor teacher is safe in the classroom today.

The National Institute of Education reports that 5,300 junior and senior high school teachers are physically attacked every month and 6,600 are robbed by force. Almost 282,000 junior and senior high school students are assaulted and 112,000 robbed at school every month.

In a recent period of six years, the Los Angeles public schools confess that "they have begun to resemble a combat zone where there were more than 5,000 reported assaults, 639 cases of arson, 12,242 thefts and 6,245 acts of vandalism. Two teachers were raped in their classrooms, a janitor was killed in a robbery attempt, and two elementary-school students were assaulted in a restroom by a 12-year-old classmate."

A congressional inquiry found that "violence and vandalism in the nation's schools amount to more than a half-billion dollars, 100 murders, 12,000 armed robberies, over 200,000 assaults on teachers and students."

Under these conditions public school education is being steadily undermined. Surveys now show that the typical inner-city teacher spends 25 to 50 percent of his or her time in pupil control. Says Mr. McGuire of the NEA: "If teachers are to teach and students are to learn, they must be free from fear."

Fear is pervasive in the public schools today.

There is a tendency to run away from the problem rather than to confront it seriously and honestly. It is easy to say that violence in the schools simply reflects the violence in society and to conclude that nothing can be done.

Folls of thousands of teachers make it clear that on the basis of their experience there is a conspiracy of silence on the part of school principals, administrators, school boards and, in many cases, parents themselves. Teachers often find themselves helpless to enlist the active help of their superiors and are told, "Don't stir things up." Principals do not want to risk their school getting a bad reputation by doing anything decisive and thus calling attention to the mounting incidents of violence. Many, if not most, school boards are equally "prudent" or self-serving. They would rather not get "public-spirited citizens" on their backs for "impairing the good name of the community" by dealing vigorously with campus violence and vandalism in its midst.

Would there not be merit if the teacher unions used their tremendous influence to negotiate contracts which require the teachers to report every violent act by students to the principal and require the principal to submit a written statement to his superior as to what he did about it? That would mean less cover-up.

For their part the teachers would like to be given more authority to suspend unruly students from class; they urge broader provisions for both suspension and expulsion, more work-study opportunities, and special schools for problem students.

More of the most qualified teachers are leaving their profession yearly because violence in the schools is being treated with indifference at the highest levels. It will continue that way as long as the magnitude of the problem is being purposefully kept out of sight.

This Survey is described in detail in Chapter VI, "Television & Student Achievement," (11 pages), in a 260-page publication titled "Student Achievement in California Schools, 1979-80 Annual Report, California Assessment Program," from California State Department of Education, Sacramento, Calif. 1980. As of Dec. 1, 1980, there are only two copies in Alabama that I know of: I have one, and Ala. State Supt. TEAGUE has the second. As of December 2, 1980, I placed my copy on permanent loan with Mrs. Nez CALHOUN, Public Information Office, 716 North 21st Street, Birmingham, Ala. 35263 (4th floor, Annex, Jefferson County Court House), 'phone: 325-5244. She would make xerox copies of Chapter VI for interested persons, and would lend the whole publication also. She is with the Jefferson County Board of Education.

ex: The Birmingham (Ala.) News, Nov. 12, 1980, page 10G

Survey indicates grades slip as viewing of TV increases

SACRAMENTO, Calif. (AP) — A California survey indicates that the more a student watches television, the worse he does in school.

California Schools Superintendent Wilson Riles said Thursday that no matter how much homework the students did, how intelligent they were or how much money their parents made, the relationship between TV and test scores was practically identical.

Riles concluded that for educational purposes, television "is not an asset and it ought to be turned off."

But he said he didn't expect that to happen on a large scale, but urged parents to at least try to be selective.

More than 500,000 California public school students in the sixth and 12th grades who took tests in reading, language use and arithmetic last year also revealed how much television they watched.

Riles said the results "do not necessarily prove that television watching is a direct cause of lower

test scores," but "there are strong statistical relationships."

FOR EXAMPLE, among 12th-graders, 29.8 percent said they watched zero to one hours of TV a day, and they averaged more than 72 percent correct on the mathematics test. The score declined steadily for each hour watched, with those who watched six hours or more, 5.5 percent of the total, averaging 58 percent correct.

NOV 12 1980

Sixth-graders declined somewhat less for the first four hours of viewing a day. But the dropoff was steeper beyond the fourth hour — for example, from 65 percent to just over 60 percent correct on the test of written language use for the 20 percent who said they watched more than four hours a day.

The higher up the economic and professional ladder the parents were, the steeper the drop in test scores for every hour watched.



READER'S OPINIONS

New courses teach kids proper TV habits

Help in an important new form is now available for those dissatisfied with commercial television, and recent surveys show that viewers are increasingly dissatisfied. Books designed to teach TV viewers how to cope with commercial television have just become available.

Called "Critical Television Viewing Skills," the books are available for four different age groups: Elementary school, middle school, high school and adults. Research and development costs of \$1.6 million for the books were provided by the U.S. Office of Education in what could turn out to be, in my opinion, one of the wisest uses of taxpayers' money ever. **NOV 13 1980**

No doubt about it, these viewing skills courses are one of the most significant developments in the TV field in a long time. Intended for use in the public schools in the language, art or social sciences areas, they can be used also by church or private schools, any organization or individual parents, and are said to cost somewhat less than comparable materials.

The texts were prepared by teachers and experts in television, using some 10 years of previous experiments, and then field testing them before final draft and publication. The National Education Association has written a letter to all its local units commending the middle school

text, and the National Foundation to Improve Education is "very, very, very interested in Critical Television Viewing Skills."

If these viewing skill programs were taught to all the 120,000 or so students in the nine metro Birmingham school systems, I believe it would be reasonable to expect: (1) Violence by students directed at teachers and fellow students to decrease; (2) vandalism by students to decrease; (3) achievement tests scores to stop their 17-year decline and perhaps start going back up again; (4) sexual promiscuity to decrease; (5) out-of-wedlock teen births and pregnancies to decrease; (6) venereal disease among students to decrease; (7) students to spend more time on other activities,

including school activities; (8) students to become less passive and more verbal in classes, and (9) discipline to improve. **NOV 18 1980**

If there were only modest improvements in these areas, it seems to me that the cost of the courses would be justified. But, apart from such a hard-nosed costs vs. savings justification, why shouldn't students learn how to use intelligently, according to their own needs, interests, benefits and standards, this most pervasive of all the media? — a thing that is now consuming more of their hours than they spend in their school classes and bids to consume even more.

COIT A. McDONALD JR.,
1639 Savannah Square Apartments.

Mr. Coit A. McDonald, Jr.,
Savannah Square Apartments
1639 - 11th Floor, S.W. 7th N
Birmingham, Alabama 35205



WHY WE NEED CRITICAL VIEWING SKILLS

In April of 1978, then U.S. Commissioner of Education Ernest Boyer, working with the Center for the Book of the Library of Congress, initiated a series of projects to help students and adults make television viewing a more purposive activity. Critical viewing skills for four groups of viewers—elementary, middle, and high school students, and adults—grew out of these projects. Their primary objective is to give these groups a greater awareness of the choices regarding television available to them. The basic premise of the projects is that everyone, even young children, can learn to be critical of TV and to use it judiciously.

Critical television viewing skills enable individuals to use television wisely as a source of information and entertainment. Being a critical TV-watcher has certain prerequisites:

- A knowledge of the special effects of TV production. Television is both more and less than real life. It compresses both time and space.
- A knowledge of the social trade-offs involved in television viewing. Excessive viewing may adversely affect mental health. A constant viewer may leave important things undone or neglect interpersonal relationships as a result of habitual viewing. TV watching may encourage a passive attitude and make a person avoid activities that require active participation.
- A knowledge of commercial influences on television and the profit motive that supports most programming. Because production is directed to the largest possible audience, discriminating viewers may not accept the value systems TV portrays.
- A knowledge of personal and group patterns of viewing. A knowledge of one's own viewing habits, as well as age-group patterns, is necessary because television sponsors use these habits to further their commercial interests.
- An ability to differentiate between information

and propaganda. Advertisements frequently provide information, but they are designed primarily to sell a product. Advertisements, therefore, couch information in the most persuasive manner. Viewers need the objectivity to recognize how advertisers use humor, sex, and the bizarre to seduce them into buying products.

- An ability to understand and evaluate opposing views on news and documentary programs and to understand that TV news programs have time constraints that limit in-depth reporting.
- An ability to understand the differences between television and other media. For example, How does a book differ from its adaptation as a TV drama? How does a TV show differ from a stage or film show?
- An ability to understand one's own motivations for watching television: Why do I watch TV? What do I get out of it? Is it a diversion from a busy schedule? Do I use it as a way to stimulate myself to a deeper study of a specific issue? Is it my main source of information outside my own experience?
- An ability to understand the consumer's role in TV. How can I influence what's produced? What is my role in community-based television?

At the elementary level, children can and should learn that TV distorts the real world. They can test the television world against their real world. With parental guidance, they can learn to use TV wisely. The family, the school, and agencies serving youth can make TV viewing more responsive to the needs of children.

At the middle school level, students can learn to establish priorities on the quality and quantity of their TV watching. They are interested in how TV programs are put together, how shows are rated, and how limits are imposed on advertising. At this age, they like to critique programs.

At the secondary level, students are aware of desirable alternatives to TV watching. They are involved heavily in social activities and sports, as well as their schoolwork and possibly part-time jobs. At this age, they begin not only to analyze TV but also to make choices on how they want to use it. They can under-

By FRANK B. WITHROW

*Chief of the Educational Technology Development Branch,
Division of Educational Technology, Office of Libraries and
Learning Technologies, U.S. Department of Education.*

stand and explore a wide range of drama, news, and special events programs. In effect, they can become sophisticated users. They can understand the rating systems and the commercial impetus behind the industry. They are aware of (and can learn to understand) the sociopolitical aspects of TV.

At the post high school level, adults need to understand their own use of TV and the role they play in monitoring children's use of it. They especially need to recognize the interplay between the social group and television. For example, what does it mean when more than 100 million people watch *Roots*? Will the viewers study further the issues involved?

A number of other agencies besides the U.S. Office of Education (now the Department of Education) are concerned with television and education. Some deal with the content of programs and make specific recommendations for viewing. Others develop parent activities and hold neighborhood workshops to train

parents in controlling their own or their children's TV viewing. The Department of Education's approach in designing critical TV viewing programs is to assist the individual in a nondirective way to monitor his or her own habits.

Many sociologists consider television as the nation's common denominator because it is the most persistent and pervasive single activity most people engage in. For many Americans, the time and attention it consumes exceed that required by school, church, and job. We cannot leave to chance such an important influence.

Today television is not as good as it could be but neither is it as bad as its critics claim. Schools and the television industry have an opportunity to form a partnership that will be mutually satisfying. □

This article has been excerpted from "Objectives for Critical Television Viewing Skills Curricula" in the Summer 1980 issue of *Television & Children*, formerly *NCTC Forum*.

Critical Viewing Skills Projects

The U.S. Office of Education (now the Department of Education) granted \$1.6 million over two fiscal years to four independent groups to develop critical television viewing skills and to conduct workshops for four levels of education: elementary school, middle school, high school, and postsecondary school.

• The Southwest Educational Development Laboratory (SEDL) won the contract for developing critical viewing skills for elementary school students. SEDL organized the materials for this age group in the form of "road maps" and "tours" along a TV Discover theme. Along the way, students learn about places that would be worth visiting, side trips, and dead ends. They learn to think about the importance of remembering where they've been (what they've watched) and the dangers of spending too much time in one place.

Cue cards give teachers ideas on how to use television to complement language arts, science, math, and social studies.

Materials for parents help them guide their children's understanding and use of TV. Several studies show that parents can alter a TV program's impact on their children by making explanatory or editorial comments during the program. The aids for parents discuss specific TV-related problems that most families experience and suggest solutions.

• A public television station in New York, WNET, developed the critical viewing skills curriculum for middle school students (grades five through nine). The curriculum's primary tool is *Critical Television Viewing: A Language Skills Work-A-Text*. This book of worksheets helps students to improve their vocabulary and to increase their reading and other language arts skills in conjunction with television viewing.

WNET also produced *A Family Guide to Critical Television Viewing* that suggests special TV-related home activities. The objective is to encourage the whole family to become critical viewers together by talking about their reasons for watching TV, by discussing what they could be doing instead

of watching TV, and by planning family TV viewing a week in advance.

• The Far West Laboratory in San Francisco developed the critical viewing skills project for high school students. This curriculum teaches students how TV works and how it influences them. It provides simulation experiences that put students into the shoes of broadcasters, advertisers, regulators, and viewers. The curriculum relies heavily on real TV scripts, ratings, and regulations.

The goal is to teach high school students four skills: (1) to evaluate and manage one's own TV viewing behavior; (2) to question the reality of TV programs; (3) to recognize the arguments employed on TV and to counterargue; and (4) to recognize the effects of TV on one's own life.

Classroom materials include a student text, *Inside TV: A Guide to Critical Viewing*, and a *Teacher's Guide*. The text is designed as a one-semester elective course, but each of its seven units can be taught separately.

• A substantial group of TV-watchers—the adult viewers, especially young members of the first Television Generation—have no methodology for being critical of TV.

Boston University's School of Public Communications has designed and produced a critical TV viewing skills curriculum for these adults and postsecondary students. The curriculum has four major subject areas: (1) television literacy—its processes and language; (2) persuasive programming (commercials, public service announcements, and "institutional documentaries"); (3) entertainment programming (sex, violence, and stereotypes as entertainment); and (4) informational programming (the presentation and interpretation of news programs). □

This information is extracted from four articles on the critical television viewing skills curriculum projects that appeared in the Summer 1980 issue of *Television & Children*, formerly *NCTC Forum*.

DATA SHEET on Critical Television Viewing Skills:

For general information about the origin of the concept of Critical Television Viewing Skills, and the research and development of the curricula materials under a \$1.6 million grant from the U.S. Office of Education to four different research groups, contact Dr. Frank B. WITHEROW, who is probably the most knowledgeable person in the U.S. on this subject, or Ms. Mary Ches APPELWHITE. Place telephone calls PERSON COLLECT, to either one at (202) 245-9228, and when your collect call is refused, leave your name and number; one of them would telephone you back promptly. See also Dr. WITHEROW's article, "Why We Need Critical Viewing Skills," September-October 1980, Today's Education, page 55GE-56GE. Address letters to: Dr. Frank B. WITHEROW, Chief, U.S. Dept. of Education, Educational Technology Development Branch, Division of Educational Technology, Office of Libraries & Learning Technologies, Room 3116, 301 7th Street, S.W., Washington, D. C. 20202

Research & Development organizations for the Critical Television Viewing Skills curricula:**USOE Projects in Critical TV Viewing**

In 1978 the U.S. Office of Education (USOE) awarded Critical TV Viewing contracts to four projects, each focusing on a different age group from grade K to the post-secondary level. They developed classroom and family materials and presented workshops nationwide during 1978-1980. The directors of each project are listed here:

Curriculum for Grades K-4:

Dr. Charles Corder-Bolz, Southwest Educational Development Laboratory, 211 East 7th Street, Austin, TX 78701 (512) 476-6861

Curriculum for Grades 5-8:

Ms. Debbi Bilowit, WNET-Channel 13, 356 West 58th Street, NY, NY 10019 (212) 664-7124

Curriculum for Grades 9-12:

Dr. Donna Lloyd-Kolkin, Far West Laboratory, 1855 Folsom Street, San Francisco, CA 94103 or Debra LIEBERMAN (415) 565-3320

Curriculum for Post-Secondary Level:

Dr. Donis Dondis, Boston University School of Public Communication, 640 Commonwealth Avenue, Boston, MA 02215 (617) 353-3471 or or Dean LaCOE (617) 353-3365

Publishers of the Critical Television Viewing Skills textbooks/teaching materials:Textbooks for Grades K-4:

Southwest Educational Development Lab.
Dr. Charles CORDER-BOLZ
211 East 7th Street
Austin, Texas 78701
Phone: (512) 476-6861

Textbooks for Grades 5-8:

Cambridge Book Company
Mr. David T. PAUL
888 Seventh Avenue
New York, N.Y. 10019
phone: (212) 957-5313

Textbooks for Grades 9-12:

Science & Behavior Books, Inc.
Mr. Fred TAFELLA
P.O. Box 11457
Palo Alto, Calif. 94306
phone: (415) 326-6465

Textbooks for Adults (Post-Secondary):

School of Public Communication
Boston University
Dr. Donis DONDIS, or Mr. Dean LaCOE
640 Commonwealth Avenue
Boston, Mass 02215
phone: (617) 353-3471 or (617) 353-3365

The California State Department of Education is doing some important work in the television field; they have initiated a Parent Participation TV Workshop Project, and have just released, in mid-November 1980, a survey showing a link between hours of TV viewing and declining school grades. Request information on these from Bonnie OLIVER, Head, Education Technology Unit, at (916) 445-5067, or George NEILL, Public Information Office, at (916) 322-6140; both at California State Department of Education, 721 Capitol Mall, Sacramento, Calif. 95814. Also, Harriet BORSON, Chairman of the TV Project Committee, California State PTA at (213) 620-1100.

The Birmingham News — **READERS' OPINIONS** Thurs., August 28, 1980

Something can be done to combat violence

Some of our teachers and the Birmingham Educational Association say they are having a problem with violence directed against teachers. And in a closely related area, certainly it is possible to document the violence in families — wife abuse, spouse abuse, child abuse and abuse of the elderly.

AUG 28 1980
The existence of these forms of violence is, I think, unquestionable. The real question is what to do about them.

Violence in American society is caused to a large extent, I am convinced, by commercial television. For over three years now, I have been a member of a number of national organizations created to combat violence on television, and have led the efforts of another here in Birmingham.

What I have learned in this work is that scientific studies exist that show viewing violence on television causes people (especially children) to become violent themselves. And the effects of viewing it are accumulative — the more you watch, the more likely you are to become violent. It has a conditioning effect on people.

That viewing violence on television causes people to be violent is a fact that should be registered clearly and emphatically with every school board member, every school administrator, every teacher and every school-age child.

Over the nation, there have been instances where a single teacher, occasionally a school administrator or, more rarely, an entire school district has recognized this fact and has taken

steps to reduce television watching by the school children.

Would it really be too much to expect Birmingham schools to initiate a campaign to reduce children's television viewing time, to discourage television viewing and to teach alternatives to television, even using TV to teach how to resolve conflicts?

AUG 28 1980
Alternatives to television could include: (1) Reading a newspaper (there is no substitute for the details it contains); (2) reading a book (the choice of subject is unlimited); (3) going to the public library (they have hundreds of newspapers, magazines and audio-visual services in addition to books); (4) watching cable TV; (5) going to church; (6) talking to your family members (one German leader has said publicly to the German people, "turn off the TV and talk to your family"); (7) talking to your neighbors; (8) playing with your children; (9) taking a walk or (10) substituting other exercises for TV.

The reduction of violence in America depends on the programs or (2) the reduction of time spent viewing commercial television.

The newspapers themselves could help mightily if they would give an additional small amount of free space to the TV program ratings alongside the program listings. At least five to 10 different sets of TV program ratings are published by different national organizations, and if newspapers would print these, it would be a great help to selective television viewing. It would encourage the viewing of the least violent and discourage the viewing of the most violent programs

COIT A. McDONALD JR.
Savannah Square Apartments,
1639 11th Place, South.

Mr. Coit A. McDonald, Jr.
Savannah Square Apartments
1639 - 11th Place, So., Apt. N
Birmingham, Alabama 35205

Commonwealth of Pennsylvania
Governor's Office



OFFICE OF SENATOR HEFLIN

1980 DEC 19 AM 3:51

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY
SOUTHCENTRAL REGIONAL ADVISORY COMMITTEE

No. 1 Riverside Office Building
2101 North Front Street
Harrisburg, Pennsylvania 17110
Telephone: (717) 234-6596

December 16, 1980

Honorable Howell Heflin
Subcommittee on Jurisprudence
Senate Judiciary Committee
Washington, D.C. 20510

Dear Senator Heflin,

In response to your request for written testimony concerning the impacts of the elimination of LEAA, I submit to you the final report of the Southcentral Regional Advisory Committee of the Pennsylvania Commission on Crime and Delinquency. The regional planning organization has planned for criminal justice improvements and for the use of LEAA funds in this region of Pennsylvania since the program's beginning. The Southcentral Regional Advisory Committee will terminate operations on December 31, 1980 as the result of the LEAA demise.

The final report reviews the twelve year record of accomplishments of this regional criminal justice planning organization. It also addresses several of the lessons learned during this experiment with improving criminal justice operations. As a result of the most recent planning process of this organization, several directions for future improvements are revealed by tabulation of concerns attached as an appendix to the report. These concerns represent a consensus drawn from a broad cross-section of persons in this region representing business and industry, education, retired persons, religious organizations, civic organizations, social service agencies, and government, and other interests.

Thank you for your attention to this report. I hope it is helpful in your review of the effects of the LEAA program on the system of criminal justice in this country.

Sincerely,

John Baer
Director

/bjs

Enclosure

FINAL REPORT:

Twelve Years of Experience of
Planning for Justice System Improvement
in Southcentral Pennsylvania

Submitted to:

The Southcentral Regional Advisory Committee
Pennsylvania Commission on Crime and Delinquency

December 11, 1980

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FINAL REPORT

Southcentral Regional Advisory Committee
Pennsylvania Commission on Crime and Delinquency

The Southcentral Regional Planning Council of the Governor's Justice Commission was created in 1969 under an Executive Order of the governor of Pennsylvania establishing eight such councils throughout the state. The initial federal legislation, The Omnibus Safe Streets and Crime Control Act of 1968 and subsequent amended legislation, required that a percentage of block grant funds provided to the states for criminal justice improvement programs be passed through to local governments or combinations of local governments. The regional planning councils were established as combinations of local government for the purpose of meeting that mandate of the federal legislation.

The regional planning councils were charged with planning for criminal justice improvements in the communities of their respective regions and with oversight of an allocation of LEAA dollars to the regions. In effect, the regional planning councils were made trustees of federal funds for crime control purposes in the respective regions of the state.

The Southcentral Regional Planning Council began operations in 1969 with an initial regional allocation of \$89,461.00. Ninety-two percent of those funds in the first year were awarded to police projects. The one subgrant which was not a police project was awarded to the Cumberland County Probation Department to hire an additional probation officer. And so the tradition of the Southcentral Regional Planning Council began to evolve.

The subsequent years, the allocation of LEAA funds to the Southcentral Region grew steadily until it reached a peak of approximately two million dollars in 1976. Over the past six years, the amount of federal funds overseen by the regional council averaged approximately one million dollars annually. When funds from other sources, such as the Juvenile Justice and Delinquency Prevention Act of 1974, are considered, approximately thirteen million dollars were brought into this region for criminal and juvenile justice improvements over the past twelve years. The funds were awarded for approximately 385 individual grant projects in the region.

As the amount of federal funds to initiate improvements increased, the sophistication of the planning process of the Southcentral Regional Planning Council increased also. In the first several years of the council's experience, the planning process of the council was essentially reactive. The council reacted to requests made to it by individual agencies for funds for one project or another. The projects being presented to the council for funding probably represented real needs of the local criminal and juvenile justice community, but there was no means of judging whether these needs were the most important or significant given the relatively scarce resource which these funds represented.

PLANNING PROCESS

A valuable lesson learned over the past several years of the regional planning council's experience is that pro-active planning and priority setting can be achieved. This type of planning requires the development of a strong information base from which informed decisions can be made. The staff was asked in 1976 to dispense with a system of task forces which received project proposals from a myriad of sources and chose projects from among these proposals for funding. There was considerable dissatisfaction with this reactive approach to planning because it provided no sense of priorities on which to base council's judgements. Staff was asked to devise a priority setting process. Council wanted a process that would not only allow it to judge the relative importance of projects proposed for funding, but that would also allow it to look beyond funding and to encourage the exchange of information and ideas among the communities of the region.

Consequently, an information base was developed through surveys and research by the council staff. This information was compiled into a "Blue Book" which contained a broad range of facts about criminal and juvenile justice agencies of the region. The "Blue Book" was fully indexed to facilitate accessibility to the information it contained. All projects for funding were referenced to applicable information in the "Blue Book"

In addition, the staff developed a comprehensive analysis of problems and needs of the criminal and juvenile justice community of the region. Formerly, statements of problems were developed as rationalizations for projects already selected for funding. These statements were then pro forma submitted to the state to meet federally imposed guidelines. The staff analysis drew from information compiled from the "Blue Book" and from state and local data sources to identify many specific problem areas affecting all aspects of the system. From this information base, the council reached consensus on ten or twelve priorities. Staff was then instructed to publicize these priorities and to encourage programs in the local communities that addressed these priorities. With few exceptions, projects coming to the council for funding came within those priority areas. Pro-active, system-wide planning began to take shape in the South-central Region, and the priority setting process became more refined and included broader participation over the past few years.

PENN STATE/CAPITOL CAMPUS RELATIONSHIP

The process became even more polished as more sources of information were developed. Evaluation studies of criminal justice projects in the region were conducted by Penn State/Capitol Campus under contract to the regional council. These studies were used to determine the relative effectiveness of strategies employed by various agencies in the region and to provide a means of sharing information about these strategies among agencies. For example, these studies formed the basis of information sharing among police tactical units, probation volunteer programs, prison inmate education programs and juvenile services programs.

Subsequent Penn State/Capitol Campus studies led to the development of a criminal justice system model. This model provides the potential of comparing the operations of the criminal and juvenile justice systems of the counties of the region on a year to year basis. The model also provides a convenient means of ascertaining the impact of strategies on the entire system of a given jurisdiction. This impact was particularly shown in juvenile justice system operations in the case of intake screening and institutional alternative programs. Other results of the Penn State/Capitol Campus relationship have been an analysis of assumption of LEAA funded projects into local budgets and, most recently, a comparative analysis of bail decisions among counties of the region.

PROJECT MONITORING PROCESS

As a further means of expanding its information base, the council adopted a routine project monitoring process. By this process, every project funded with LEAA funds in the region was monitored by staff and members of the Southcentral Council. This process not only led to more informed decisions on re-funding of projects; it led also to adjustments and improvements in projects where council members shared their own experiences with the projects. A monitoring report on every project funded in this region accompanied and formed the basis of the council's recommendation for continuation funding. No other regional council in the state adhered to this type of process.

PRIORITIES

CONSOLIDATION OF POLICE SERVICES

One of the early priorities of the Southcentral Regional Planning Council was consolidation of police services. Approximately two hundred separate police agencies have been identified in the Southcentral Region. When the council was first established, these police agencies operated as separate entities and, in many cases, with antiquated communications equipment and police records systems. The first priority of the council was organizational consolidation of these many agencies. The second priority was the establishment of shared services. Communications capabilities were upgraded in every major police agency of the region as well as many smaller agencies. Most significantly, county-wide police networks were established in six counties of the region. Emergency 911 systems were established in four counties of the region.

Police records systems were improved in every major police agency of the region as well. Consolidation of police records was effectuated in several areas of the region as a way of developing more shared resources. One of the most significant projects developed in the region over the past twelve years was the consolidation of police information among all the police agencies of the Harrisburg Metropolitan Area. This project was the culmination of many years of persistent planning on the part of the Southcentral Regional Planning Council. It is anticipated that this shared resource will lead to further significant cooperative efforts among the police agencies of the metropolitan area. This shared system is unique in the nation because of the number of individual agencies participating,

the degree of participation across the criminal justice system and the type of services being shared. This project stands as a milestone in the efforts of the regional council to promote consolidation. A similar effort was undertaken, and may yet be realized, in Lancaster County.

Organizational consolidation of police services is a much more difficult undertaking. Several efforts were begun with regional council support and failed. Others succeeded entirely; others, partially. The consolidation of police services in Northern York County was initiated and financially supported by the Council. This organizational consolidation has endured for ten years and has become a national model for police consolidation. A major effort was undertaken in Lebanon County in 1975 to consolidate police services county-wide. This effort did not succeed for obvious reasons. However, a major recommendation of the study to consolidate Lebanon County police services was centralized criminal investigation resource which would serve the purposes of training local police officers and of improving criminal case preparation. This limited but significant goal was achieved in 1979. The results of the project have been positive.

The ten year experience of working to achieve this early goal of the council has been a mixed one. The barriers to organizational consolidation of police services in Pennsylvania are rooted in the local government structure of the state. These barriers can only be addressed legislatively. However, the Southcentral Regional Advisory Committee has established a vast ground work of shared police services and resources. The ground work will serve to facilitate greatly any consolidation efforts that may take place in the future on local initiative.

ADDRESSING THE PROBLEMS OF SERIOUS CRIME

The level of serious crime - robbery, burglary, assaults, theft, rape - has been a perplexing problem for several of the cities of the region. Severe budgetary constraints in the third class cities of the region have limited the ability of the cities to respond to this problem with adequate manpower and equipment resources to prevent high levels of serious criminal incidents. These budgetary constraints have prohibited the innovative utilization of personnel and equipment to solve serious crimes and to arrest and prosecute offenders swiftly.

In many ways, this program has been a form of grants in aid to the cities of the region to maintain police manpower and equipment at adequate levels. To not admit that would be less than honest. This program has been the only available form of financial assistance to the cities for police services. The use of the LEAA program to maintain adequate levels of basic police services is part of the nation-wide experience of the program. No less an example than Washington, D.C. can be cited as using the program expressly for that purpose. In the Southcentral Region, the funds came to serve, at least, as incentives for experimenting with new forms of police strategies, many of which have endured after LEAA funding terminated.

These strategies took several different forms depending on the unique circumstances of the communities of the region. Some of these strategies were continued; others were not. Several different forms of patrol strategies were introduced into the City of Harrisburg for example. While these were not continued as distinct entities with police operations, they did have an impact on the immediate problem for which they were implemented; and the lessons learned from these approaches contributed to more effective operations throughout the police department.

New investigative strategies were introduced into the police agencies of Lancaster and York. These strategies responded to the specific problem of low solution rates for certain types of crimes. The projects have had positive results in terms of increased apprehension and solution rates and prosecution and conviction rates for targeted crimes. In several instances, the level of reported crimes targeted by the project decreased dramatically. In Lebanon County, the regional council implemented a county-wide investigative service which has resulted in much more sharing of information among local police agencies, an increased level of solution of serious crimes and increased prosecution of felony arrests.

Underlying each of these strategies has been a strong element of operational analysis and planning. The use of analysis and planning at the operational level has been a direct result of the influence of this program. Local police planning offices were established in each of the city police agencies. Automated police information systems were introduced to support the operational planning and analysis functions. As reported previously, these automated information resources are now being expanded to serve police agencies in surrounding metropolitan areas.

Implementation of new police strategies in the region also came to emphasize closer working relationships with other elements of the system. The Lancaster, Lebanon and York projects included explicit working agreements between the local police agencies and the respective county district attorneys offices. This linkage came to be cited by project personnel as one of the most important aspects of the strategy to target serious criminal offenders. The linkage led to mutual agreement by these agencies on priorities for focusing resources. The Harrisburg Area Police Information Resource System has promoted closer working relationships between the police, district attorneys, district justices and communications personnel than has ever before been realized.

The Southcentral Regional Advisory Committee has recognized that the problem of serious crime does not rest solely with police. The committee has supported a broad range of projects to gain community awareness and participation. These have included police-community relations projects, police youth outreach projects, volunteer projects of many kinds, community relations involving agencies from the entire region, many community awareness and community crime prevention efforts, a rape crisis center and an innovative, concerted approach to the problem of domestic violence involving both social service and law enforcement agencies. Most of these efforts are on-going in one form or another without LEAA funding. In essence, a tradition of community awareness and participation in this region has been stimulated by the efforts of this committee.

The results of the many efforts to prevent and suppress serious crime suggest one conclusion at least - there is no formula or quick cure solution to the problem. The implementation of innovative police strategies, for example, requires careful planning and analysis. However, the experience of past efforts of this committee has shown that without an adequate level, and utilization, of basic police services, new or innovative approaches are of little value. An adequate level of these basic services needs to be maintained if the problem is to be addressed effectively. For example, the Community Service Aides project in Lancaster has allowed the Lancaster Bureau of Police to utilize its basic complement of sworn police officers optimally. When this optimal level of basic services is achieved, innovative approaches can be implemented effectively and their prospects for survival are enhanced.

The experience of this program has also shown that priorities and strategies need to be shared among the various agencies of the criminal justice system. Without cooperative working relationships and mutually shared priorities among the agencies, these agencies may well be working at cross purposes. For example, a police strategy to focus resources on the apprehension of juvenile offenders for a specific class of offenses will mean very little if the juvenile court is not aware of that strategy and is not supportive of it. While the police department is making the arrests, the juvenile court may well be screening the same cases out of the system. The experience of efforts supported by the Southcentral Regional Advisory Committee has shown that cooperative approaches do work.

Finally, experience has shown that prevention and reduction of crime in the community are dependent on many variables beyond the control of criminal justice agencies. One of the most proactive efforts that law enforcement agencies can make is to continue to enlist the participation of the community in the prevention and reduction of crime. The Southcentral Regional Advisory Committee has made a large contribution to community awareness and participation in this region.

JUVENILE JUSTICE SERVICES

Juvenile arrests have accounted for a high percentage of total arrests for serious crimes in this region. Juvenile arrests and police referrals to juvenile courts have increased consistently in the past several years in the counties of the region. The Southcentral Regional Advisory Committee has identified several priorities on which to focus efforts in the area of juvenile justice and delinquency prevention. These priorities have been the deterrence of serious juvenile crime, early intervention services for juvenile offenders and more specialized facilities for certain classes of juvenile offenders.

The committee has addressed the first priority through several innovative approaches to dealing with the problem of the serious juvenile offender. These have included:

1. The assignment of experienced police juvenile specialists to specialized police units that focus exclusively on the serious crimes of burglary, robbery, rape and aggravated assault. These officers are able to identify the repeat juvenile offender

who commits a serious crime and can focus police resources on these offenders. This approach has been initiated in two cities of the region.

2. The establishment and improvement of juvenile detention facilities serving four counties of the region have been supported. Intensive probation supervision of serious juvenile offenders who would otherwise require detention have been supported in two counties.
3. The Southcentral Regional Advisory Committee has supported specialized intake units for juvenile probation departments in two counties of the region. These intake units have been effective in applying consistent screening criteria and decision making to the process of juvenile cases. These services have resulted in the focusing of juvenile court resources on the most serious juvenile offender. At the same time, these intake services have facilitated early intervention and effective diversion of less serious juvenile offenders.
4. Correctional alternatives for adjudicated aggressive juvenile offenders have been supported in several counties. These alternatives have been effective in working with juvenile offenders with acting out behaviors who would without these services probably require secure placement.

In addressing the second priority, the Southcentral Regional Advisory Committee has initiated a wide range of services for the early intervention of less serious juvenile offenders and status offenders. These have included volunteer services for juvenile offenders in three counties of the region, family therapy services in three counties, truancy intervention services and police youth outreach services in one county and one city, day treatment programs for status offenders and adjudicated youth in several counties, emergency shelter facilities in three counties and pre-dispositional probation services in two counties of the region. Most of these programs have survived after federal funding terminated. All of these programs have led effectively to greater reliance on diversion of less serious offenders from the juvenile justice system, and have reduced reliance on expensive institutional placement of dependent children.

Over the past several years, consensus has developed around the issue of the need for certain types of facilities for juvenile offenders as placement alternatives for the juvenile court. Of particular importance is the need for a residential placement facility and program for the emotionally disturbed juvenile offender. A great gap in services for this type of juvenile offender has been identified. Neither mental health services nor juvenile correctional services have been able to address adequately the particular problems presented by the emotionally disturbed or mentally ill juvenile offender.

Over the past several years, this committee has supported community based residential programs for both dependent and delinquent youth. At least eight such facilities have been established throughout the counties of the region.

However, none of these facilities are able to treat the specific problem of the emotionally disturbed offender. Members and staff of the Southcentral Regional Advisory Committee expended considerable time and effort to develop a program of this type. A planning process was initiated which included representatives from all local agencies with an interest in this very difficult problem. This process led to the development of a viable proposal for this service. Unfortunately, a lack of commitment at the state level to the implementation of this type of service in this region has led to the failure to implement this priority during the life of this regional advisory committee.

The experience of the Southcentral Regional Advisory Committee in the area of juvenile services has been a varied one. Early intervention has been identified by the committee as the most desirable strategy in which to invest resources. Juvenile probation intake units in Dauphin and York Counties and pre-dispositional supervision strategies in Dauphin and Cumberland Counties are examples of programs that have led to maintaining delinquency adjudications at a minimum. These projects have led to reduced reliance on expensive institutional placements and have, at the same time, brought about a positive adjustment of youth in their homes and communities before adjudication is required. The Dauphin County Pre-Dispositional Services project is a model in this region of a project which has had a positive impact on changing the system of juvenile justice in a local community.

Many community-based programs have been established in this region to serve dependent children who have been removed from the jurisdiction of the juvenile court. These programs also serve to prevent further involvement of children in the justice system. However, there is a danger that this proliferation of services - stimulated principally by the state subsidy provided under Act 148 - may be widening the net that brings children into the system. While this net widening effect has not been empirically substantiated, it is suspected intuitively that many children who would not previously have required intervention at all are now being placed into services for dependent children.

While this net widening effect for dependent children may be occurring, the problem of adequate secure placement facilities for delinquent youth is worsening. This problem is substantiated by consistent and significant increases throughout the counties of the region in the number of adjudicated youth being maintained in detention facilities for thirty days or more and in the number of adjudicated delinquents repetitioned into court after initial less restrictive placements failed. The problem of secure placement facilities is one that can only be addressed adequately at the state level.

EFFICIENCY OF COURT SERVICES

Court services have received the least attention from this program of all the elements of the justice system. However, support for court programs has increased over the years as the impact of more efficient law enforcement services began to have an affect on the courts. Probation services in practically all counties of the region were strengthened considerably by this program. Not only were probation officers added to reduce per officer caseloads to acceptable levels, new methods of probation services contributed to more efficient delivery of services with existing resources. Prosecution services also have been strengthened in several counties of the region.

In Dauphin County, for example, an extensive ARD, or pre-trial diversion program, was instituted to reduce the impact of criminal caseload increases in the court. This ARD program involved upgrading the services of the district attorney's office, the public defender's office and the adult probation department. The ARD program has been successful in processing a significant number of non-violent, first-time offenders outside of the court system. Because of this program, Dauphin County Courts have reported a consistently high rate of criminal case diversion. The program has also experienced an acceptably low incidence of recidivism of those offenders diverted by this formal ARD procedure. Other counties have decided that ARD can be administered for their purposes more informally; others have decided to utilize the ARD option only infrequently. However, should other counties decide to implement a formal ARD program, the Dauphin County experience is available to be monitored and adapted to their own purposes.

In York County, a study of case flow management in the Court of Common Pleas was conducted by the National Center for State Courts. This study was one of the first of its kind in Pennsylvania. It resulted in the identification of a number of measures leading to the improvement of case processing in the courts without requiring significant additional costs. For example, these measures included the implementation of time standards in juvenile court case processing to reduce the elapsed time between referral and disposition in the juvenile court. These time standards have contributed to reducing that elapsed time from 64 days in 1977 to 26 days in 1979.

The Southcentral Regional Advisory Committee has also addressed the matter of bail decisions in the counties of the region. Community bail programs were supported in two counties of the region in an attempt to reduce the incidence of inequities in pre-trial detention of defendants unable to meet cash bail. These bail programs have evolved from the posting of contributed property as collateral for selected defendants into more sophisticated approaches aimed at screening the qualifications of defendants for various bail options. Most recently, the committee requested the Institute of State and Regional Affairs of Penn State/Capitol Campus to conduct a comparative study of bail decisions in three counties of the region. This study concluded that greater use of the ten percent bail option is the best means of reducing bail decision disparities in the region. The results of this study have been shared with court personnel of the region, and considerable interest has been expressed in increasing the use of ten percent bail in several of the counties.

The experience in the Southcentral Region has been that criminal case processing in the courts of common pleas is not a severe problem. The average elapsed time between arrest and trial for cases is well within the time prescribed by the rules of the Pennsylvania Supreme Court. A pressing need does exist for better and more timely information about the processing of cases in the courts. The implementation of a court management information system, known as PROMIS, in Lancaster County would be a significant achievement in this area. PCCD funding of this project would serve to provide a test of the value of this type of information system to other similar sized counties throughout the Commonwealth.

ADULT CORRECTIONS

Training and Employment Opportunities for County Prison Inmates

and

Alternatives to County Prisons for
MH/MR and Substance Abusing Offenders

For the past several years, the Southcentral Regional Advisory Committee has focused on these two priorities in the area of adult corrections. It is interesting to note that, when the planning process was expanded in 1980 to include participation of a broad cross-section of persons in the region, these same needs were given a high ranking.

Whatever one's opinion is of the efficacy of rehabilitation, the employability of an ex-offender is probably the single most important contributor to the successful re-integration of that person into the community. Yet, in 1978, only one percent of total county prison inmates of the region were participating in any type of vocational training.

This committee has consistently over the years given support to the concept of work release in the region's county prison. The consensus of the committee members has been that work release is the most important type of activity that should be encouraged in county prisons. Work release programs have been supported in four county prisons of the region. For the most part, these work release programs continue to be important elements of county prison life. In three counties of the region, more than 25% of daily populations participate in work release programs.

In Lancaster County, this committee has supported two unique activities aimed at enhancing the employability of county prison inmates. One of these activities operates within the prison; the other is community based. The vocational evaluation program within the prison assesses the vocation interests, aptitudes and skills of inmates and directs those inmates into appropriate jobs in the work release program or after release from prison. The Offender Development Service project of Lutheran Social Services seeks placements of ex-offenders into jobs with local industries and into job training opportunities throughout the county. This project actively recruits local businesses and industries to accept ex-offenders, and provides follow up support services to the ex-offender on the job. The project has gained the support of the local community, and has shown a benefit in terms of taxes and fines and costs paid to the county by ex-offenders holding jobs in local industry.

The Program for Female Offenders has been supported by this committee to serve the employment and job training needs of women offenders in Dauphin, Cumberland and York County areas. This program provides supportive counseling to women offenders in the county prisons, and it actively seeks job training opportunities for these women in their communities. Job placement and follow-up supportive services are provided to the women clients of this program.

The experience of the Southcentral Regional Advisory Committee has been that these initial efforts to improve the employability of ex-offenders have shown positive results and ultimately make good economic sense. However, considerably more existing vocational and educational resources of the community

can be focused on the county prison populations of this region. Many of the county prison inmates of this region were failures of the education system earlier in their lives. Continuing education and vocational training programs in the communities of this region can provide these persons with the opportunity to compensate for that failure.

The county prison is an expensive and particularly ineffective expedient for dealing with persons who have MH/MR or substance abuse problems and who become involved with the justice system for that reason. In 1978, it was estimated that 50% of county prison inmates were alcoholics. Prison and probation officials report that persons with mental health/mental retardation problems who are convicted of minor crimes are frequently part of prison overcrowding on high probation caseloads. The Southcentral Regional Advisory Committee has therefore given a priority to alternatives for these types of offenders.

The committee has initiated several alternative programs for substance abusing offenders. The "New Perspectives" project implemented in Lebanon County is an outstanding example of the effectiveness of this type of project. "New Perspectives" provides intensive residential treatment for court referred offenders who have a long history of substance addiction. The project also provides outpatient services for alcoholic offenders on probation. It has in the past three years served a large number of this type of offender, and its clients have maintained an impressively low rate of recidivism. Similar services have been supported in the Harrisburg area for several years through Alcohol Services, Inc. The York Court Intervention project has been the most recently supported project of this type. This project provides screening, referral and outpatient treatment services for both adult and juvenile offenders.

A new program has been initiated in Lancaster County to provide a community alternative to imprisonment of mentally retarded offenders. This project had been under development for more than one year prior to implementation. The project has been designed as a joint effort between the county MH/MR agency and the adult probation department. If this project proves to be successful in its goal of maintaining MR offenders out of the criminal justice system, it will serve as a model for other jurisdictions which experience the problem to emulate. This project represents one of the few known programs in the country directed at this particular problem.

Overcrowding has not been a severe problem in most county prisons of the Southcentral Region. However, daily average populations in the county prisons have increased over the past five years. Increased crime and clearance rates reported by the region's police departments have partially contributed to this increase. Another contributing factor has been the increasingly high percentage of pre-trial detainees in the regions county prisons (45% in 1975 to 55% in 1979). Alternatives initiated by this committee in the past may have helped keep increases in prison populations in check. If prison overcrowding becomes a pressing concern in the future, further consideration of alternatives to pre-trial detention would be warranted.

RETROSPECT

The preceding summary of the process, priorities and accomplishments of this regional planning organization has indeed been a fleeting overview of the committee's twelve years of experience. It is a very difficult task to assess the full impact which this program has had on the system of criminal and juvenile justice in the Southcentral Region of Pennsylvania. The issues of crime and criminal justice which this committee has addressed have been complex and difficult, and the experience of addressing those issues cannot be easily reduced to conclusive answers about what has and has not worked.

If one is to look only at the level of reported crime, one will probably conclude that the program has not worked at all. Certainly, the level of reported crime has increased in the Southcentral Region since the program began. However, there has never been an accurate measure of the actual level of crime; and it can be reasonably surmised that more accurate reporting of crime has been a direct result of this program. There is certainly no way of knowing what the level of crime would have been had there been no program of this kind. It can be said confidently that the police response to crime has shown measurable improvement as the result of this program.

The mandate of the original legislation to reduce crime was unrealistic and unmeasurable. What evolved from the program is this region has been an informed process leading to change and improvement in the justice system operations of the region. The funds available from this program to implement improvements have never been more than three percent of total criminal justice budgets of the jurisdictions of this region. The funds of necessity had to be applied selectively and judiciously. Probably the single most important aspect of the process has been the insights and knowledge brought to bear on the problems of the justice system of this region by the persons serving on this committee. Because of the planning process which the Southcentral Regional Advisory Committee elected to pursue, the decisions made by members of this committee have been highly informed judgements.

The judgements made by the members of this committee have stood the test of time and local scrutiny. An assessment of the continuation rate of LEAA funded programs in this region was conducted for the advisory committee by the Institute for State and Regional Affairs of Penn State/Capitol Campus. That assessment showed that 85% to 90% of all projects funded in this region since 1970 were continued with local government funding after LEAA funding terminated. That continuation rate compares favorably with a national continuation rate of 62%. This continuation rate by the local communities is probably the single most significant statement that can be made about the effectiveness of projects initiated by this program.

The planning process of the Southcentral Regional Advisory Committee has been comprehensive. The entire range of the justice system has been included within its purview. The committee has addressed problems of adequate basic services, yet it has also stimulated numerous system innovations in various communities throughout the region. These innovative approaches will be in place to serve as models for justice system improvements in other communities as these strategies demonstrate their effectiveness. It is therefore important that some form of regional information sharing process continues after the Southcentral Regional Advisory Committee dissolves.

Finally, it is important to emphasize that the 1980 planning process of the Southcentral Regional Advisory Committee included the participation of a great cross section of the region. Many communities of interest beyond the justice system community were brought into the planning process for the first time in this organization's history. This cross section of interests included representation from business and industry, education, retired persons, churches, service organizations, government, and others.

This process was initiated before the demise of the LEAA program occurred, and its purpose was to introduce a greater degree of objectivity and perspective into the identification of justice system problems. With the elimination of the LEAA program, this process was changed to one of ascertaining what can be done to improve the justice system without reliance on federal assistance funds. A planning conference for that purpose was held to culminate the 1980 planning process. The priorities identified by the planning process and the results of the planning conference are attached as appendices to this report. These priorities and results may serve to guide future efforts to improve the system of justice in the Southcentral Region of Pennsylvania.

APPENDIX A:

SIGNIFICANT PROJECTS INITIATED
WITH LEAA FUNDS IN SOUTHCENTRAL
PENNSYLVANIA 1969-1980

SIGNIFICANT PROJECTS AFFECTING CRIMINAL JUSTICE SYSTEM

CHANGE IN SOUTH-CENTRAL PENNSYLVANIA 1969 - 1980

<u>Project Title</u>	<u>Years Funded</u>	<u>Approximate Total Funding Support</u>
Cumberland County Volunteer Intensive Probation	4	\$ 42,000
Cumberland County Work Release Program	1	17,000
Dauphin County Magisterial Prosecutors	2	30,000
Dauphin County Prison Treatment Program	4	75,000
Dauphin County Work Release Program	1	28,000
Dauphin County Bail Program	1	27,000
Dauphin County Prison Training Project	1	31,000
Franklin County Prison Volunteer Supervisor and Work Release Director	1	15,000
Lancaster County Prison Treatment Supervisor	4	50,000
Lancaster County Volunteers-in-Probation	4	40,000
Lancaster County Bail Project	3	45,000
Lebanon County Prison Inmate Services Counselor	3	21,000
Lebanon County Detective Bureau	2	112,000
Northern York Regional Police Department	6	330,000
York Police Court Coordinator	4	17,000
Lancaster County/Lutheran Social Services Offender Development Project	2	75,000
York County Atkins House	3	88,000
Dauphin County/Alcoholism Services Inc. Diversionary Project	4	125,000
Harrisburg Area Rape Crisis Center	2	100,000
Women-In-Crisis Law Enforcement Project	1	46,000
Lebanon County Community Alcoholism Program	2	110,000

SIGNIFICANT COMMUNITY PROJECTS INITIATED WITH LEAA FUNDS
IN SOUTHCENTRAL PENNSYLVANIA 1969 - 1980

<u>Project Title</u>	<u>Years Funded</u>	<u>Approximate Total Funding Support</u>
Cumberland County Volunteer Intensive Probation	4	\$ 42,000
Cumberland County Youth Community Program	1	33,000
Harrisburg YMCA Community Service Project	1	80,000
Harrisburg Police-Community Relations Project	2	130,000
Dauphin County Bail Program	1	27,000
Harrisburg Educational Program to Create Community Awareness	1	31,000
Harrisburg Area Rape Crisis Center	2	100,000
Franklin County Prison Volunteer Coordinator	1	15,000
Lancaster Police Community Service Aids	5	515,000
Lancaster County Prison Treatment Supervisor	4	50,000
Lancaster County Volunteers-in-Probation	4	40,000
Lancaster County 4th Police Community Relations Institute	1	16,000
Lancaster Police-Community Awareness Workshop	1	6,000
Lancaster County Bail Project	3	45,000
York Police Community Service Officers	3	120,000
York Police Community Relations Outpost	1	17,000
Women-In-Crisis Law Enforcement Assistance Project	1	46,000

SIGNIFICANT POLICE PROJECTS INITIATED WITH LEAA FUNDS
IN SOUTHCENTRAL PENNSYLVANIA 1969 - 1980

Project Title	Years Funded	Approximate Total Funding Support
Cumberland County Police Communications	2	\$ 24,000
Cumberland County "911" Communications	1	58,000
Harrisburg Intensive Patrol	3	400,000
Harrisburg Community Housing Patrol Unit	1	144,000
Harrisburg High Intensity Street Lighting Program	1	92,000
Harrisburg Foot Patrol Unit	3	210,000
Harrisburg Police Records & Reporting Project	2	118,000
Harrisburg Police-Community Relations Project	2	130,000
Dauphin County Police Radio Network	3	200,000
Harrisburg Police Data Processing Project	3	90,000
Harrisburg Police Planning & Research Unit	4	64,000
Harrisburg Police Photographic Services	4	36,000
Harrisburg Police Records Consolidation	2	56,000
Dauphin County Expansion of Detective Office	1	25,000
Harrisburg Burglary & Robbery Unit	3	345,000
Lancaster Community Service Aids	5	515,000
Lancaster Impact City Project	2	170,000
Lancaster County Police Communications Project	2	62,000
Lancaster Police Crime Prevention Unit	3	64,000
Lancaster Police Planner	3	28,000
Lancaster Centralized Police Records System	1	79,000
Lancaster Police Zero Visibility Project	1	48,000
Lancaster Police Tactical Unit	3	177,000
Lancaster County "911" Communications	1	72,000
Manheim Township "ACRE-BAT" Project	1	84,000
Lebanon County Detective Bureau	2	112,000
Perry County Police Communication System	1	50,000
Northern York Regional Police	6	330,000
York Community Service Officers	3	120,000
York Police Cadet Program	3	53,000
York Police Court Coordinator	4	17,000
York Police Data Retrieval System	1	94,000
York County Consolidated Police Radio Network	3	115,000
York Metropolitan Police Communications System	1	43,000
York Police STRESS Unit	2	235,000

SIGNIFICANT JUVENILE JUSTICE PROJECTS INITIATED WITH LEAA FUNDS
IN SOUTHCENTRAL PENNSYLVANIA 1969 - 1980

Project Title	Years Funded	Approximate Total Funding Support
Adams County Shelter Care & Diagnostic Center	1	\$ 57,000
Cumberland County Alternative Learning Program	2	105,000
Cumberland County Youth Community Program	1	33,000
Cumberland County Alternative to Secure Detention Project	3	60,000
Appalachian School of Experience Project LIFE	1	115,000
Appalachian School of Experience Graduate Program	3	220,000
Alternative Rehabilitative Communities Community Group Home	1	72,000
Alternative Rehabilitative Communities Alternative Education Project	1	55,000
Dauphin County Juvenile Detention Center	1	98,000
Mulberry Group Home for Juvenile Offenders	1	44,000
Susquehanna Group Home for Girls	1	44,000
Frontier's Club Juvenile Project	3	130,000
Harrisburg Youth Diversionary Program	1	50,000
Harrisburg YMCA Diversionary Program	1	50,000
Harrisburg School District Educational Advocacy Program	2	90,000
Dauphin County Pre-Dispositional Services	4	170,000
Franklin County Detention Center	1	75,000
Lancaster Boy's Club Project Intercept	1	66,000
Covestoga Cottage Group Home	1	65,000
Lancaster County Juvenile Halfway House	2	88,000
Lancaster County Family Therapy Specialist	4	45,000
Lebanon County Boy's Home	1	44,000
Lebanon County Family Therapy Services	1	14,000
Lebanon County Group Home for Delinquent Youth	1	67,000
York Police Juvenile Outreach Worker Program	4	200,000
York County Probation Juvenile Intake	3	44,000
Paradise School Group Home	1	53,000
York County Truancy Intervention Project	2	25,000

APPENDIX B:

PRIORITIES IDENTIFIED BY THE
1980 PLANNING PROCESS OF
THE SOUTHCENTRAL REGIONAL
ADVISORY COMMITTEE

Table 1
 TOP TEN CONCERNS
 AS IDENTIFIED IN
 PHASE TWO

<u>Rank</u>	<u>Median Rank</u>	
1	9.5	The segregation of youthful, first-time and non-violent offenders from hardened criminals to prevent the transfer of negative types of information.
2	8.8	The lack of placement facilities for serious juvenile offenders.
3	8.7	The need to prevent non-serious juvenile offenders from having repeat contact with the system.
4	8.7	The failure of the system to meet out sufficient punishment for certain offenders in the eyes of many citizens.
5	8.7	The development of juvenile restitution programs.
6	8.6	The problems created by recidivism and implied system leniency.
7	8.3	Development of more thorough training and certification procedures for district justices.
8	8.2	Inter-agency training aimed at strengthening cooperation and understanding between those groups responsible for dealing with juveniles.
9	8.1	The need for standardized planning and administration within the criminal justice system.
10	7.9	The promotion of citizen awareness to crime and its prevention.

Table 2

RANKINGS OF ALL ITEMS INCLUDED
IN THE PHASE II SURVEY

1. Police Resources

The following items have been identified as particular areas of concern by persons participating in the first round process. Please assign a rating of 1 to 10 according to your perception of each statement as it impacts the availability of police resources.

1 - 10 Scale

<u>Median Rating</u>	<u>Overall Rank</u>	<u>Group Rank</u>	
7.7	15	1	Improving police training and entry level requirements.
7.0	32.5	3	Lack of public awareness and understanding of police and law enforcement issues.
5.0	45	5	Fragmented political boundaries which limit opportunities for police cooperation and specialization.
6.0	41	4	Poor police image in the eyes of the public as a whole and minority groups in particular.
7.2	25	2	The burden placed on police time and resources by defendant rights and court procedures.

2. Court Delay

The following items have been identified as particular areas of concern by persons participating in the first round process. Please assign a rating of 1 to 10 according to your perception of each statement as it affects the problem of court delay.

1 - 10 Scale

<u>Median Rating</u>	<u>Overall Rank</u>	<u>Group Rank</u>	
6.2	39	5	Improved technology and training to deal with court related paperwork.
7.4	23	3	The diversion of less serious offenders (non-violent criminals with substance abuse or mental health problems) to social service programs.
7.6	18	2	Improved coordination between police, courts, district attorney and public defender.
7.8	12.5	1	Disposition of less serious cases at the district justice or municipal traffic court level.
7.0	30	4	Stricter dealing by judges with defense attorney delay tactics.

3. County Prison Overcrowding

The following items have been identified as particular areas of concern by persons participating in the first round process. Please assign a rating of 1 to 10 according to your perception of each statement as it impacts prison overcrowding.

1 - 10 Scale

<u>Median Rating</u>	<u>Overall Rank</u>	<u>Group Rank</u>	
9.5	1	1	The segregation of youthful, first-time and non-violent offenders from hardened criminals to prevent the transfer of negative types of information.
7.3	24	4	The development of a system of half-way houses and furloughs to aid prisoner reintegration into society.
6.3	37	5	Increasing the use of determinant sentences and prolonged incarceration as a deterrent.
7.7	16	2	The development of prison resources aimed at encouraging the post-release employment of ex-offenders.
7.5	22	3	Increasing counseling, vocational training and citizen volunteer efforts within county prisons.

4. Probation Department Manpower

The following items have been identified as particular areas of concern by persons participating in the first round process. Please assign a rating of 1 to 10 according to your perception of each statement as it impacts probation department manpower problems.

1 - 10 Scale

<u>Median Rating</u>	<u>Overall Rank</u>	<u>Group Rank</u>	
7.0	32.5	2	The reorientation of probation activities toward making better use of community volunteers and existing social resources.
7.5	21	1	The establishment of employment and training requirements as part of probation services.
5.3	44	5	The elimination of mandatory probation for persons convicted of minor offenses.
6.6	35	3	Increasing the use of group counseling and supervision to extend probation resources.
6.2	38	4	Establishing higher qualification and salary levels for probation officers.

5. Criminal Justice System Training Needs

The following items have been identified as particular areas of concern by persons participating in the first round process. Please assign a rating of 1 to 10 according to your perception of each statement as it affects criminal justice system training needs.

1 - 10 Scale

<u>Median Rating</u>	<u>Overall Rank</u>	<u>Group Rank</u>	
8.2	8	2	Inter-agency training aimed at strengthening cooperation and understanding between those groups responsible for dealing with juveniles.
7.6	17	3	Annual police orientation to community resources and community relations.
8.3	7	1	Development of more thorough training and certification procedures for district justices.
7.1	27	5	Training aimed at the development of planning, case management and evaluation skills for probation officers.
7.5	20	4	Improved training opportunities for correctional officers.

6. Juvenile Justice Resources

The following items have been identified as particular areas of concern by persons participating in the first round process. Please assign a rating of 1 to 10 according to your perception of each idea as it impacts the juvenile justice system.

1 - 10 Scale

<u>Median Rating</u>	<u>Overall Rank</u>	<u>Group Rank</u>	
8.7	5	1	The development of juvenile restitution programs.
6.2	40	5	Reduction of juvenile probation caseloads to a maximum of 25.
7.6	19	2	To enact a change in the juvenile law to provide for the incarceration of juvenile offenders including the detainment of status offenders under certain circumstances.
7.2	26	3	Half-way houses for runaway youth.
6.0	42	6	The establishment of a coordinated human services model for the handling of juvenile offenders in place of justice system processing.
7.0	31	4	Tying treatment plans for juvenile offenders to the educational system.

7. Factors Inhibiting Community Involvement with the Criminal Justice System

The following items have been identified as particular areas of concern by persons participating in the first round process. Please assign a rating of 1 to 10 according to your perception of each statement as it relates to factors inhibiting public involvement with the justice system.

1 - 10 Scale

<u>Median Rating</u>	<u>Overall Rank</u>	<u>Group Rank</u>	
7.8	11	2	Public apathy and ignorance on the working of the criminal justice system leading to a search for simplistic solutions.
7.0	29	3	Lack of public information on the damaging and costly nature of crime.
8.7	4	1	The failure of the system to meet out sufficient punishment for certain offenders in the eyes of many citizens.
6.3	36	4	The lack of public relations vehicles through which system representatives can communicate with the public, especially minority groups.
5.6	43	5	The apparent unwillingness on the part of criminal justice agencies to cooperate and to share ideas.

8. Serious Problems Facing the Criminal Justice System

The following items have been identified as particular areas of concern by persons participating in the first round process. Please assign a rating of 1 to 10 according to your perception of each statement in regard to problems facing the justice system.

1 - 10 Scale

<u>Median Rating</u>	<u>Overall Rank</u>	<u>Group Rank</u>	
7.7	14	4	The lack of adequate resources and manpower.
6.9	34	5	The fragmented agency structure within the system.
8.8	2	1	The lack of placement facilities for serious juvenile offenders.
8.6	6	3	The problems created by recidivism and implied system leniency.
8.7	3	2	The need to prevent non-serious juvenile offenders from having repeat contact with the system.

9. Criminal Justice System Change Opportunities

The following items have been identified as particular areas of concern by persons participating in the first round process. Please assign a rating of 1 to 10 according to your perception of each statement as it relates for opportunities for change in the criminal justice system.

1 - 10 Scale

<u>Median Rating</u>	<u>Overall Rank</u>	<u>Group Rank</u>	
7.1	28	4	The establishment of larger, better trained police departments.
8.1	9	1	The need for standardized planning and administration within the criminal justice system.
7.8	12.5	3	Greater alternative treatment opportunities for juvenile offenders.
7.9	10	2	The promotion of citizen awareness to crime and its prevention.

APPENDIX C:

RESULTS OF THE 1980 PLANNING
CONFERENCE OF THE SOUTHCENTRAL
REGIONAL ADVISORY COMMITTEE
JUNE 19, 1980

POLICE SERVICES AND THEIR IMPROVEMENT

Frank Simpson - Moderator
Robert Morrison - Resource
Robert Frederick - Resource

Findings & Recommendations

I. Police Training

1. There needs to be higher police entry level requirements as well as improved police training opportunities for entering and continuing police officers.
2. The training resources of the private sector need to be tapped. This should include:
 - A. The Red Cross
 - B. Educational institutions
 - C. Large corporations and insurance companies could be looked to as a training source through internal training departments and scholarships which serve the corporate or company interest.
3. Training should be aimed at improving productivity - the efficient use of all resources.

II. Community Relations

1. There should be greater emphasis on the recruitment of minorities by police departments in Southcentral Pennsylvania.
2. It must be recognized that attitude starts at the top - command officers, supervisors, mayor.
3. Psychological evaluation should be used in the police officer promotion process.
4. An emphasis in police - community relations should be placed on crime prevention.
5. Community relations should be an integrated function throughout the police department rather than isolated in an identified section.

III. The Efficient Use of Manpower and Resources

1. There needs to be a mandated simplification of citations and other forms.
2. There is a need for court coordinators to assist police officers serving as witnesses. This would constitute a cost-saving and efficiency enhancing measure.

3. A re-evaluation of traditional policing techniques is needed for all departments.
4. LEAA investments in communications, records and statistics should be more fully utilized.

IV. Uniform Police Procedures

1. Recognizing the reality of jurisdictional fragmentation, there is a need for statewide direction for the delivery of police services. This can be accomplished through the identification of a state agency or department to direct the implementation of uniform police procedures.

JUVENILE JUSTICE IN SOUTHCENTRAL PENNSYLVANIA

Mildred Hand - Moderator
 Robert Sobolevitch - Resource
 Darlind Millrad - Resource
 Ronald Fennell - Resource

Findings & Recommendations

The following findings and recommendations are made based on the assumption that Juvenile Justice and Delinquency Prevention funds will continue to be available to Pennsylvania.

1. The existing Regional Advisory Committees of the Pennsylvania Commission on Crime and Delinquency should take steps to address the juvenile justice issues identified in their regions. This can be done through advising with those state agencies with a juvenile justice responsibility.
2. There is a need to implement interagency training for persons involved in the area of juvenile justice. Such training would strengthen understanding among the various agencies. Juvenile delinquency prevention should be the focus of this training.
3. There is a need for more secure beds in the Southcentral region for serious juvenile offenders. However, the differences between staff secure and physically secure placement should be recognized and maintained depending upon the seriousness of the offense committed.
4. The need for a wide range of alternatives to institutionalization for juvenile offenders exists. The role of the private sector as a provider of these services should be encouraged.

PUBLIC INVOLVEMENT IN THE CRIMINAL JUSTICE SYSTEM

J. Richard Stouffer - Moderator
 William Hewitt - Resource

Findings & Recommendations

1. The public should be made aware of the actual cost of crime. Placing a dollar value on crimes and on resulting prosecution and imprisonment costs could help to increase public involvement in preventing crime. Public involvement could be promoted by television, radio and newspaper ads as well as by workshops and seminars on crime prevention and awareness.
2. The District Attorney and other criminal justice officials should provide information and education on the problems of law enforcement to community groups, organizations and to the clergy.
3. Work should be done at the lower grades of the educational system to acquaint children with the penalties for vandalism and other crimes as well as their rights and privileges under the law.
4. To help improve police image and public relations, sensitivity training and cultural awareness sessions should be held for all police officers. Proper selection of police officers is a key element in this process.
5. Ride-along programs where citizens accompany police officers in the line of duty could be an important tool for increasing citizen awareness of law enforcement problems. Organization leaders could participate in such programs and report back to their groups.
6. Police officers should be aware of the various community resources in order to be able to make referrals in lieu of arrest where possible. Police officers must be made sensitive to hidden crime related problems such as drugs, alcohol and the family.
7. Existing community based programs must be continued and full use must be made of these resources.

PLANNING FOR SYSTEM CHANGE

Raymond Herr - Moderator
 Irving Hand - Resource
 Dennis Starrett - Resource

Findings & Recommendations

1. There must continue to be a regional criminal justice planning responsibility exercised by a regional agency in Southcentral Pennsylvania.
2. Options should be examined to determine what type of regional agency - single-function, multi-function or umbrella - might best serve the criminal justice planning responsibility.

3. The Southcentral Regional Advisory Committee should submit a proposal to the Pennsylvania Commission on Crime and Delinquency to study and determine what type of agency structure might best fulfill the criminal justice planning responsibility for the Southcentral region. The role of such an agency would initially include evaluation and monitoring of existing projects as well as planning for the justice system and developing cooperation between agencies.

LETTERS

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
HALL OF THE STATES
444 NORTH CAPITOL STREET
WASHINGTON, D. C. 20001
(202) 624-5454

C. RAYMOND MARVIN
GENERAL COUNSEL

October 30, 1980

Honorable Robert Dole
United States Senate
2213 Dirksen Senate Office Building
Washington, D.C. 20510

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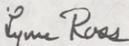
IMMEDIATE PAST PRESIDENT
J.D. MACFARLANE
Attorney General of Colorado

Dear Senator Dole:

Thank you very much for informing us of your intention to introduce legislation which would establish a federal program of assistance to state and local criminal justice agencies for planning, construction, or renovation of criminal justice facilities. I have referred this matter to members of the Association for their study, review, and recommendations. We appreciate your invitation to testify and will be in contact with members of your staff regarding further details.

Thank you very much for bringing this legislation to our attention.

Sincerely,



Lynne Ross
Legislative Director

National Center for State Courts

300 Newport Avenue
Williamsburg, Virginia 23185
(804) 253-2000

Edward B. McConnell
Director

November 3, 1980

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300 Newport Avenue
Williamsburg, Virginia 23185
(804) 253-2000

NORTHEASTERN
Osgood Hill
723 Osgood Street
North Andover, Massachusetts 01845
(617) 687-0111

SOUTHERN
1600 Tullie Circle, N.E., Suite 119
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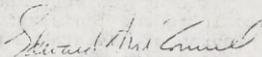
NORTH CENTRAL
Suite 2208
American National Bank Building
5th & Minnesota Streets
St. Paul, Minnesota 55101
(612) 222-6331

WESTERN
720 Sacramento Street
San Francisco, California 94108
(415) 557-1515

Dear Senator Dole:

I have your letter of October 23 enclosing a copy of the proposed Criminal Justice Construction Act on which you are scheduling hearings in early December. I am reviewing the bill, and having others connected with the Center do the same, and will get our comments off to you as soon as possible. We appreciate very much this indication of your concern for the needs of the courts and the criminal justice system.

Sincerely yours,



The Honorable Robert Dole
United States Senate
Committee on the Judiciary
Washington, D. C. 20510



National Association of Counties

Offices • 1735 New York Avenue N.W., Washington, D.C. 20006 • Telephone 202/783-5113

November 3, 1980

The Honorable Robert Dole
United States Senate
2213 Dirksen Office Building
Washington, D. C. 20510

Dear Senator Dole:

Thank you for the opportunity to review your proposed Criminal Justice Construction Act. I wish to offer the following comments for your consideration.

First, I would strongly recommend that you narrow the bill's focus to address only correctional agencies at the state and local level. Although there is a pressing need to renovate and construct a wide range of criminal justice facilities (such as police headquarters and court-houses), corrections facilities at the state and local level represent our most serious problem. It has been estimated that at least 10 percent of our nation's jails are now under federal court order. The prison systems of several states are virtually court run because of overcrowded and substandard conditions. No other criminal justice agency is in such deplorable condition.

Secondly, a program of construction and renovation for corrections institutions must be predicated on careful planning and the use of alternatives to incarceration. Most experts agree that we have overutilized jails and prisons in the United States. A program of construction alone could easily lead to increased jail and prison populations at a time when the United States jails more people than any other nation in the world, except for the Soviet Union and South Africa. I would therefore recommend safeguards to insure that alternatives to incarceration have been fully utilized, and that multijurisdictional facilities and services are actively promoted. Currently, there are over 2,500 rural county jails which usually are unable to meet minimum standards. It is absolutely essential that rural jurisdictions be encouraged to develop multijurisdictional solutions.

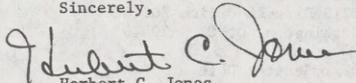
Last year the National Association of Counties drafted a concept paper entitled, "The Jail Reform Act of 1980," to promote a comprehensive strategy to jail reform.

The Honorable Robert Dole
November 3, 1980
page 2

The draft legislation called for the creation of local advisory boards, and development of a comprehensive plan at the local level. Counties and other local government units under our proposal would be required to demonstrate a full range of alternatives and produce evidence of multijurisdictional cooperation before they would be even eligible to receive construction funds. The aim of our proposal was both to lower jail populations and provide constitutional jail conditions for those who require safe and secure incarceration.

I would be happy to meet with your staff to discuss our proposal in greater depth.

Sincerely,



Herbert C. Jones
Associate Director

H CJ:DM:ew

Office of
 Administrator for the Courts
 State of Washington



HOWARD S. PRIMER
 ADMINISTRATOR

TEMPLE OF JUSTICE
 OLYMPIA, WA 98504
 (206) 753-5780

November 12, 1980

The Honorable Robert Dole
 United States Senate
 Committee on the Judiciary
 Washington, D.C. 20510

Dear Senator Dole:

I have had the opportunity to review a copy of the proposed Criminal Justice Construction Reform Act that you plan to introduce for consideration by the Congress. My following comments are offered and tempered by my perspective as the Administrative Director of the judicial branch of Washington State government.

First, my compliments to you for recognizing a growing and serious problem and acting in a meaningful way to resolve the problem. As reflected in the proposed Act, your impressions about criminal justice facilities are accurate. The problem of formal institutional corrections has received a great deal of national publicity. Ignored, but just as important, are the other facilities that are a vital component of the criminal justice system. You capture the importance of that fact when you find in Title I, Section 101 (1) that "the quality, efficiency, effectiveness, and dignity of justice has been severely affected by the lack of adequate resources for the construction and improvement of criminal justice facilities." There are courts and court facilities in the State of Washington that are entirely inappropriate for the purpose of conducting courtroom proceedings. For example, there is a courtroom in one of the counties in this state that is so entirely dilapidated that there is a sign indicating that each individual entering the court facility should count the number of people preceding him or her, and if they happen to be number 21, they should not go any further for fear that the building will collapse. In Washington State, the cost of maintaining and constructing court facilities is borne by local government. This type of facility can only demean the dignity of the courtroom proceeding. By demeaning the dignity of the proceeding, it demeans the dignity of the entire system. Without that respect, it is difficult to encourage the respect for authority that is absolutely essential to the maintenance of an organized society.

I am satisfied that, for the most part, the provisions of this proposed Act are well conceived. I would make one recommendation, however. Section 203 of the Act is, in my judgment, the conceptual hinge-pin for the Act. Without adequate state

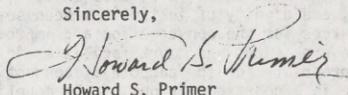
Page 2
The Honorable Robert Dole
November 12, 1980

planning and conceptual analysis, the moneys provided by the federal government would be under-utilized or misused. In order to avoid that from occurring, it is essential that the components of the criminal justice system collectively plan for proper facility utilization and growth. Any state plan that fails to have comprehensive evaluation done of all criminal justice components will fail to meet the goals set forth in this proposed Act. It is, therefore, important that the Act clearly define the types of participation that need to take place. We should learn from our experience with the Law Enforcement Assistance Administration. Until the time that the state planning agencies were redefined through the 1976 revision of the Omnibus Crime Control and Safe Streets Act court involvement was kept to a very minimum. In deference to the concept of separate branches of government, the 1976 version of the Act specified court participation on the planning body and identified that a fair and adequate share of LEAA resources would be devoted to court related activities.

I recommend that your proposed Act clearly delineate that there be participation, in equal shares, by representatives from the judicial function, the prosecutorial function, the defense function, the law enforcement function, and the correctional function. Failure to include any or all of these groups will reduce the value and the comprehensive nature of any seven-year plan. It is most appropriate that the enabling legislation for a program of this type reflect the nature of the planning bodies to be involved. I urge that you amend your proposed Act to accomplish that.

I am in strong support of the effort that you are undertaking as reflected in this proposed Act. I stand ready to support you in any manner that you deem appropriate. Please do not hesitate to contact me if I may be of any additional service. I plan to communicate my support to Senators Jackson and Gorton, as well as Governor Spellman.

Sincerely,



Howard S. Primer

cc: Chief Justice Robert F. Utter
Pete Velde



THE NATIONAL ASSOCIATION OF CRIMINAL JUSTICE PLANNERS

November 14, 1980

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Mary K. Shilton

The Honorable Robert Dole
United States Senate
Committee on the Judiciary
Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Dole:

Thank you for the opportunity to review your proposed legislation that would provide financial assistance for criminal justice construction programs. I am particularly impressed with the provision for an interest subsidy for criminal justice facility construction bonds. This section is simplicity itself and such simplicity is to be roundly applauded. This section minimizes bureaucratic red tape, fosters good intergovernmental cooperation by minimizing the requirements at the federal and state levels and appropriately maintains sound decision-making at the state and local governmental levels.

Your interest in this area is greatly appreciated but in reviewing the other provisions some questions come to mind. Among the areas of concern are: inadequate attention to the criminal justice functional component most in need of assistance, corrections; the attachment of too many strings to the money; insufficient funding for accomplishing the goal of the legislation; and the bureaucratic complexity involved in distributing the money.

Before providing more detail on these concerns, I would like to make two general observations in order to provide a context in which my responses can be understood. The first observation deals with the fiscal process. At the federal level, the prognosis for new programs is bleak. While an appropriation of \$500,000,000 to one billion dollars is substantial, it is not enough to do the job. In addition there is the definite possibility of funding being below that level. At the state and local level, the problem with funding criminal justice construction, especially correctional institutions is the lack of a constituency which results in that construction becoming a secondary priority. Consequently my first suggestion is to look at federal involvement not as the principal underwriter of the construction but rather as a catalyst that acts

Cont...

Senator R. Dole
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November 14, 1980

to move criminal justice construction from a secondary priority to a primary priority.

The other factor that guides my responses is the need to foster a correctional policy that does not rely upon incarceration as the principal societal response to offenders of the law. Clearly correctional institutions are in dire need of being brought into the twentieth century and that will have to be accomplished by new construction and major renovation. The issue is how many beds are required. I am not prepared to offer a number. Rather I suggest that this is an issue best left to the affected parties. The decision will be difficult and will require maintenance of the decision over a long period of time. Estimates for constructing new jail cells have been quoted as high as \$80,000 per cell in California with an estimated maintenance cost of \$20,000 per year per cell. Officials should be forced to wrestle with these cost problems and should not be anesthetized to them by generous federal subsidies at the front end.

I would add that while this issue is raised principally in the context of correctional facilities construction, it applies equally to other criminal justice construction such as courts and police substations. It is critical that the federal legislation not create a need. Rather it is important that the federal legislation respond to a need.

With these prefatory observations, I would like to address the concerns raised earlier. First, in regard to the inadequate attention to the problem confronting correctional institutions, I suggest that the legislation specifies that some minimum portion of the monies be expended on correctional institutions. The need is greatest with corrections and the legislation should so acknowledge it.

Second with the matter of too many strings attached to the money, I suggest that the purpose of the legislation is muddled and can be thwarted by the requirements. This legislation's basic purpose and, I would suggest its only purpose, is to facilitate the construction of badly needed buildings. I would suggest that this streamlined approach would be much easier to accept if the proposed reversal in the matching formula is accepted.

Third, with the matter of inadequate funding to accomplish the stated purposes, I suggest that this difficulty can be partially corrected by raising the matching ratios set forth in the legislation. The federal dollar could be made to stretch longer if the state and local contribution is increased.

Finally, with the bureaucratic complexity in distributing the money, I suggest that the hard decisions on constructing new facilities should not be made more difficult by injecting layers of bureaucratic involvement.

Cont...

Senator R. Dole
Page Three
November 14, 1980

Such a process is unduly time consuming and, in construction, time is money, big money. In addition there is the definite danger of aggravating intergovernmental relations between state and local governments. I would hasten to point out that local governments do not shy away from state mandates and regulations so long as those mandates and regulations have undergone the legislative review process in the state. Existing governmental operations do not have to be augmented by the addition of a new bureaucracy. This argument becomes even more compelling if the matching ratios are increased so as to require the local or state governments to provide a larger share of the money.

I would suggest in place of a block grant approach a categorical approach which would include a provision that calls for an equitable distribution of the funds among the states. An equitable distribution could be defined as being within five percentage points of the amount of money generated by a formula driven by population and criminal justice expenditure data and such equity would be judged over the life of the program (six years) and not on a year to year basis.

This type of approach would force the federal government to be more specific in terms of what each application would have to contain. This is not necessarily bad because state and local governments would then know exactly what the rules are. Federal discretion would be tempered by the equity provision.

I would also suggest that the federal discretionary pot of money be reduced to five percent of the total appropriation and that this discretionary fund deal only with innovations in construction; i.e., solar heating, solid waste disposal, etc.

I feel compelled to reiterate an earlier point that the purpose of this legislation not be muddled by extraneous concerns. The purpose is construction and only construction-related matters should be set forth in the legislation. The programmatic concerns that the legislation proposes to set forth do merit attention. That attention will come through the state and local budgetary decision-making process. In addition a federal financial assistance role in criminal justice beyond construction matters is worth exploring but in a separate piece of legislation.

In closing, I want to thank you for the opportunity to review your proposed legislation and I hope my comments are of use to you. If I can be of any further assistance, please contact me.

Sincerely,


Mark A. Cunniff
Executive Director

MAC/pca

cc: Pete Velde
Yolanda Branche



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1620 EYE STREET, NORTHWEST
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LILA C. KALLIL
Mayor of San Antonio
DORA DE ZORZI
Mayor of Toledo
JAMES E. FERGUSON
Mayor of Fresno
WILLIAM E. HANNA
Mayor of Knoxville
ARTHUR J. HOLLAND
Mayor of Trenton
JAMES INHOF
Mayor of Tulsa
CAROLE K. McCLELLAN
Mayor of Austin
JAMES H. MULLI
Mayor of Dayton
TOM MOODY
Mayor of Columbus, Ohio
ERNEST N. MORIAL
Mayor of New Orleans
JONATHAN P. RILEY, III
Mayor of Charleston, S.C.
JOHN P. ROUSAKIS
Mayor of Savannah
CHARLES ROYER
Mayor of Seattle
WILLIAM DONALD SCHAUER
Mayor of Baltimore
DAVID H. SHEPHERD
Mayor of Oak Park, Mich.
DAVID T. SHIFFRIN
Mayor of Santa Barbara
LOUIS J. TULLIO
Mayor of Erie
DANIEL K. WHITEHEAD
Mayor of Fresno
FLETCHER WILSON
Mayor of San Diego

Executive Director:
JOHN J. GUNTHER

Honorable Robert Dole
Committee on the Judiciary
United States Senate
Washington, D. C. 20510

Dear Senator Dole:

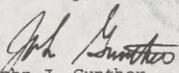
Thank you for this opportunity to respond to your proposed legislation entitled "Criminal Justice Construction Reform Act".

Crime and its resolution are a major concern of all Mayors in America today. The United States Conference of Mayors advocates deinstitutionalization whenever possible for all criminals especially for youthful offenders. However, we do realize that certain individuals require institutional confinement. You are quite correct in your statement that correctional facilities in many large urban areas are antiquated and that the financial means to correct this is often beyond the budgetary constraints of most cities. Your proposed legislation which would provide federal funds to aid in rehabilitating the facilities is most welcome.

However, it is my understanding from your legislation that all money appropriated would go only to states. It would seem from your legislation that all the facilities and activities described would relate to cities as well as to states. It would be more beneficial and equitable if there were a provision inserted in the legislation which would divide the appropriation so that large cities would compete for a certain share and states would compete for a certain share of the funds. This manner of funding has been used in other large formula grants, such as the Law Enforcement Assistance Administration projects and the Economic Development Agency's local public works program. Such a funding procedure has worked well in the past and we would urge you to consider it for your legislation. As representatives of the country's largest cities, we would feel most comfortable with an arrangement where cities were entitled to an appropriate share of the funds.

Again, thank you for this opportunity to respond. You are to be commended for proposing legislation which clearly defines and attempts to solve the problem of substandard housing and facilities in our national criminal justice system.

Sincerely,



John J. Gunther
Executive Director



COUNTY SHERIFFS OF COLORADO

Post Office Box 6592, Denver, Colorado 80206 • Telephone: (303) 777-3548

EXECUTIVE DIRECTOR — James P. O'Neil

PRESIDENT
H. L. Henderson
Grand County

November 17, 1980

Honorable Robert Dole
United States Senate
Washington, D.C. 20510

Dear Senator Dole:

We have been informed of your intention to introduce legislation which will establish a federal program of assistance to state and local government for planning, construction or renovation of criminal justice facilities.

One of the major concerns of sheriffs is the administration of the jail. Many are obsolete, planned and constructed prior to the development of standards now required; most are inadequate and do not permit the proper separation of inmates to meet current standards or for safe and efficient management; and, space is not available even for the most basic programs. Many desired, or required, operational changes cannot be made because of the limitations of the physical plant.

It can now be anticipated that PL96-247, will lead to the initiation of numerous suits by the Civil Rights Division of the Department of Justice based on standards to be promulgated by the Department. Most communities faced with severe budgetary constraints and increasing demands for services will be sorely pressed to effect the changes dictated by these standards.

We think therefore that it is very appropriate that there be federal assistance in upgrading the jails to reach the level required by recent court decisions and the standards being set by the Department of Justice.

1st VICE PRESIDENT
Bert J. Johnson
Adams County

2nd VICE PRESIDENT
Robert Farris
Summit County

SECRETARY-TREASURER
Edward D. Nelson
Arapahoe County

DIRECTORS:

Fred Ellerd
San Miguel County

Brad Leach
Boulder County

Claude Porterfield
Gunnison County

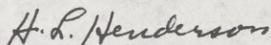
Harold Thonhoff
Chaffee County

George R. Hubbard
Kit Carson County

Honorable Robert Dole
Page 2
November 17, 1980

We strongly support your efforts and ask that there be provision made to ensure there is input from those directly involved with local detention in the decisions which will be made as a result of this legislation you propose.

Sincerely,



H. L. Henderson
President

HLL:bh



Council of State Governments

WASHINGTON OFFICE

Hall of the States

444 North Capitol Street, Washington, D.C. 20001 (202) 624-5450

JACK L. McRAY
Washington Office Director

FRANK H. BAILEY
Executive Director
Headquarters Office
P.O. Box 11910
Lexington, Kentucky 40578

November 24, 1980

Senator Robert Dole
Subcommittee on Improvements in
Judicial Machinery
6306 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Dole,

Your proposed Criminal Justice Construction Act is a positive inducement for states to plan comprehensively for and to construct criminal justice facilities. I commend you for defining construction purposes broadly enough to include treatment and rehabilitation facilities.

I provide the following comments and questions on particular sections of the bill:

-- Sec. 102(7) -- Is "initial" necessary to describe appropriate equipment, especially since Sec. 102(8) legitimizes "modernization" projects?

-- Sec. 202(3)(c)(2) -- This section is vague and delegates too much authority to the Administrator to adopt an allocative formula applicable to states. The approach envisioned is deficient for several reasons. What is criminal behavior in one state may not be in another. For example, juvenile delinquent offenses in one state may be status offenses in other states. Likewise, rehabilitation programs such as Florida's "mentally disordered sex offender treatment program" are non-existent in other states. Further, prosecutorial, correctional, treatment, and rehabilitation programs cross many state executive and judicial agency boundaries of authority, thereby making identification of "overhead" costs applicable to state criminal justice efforts extremely difficult, if not impossible to identify. I suggest that a focus on "state effort" will result in your resource building a bureaucracy of planners, evaluators, etc., and will lead to extraordinary reporting requirements for states. Accordingly, the resource available for actual construction of criminal justice facilities will decline. Perhaps a better solution would be to base state payments solely on population and to reserve to the Administrator discretionary funds which he may award to promising demonstration or innovation programs. The Administrator could reward jurisdictions which improve, on their own initiative, criminal justice facilities.

-- Sec. 304 -- "Public agencies" is not defined in the bill. That definition should include agencies or organizations formed by associations of states, directed by the states, or working on behalf of the states.

I hope these comments are useful. If you have questions or if I can be of further assistance, please contact me.

Thank you for the opportunity to review your proposed legislation.

Sincerely,



Jack L. McRay

cc: Frank Bailey
JLM/hco

Moyer

November 10, 1980

Senator Robert Dole
United States Senate
Committee on the Judiciary
Washington, D.C. 20510

Dear Senator Dole:

In accordance with your request of October 24, 1980, I have reviewed the draft legislation for a proposed Criminal Justice Facilities Administration program of assistance in the renovation, modernization and replacement of outdated law enforcement, courts and corrections facilities throughout the country.

It is difficult to identify any other area which directly affects the safety and well-being of citizens in every location in the United States, its territories and possessions, which presents greater need. Based upon my personal involvement in the evaluation of criminal justice facilities in over 2400 jurisdictions in the last ten years, I can attest to a national need of epidemic proportions. My experience has included that of Director of the National Clearinghouse for Criminal Justice Planning and Architecture 1970 through 1977.

The need which is so very evident has several causal factors. Decades of neglect in the allocation of public resources to criminal justice facilities has left a legacy of outdated and deteriorated physical plants. Further, needs have changed as law enforcement techniques, judicial processes and correctional responses have been impacted by a changed and changing society. Existing facilities uniformly fail to measure up to features required by contemporary standards. Finally, the tremendous current volume of transactions alone renders our existing facilities inadequate.

Police facilities currently in use were designed at a time when modern crime investigative techniques were undeveloped. Space for today's communications equipment, evidence storage requirements, staff training programs, community program support and other activities is in serious short supply and in most instances nonexistent.

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Senator Robert Dole
November 10, 1980
Page 2

Court facilities are unable to properly or efficiently serve the requirements of contemporary judicial process in either their quality or quantity. The number of courtrooms, in relation to the burgeoned volume of case filings, impairs the functioning of the system itself. Court backlogs contribute to the overcrowding of detention facilities. The lack of space for ancilliary functions such as prosecution, defender services, records, jury sequestering and deliberations and others also sharply diminishes the quality of justice which can be delivered under these circumstances. The organization of the many sub-components of the judicial system within facilities fails to provide definition and separation of public movements from judicial circulations, nor private and secure movement of prisoners to and from court appearances. Both public safety and the interests of the accused are jeopardized.

Corrections facilities today are nothing less than a national scandal, inadequate to provide basic requirements of humane care for those charged or convicted of criminal offense and unable to insure public safety. Documentation of these conditions comes from many sources. At local levels grand juries routinely declare jail facilities unfit for use. Statewide surveys find conditions uniformly inadequate to meet the most minimal standards of sanitation, fire safety and space provisions. At both local and state levels, extreme overcrowding exacerbates these conditions. The proliferation of instances of judicial intervention in the matter of jail and prison conditions throughout the United States in the past ten years has further established that Constitutional minima are not met.

It is, therefore, most timely and appropriate that recognition of these circumstances be accompanied by a proposal for their remedy. The Criminal Justice Construction Act which you propose to introduce in Congress is exactly the kind of initiative which is required. Lacking the provisions for funding assistance and standards compliance which you propose, the conditions of criminal justice facilities can only be expected to deteriorate further and the proper and efficient administration of justice denied throughout the United States.

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Senator Robert Dole
November 10, 1980
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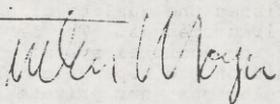
Based upon my first hand knowledge of the conditions which are so prevalent and uniformly shocking in every part of the country, together with the inefficiency and inadequacy which these facility conditions force upon the operation of the criminal justice system, I strongly urge favorable action by Congress on this most important legislation.

Sincerely,

Frederic D. Moyer, AIA

FDM:rd

cc: Richard W. Velde



RESOLUTION OF
CITY OF JACKSONVILLE

Jacksonville, Alabama 36265

John B. Nisbet, Jr.
MAYOR

Phone 435-7611

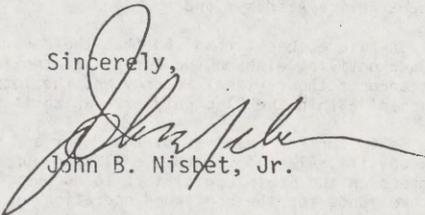
January 14, 1981

Dear Senator Heflin:

Enclosed is a Resolution recently adopted by the City Council requesting your support of continued funding of the Northeast Alabama Police Academy, if at all possible.

Jacksonville is the sponsor of the LEPA grant for the Academy located at Jacksonville State University. Please do what you can to assist this facility to continue to operate.

Sincerely,



John B. Nisbet, Jr.

dn

The Honorable Howell Heflin
United States Senate
6327 Dirksen Building
Washington, D. C. 20510

RESOLUTION NO. _____

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE, ALABAMA AS FOLLOWS:

Whereas the City of Jacksonville has been the sponsoring agency for the Northeast Alabama Police Academy located on the campus of Jacksonville State University, Jacksonville, Alabama, since October, 1972; and

Whereas the Northeast Alabama Police Academy serves as a regional training academy for a 21-county area; and

Whereas this academy has trained in excess of 1400 law enforcement officers from throughout this 21-county area in the Basic Recruit Training Course in an efficient, effective manner; and

Whereas this training has been provided to the cities and counties at a minimal cost due to funds provided by the Law Enforcement Assistance Administration through the Law Enforcement Planning Agency; and

Whereas the Law Enforcement Assistance Administration was not funded by the 96th Congress of the United States; and

Whereas the loss of this academy would create serious problems in providing badly needed training for law enforcement officers in this area, as well as additional expense and personal inconvenience; and

Whereas this action by the 96th Congress of the United States Congress poses a serious threat to the continued operation of the Northeast Alabama Police Academy; and

Therefore, be it resolved that the Mayor and City Council of the City of Jacksonville, Alabama, do hereby take notice of this threat to the existence of the regional academy and the loss of its services to law enforcement within the 21-county area which it serves; and

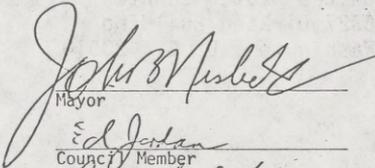
Be it further resolved by the Mayor and City Council of the City of Jacksonville, Alabama, that we call upon our United States Senators, Congressmen and State Legislators to do everything within their power to restore funds for the continued operation of the Northeast Alabama Police Academy; and

Be it further resolved that a copy of this resolution be furnished to each United States Senator and Congressman and each local State Representative.

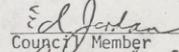
ADOPTED, this the 13th day of January, 1981.

ATTEST:

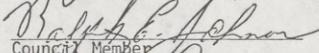
City Clerk



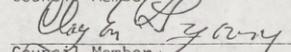
Mayor



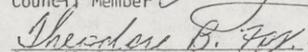
Council Member



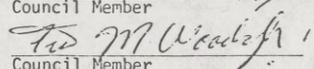
Council Member



Council Member



Council Member



Council Member