

**FEDERAL ASSISTANCE TO LAW  
ENFORCEMENT**

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**HEARINGS**  
BEFORE THE  
**SUBCOMMITTEE ON**  
**CRIMINAL LAWS AND PROCEDURES**  
OF THE  
**COMMITTEE ON THE JUDICIARY**  
**UNITED STATES SENATE**  
NINETY-FIRST CONGRESS  
SECOND SESSION

ON  
S. 3, S. 964, S. 965, S. 966, S. 968, S. 969, S. 970,  
S. 1229, S. 2465, S. 2875, S. 3045,  
3541, S. 3616, S. 4021, S. 4066,  
4098, and H.R. 17825

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JUNE 24, 25; JULY 7, 30, 1970  
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for the use of the Committee on the Judiciary



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# FEDERAL ASSISTANCE TO LAW ENFORCEMENT

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## HEARINGS BEFORE THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES OF THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE NINETY-FIRST CONGRESS

SECOND SESSION

ON

S. 3, S. 964, S. 965, S. 966, S. 968, S. 969, S. 970,  
S. 971, S. 972, S. 1229, S. 2465, S. 2875, S. 3045,  
S. 3071, S. 3541, S. 3616, S. 4021, S. 4066, S. 4098,  
and H.R. 17825

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Printed for the use of the Committee on the Judiciary

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# FEDERAL ASSISTANCE TO LAW ENFORCEMENT

WEDNESDAY, JUNE 24, 1970

U.S. SENATE,  
SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES  
OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met, pursuant to recess, at 9:50 a.m., in room 2228, New Senate Office Building, Senator Roman L. Hruska, presiding.

Present: Senators Hruska, Thurmond, and Hart.

Also present: G. Robert Blakey, chief counsel; Wallace H. Johnson, minority counsel; Russell M. Coombs, Max R. Parrish, and James C. Wood, Jr., assistant counsel; and Mrs. Mabel A. Downey, clerk.

Senator HRUSKA. The subcommittee will come to order.

We note the appearance in the witness chair of the Senior Senator from Maryland, and welcome him here. Before he is called upon for his testimony on a number of bills, I should like to read the following statement:

The chairman of this subcommittee, Senator McClellan, is involved in other hearings this week and has asked me to chair these hearings. These hearings are for the purpose of reviewing a number of legislative proposals concerning the operation of the Law Enforcement Assistance Administration.

This act has been a subject of interest to this Senator for a long time—in fact, since it was no more than an idea.

I can remember quite well the numerous subcommittee sessions we had during the spring and summer of 1967 on a number of crime proposals, including S. 917 which, in amended form, was finally enacted as title I, the LEAA title, of the Omnibus Crime Control and Safe Streets Act of 1968.

I want to express my appreciation again to the chairman of this subcommittee, Mr. McClellan, for the fine leadership which he displayed during the many months when S. 917 was under consideration by this subcommittee, the Judiciary Committee and by the full Senate. The bill, H.R. 17825, which was recently reported by the House Judiciary Committee and which will be considered by the other body in a few days, is testimony to the workability and acceptance of the omnibus crime control program which was designed and adopted under the leadership of the distinguished Senator from Arkansas. During the Senate hearings, the committee will consider the wisdom of these as well as other amendments to the Law Enforcement Assistance Act.

When the Law Enforcement Assistance Administration was created in 1968, a majority of the Senate did not wish to create a program which would authorize Washington bureaucrats to dictate to local

units of government what specific projects should be funded in order to make basic improvements in all areas of law enforcement.

The Senate was more concerned that this law enforcement improvement program be designed in a way that would insure a comprehensive approach to the improvement of law enforcement. By adopting the Dirksen block grant amendment, the Senate provided that 85 percent of the funds appropriated for law enforcement improvement programs must be channeled through State planning agencies in each of the States which would be responsible for comprehensive planning of law enforcement improvement projects throughout the State. Only 15 percent of the funds could be granted directly to local units of government.

If we are to have an effective anticrime program, that program must be aimed at making planned improvements in the entire criminal justice system within each State. That can be done most effectively by a single agency within each State responsible for coordinating all improvement programs within its jurisdiction.

The operation of the Law Enforcement Assistance Administration or of any vehicle chosen by the Congress for the operation of this very ambitious Federal anticrime program should be considered in the context of the overwhelming problems involved in improving the entire criminal justice system in America. LEAA will not complete its second year of funding until the 30th of this month, and the States will not complete their second round of subgrants until later this year. I think we should also be reminded that although we spend \$6 billion annually on our criminal justice system in America, the Congress appropriated only \$63 million for fiscal 1969 and \$268 million for fiscal 1970 and the House of Representatives has voted to appropriate \$480 million for fiscal 1971. The increase in LEAA funding must be considered in light of the matching requirements of the Omnibus Crime Control and Safe Streets Act, placed on the States, and the desire of the Congress to see that meaningful improvement programs are funded under the comprehensive plans adopted by the several States. It is quite evident that no city got as much money as it wanted or needed during the first or second years of funding. It is also quite evident that no counties, no small towns, and no States got as much as they needed.

The LEAA is one of the most carefully scrutinized Federal programs in existence today. Only last week, another study of the LEAA was completed by the Advisory Commission on Inter-Governmental Relations. In its recommendations made public on June 18, the Commission, while advocating some improvement of performance on the part of the State planning agencies, stated that:

The block grant represents a significant device for achieving greater cooperation and coordination of criminal justice efforts between the states and their political subdivisions.

The Commission therefore recommends that the block grant approach embodied in the act be retained and that States make further improvements in their operations under it. This report recognizes the importance of a comprehensive approach to criminal justice reform if we are indeed to make any meaningful improvements in the law

enforcement agencies of our Nation and if we indeed want to reduce crime.\*

Of course, the House Judiciary Committee has conducted extensive hearings on a number of similar proposals. As I mentioned already it has reported a bill, H.R. 17825, upon which the House will act very soon. The Senate Criminal Laws and Procedures Subcommittee is familiar with these hearings, the testimony given and the exhibits presented. We will certainly want to consider these when acting upon the legislation, but there is no need to duplicate much of that evidence.

At this time, there will be placed in the record title I of Public Law 90-351, the "Omnibus Crime Control and Safe Streets Act of 1968," and bills, together with agency reports, which are the subject of this hearing: S. 3, S. 964, S. 965, S. 966, S. 969, S. 970, S. 971, S. 972, S. 1229, S. 2465, S. 2875, S. 3045, S. 3171, S. 3541, and S. 3616.

(The bills referred to follow:)

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\*There will be placed in the record, following the conclusion of today's hearings, letters from Mr. David B. Walker, assistant director of the Advisory Commission on Intergovernmental Relations, dated June 19, 1970, and September 8, 1970, with enclosures (1) Recommendations Adopted by the Advisory Commission on Intergovernmental Relations, June 12, 1970, (2) a study "Making the Safe Streets Act Work: An Intergovernmental Challenge," June 1970, and Conclusions and Recommendations [Material appears on p. 215.]

Text of Title I

Public Law 90-351  
90th Congress, H. R. 5037  
June 19, 1968

**An Act**

To assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That this Act may be cited as the "Omnibus Crime Control and Safe Streets Act of 1968".

Omnibus Crime  
Control and  
Safe Streets  
Act of 1968.

**TITLE I—LAW ENFORCEMENT ASSISTANCE****DECLARATIONS AND PURPOSE**

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

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

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

82 STAT. 197  
82 STAT. 198

**PART A—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION**

SEC. 101. (a) There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration (hereafter referred to in this title as "Administration").

(b) The Administration shall be composed of an Administrator of Law Enforcement Assistance and two Associate Administrators of Law Enforcement Assistance, who shall be appointed by the President, by and with the advice and consent of the Senate. No more than two members of the Administration shall be the same political party, and members shall be appointed with due regard to their fitness, knowledge, and experience to perform the functions, powers, and duties vested in the Administration by this title.

(c) It shall be the duty of the Administration to exercise all of the functions, powers, and duties created and established by this title, except as otherwise provided.

**PART B—PLANNING GRANTS**

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

State planning agencies.

SEC. 202. The Administration shall make grants to the States for the establishment and operation of State law enforcement planning agencies (hereinafter referred to in this title as "State planning agencies") for the preparation, development, and revision of the State plans required under section 303 of this title. Any State may make application to the Administration for such grants within six months of the date of enactment of this Act.

82 STAT. 198  
82 STAT. 199

SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. The State planning agency shall be representative of law enforcement agencies of the State and of the units of general local government within the State.

Functions.

(b) The State planning agency shall—

(1) develop, in accordance with part C, a comprehensive state-wide plan for the improvement of law enforcement throughout the State;

(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement; and

(3) establish priorities for the improvement in law enforcement throughout the State.

(c) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units to enable such units and combinations of such units to participate in the formulation of the comprehensive State plan required under this part. Any portion of such 40 per centum in any State for any fiscal year not required for the purpose set forth in the preceding sentence shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

SEC. 204. A Federal grant authorized under this part shall not exceed 90 per centum of the expenses of the establishment and operation of the State planning agency, including the preparation, development, and revision of the plans required by part C. Where Federal grants under this part are made directly to units of general local government as authorized by section 305, the grant shall not exceed 90 per centum of the expenses of local planning, including the preparation, development, and revision of plans required by part C.

Allocation of funds.

SEC. 205. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. The Administration shall allocate \$100,000 to each of the States; and it shall then allocate the remainder of such funds available among the States according to their relative populations.

#### PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 301. (a) It is the purpose of this part to encourage States and units of general local government to carry out programs and projects to improve and strengthen law enforcement.

(b) The Administration is authorized to make grants to States having comprehensive State plans approved by it under this part, for—

June 19, 1968

- 3 -

Pub. Law 90-351

82 STAT. 200

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

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

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

(4) Construction of buildings or other physical facilities which would fulfill or implement the purposes of this section.

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

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

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

(c) The amount of any Federal grant made under paragraph (5) or (6) of subsection (b) of this section may be up to 75 per centum of the cost of the program or project specified in the application for such grant. The amount of any grant made under paragraph (4) of subsection (b) of this section may be up to 50 per centum of the cost of the program or project specified in the application for such grant. The amount of any other grant made under this part may be up to 60 per centum of the cost of the program or project specified in the application for such grant: *Provided*, That no part of any grant for the purpose of construction of buildings or other physical facilities shall be used for land acquisition.

Federal grants,  
amounts.

(d) Not more than one-third of any grant made under this part may be expended for the compensation of personnel. The amount of any such grant expended for the compensation of personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs.

Prohibition.

Sec. 302. Any State desiring to participate in the grant program under this part shall establish a State planning agency as described in part B of this title and shall within six months after approval of a planning grant under part B submit to the Administration through

Comprehensive  
State plans,  
requirements.

such State planning agency a comprehensive State plan formulated pursuant to part B of this title.

SEC. 303. The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. Each such plan shall—

(1) provide for the administration of such grants by the State planning agency;

(2) provide that at least 75 per centum of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement;

(3) adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement dealt with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement plans and systems;

(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

(6) provide for research and development;

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

(8) demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded under this part after a reasonable period of Federal assistance;

(9) demonstrate the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government;

(10) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement;

(11) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this part; and

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(12) provide for the submission of such reports in such form and containing such information as the Administration may reasonably require.

Any portion of the 75 per centum to be made available pursuant to paragraph (2) of this section in any State in any fiscal year not required for the purposes set forth in such paragraph (2) shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and in conformity with the State plan.

Sec. 304. State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

Sec. 305. Where a State fails to make application for a grant to establish a State planning agency pursuant to part B of this title within six months after the date of enactment of this Act, or where a State fails to file a comprehensive plan pursuant to part B within six months after approval of a planning grant to establish a State planning agency, the Administration may make grants under part B and part C of this title to units of general local government or combinations of such units: *Provided, however,* That any such unit or combination of such units must certify that it has submitted a copy of its application to the chief executive of the State in which such unit or combination of such units is located. The chief executive shall be given not more than sixty days from date of receipt of the application to submit to the Administration in writing an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and improvements in law enforcement. If an application is submitted by a combination of units of general local government which is located in more than one State, such application must be submitted to the chief executive of each State in which the combination of such units is located. No grant under this section to a local unit of general government shall be for an amount in excess of 60 per centum of the cost of the project or program with respect to which it was made.

Sec. 306. Funds appropriated to make grants under this part for a fiscal year shall be allocated by the Administration among the States for use therein by the State planning agency or units of general local government, as the case may be. Of such funds, 85 per centum shall be allocated among the States according to their respective populations and 15 per centum thereof shall be allocated as the Administration may determine, plus such additional amounts as may be made available by virtue of the application of the provisions of section 509 to the grant to any State.

Sec. 307. (a) In making grants under this part, the Administration and each State planning agency, as the case may be, shall give special emphasis, where appropriate or feasible, to programs and projects dealing with the prevention, detection, and control of organized crime and of riots and other violent civil disorders.

(b) Notwithstanding the provisions of section 303 of this part, until August 31, 1968, the Administration is authorized to make grants for programs and projects dealing with the prevention, detection, and

Grants to local government units.

Project evaluation by State chief executive.

Amount.

Allocation of funds.

Priority programs.

control of riots and other violent civil disorders on the basis of applications describing in detail the programs, projects, and costs of the items for which the grants will be used, and the relationship of the programs and projects to the applicant's general program for the improvement of law enforcement.

PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND  
SPECIAL GRANTS

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

National Institute of Law Enforcement and Criminal Justice.  
Establishment.  
Functions.

SEC. 402. (a) There is established within the Department of Justice a National Institute of Law Enforcement and Criminal Justice (hereafter referred to in this part as "Institute"). The Institute shall be under the general authority of the Administration. It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement.

(b) The Institute is authorized—

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

(2) to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement, including, but not limited to, the effectiveness of projects or programs carried out under this title;

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

(4) to make recommendations for action which can be taken by Federal, State, and local governments and by private persons and organizations to improve and strengthen law enforcement;

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

(6) to carry out a program of collection and dissemination of information obtained by the Institute or other Federal agencies, public agencies, institutions of higher education, or private organizations engaged in projects under this title, including information relating to new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement; and

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

Grants, amount.

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

Conditions.

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

F.B.I. law enforcement training programs.

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

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

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

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

Sec. 405. (a) Subject to the provisions of this section, the Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed: *Provided, That—*

Repeal.  
18 USC proo.  
3001 note.  
Continuation  
of projects.

(1) The Administration, or the Attorney General until such time as the members of the Administration are appointed, is authorized to obligate funds for the continuation of projects approved under the Law Enforcement Assistance Act of 1965 prior to the date of enactment of this Act to the extent that such approval provided for continuation.

(2) Any funds obligated under subsection (1) of this section and all activities necessary or appropriate for the review under subsection (3) of this section may be carried out with funds previously appropriated and funds appropriated pursuant to this title.

(3) Immediately upon establishment of the Administration, it shall be its duty to study, review, and evaluate projects and programs funded under the Law Enforcement Assistance Act of 1965. Continuation of projects and programs under subsections (1) and (2) of this section shall be in the discretion of the Administration.

Sec. 406. (a) Pursuant to the provisions of subsections (b) and (c) of this section, the Administration is authorized, after appropriate consultation with the Commissioner of Education, to carry out programs of academic educational assistance to improve and strengthen law enforcement.

Academic educational assistance.

(b) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for loans, not exceeding \$1,800 per academic year to any person, to persons enrolled on a full-time basis in undergraduate or graduate programs approved by the Administration and leading to degrees or certificates in areas directly related to law enforcement or preparing for employment in law enforcement, with special consideration to police or correctional personnel of States or units of general local government on academic leave to earn such degrees or certificates. Loans to persons assisted under this subsection shall be made on such terms and conditions as the Administration and the institution offering such programs may determine, except that the total amount of any such loan, plus interest, shall be canceled for service as a full-time officer or employee of a law enforcement agency at the rate of 25 per centum of the total

Loans.

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amount of such loans plus interest for each complete year of such service or its equivalent of such service, as determined under regulations of the Administration.

Tuition and  
fees.

(c) The Administration is authorized to enter into contracts to make, and make, payments to institutions of higher education for tuition and fees, not exceeding \$200 per academic quarter or \$300 per semester for any person, for officers of any publicly funded law enforcement agency enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program which is approved by the Administration and which leads to a degree or certificate in an area related to law enforcement or an area suitable for persons employed in law enforcement. Assistance under this subsection may be granted only on behalf of an applicant who enters into an agreement to remain in the service of the law enforcement agency employing such applicant for a period of two years following completion of any course for which payments are provided under this subsection, and in the event such service is not completed, to repay the full amount of such payments on such terms and in such manner as the Administration may prescribe.

Service agree-  
ments.

#### PART E—ADMINISTRATIVE PROVISIONS

SEC. 501. The Administration is authorized, after appropriate consultation with representatives of States and units of general local government, to establish such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this title.

SEC. 502. The Administration may delegate to any officer or official of the Administration, or, with the approval of the Attorney General, to any officer of the Department of Justice such functions as it deems appropriate.

SEC. 503. The functions, powers, and duties specified in this title to be carried out by the Administration shall not be transferred elsewhere in the Department of Justice unless specifically hereafter authorized by the Congress.

Subpena power,  
etc.

SEC. 504. In carrying out its functions, the Administration, or upon authorization of the Administration, any member thereof or any hearing examiner assigned to or employed by the Administration, shall have the power to hold hearings, sign and issue subpoenas administer oaths, examine witnesses, and receive evidence at any place in the United States it may designate.

80 Stat. 461.

SEC. 505. Section 5315 of title 5, United States Code, is amended by adding at the end thereof—

“(90) Administrator of Law Enforcement Assistance.”

SEC. 506. Section 5316 of title 5, United States Code, is amended by adding at the end thereof—

“(126) Associate Administrator of Law Enforcement Assistance.”

Officers and  
employees.

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

SEC. 508. The Administration is authorized, on a reimbursable basis when appropriate, to use the available services, equipment, personnel, and facilities of the Department of Justice and of other civilian or military agencies and instrumentalities of the Federal Government, and to cooperate with the Department of Justice and such other agencies and instrumentalities in the establishment and

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use of services, equipment, personnel, and facilities of the Administration. The Administration is further authorized to confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other local agencies.

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

Noncompliance,  
Withholding of  
payments.

(a) the provisions of this title;

(b) regulations promulgated by the Administration under this title; or

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

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

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

(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Administration shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Administration on an application or a grant the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Administration deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Administration with respect thereto shall be final and conclusive, except as otherwise provided herein.

Notice and  
hearing.

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

Request for  
rehearing.

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

Review action.

72 Stat. 941;  
80 Stat. 1323.

82 STAT. 207

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

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

62 Stat. 928.  
Duration of  
programs.

SEC. 512. Unless otherwise specified in this title, the Administration shall carry out the programs provided for in this title during the fiscal year ending June 30, 1968, and the five succeeding fiscal years.

Statistics,  
etc., from  
other Federal  
departments.

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

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

SEC. 515. The Administration is authorized—

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

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

(c) to cooperate with and render technical assistance to States, units of general local government, combinations of such States or units, or other public or private agencies, organizations, or institutions in matters relating to law enforcement.

SEC. 516. (a) Payments under this title may be made in installments, and in advance or by way of reimbursement, as may be determined by the Administration.

Restriction.

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

Advisory committees, appointment and compensation.

SEC. 517. The Administration is authorized to appoint such technical or other advisory committees to advise the Administration with respect to the administration of this title as it deems necessary. Members of such committees not otherwise in the employ of the United States, while attending meetings of the committees, shall be entitled to receive compensation at a rate to be fixed by the Administration but not exceeding \$75 per diem, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

80 Stat. 499.

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

(b) Notwithstanding any other provision of law nothing contained in this title shall be construed to authorize the Administration (1) to require, or condition the availability or amount of a grant upon, the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or (2) to deny or discontinue a grant because of the refusal of an applicant or grantee under this title to adopt such a ratio, system, or other program.

Sec. 519. On or before August 31, 1968, and each year thereafter, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this title during the preceding fiscal year.

Report to  
President and  
Congress.

Sec. 520. For the purpose of carrying out this title, there is authorized to be appropriated the sums of \$100,111,000 for the fiscal years ending June 30, 1968, and June 30, 1969, \$300,000,000 for the fiscal year ending June 30, 1970, and for succeeding fiscal years such sums as the Congress might authorize: *Provided, however*, That of the amount appropriated for the fiscal years ending June 30, 1968, and June 30, 1969—

Appropriations.

(a) the sum of \$25,000,000 shall be for the purposes of part B;  
(b) the sum of \$50,000,000 shall be for the purposes of part C,  
of which amount—

(1) not more than \$2,500,000 shall be for the purposes of section 302(b)(3);

(2) not more than \$15,000,000 shall be for the purposes of section 302(b)(5), of which not more than \$1,000,000 may be used within any one State;

(3) not more than \$15,000,000 shall be for the purposes of section 302(b)(6); and

(4) not more than \$10,000,000 shall be for the purposes of correction, probation, and parole; and

(c) the sum of \$25,111,000 shall be for the purposes of part D, of which \$5,111,000 shall be for the purposes of section 404, and not more than \$10,000,000 shall be for the purposes of section 406.

Sec. 521. (a) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

Recordkeeping  
requirements.

(b) The Administration and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this title.

Sec. 522. Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended by inserting "law enforcement facilities," immediately after "transportation facilities,".

80 Stat. 1262.  
42 USC 3334.

## PART F—DEFINITIONS

SEC. 601. As used in this title—

(a) "Law enforcement" means all activities pertaining to crime prevention or reduction and enforcement of the criminal law.

(b) "Organized crime" means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to gambling, prostitution, loan sharking, narcotics, labor racketeering, and other unlawful activities of members of such organizations.

(c) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) "Unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, or an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior.

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

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

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

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

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

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

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

## TITLE XI—GENERAL PROVISIONS

Separability.

Sec. 1601. If the provisions of any part of this Act or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

Approved June 19, 1968, 7:14 p. m.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 488 (Comm. on the Judiciary).

SENATE REPORT No. 1097 accompanying S. 917 (Comm. on the Judiciary).

## CONGRESSIONAL RECORD:

Vol. 113 (1967): Aug. 2, 3, 8, considered and passed House.

Vol. 114 (1968): May 1-3, 6-10, 13-17, 20-23, S. 917 considered in Senate.

May 23, 24, considered and passed Senate, amended, in lieu of S. 917.

June 6, House agreed to Senate amendment.



1 where the last month has not so many days, in which event  
2 it expires on the last day of the month.

3 (2) The term "full time" means such period or type of  
4 employment or duty as may be prescribed by regulation  
5 promulgated by the Attorney General.

6 (3) The term "law enforcement officer" means, pur-  
7 suant to regulations promulgated by the Attorney General,  
8 an individual who is employed full time by a State or a  
9 unit of local government primarily to patrol the highways  
10 or otherwise preserve order and enforce the laws.

11 (4) The term "State" means any State of the United  
12 States, the Commonwealth of Puerto Rico, and any territory  
13 or possession of the United States.

14 (5) The term "unit of local government" means any  
15 city, county, township, town, borough, parish, village, or  
16 other general purpose subdivision of a State, or any Indian  
17 tribe which the Secretary of Interior determines performs law  
18 enforcement functions.

19 ELIGIBLE INSURANCE COMPANIES

20 SEC. 3. (a) The Attorney General is authorized, with-  
21 out regard to section 3709 of the Revised Statutes, as  
22 amended (41 U.S.C. 5), to purchase from one or more life  
23 insurance companies a policy or policies of group life in-  
24 surance to provide the benefits provided under this Act.

1 Each such life insurance company must (1) be licensed to  
2 issue life insurance in each of the fifty States of the United  
3 States and in the District of Columbia, and (2) as of the  
4 most recent December 31 for which information is available  
5 to the Attorney General, have in effect at least 1 per centum  
6 of the total amount of group life insurance which all life  
7 insurance companies have in effect in the United States.

8 (b) Any life insurance company issuing such a policy  
9 shall establish an administrative office at a place and under  
10 a name designated by the Attorney General.

11 (c) The Attorney General shall arrange with each life  
12 insurance company issuing any policy under this Act to  
13 reinsure, under conditions approved by him, portions of the  
14 total amount of insurance under such policy with such  
15 other life insurance companies (which meet qualifying cri-  
16 teria set forth by the Attorney General) as may elect to  
17 participate in such reinsurance.

18 (d) The Attorney General may at any time discontinue  
19 any policy which he has purchased from any insurance  
20 company under this Act.

21 PERSONS INSURED; AMOUNT

22 SEC. 4. (a) Any policy of insurance purchased by the  
23 Attorney General under this Act shall automatically in-  
24 sure any law enforcement officer employed on a full-time

1 basis by a State or unit of local government which has (1)  
2 applied to the Attorney General for participation in the  
3 insurance program provided under this Act, and (2) agreed  
4 to deduct from such officer's pay the amount of the premium  
5 and forward such amount to the Department of Justice  
6 or such other agency as is designated by the Attorney  
7 General as the collection agency for such premiums. The  
8 insurance provided under this Act shall take effect from the  
9 first day agreed upon by the Attorney General and the  
10 responsible official of the State or unit of local government  
11 making application for participation in the program as to  
12 law enforcement officers then on the payroll, and as to law  
13 enforcement officers thereafter entering on full-time duty  
14 from the first day of such duty. The insurance provided  
15 by this Act shall so insure all such law enforcement officers  
16 unless any such officer elects in writing not to be insured  
17 under this Act. If any such officer elects not to be insured  
18 under this Act he may thereafter, if eligible, be insured  
19 under this Act upon written application, proof of good health,  
20 and compliance with such other terms and conditions as  
21 may be prescribed by the Attorney General.

22 (b) A law enforcement officer eligible for insurance  
23 under this Act is entitled to be insured for an amount of  
24 group life insurance, plus an equal amount of group ac-

- 1 accidental death and dismemberment insurance, in accordance  
 2 with the following schedule:

Greater than—	If annual pay is—		The amount of group insurance is—	
		But not greater than—	Life	Accidental death and dismemberment
0		\$8,000	\$10,000	\$10,000
\$8,000		9,000	11,000	11,000
\$9,000		10,000	12,000	12,000
\$10,000		11,000	13,000	13,000
\$11,000		12,000	14,000	14,000
\$12,000		13,000	15,000	15,000
\$13,000		14,000	16,000	16,000
\$14,000		15,000	17,000	17,000
\$15,000		16,000	18,000	18,000
\$16,000		17,000	19,000	19,000
\$17,000		18,000	20,000	20,000
\$18,000		19,000	21,000	21,000
\$19,000		20,000	22,000	22,000
\$20,000		21,000	23,000	23,000
\$21,000		22,000	24,000	24,000
\$22,000		23,000	25,000	25,000
\$23,000		24,000	26,000	26,000
\$24,000		25,000	27,000	27,000
\$25,000		26,000	28,000	28,000
\$26,000		27,000	29,000	29,000
\$27,000		28,000	30,000	30,000
\$28,000		29,000	31,000	31,000
\$29,000			32,000	32,000

- 3 The amount of such insurance shall automatically increase at  
 4 any time the amount of increases in the annual basic rate of  
 5 pay places any such officer in a new pay bracket of the  
 6 schedule.

- 7 (c) Subject to the conditions and limitations approved  
 8 by the Attorney General and which shall be included in the  
 9 policy purchased by him, the group accidental death and dis-  
 10 memberment insurance shall provide for the following  
 11 payments:

Loss	Amount payable
For loss of life.	Full amount shown in the schedule in subsection (b) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One-half of the amount shown in the schedule in subsection (b) of this section.
Loss of two or more members or loss of sight in both eyes.	Full amount shown in the schedule in subsection (b) of this section.

1 The aggregate amount of group accidental death and dis-  
2 memberment insurance that may be paid in the case of any  
3 insured as the result of any one accident may not exceed the  
4 amount shown in the schedule in subsection (b) of this  
5 section.

6 (d) The Attorney General shall prescribe regulations  
7 providing for the conversion of other than annual rates of  
8 pay to annual rates of pay and shall specify the types of pay  
9 included in annual pay.

10 **TERMINATION OF COVERAGE**

11 **SEC. 5.** Each policy purchased by the Attorney General  
12 under this Act shall contain a provision, in terms approved  
13 by the Attorney General, to the effect that any insurance  
14 thereunder on any law enforcement officer shall cease thirty-  
15 one days after (1) his separation or release from full-time  
16 duty as such an officer or (2) discontinuance of his pay as  
17 such an officer, whichever is earlier.

18 **CONVERSION**

19 **SEC. 6.** Each policy purchased by the Attorney General  
20 under this Act shall contain a provision for the conversion  
21 of such insurance effective the day following the date such  
22 insurance would cease as provided in section 5 of this Act.  
23 During the period such insurance is in force the insured, upon  
24 request to the office established under section 3 (b) of this  
25 Act, shall be furnished a list of life insurance companies par-

1 participating in the program established under this Act and upon  
2 written application (within such period) to the participating  
3 company selected by the insured and payment of the re-  
4 quired premiums be granted insurance without a medical  
5 examination on a permanent plan then currently written by  
6 such company which does not provide for the payment of  
7 any sum less than the face value thereof or for the payment  
8 of an additional amount of premiums if the insured engages  
9 in law enforcement activities. In addition to the life insurance  
10 companies participating in the program established under  
11 this Act, such list shall include additional life insurance com-  
12 panies (not so participating) which meet qualifying criteria,  
13 terms, and conditions established by the Attorney General  
14 and agree to sell insurance to any eligible insured in accord-  
15 ance with the provisions of this section.

16 WITHHOLDING OF PREMIUMS FROM PAY

17 SEC. 7. During any period in which a law enforcement  
18 officer is insured under a policy of insurance purchased by the  
19 Attorney General under this Act, his employer shall with-  
20 hold each month from his basic or other pay until separa-  
21 tion or release from full-time duty as a law enforcement offi-  
22 cer an amount determined by the Attorney General to be such  
23 officer's share of the cost of his group life insurance and acci-  
24 dental death and dismemberment insurance. Any such  
25 amount not withheld from the basic or other pay of such

1 officer insured under this Act while on full-time duty as a law  
2 enforcement officer, if not otherwise paid, shall be deducted  
3 from the proceeds of any insurance thereafter payable. The  
4 initial monthly amount determined by the Attorney General  
5 to be charged any law enforcement officer for each unit of  
6 insurance under this Act may be continued from year to year,  
7 except that the Attorney General may redetermine such  
8 monthly amount from time to time in accordance with  
9 experience.

10 SHARING OF COST OF INSURANCE

11 SEC. 8. For each month any law enforcement officer is  
12 insured under this Act the United States shall bear not to  
13 exceed one-third of the cost of such insurance or such lesser  
14 amount as may from time to time be determined by the  
15 President to be a practicable and equitable obligation of the  
16 United States in assisting the States and units of local gov-  
17 ernment in recruiting and retaining personnel for their law  
18 enforcement forces.

19 INVESTMENT; EXPENSES

20 SEC. 9. (a) The sums withheld from the basic or other  
21 pay of law enforcement officers as premiums for insurance  
22 under section 7 of this Act and any portion of the cost of  
23 such insurance borne by the United States under section 8  
24 of this Act, together with the income derived from any divi-  
25 dends or premium rate readjustment from insurers shall be

1 deposited to the credit of a revolving fund established in  
2 the Treasury of the United States. All premium payments  
3 on any insurance policy or policies purchased under this  
4 Act and the administrative cost of the insurance program  
5 established by this Act to the department or agency vested  
6 with the responsibility for its supervision shall be paid from  
7 the revolving fund.

8 (b) The Attorney General is authorized to set aside  
9 out of the revolving fund such amounts as may be required  
10 to meet the administrative cost of the program to the depart-  
11 ment or agency designated by him, and all current premium  
12 payments on any policy purchased under this Act. The  
13 Secretary of the Treasury is authorized to invest in and to  
14 sell and retire special interest-bearing obligations of the  
15 United States for the account of the revolving fund. Such  
16 obligations issued for this purpose shall have maturities fixed  
17 with due regard for the needs of the fund and shall bear  
18 interest at a rate equal to the average market yield (com-  
19 puted by the Secretary of the Treasury on the basis of mar-  
20 ket quotations as of the end of the calendar month next  
21 preceding the date of issue) on all marketable interest-bear-  
22 ing obligations of the United States then forming a part of  
23 the public debt which are not due or callable until after the  
24 expiration of four years from the end of such calendar month;

1 except that where such average market yield is not a mul-  
2 tiple of one-eighth of 1 per centum, the rate of interest of  
3 such obligation shall be the multiple of one-eighth of 1 per  
4 centum nearest market yield.

5 BENEFICIARIES; PAYMENT OF INSURANCE

6 SEC. 10. (a) Any event of insurance in force under this  
7 Act on any law enforcement officer or former law enforce-  
8 ment officer on the date of his death shall be paid, upon  
9 establishment of a valid claim therefor to the person or per-  
10 sons surviving at the date of his death, in the following order  
11 of precedence:

12 First, to the beneficiary or beneficiaries as the law en-  
13 forcement officer or former law enforcement officer may have  
14 designated by a writing received in his employer's office  
15 prior to his death;

16 Second, if there be no such beneficiary, to the widow  
17 or widower of such officer or former officer;

18 Third, if none of the above, to the child or children of  
19 such officer or former officer and descendants of deceased  
20 children by representation;

21 Fourth, if none of the above, to the parents of such officer  
22 or former officer or the survivor of them;

23 Fifth, if none of the above, to the duly appointed execu-  
24 tor or administrator of the estate of such officer or former  
25 officer;

1 Sixth, if none of the above, to other next of kin of such  
2 officer or former officer entitled under the laws of domicile  
3 of such officer or former officer at the time of his death.

4 (b) If any person otherwise entitled to payment under  
5 this section does not make claim therefor within one year  
6 after the death of the law enforcement officer or former law  
7 enforcement officer, or if payment to such person within  
8 that period is prohibited by Federal statute or regulation,  
9 payment may be made in the order of precedence as if such  
10 person had predeceased such officer or former officer, and  
11 any such payment shall be a bar to recovery by any other  
12 person.

13 (c) If, within two years after the death of a law enforce-  
14 ment officer or former law enforcement officer, no claim for  
15 payment has been filed by any person entitled under the  
16 order of precedence set forth in this section, and neither the  
17 Attorney General nor the administrative office established by  
18 any insurance company pursuant to this Act has received  
19 any notice that any such claim will be made, payment may  
20 be made to a claimant as may in the judgment of the Attor-  
21 ney General be equitably entitled thereto, and such payment  
22 shall be a bar to recovery by any other person. If, within  
23 four years after the death of the law enforcement officer or  
24 former law enforcement officer, payment has not been made  
25 pursuant to this Act and no claim for payment by any person

1 entitled under this Act is pending, the amount payable shall  
2 escheat to the credit of the revolving fund referred to in  
3 section 8 of this Act.

4 (d) The law enforcement officer may elect settlement of  
5 insurance under this Act either in a lump sum or in thirty-  
6 six equal monthly installments. If no such election is made  
7 by such officer the beneficiary may elect settlement either  
8 in a lump sum or in thirty-six equal monthly installments. If  
9 any such officer has elected settlement in a lump sum, the  
10 beneficiary may elect settlement in thirty-six equal monthly  
11 installments.

12 BASIC TABLES OF PREMIUMS; READJUSTMENT OF RATES

13 SEC. 11. (a) Each policy or policies purchased under  
14 this Act shall include for the first policy year a schedule of  
15 basic premium rates by age which the Attorney General  
16 shall have determined on a basis consistent with the lowest  
17 schedule of basic premium rates generally charged for new  
18 group life insurance policies issued to large employers, this  
19 schedule of basic premium rates by age to be applied, except  
20 as otherwise provided in this section, to the distribution by  
21 age of the amount of group life insurance and group acci-  
22 dental death and dismemberment insurance under the policy  
23 at its date of issue to determine an average basic premium  
24 per \$1,000 of insurance. Each policy so purchased shall also  
25 include provisions whereby the basic rates of premium de-

1 terminated for the first policy year shall be continued for  
2 subsequent policy years, except that they may be readjusted  
3 for any subsequent year, based on the experience under the  
4 policy, such readjustment to be made by the insurance com-  
5 pany issuing the policy on a basis determined by the Attorney  
6 General in advance of such year to be consistent with the  
7 general practice of life insurance companies under policies of  
8 group life insurance issued to large employers.

9 (b) Each policy so purchased shall include a provision  
10 that, in the event the Attorney General determines that  
11 ascertaining the actual age distribution of the amounts of  
12 group life insurance in force at the date of issue of the policy  
13 or at the end of the first or any subsequent year of insurance  
14 thereunder would not be possible except at a disproportion-  
15 ately high expense, the Attorney General may approve the  
16 determination of a tentative average group life premium, for  
17 the first or any subsequent policy year, in lieu of using the  
18 actual age distribution. Such tentative average premium rate  
19 shall be redetermined by the Attorney General during any  
20 policy year upon request by the insurance company issuing  
21 the policy, if experience indicates that the assumptions made  
22 in determining the tentative average premium rate for that  
23 policy year were incorrect.

24 (c) Each policy so purchased shall contain a provision  
25 stipulating the maximum expense and risk charges for the

1 first policy year, which charges shall have been determined  
2 by the Attorney General on a basis consistent with the gen-  
3 eral level of such charges made by life insurance companies  
4 under policies of group life insurance issued to large employ-  
5 ers. Such maximum charges shall be continued from year to  
6 year, except that the Attorney General may redetermine such  
7 maximum charges for any year either by agreement with the  
8 insurance company or companies issuing the policy or upon  
9 written notice given by the Attorney General to such com-  
10 panies at least one year in advance of the beginning of the  
11 year for which such redetermined maximum charges will be  
12 effective.

13 (d) Each such policy shall provide for an accounting to  
14 the Attorney General not later than ninety days after the end  
15 of each policy year, which shall set forth, in a form approved  
16 by the Attorney General, (1) the amounts of premiums  
17 actually accrued under the policy from its date of issue to the  
18 end of such policy year, (2) the total of all mortality, dis-  
19 memberment, and other claim charges incurred for that  
20 period, and (3) the amounts of the insurers' expense and  
21 risk charge for that period. Any excess of the total of item  
22 (1) over the sum of items (2) and (3) shall be held by the  
23 insurance company issuing the policy as a special contin-  
24 gency reserve to be used by such insurance company for  
25 charges under such policy only, such reserve to bear interest

1 at a rate to be determined in advance of each policy year by  
2 the insurance company issuing the policy, which rate shall be  
3 approved by the Attorney General as being consistent with  
4 the rates generally used by such company or companies for  
5 similar funds held under other group life insurance policies.  
6 If and when the Attorney General determines that such spe-  
7 cial contingency reserve has attained an amount estimated by  
8 the Attorney General to make satisfactory provision for ad-  
9 verse fluctuations in future charges under the policy, and  
10 further excess shall be deposited to the credit of the revolving  
11 funds established under this Act. If and when such policy is  
12 discontinued, and if, after all charges have been made, there  
13 is any positive balance remaining in such special contingency  
14 reserve, such balance shall be deposited to the credit of the  
15 revolving fund, subject to the right of the insurance company  
16 issuing the policy to make such deposit in equal monthly  
17 installments over a period of not more than two years.

#### 18 BENEFIT CERTIFICATES

19 SEC. 12. The Attorney General shall arrange to have  
20 each member insured under a policy purchased under this  
21 Act receive a certificate setting forth the benefits to which  
22 the member is entitled thereunder, to whom such benefit shall  
23 be payable, to whom claims should be submitted, and sum-  
24 marizing the provisions of the policy principally affecting the  
25 member. Such certificate shall be in lieu of the certificate

1 which the insurance company would otherwise be required to  
2 issue.

3 FEDERAL ASSISTANCE TO STATES AND LOCALITIES FOR  
4 EXISTING GROUP LIFE INSURANCE PROGRAMS

5 SEC. 13. (a) Any State or unit of local government  
6 having an existing program of group life insurance for law  
7 enforcement officers which desires to receive Federal assist-  
8 ance under the provisions of this section shall—

9 (1) inform the law enforcement officers of the bene-  
10 fits and premium costs of both the Federal program and  
11 the State or unit of local government program, and of the  
12 intention of the State or unit of local government to apply  
13 for the Federal assistance under this section; and

14 (2) hold a referendum of law enforcement officers  
15 of the State or unit of local government to determine  
16 whether such officers want to continue in the existing  
17 group life insurance program or apply for the Federal  
18 program under the provisions of this Act.

19 The results of the referendum shall be binding on the State  
20 or unit of local government.

21 (b) If there is an affirmative vote of a majority of such  
22 officers to continue in such State or local program and the  
23 other requirements set forth in subsection (a) are met, a  
24 State or unit of local government may apply for Federal  
25 assistance for such program for group life insurance under

1 such rules and regulations as the Attorney General may es-  
2 tablish. Assistance under this section shall not exceed one-  
3 fourth of the cost to the Federal Government of directly  
4 providing such insurance under this Act, and shall be re-  
5 duced to the extent that the Attorney General determines  
6 that the existing program of any such State or unit of local  
7 government does not give as complete coverage as the Fed-  
8 eral program. Assistance under this section shall be used to  
9 reduce proportionately the premiums paid by the State or  
10 the unit of local government and by the appropriate law en-  
11 forcement officers under such existing program.

12 **ADMINISTRATION**

13 SEC. 14. (a) The Attorney General may delegate any  
14 of his functions under this Act, except the making of regula-  
15 tions, to any officer or employee of the Department of Jus-  
16 tice.

17 (b) In administering the provisions of this Act, the  
18 Attorney General is authorized to utilize the services and  
19 facilities of any agency of the Federal Government or a State  
20 government in accordance with appropriate agreements, and  
21 to pay for such services either in advance or by way of reim-  
22 bursement, as may be agreed upon.

23 (c) There are authorized to be appropriated such sums  
24 as may be necessary to carry out the provisions of this Act.

1     **ADVISORY COUNCIL ON LAW ENFORCEMENT OFFICERS'**2                     **GROUP LIFE INSURANCE**

3             **SEC. 15.** There is hereby established an Advisory Council  
4 on Law Enforcement Officers' Group Life Insurance consist-  
5 ing of the Attorney General as Chairman, the Secretary of  
6 the Treasury, the Secretary of Health, Education, and  
7 Welfare, and the Director of the Bureau of the Budget, each  
8 of whom shall serve without additional compensation. The  
9 Council shall meet once a year, or oftener, at the call of the  
10 Attorney General, and shall review the administration of  
11 this Act and advise the Attorney General on matters of  
12 policy relating to his activities thereunder. In addition, the  
13 Attorney General may solicit advice and recommendations  
14 from any State or unit of local government participating in  
15 the law enforcement officers' group life insurance program.

16                     **JURISDICTION OF COURTS**

17             **SEC. 16.** The district courts of the United States shall  
18 have original jurisdiction of any civil action or claim against  
19 the United States founded upon the Act.

20                     **PREMIUM PAYMENTS ON BEHALF OF LAW ENFORCEMENT**  
21                     **OFFICERS**

22             **SEC. 17.** Nothing in this Act shall be construed to pre-  
23 clude any State or unit of local government from making  
24 payments on behalf of law enforcement officers of the premi-  
25 ums required to be paid by them for any group life insurance

1 program authorized by this Act or any such program carried  
2 out by a State or unit of local government.

3 **EFFECTIVE DATE**

4 SEC. 18. The insurance provided for under this Act shall  
5 be placed in effect for the law enforcement officers of any  
6 State or unit of local government participating in the law  
7 enforcement officers' group life insurance program on a date  
8 mutually agreeable to the Attorney General, the insurer  
9 or insurers, and the participating State or unit of local  
10 government.

91ST CONGRESS  
1ST SESSION

## S. 3

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### IN THE SENATE OF THE UNITED STATES

JANUARY 15 (legislative day, JANUARY 10), 1969

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers.

- 1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*  
 3 That this Act may be cited as the "Law Enforcement  
 4 Officers' Group Life Insurance Act of 1969".

#### DEFINITIONS

5  
 6 SEC. 2. For the purposes of this Act—

- 7 (1) The term "month" means a month which runs  
 8 from a given day in one month to a day of the corre-  
 9 sponding number in the next or specified succeeding  
 10 month; except where the last month has not so many

1 days, in which event it expires on the last day of the  
2 month.

3 (2) The term "full-time" means such period or  
4 type of employment or duty as may be prescribed by  
5 regulation promulgated by the Attorney General.

6 (3) The term "law enforcement officer" means,  
7 pursuant to regulations promulgated by the Attorney  
8 General, an individual who is employed full-time by a  
9 State or a unit of local government primarily to patrol  
10 the highways or other public areas, or otherwise preserve  
11 order and enforce the laws.

12 (4) The term "State" means any State of the United  
13 States, the Commonwealth of Puerto Rico, and any  
14 territory or possession of the United States.

15 (5) The term "unit of local government" means  
16 any city, county, township, town, borough, parish, vil-  
17 lage, or other general purpose subdivision of a State,  
18 or any Indian tribe which the Secretary of Interior  
19 determines performs law enforcement functions.

#### 20 ELIGIBLE INSURANCE COMPANIES

21 SEC. 3. (a) The Attorney General is authorized, with-  
22 out regard to section 3709 of the Revised Statutes, as  
23 amended (41 U.S.C. 5), to purchase from one or more life  
24 insurance companies a policy or policies of group life insur-  
25 ance to provide the benefits provided under this Act. Each

1 such life insurance company must (1) be licensed to issue  
2 life insurance in each of the fifty States of the United States  
3 and in the District of Columbia, and (2) as of the most  
4 recent December 31 for which information is available to  
5 the Attorney General, have in effect at least 1 per centum  
6 of the total amount of group life insurance which all life  
7 insurance companies have in effect in the United States.

8 (b) Any life insurance company issuing such a policy  
9 shall establish an administrative office at a place and under a  
10 name designated by the Attorney General.

11 (c) The Attorney General shall arrange with each life  
12 insurance company issuing any policy under this Act to re-  
13 insure, under conditions approved by him, portions of the  
14 total amount of insurance under such policy with such other  
15 life insurance companies (which meet qualifying criteria set  
16 forth by the Attorney General) as may elect to participate in  
17 such reinsurance.

18 (d) The Attorney General may at any time discontinue  
19 any policy which he has purchased from any insurance com-  
20 pany under this Act.

21 PERSONS INSURED; AMOUNT

22 SEC. 4. (a) Any policy of insurance purchased by the  
23 Attorney General under this Act shall automatically insure  
24 any law enforcement officer employed on a full-time basis

1 by a State or unit of local government which has (1) applied  
2 to the Attorney General for participation in the insurance  
3 program provided under this Act, and (2) agreed to deduct  
4 from such officer's pay the amount of the premium and for-  
5 ward such amount to the Department of Justice or such  
6 other agency as is designated by the Attorney General as  
7 the collection agency for such premiums. The insurance  
8 provided under this Act shall take effect from the first day  
9 agreed upon by the Attorney General and the responsible  
10 official of the State or unit of local government making appli-  
11 cation for participation in the program as to law enforce-  
12 ment officers then on the payroll, and as to law enforce-  
13 ment officers thereafter entering on full-time duty from the  
14 first day of such duty. The insurance provided by this Act  
15 shall so insure all such law enforcement officers unless any  
16 such officer elects in writing not to be insured under this  
17 Act. If any such officer elects not to be insured under this  
18 Act he may thereafter, if eligible, be insured under this  
19 Act upon written application, proof of good health and  
20 compliance with such other terms and conditions as may  
21 be prescribed by the Attorney General.

22 (b) A law enforcement officer eligible for insurance  
23 under this Act is entitled to be insured for an amount of  
24 group life insurance, plus an equal amount of group acci-

- 1 dental death and dismemberment insurance, in accordance  
 2 with the following schedule:

If annual pay is—		The amount of group insurance is—	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
0	\$8,000	\$10,000	\$10,000
\$8,000	9,000	11,000	11,000
9,000	10,000	12,000	12,000
10,000	11,000	13,000	13,000
11,000	12,000	14,000	14,000
12,000	13,000	15,000	15,000
13,000	14,000	16,000	16,000
14,000	15,000	17,000	17,000
15,000	16,000	18,000	18,000
16,000	17,000	19,000	19,000
17,000	18,000	20,000	20,000
18,000	19,000	21,000	21,000
19,000	20,000	22,000	22,000
20,000	21,000	23,000	23,000
21,000	22,000	24,000	24,000
22,000	23,000	25,000	25,000
23,000	24,000	26,000	26,000
24,000	25,000	27,000	27,000
25,000	26,000	28,000	28,000
26,000	27,000	29,000	29,000
27,000	28,000	30,000	30,000
28,000	29,000	31,000	31,000
29,000	-----	32,000	32,000

- 3 The amount of such insurance shall automatically increase  
 4 at any time the amount of increases in the annual basic rate  
 5 of pay places any such officer in a new pay bracket of the  
 6 schedule.  
 7 (c) Subject to the conditions and limitations approved  
 8 by the Attorney General and which shall be included in the  
 9 policy purchased by him, the group accidental death and dis-  
 10 memberment insurance shall provide for the following pay-  
 11 ments:

Loss	Amount payable
For loss of life.	Full amount shown in the schedule in subsection (b) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One half of the amount shown in the schedule in subsection (b) of this section.
Loss of two or more members or loss of sight in both eyes.	Full amount shown in the schedule in subsection (b) of this section.

- 12 The aggregate amount of group accidental death and dis-

1 membership insurance that may be paid in the case of any  
2 insured as the result of any one accident may not exceed the  
3 amount shown in the schedule in subsection (b) of this  
4 section.

5 (d) The Attorney General shall prescribe regulations  
6 providing for the conversion of other than annual rates of  
7 pay to annual rates of pay and shall specify the types of pay  
8 included in annual pay.

9 TERMINATION OF COVERAGE

10 SEC. 5. Each policy purchased by the Attorney General  
11 under this Act shall contain a provision, in terms approved  
12 by the Attorney General, to the effect that any insurance  
13 thereunder on any law enforcement officer shall cease four  
14 months after (1) his separation or release from full-time duty  
15 as such an officer, or (2) discontinuance of his pay as such  
16 an officer, whichever is earlier.

17 CONVERSION

18 SEC. 6. Each policy purchased by the Attorney Gen-  
19 eral under this Act shall contain a provision for the con-  
20 version of such insurance effective the day following the date  
21 such insurance would cease as provided in section 5 of this  
22 Act. During the period such insurance is in force the insured,  
23 upon request to the office established under section 3 (b) of  
24 this Act, shall be furnished a list of life insurance companies  
25 participating in the program established under this Act and

1 upon written application (within such period) to the par-  
2 ticipating company selected by the insured and payment  
3 of the required premiums be granted insurance without a  
4 medical examination on a permanent plan then currently  
5 written by such company which does not provide for the  
6 payment of any sum less than the face value thereof or for  
7 the payment of an additional amount of premiums if the  
8 insured engages in law enforcement activities. In addition  
9 to the life insurance companies participating in the program  
10 established under this Act, such list shall include additional  
11 life insurance companies (not so participating) which meet  
12 qualifying criteria, terms, and conditions established by the  
13 Attorney General and agree to sell insurance to any eligible  
14 insured in accordance with the provisions of this section.

15 WITHHOLDING OF PREMIUMS FROM PAY

16 SEC. 7. During any period in which a law enforcement  
17 officer is insured under a policy of insurance purchased by  
18 the Attorney General under this Act, his employer shall  
19 withhold each month from his basic or other pay until sep-  
20 aration or release from full-time duty as a law enforcement  
21 officer an amount determined by the Attorney General to  
22 be such officer's share of the cost of his group life insurance  
23 and accidental death and dismemberment insurance. Any  
24 such amount not withheld from the basic or other pay of  
25 such officer insured under this Act while on full-time duty as

1 a law enforcement officer, if not otherwise paid, shall be  
2 deducted from the proceeds of any insurance thereafter pay-  
3 able. The initial monthly amount determined by the Attorney  
4 General to be charged any law enforcement officer for each  
5 unit of insurance under this Act may be continued from year  
6 to year, except that the Attorney General may redetermine  
7 such monthly amount from time to time in accordance with  
8 experience.

9 SHARING OF COST OF INSURANCE

10 SEC. 8. For each month any law enforcement officer is  
11 insured under this Act the United States shall bear not to  
12 exceed one-third of the cost of such insurance or such lesser  
13 amount as may from time to time be determined by the  
14 President to be a practicable and equitable obligation of the  
15 United States in assisting the States and units of local gov-  
16 ernment in recruiting and retaining personnel for their law  
17 enforcement forces.

18 INVESTMENT; EXPENSES

19 SEC. 9. (a) The sums withheld from the basic or other  
20 pay of law enforcement officers as premiums for insurance  
21 under section 7 of this Act and any portion of the cost of  
22 such insurance borne by the United States under section 8  
23 of this Act, together with the income derived from any  
24 dividends or premium rate readjustment received from in-  
25 surers shall be deposited to the credit of a revolving fund

1 established in the Treasury of the United States. All pre-  
2 mium payments on any insurance policy or policies pur-  
3 chased under this Act and the administrative cost of the  
4 insurance program established by this Act to the depart-  
5 ment or agency vested with the responsibility for its super-  
6 vision shall be paid from the revolving fund.

7 (b) The Attorney General is authorized to set aside out  
8 of the revolving fund such amounts as may be required to  
9 meet the administrative cost of the program to the depart-  
10 ment or agency designated by him, and all current premium  
11 payments on any policy purchased under this Act. The Sec-  
12 retary of the Treasury is authorized to invest in and to sell  
13 and retire special interest-bearing obligations of the United  
14 States for the account of the revolving fund. Such obliga-  
15 tions issued for this purpose shall have maturities fixed with  
16 due regard for the needs of the fund and shall bear interest  
17 at a rate equal to the average market yield (computed by  
18 the Secretary of the Treasury on the basis of market quota-  
19 tions as of the end of the calendar month next preceding the  
20 date of issue) on all marketable interest-bearing obligations  
21 of the United States then forming a part of the public debt  
22 which are not due or callable until after the expiration of  
23 four years from the end of such calendar month; except that  
24 where such average market yield is not a multiple of one-

1 eighth of 1 per centum, the rate of interest of such obliga-  
2 tion shall be the multiple of one-eighth of 1 per centum  
3 nearest market yield.

4 BENEFICIARIES; PAYMENT OF INSURANCE

5 SEC. 10. (a) Any amount of insurance in force under  
6 this Act on any law enforcement officer or former law en-  
7 forcement officer on the date of his death shall be paid, upon  
8 establishment of a valid claim therefor to the person or per-  
9 sons surviving at the date of his death, in the following  
10 order of precedence:

11 First, to the beneficiary or beneficiaries as the law en-  
12 forcement officer or former law enforcement officer may have  
13 designated by a writing received in his employer's office prior  
14 to his death;

15 Second, if there be no such beneficiary, to the widow or  
16 widower of such officer or former officer;

17 Third, if none of the above, to the child or children of  
18 such officer or former officer and descendants of deceased  
19 children by representation;

20 Fourth, if none of the above, to the parents of such  
21 officer or former officer or the survivor of them;

22 Fifth, if none of the above, to the duly appointed ex-  
23 ecutor or administrator of the estate of such officer or former  
24 officer;

25 Sixth, if none of the above, to other next of kin of such

1 officer or former officer entitled under the laws of domicile  
2 of such officer or former officer at the time of his death.

3 (b) If any person otherwise entitled to payment under  
4 this section does not make claim therefor within one year  
5 after the death of the law enforcement officer or former law  
6 enforcement officer, or if payment to such person within that  
7 period is prohibited by Federal statute or regulation, payment  
8 may be made in the order of precedence as if such person had  
9 predeceased such officer or former officer, and any such pay-  
10 ment shall be a bar to recovery by any other person.

11 (c) If, within two years after the death of a law en-  
12 forcement officer or former law enforcement officer, no claim  
13 for payment has been filed by any person entitled under the  
14 order of precedence set forth in this section, and neither the  
15 Attorney General nor the administrative office established by  
16 any insurance company pursuant to this Act has received  
17 any notice that any such claim will be made, payment may be  
18 made to a claimant as may in the judgment of the Attorney  
19 General be equitably entitled thereto, and such payment  
20 shall be a bar to recovery by any other person. If, within  
21 four years after the death of the law enforcement officer or  
22 former law enforcement officer, payment has not been made  
23 pursuant to this Act and no claim for payment by any per-  
24 son entitled under this Act is pending, the amount payable

1 shall escheat to the credit of the revolving fund referred to  
2 in section 8 of this Act.

3 (d) The law enforcement officer may elect settlement of  
4 insurance under this Act either in a lump sum or in thirty-  
5 six equal monthly installments. If no such election is made  
6 by such officer the beneficiary may elect settlement either in  
7 a lump sum or in thirty-six equal monthly installments. If  
8 any such officer has elected settlement in a lump sum, the  
9 beneficiary may elect settlement in thirty-six equal monthly  
10 installments.

11 BASIC TABLES OF PREMIUMS; READJUSTMENT OF RATES

12 SEC. 11. (a) Each policy or policies purchased under  
13 this Act shall include for the first policy year a schedule of  
14 basic premium rates by age which the Attorney General  
15 shall have determined on a basis consistent with the lowest  
16 schedule of basic premium rates generally charged for new  
17 group life insurance policies issued to large employers, this  
18 schedule of basic premium rates by age to be applied, except  
19 as otherwise provided in this section, to the distribution by  
20 age of the amount of group life insurance and group acci-  
21 dental death and dismemberment insurance under the policy  
22 at its date of issue to determine an average basic premium  
23 per \$1,000 of insurance. Each policy so purchased shall also  
24 include provisions whereby the basic rates of premium deter-  
25 mined for the first policy year shall be continued for subse-

1 quent policy years, except that they may be readjusted for  
2 any subsequent year, based on the experience under the  
3 policy, such readjustment to be made by the insurance com-  
4 pany issuing the policy on a basis determined by the Attor-  
5 ney General in advance of such year to be consistent with the  
6 general practice of life insurance companies under policies of  
7 group life insurance issued to large employers.

8 (b) Each policy so purchased shall include a provision  
9 that, in the event the Attorney General determines that  
10 ascertaining the actual age distribution of the amounts of  
11 group life insurance in force at the date of issue of the  
12 policy or at the end of the first or any subsequent year of  
13 insurance thereunder would not be possible except at a  
14 disproportionately high expense, the Attorney General may  
15 approve the determination of a tentative average group life  
16 premium, for the first or any subsequent policy year, in lieu  
17 of using the actual age distribution. Such tentative average  
18 premium rate shall be redetermined by the Attorney General  
19 during any policy year upon request by the insurance com-  
20 pany issuing the policy, if experience indicates that the  
21 assumptions made in determining the tentative average  
22 premium rate for that policy year were incorrect.

23 (c) Each policy so purchased shall contain a provision  
24 stipulating the maximum expense and risk charges for the  
25 first policy year, which charges shall have been determined

1 by the Attorney General on a basis consistent with the  
2 general level of such charges made by life insurance com-  
3 panies under policies of group life insurance issued to large  
4 employers. Such maximum charges shall be continued from  
5 year to year, except that the Attorney General may rede-  
6 termine such maximum charges for any year either by  
7 agreement with the insurance company or companies issuing  
8 the policy or upon written notice given by the Attorney  
9 General to such companies at least one year in advance  
10 of the beginning of the year for which such redetermined  
11 maximum charges will be effective.

12 (d) Each such policy shall provide for an accounting to  
13 the Attorney General not later than ninety days after the  
14 end of each policy year, which shall set forth, in a form  
15 approved by the Attorney General, (1) the amounts of  
16 premiums actually accrued under the policy from its date of  
17 issue to the end of such policy year, (2) the total of all  
18 mortality, dismemberment, and other claim charges incurred  
19 for that period, and (3) the amounts of the insurers' expense  
20 and risk charge for that period. Any excess of the total of  
21 item (1) over the sum of items (2) and (3) shall be held  
22 by the insurance company issuing the policy as a special  
23 contingency reserve to be used by such insurance company  
24 for charges under such policy only, such reserve to bear  
25 interest at a rate to be determined in advance of each policy

1 year by the insurance company issuing the policy, which  
2 rate shall be approved by the Attorney General as being  
3 consistent with the rates generally used by such company  
4 or companies for similar funds held under other group life  
5 insurance policies. If and when the Attorney General deter-  
6 mines that such special contingency reserve has attained an  
7 amount estimated by the Attorney General to make satis-  
8 factory provision for adverse fluctuations in future charges  
9 under the policy, any further excess shall be deposited to the  
10 credit of the revolving fund established under this Act. If  
11 and when such policy is discontinued, and if, after all charges  
12 have been made, there is any positive balance remaining in  
13 such special contingency reserve, such balance shall be de-  
14 posited to the credit of the revolving fund, subject to the  
15 right of the insurance company issuing the policy to make  
16 such deposit in equal monthly installments over a period of  
17 not more than two years.

18 **BENEFIT CERTIFICATES**

19 **SEC. 12.** The Attorney General shall arrange to have  
20 each member insured under a policy purchased under this  
21 Act receive a certificate setting forth the benefits to which  
22 the member is entitled thereunder, to whom such benefit  
23 shall be payable, to whom claims should be submitted, and  
24 summarizing the provisions of the policy principally affect-  
25 ing the member. Such certificate shall be in lieu of the



1 Act and advise the Attorney General on matters of policy  
2 relating to his activities thereunder. In addition, the Attorney  
3 General may solicit advice and recommendations from any  
4 State or unit of local government participating in the law  
5 enforcement officers' group life insurance program.

6 JURISDICTION OF COURTS

7 SEC. 15. The district courts of the United States shall  
8 have original jurisdiction of any civil action or claim against  
9 the United States founded upon the Act.

10 EFFECTIVE DATE

11 SEC. 16. The insurance provided for under this Act shall  
12 be placed in effect for the law enforcement officers of any  
13 State or unit of local government participating in the law  
14 enforcement officers' group life insurance program on a  
15 date mutually agreeable to the Attorney General, the insurer  
16 or insurers, and the participating State or unit of local gov-  
17 ernment.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
Washington, D.C., March 27, 1970.

HON. JAMES O. EASTLAND,  
Chairman, Committee on the Judiciary, U.S. Senate,  
Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 3, a bill "To authorize the Attorney General to provide a group life insurance program for State and local law enforcement officers."

S. 3 follows closely the provisions contained in the Servicemen's Group Life Insurance statute, 38 U.S.C. 765 et seq. and the Federal Employees' Group Life Insurance statute, 5 U.S.C. 8701 et seq. Thus its purpose is to establish a group life insurance program for State and local law enforcement officers with the major risks being assumed by compensated commercial insurance companies. Under Section 8 of the bill, the President may determine the amount of the Federal contribution to the program subject to a maximum of one-third of the cost of such insurance.

Currently there is no Federal program of insurance for local law enforcement personnel. Moreover, there are but a few very limited provisions in law which relate to Federal participation in the payment of direct monetary benefits to State and local law enforcement officers. The legislative history of the Omnibus Crime Control and Safe Streets Act of 1968 indicates that there are serious objections to an increase in the financial-administrative ties between the Federal government and local law enforcement officers in the form of additional salary aids. Due to the increased Federal aid provided through the Law Enforcement Assistance Administration, it is possible that sufficient State and local funds will become available to permit the establishment of sound life insurance programs under authority of State or local governments.

The Department of Justice recommends deferring consideration of this legislation until the impact of LEAA funding is known.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,  
Deputy Attorney General.

91<sup>ST</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 964

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 1969

Mr. TYDINGS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To expand and improve Federal law enforcement facilities and programs, to assist State and local units of government in expanding and improving their law enforcement programs, to provide for study and research in areas of crime control and crime prevention, to encourage the development of certain experimental rehabilitation programs, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "Crime Control and Pre-
- 4 vention Act of 1969."

VII—O

## 1 FINDINGS AND DECLARATION OF PURPOSE

2 SEC. 2. The Congress hereby finds that the incidence  
3 of crime, especially crimes of violence, is continuing to  
4 increase at an alarming rate, and that the problem of crime  
5 in our society is fast approaching the status of a national  
6 emergency, to the detriment of the general welfare. The  
7 challenge cannot adequately be dealt with by State and  
8 local units of government. A massive and intensive Federal  
9 commitment and effort is required.

10 It is the purpose of this Act to create new Federal pro-  
11 grams and facilities and to assist the State and local units of  
12 government to improve their programs and facilities for law  
13 enforcement; to provide improved curriculums in law enforce-  
14 ment fields, and to increase student assistance; to attract qual-  
15 ified personnel to law enforcement careers, and upgrade  
16 salaries and benefits; to encourage greater interchange of  
17 ideas and techniques among local agencies, and to create  
18 channels of information through which newly developed  
19 ideas and techniques can be rapidly and effectively communi-  
20 cated to State and local agencies; to encourage development  
21 and implementation of new correctional and rehabilitation  
22 programs; to provide the organization and tools necessary  
23 for more effective Federal control of certain criminal ac-  
24 tivities.



1           “(1) planning for the development or expansion of  
2 undergraduate, graduate or professional programs to  
3 prepare students to enter law enforcement careers;

4           “(2) training of faculty members;

5           “(3) strengthening the law enforcement aspects  
6 of courses of curriculums leading to a graduate or pro-  
7 fessional degree; and

8           “(4) research into, and development of, methods  
9 of training students or faculty, including the preparation  
10 of teaching materials and the planning of curriculums.

11       “SEC. 572. The Commissioner in conjunction with the  
12 Law Enforcement Assistance Administration shall allocate  
13 grants or contracts under this part in such manner as will  
14 most nearly provide an equitable distribution of the grants or  
15 contracts throughout the United States among institutions of  
16 higher education which show promise of being able to use  
17 funds effectively for the purposes of this part, except that  
18 to the extent he deems proper in the national interest the  
19 Commissioner may give preference to programs designed to  
20 meet an urgent national need.

21           “PART B.—LAW ENFORCEMENT FELLOWSHIPS

22                           “AWARD

23       “SEC. 573. The Commissioner is authorized to award  
24 fellowships in accordance with the provisions of this part  
25 for graduate or professional study for persons who plan to

1 pursue a career in law enforcement. Such fellowships shall  
2 be awarded for such periods as the Commissioner may deter-  
3 mine, but not to exceed three academic years.

4 "APPROVAL OF PROGRAMS

5 "SEC. 574. The Commissioner shall approve a graduate  
6 or professional program of an institution of higher education  
7 only upon application by the institution and only upon his  
8 finding that such program has as a principal or significant  
9 objective the education of persons for careers in law enforce-  
10 ment, or the education of persons in a profession or vocation  
11 for whose practitioners there is a significant and continuing  
12 need in law enforcement as determined by the Commissioner  
13 after such consultation with other agencies as may be  
14 appropriate.

15 "STIPENDS

16 "SEC. 575. (a) Each person awarded a fellowship  
17 under the provisions of this subchapter shall receive \$3,500  
18 for each year of study after the baccalaureate degree, plus  
19 \$800 per year for each of his dependents.

20 "APPROPRIATIONS

21 "SEC. 576. There are authorized to be appropriated  
22 such sums as may be necessary to carry out the provisions of  
23 this subchapter."

24 SEC. 102. The National Defense Education Act of 1968

1 (72 Stat. 1580, as amended) is amended by adding immedi-  
2 ately after section 403 (o) thereof, the following subsection:

3 “(p) The term ‘law enforcement’ profession as used in  
4 this section includes, but is not limited to, careers in police  
5 professions, and as prosecutors, public defenders, parole and  
6 probation officers, and court administrators.”

7 PART B.—NATIONAL INSTITUTE OF LAW ENFORCEMENT  
8 AND CRIMINAL JUSTICE REGIONAL DIVISIONS

9 SEC. 111. The Omnibus Crime Control and Safe Streets  
10 Act of 1968 (82 Stat. 197), section 402 (a) (7) is amended  
11 to read as follows:

12 “(7) To establish a research center and to establish  
13 National Institute of Law Enforcement and Criminal  
14 Justice Regional Divisions in such sections of the coun-  
15 try as it may deem necessary, to carry out the programs  
16 described in this section.”

17 PART C.—DEFERMENTS

18 SEC. 121. Section 456 of title 50, War and National  
19 Defense Appendix, United States Code, is amended by add-  
20 ing after subsection (o) thereof a new subsection as follows:

21 “(p) Except during the period of war or a national  
22 emergency declared by Congress, no person who is employed  
23 as a public State or local law enforcement officer or public  
24 correctional institution officer shall, for so long as he is so  
25 employed, be inducted for services under the terms of this  
26 title.”

1       PART D.—INTERNATIONAL EXCHANGE PROGRAM

2       SEC. 131. It is the purpose of this part to expand and  
3 improve the techniques, capabilities, and practices of State  
4 and local agencies engaged in law enforcement, the correc-  
5 tion of offenders, and the prevention and control of crime by  
6 providing to eligible police officers in State and local law  
7 enforcement agencies and correctional institutions an op-  
8 portunity to visit, for the purpose of study and observation,  
9 law enforcement and correctional agencies of foreign  
10 governments.

11       SEC. 132. The Omnibus Crime Control and Safe Streets  
12 Act of 1968 (82 Stat. 197) is amended by adding after  
13 section 406 thereof, the following new section:

14       “SEC. 407. (a) The Administration is authorized in  
15 accordance with the provisions of this part to provide by  
16 grant, contract, or otherwise for the travel and study and  
17 observation in foreign countries or the organization, methods,  
18 techniques, capabilities, and practices of law enforcement  
19 agencies, the correction of offenders, and the prevention and  
20 control of crime by eligible law enforcement officers who  
21 are selected for travel by the Administration.

22       “(b) For purposes of this section, persons employed in  
23 supervisory, planning or instructional positions in public  
24 State or local law enforcement agencies or public correc-  
25 tional institutions shall be considered eligible law enforce-  
26 ment officers.

1       “(c) Travel grants may be made to an eligible law  
2 enforcement officer only after:

3               “(1) he makes an application therefore in such man-  
4 ner and at such time as the Administration may pre-  
5 scribe, containing a written statement setting forth the  
6 intended purpose of the travel, and its relevance to  
7 his present or future duties;

8               “(2) he is at the time of such application employed  
9 by a public State or local law enforcement agency or  
10 correctional institution in an executive, management,  
11 command, or instructional position;

12               “(3) the law enforcement agency or correctional  
13 institution employing such officer certifies its desire  
14 to have him perform the travel and conduct the study;  
15 and

16               “(4) the foreign governmental agency to be visited  
17 agrees to cooperate with the contemplated study visit.”

18 PART E.—TRAVEL AND STUDY WITHIN THE UNITED  
19 STATES

20       SEC. 141. The Omnibus Crime Control and Safe Streets  
21 Act of 1968 (82 Stat. 197) is amended by adding after  
22 section 407 thereof the following new section:

23       “SEC. 408. (a) The Administration is authorized in  
24 accordance with the provisions of this part to provide by  
25 grant, contract, or otherwise for the travel and study and  
26 observation within the United States of the organization,

1 methods, techniques, capabilities, and practices of law  
2 enforcement agencies, the correction of offenders, and the  
3 prevention and control of crime by eligible law enforcement  
4 officers who are selected for travel by the Administration.

5 “(b) Officers eligible to perform study and travel under  
6 this title shall be those employed by State and local law  
7 enforcement and correctional agencies in supervisory, plan-  
8 ning, or instructional positions or those designated by such  
9 agencies to develop or modify operational or administrative  
10 procedures.

11 “(c) Each person who participates in the exchange  
12 program authorized in this part shall be eligible (after appli-  
13 cation therefor) to receive a stipend at the rate of \$100 per  
14 week for the period of his travel and study, and travel  
15 expenses as authorized by section 5703 of title 5 of the  
16 United States Code for persons in Government service em-  
17 ployed intermittently.”

18 PART F.—LAW ENFORCEMENT OFFICERS CONFERENCES

19 SEC. 151. The Omnibus Crime Control and Safe Streets  
20 Act of 1968 (82 Stat. 197), section 402 (b) is amended  
21 as follows:

22 (a) by striking the word “and” at the end of sub-  
23 section 402 (b) (6) ;

24 (b) by renumbering the present subsection 402 (b)  
25 (7) as 407 (b) (8) ; and

1 (c) by inserting the following new subsection after  
2 subsection 407 (b) (6) :

3 “(7) to arrange and conduct conferences, seminars,  
4 and similar programs periodically on a national and  
5 regional basis, bringing together State and local law  
6 enforcement officials of various supervisory levels for  
7 purposes of more effectively implementing the programs  
8 created by this title, by assisting those persons in the  
9 conduct of their offices and carrying out of their func-  
10 tions, as by acquainting them with existing and new  
11 programs, techniques, and methods of organization and  
12 administration, recruiting and retaining personnel, im-  
13 proving the quality and effectiveness of personnel, pre-  
14 venting and controlling criminal activity, and by  
15 encouraging exchange of information regarding local  
16 programs and techniques for dealing with such problems;  
17 and.”

18 TITLE II—FINANCIAL ASSISTANCE FOR STATE  
19 AND LOCAL LAW ENFORCEMENT AGENCY  
20 SALARIES AND BENEFITS

21 PART A.—INCREASED COMPENSATION FOR ATTAINMENT  
22 OF HIGHER LEVELS OF EDUCATION

23 SEC. 201. The Omnibus Crime Control and Safe Streets  
24 Act of 1968 (82 Stat. 197) is amended by adding after  
25 section 406 thereof the following new section:

1       "SEC. 407. (a) The Administration is authorized to  
2 make grants under this title to any State or unit of general  
3 local government for the purpose of supplementing the  
4 salaries of officers of any publicly funded law enforcement  
5 agency who have completed courses of instruction at institu-  
6 tions as described in subsection (c) of this section.

7       "(b) Any State or unit of general local government  
8 seeking a grant under this section must file an application  
9 therefor with the Administration, setting forth the number  
10 of officers who will be eligible for each class of supplement as  
11 defined in subsection (c) below, and the amount of the grant  
12 to be awarded to each class. The application shall also  
13 describe any existing or proposed program of the State or  
14 unit of general local government making the application  
15 to supplement existing salary schedules on the basis of  
16 the educational level achieved by the recipients. If there  
17 is no such program, the application shall set forth the reasons  
18 that one has not been implemented.

19       "(c) The Administration may make grants under this  
20 section which will result in salary increases, based on present  
21 rates, of up to:

22               "(1) 5 per centum for those who hold or obtain a  
23 degree from an accredited four-year institution of higher  
24 education;

1           “(2) 10 per centum for those who hold or obtain a  
2 degree from an accredited four-year institution of higher  
3 education; and

4           “(3) 15 per centum for those who hold or obtain  
5 a graduate degree from an accredited institution of higher  
6 education.

7           “(d) The Administration may, under such rules as  
8 it may establish, make grants under this section for the  
9 purpose of supplementing the salaries of persons in the  
10 process of working toward any of the degrees described in  
11 subsection (c). In no case, however, shall the amount  
12 received by any individual under this subsection be greater  
13 than the percentage arrived at by multiplying the total per-  
14 centage available under subsection (c) of this section for  
15 completion of the degree on which the recipient is working  
16 by the percentage, in terms of semesters, of the total number  
17 of semesters required for completion of the degree which  
18 will have been achieved when the current semester is  
19 completed.

20 PART B.—GENERAL SUPPLEMENTAL SALARY PAYMENTS

21           SEC. 211. The Omnibus Crime Control and Safe Streets  
22 Act of 1968 (82 Stat. 197) is amended as follows:

23           (a) By adding after section 301(b) (7) thereof the  
24 following new subsection:



## 1 TITLE III—CORRECTIONS, REHABILITATION

## 2 PROGRAMS

## 3 PART A.—ALCOHOLISM

4 SEC. 301. (a) The Secretary of Health, Education, and  
5 Welfare (hereinafter the "Secretary") is authorized to un-  
6 dertake an extensive program of research into the nature,  
7 the causes, and possible cures for alcoholism, as well as means  
8 of assisting in the rehabilitation of those suffering from  
9 alcoholism.

10 (b) In implementing the purposes of this part, the  
11 Secretary is authorized to make grants to, or enter into  
12 contracts with, public agencies, institutions of higher educa-  
13 tion, or private organizations to conduct research, demonstra-  
14 tions, or special projects pertaining to purposes described  
15 in this title. This shall include but not be limited to—

16 (1) research into the causes of chronic alcoholism  
17 and its effects on the psychology and physiology of the  
18 alcoholic;

19 (2) research into medical and psychiatric means  
20 of combating alcoholism;

21 (3) grants to assist in the creation, staffing, and  
22 maintenance of detoxification units by the health depart-  
23 ments or equivalent agencies of the States or local units  
24 of government; and

25 (4) grants for creation, staffing, and maintenance of

1 alcoholic rehabilitation centers by the health departments  
2 or equivalent agencies of the States or local units of  
3 government.

4 (c) Any organization seeking a grant under this title  
5 must submit an application to the Secretary which shall com-  
6 port with regulations to be established by the Secretary  
7 governing the form of application and information required.  
8 The application shall set forth policies and procedures  
9 designed to assure that Federal funds made available under  
10 this title will be so used as not to supplant State or local  
11 funds, but to increase the amounts of such funds that would,  
12 in the absence of such Federal funds, be made available for  
13 the purposes of this part.

14 SEC. 302. DEFINITIONS.—As used in this part—

15 (a) "State" means any State of the United States, the  
16 District of Columbia, the Commonwealth of Puerto Rico,  
17 and any territory or possession of the United States.

18 (b) "Unit of local government" means any city, county,  
19 township, town, borough, parish, village, or other general  
20 purpose political subdivision of a State, or an Indian tribe  
21 which may appropriately perform the functions described  
22 in this part, as determined by the Secretary.

23 (c) "Institution of higher education" means any such  
24 institution as defined by section 801 (a) of the Higher Edu-  
25 cation Act of 1965 (79 Stat. 1269; 20 U.S.C. 1141 (a)),

1 subject, however, to such modifications and extensions as the  
2 Secretary may determine to be appropriate.

3 (d) "Health departments or equivalent agencies" means  
4 any agency which the Secretary may determine is appropriate  
5 to carry out the purposes of this part.

6 (e) "Alcoholism" means any addiction to the use of  
7 alcohol, or regular habit of using alcohol which is beyond  
8 the complete control of the person subject thereto.

9 SEC. 303. APPROPRIATIONS.—There is authorized to  
10 be appropriated to carry out the provisions of this part \$400,-  
11 000 for the fiscal year ending June 30, 1970, and for each  
12 of the two succeeding years.

#### 13 PART B.—EXPERIMENTAL CORRECTIONAL PROGRAMS

14 SEC. 311. The Omnibus Crime Control and Safe Streets  
15 Act of 1968 (82 Stat. 197) is amended by adding after sub-  
16 section 301 (b) (9) thereof the following new subsection:

17 "(10) The development and implementation of  
18 correctional programs for youthful offenders, emphasizing  
19 vocational training, community service involvement,  
20 halfway houses, rehabilitation centers, family-type group  
21 homes, and similar programs focusing on rehabilitation."

#### 22 TITLE IV—ORGANIZED CRIME

23 SEC. 401. Congress finds that much crime occurring  
24 in the United States, threatening the peace, security, and  
25 general welfare of the people, is of a highly organized and

1 syndicated character. Congress further finds that, because  
2 of the scope, and the frequently national characteristics,  
3 such crime cannot be adequately dealt with on a local level,  
4 through local laws and ordinances and local law enforce-  
5 ment agencies. It is therefore the declared policy of Congress,  
6 through increase of enforcement agents, facilities, and efforts,  
7 and through more effective Federal sanctions, and protection  
8 of persons having relevant information, to mount a massive  
9 attack on organized crime.

10 PART A.—ASSISTANT ATTORNEY GENERAL FOR ORGA-  
11 NIZED CRIME; ADDITIONAL PERSONNEL, FACILITIES

12 SEC. 411. (a) Section 506 of title 28, United States  
13 Code, is amended by—

14 (1) striking the word “nine” and inserting in lieu  
15 thereof the word “ten” and

16 (2) adding at the end thereof the following new  
17 paragraphs:

18 “One of the Assistant Attorneys General shall be ap-  
19 pointed from among persons who are especially qualified  
20 to assist the Attorney General under section 527 of this  
21 title and shall be designated Assistant Attorney General  
22 for Organized Crime.”

23 (b) Section 5315 (19) of title 5, United States Code,  
24 is amended to read as follows:

1           “(19) Assistant Attorneys General (10).”

2           SEC. 412. (a) Chapter 31 of title 28, United States  
3 Code, is amended by adding at the end thereof the following  
4 new section:

5           “§ 527. Supervision and conduct of investigations, pros-  
6           ecutions, and other activities relating to orga-  
7           nized crime cases by Assistant Attorney General

8           “(a) The Assistant Attorney General for Organized  
9 Crime, under the direction of the Attorney General, shall—

10           “(1) supervise all investigations of organized crime  
11 or matters directly related thereto, the investigation and  
12 preparation of all criminal cases, and the conduct of all  
13 prosecutions as are related to the prevention and control  
14 of organized crime;

15           “(2) supervise the activities of the United States  
16 attorneys in the field of organized crime;

17           “(3) employ such additional professional personnel  
18 and organized crime specialists as he determines to be  
19 necessary to carry out his functions under this section;

20           “(4) supervise the acquisition, location, and man-  
21 agement of Federal facilities for the protective housing of  
22 persons testifying in investigations or prosecutions con-  
23 cerning organized crime; and

24           “(5) supervise the conduct of such courses and  
25 training sessions for the purposes of educating state and

1 local law enforcement personnel in methods of com-  
2 battling organized crime as he shall determine to be  
3 necessary to mounting an effective campaign at the state  
4 and local level against organized crime.

5 “(b) The analysis of chapter 31 of title 28, United  
6 States Code, is amended by adding the following new item  
7 at the end thereof:

“527. Supervision and conduct of investigations, prosecutions, and other  
activities relating to organized crime by Assistant Attorney  
General.”

8 PART B.—GAMBLING PERMITTED WHERE NOT PERMITTED  
9 BY STATE LAW

10 SEC. 421. Chapter 95 of title 18 of the United States  
11 Code is amended by inserting after section 1953 thereof  
12 the following new section:

13 “§ 1953A. Prohibition of business enterprises of gambling

14 “(a) Whoever participates in a substantial business  
15 enterprise of gambling shall be fined not more than \$10,000  
16 or imprisoned not more than five years, or both.

17 “(b) As used in this section, the term ‘substantial  
18 business enterprise of gambling’ means an enterprise that,  
19 within any period of sixty consecutive calendar days, either  
20 engages in gambling on twenty days or more or engages in  
21 gambling in which the aggregate amount of \$2,000 or more  
22 is wagered.

23 “(c) This section does not apply to—



1 papers, or other evidence by any witness, in any case or  
2 proceeding before any grand jury or court of the United  
3 States involving a violation of this title, or any conspiracy to  
4 violate this title, is necessary to the public interest he, upon  
5 the approval of the Attorney General or an Assistant Attor-  
6 ney General designated by the Attorney General, shall make  
7 application to the court that the witness shall be instructed  
8 to testify or produce evidence subject to the provisions of  
9 this section, and upon order of the court such witness shall  
10 not be excused from testifying or from producing books,  
11 papers, or other evidence on the ground that the testimony  
12 or evidence required of him may tend to incriminate him or  
13 subject him to a penalty or forfeiture. But no such witness  
14 shall be prosecuted or subjected to any penalty or forfeiture  
15 for or on account of any transaction, matter, or thing con-  
16 cerned which he is compelled, after having claimed his privi-  
17 lege against self-incrimination to testify or produce evidence,  
18 nor shall testimony so compelled or evidence so produced be  
19 used as evidence in any criminal proceeding (except prosecu-  
20 tion described in the next sentence) against him in any court.  
21 No witness shall be exempt under this section from prosecu-  
22 tion for perjury, or contempt committed while giving testi-  
23 mony or producing evidence under compulsion as provided in  
24 this section."



1 The defendant shall be entitled to introduce evidence for the  
 2 purpose of demonstrating that the provisions of subsection  
 3 (a) are not applicable or should not be invoked.

4 “(c) Nothing contained in this section shall be con-  
 5 strued as precluding the imposition of a more severe sentence  
 6 where such sentence is prescribed law as a penalty for the  
 7 felony of which the defendant has been convicted.

## 8 TITLE V—FIREARMS CONTROLS

### 9 PART A.—REGISTRATION

10 SEC. 501. Title 18, United States Code, is amended by  
 11 inserting after chapter 44 the following new chapter:

#### 12 “Chapter 44A.—REGISTRATION OF FIREARMS

“Sec.

“931. Definitions.

“932. Registration.

“933. State preemption.

“934. Sales of firearms and ammunition.

“935. Penalties.

“936. Disposition of firearms to Secretary.

“937. Rules and regulations; periods of amnesty.

“938. Disclosure of information.

“939. Assistance of Secretary.

#### 13 “§ 931. Definitions

14 “As used in this chapter—

15 “(1) The term ‘firearm’ means a weapon (including  
 16 a starter gun) which will or is designed to or may readily  
 17 be converted to expel a projectile by the action of an ex-  
 18 plosive, but shall not include a firearm as that term is defined  
 19 in chapter 53 of the Internal Revenue Code of 1954 or an  
 20 antique firearm as defined in section 921 of this title.

1       “(2) The term ‘Secretary’ means the Secretary of the  
2 Treasury.

3       “(3) The term ‘licensed dealer’ means any importer,  
4 manufacturer, or dealer licensed under the provisions of  
5 chapter 44 of this title.

6       “(4) The term ‘ammunition’ means ammunition or  
7 cartridge cases, primers, bullets, or propellant powder de-  
8 signed for use in any firearm.

9       “(5) The term ‘sell’ means give, bequeath, or other-  
10 wise transfer ownership.

11       “(6) The term ‘possess’ means asserting ownership  
12 or having custody and control not subject to termination  
13 by another or after a fixed period of time.

14       “§ 932. Registration

15       “(a) It shall be unlawful for a person knowingly to  
16 possess a firearm not registered in accordance with the provi-  
17 sions of this section. This subsection shall not apply to—

18               “(1) with respect to a firearm, previously unregis-  
19 tered, if such firearm is held by a licensed dealer for  
20 purposes of sale: *Provided*, That records of such fire-  
21 arms are kept as may be required by the Secretary;

22               “(2) for a period not to exceed one hundred and  
23 eighty days from the effective date of this chapter with  
24 respect to a firearm in the possession of a person who  
25 possessed such firearm on the effective date of this  
26 chapter;

1           “(3) a firearm, previously unregistered, possessed  
2           by (A) the United States or any department or agency  
3           thereof, or (B) any State or political subdivision  
4           thereof.

5           “(b) (1) A licensed dealer who sells a firearm to a  
6           person in whose possession the firearm must be registered  
7           shall before delivery require from the purchaser a completed  
8           application for the registration of the firearm and shall file  
9           the application with the Secretary not later than the day  
10          of delivery.

11          “(2) When a person other than a licensed dealer sells  
12          a firearm, the purchaser shall file an application for its  
13          registration with the Secretary prior to receipt of the fire-  
14          arm.

15          “(3) A person who possesses a firearm on the effective  
16          date of this Act shall, unless he sooner sells the firearm, file  
17          an application for registration of the firearm with the Secre-  
18          tary within one hundred and eighty days.

19          “(4) A person who comes into possession of a firearm  
20          after the effective date of this chapter, by means other than  
21          those described in paragraph (1) or (2) of this subsec-  
22          tion, shall file an application for registration of the firearm  
23          with the Secretary within seven days thereafter.

24          “(c) An application for registration of a firearm shall  
25          be in a form to be prescribed by the Secretary, which shall  
26          include at least the following:

1           “(1) the name, address, date and place of birth,  
2           and social security or taxpayer identification number of  
3           the applicant;

4           “(2) the name of the manufacturer, the caliber or  
5           gage, the model and the type, and the serial number of  
6           the firearm; and

7           “(3) the date, the place, and the name and address  
8           of the person from whom the firearm was obtained, the  
9           number of such person’s certificate of registration of such  
10          firearm, if any, and, if such person is a licensed dealer,  
11          his license number, if such license number is known.

12          “(d) An application for registration of a firearm shall  
13          be in duplicate. The original application shall be signed by  
14          the applicant and filed with the Secretary, either in person or  
15          by certified mail, return receipt requested, in such place as  
16          the Secretary by regulation may provide. The duplicate shall  
17          be retained by the applicant as temporary evidence of regis-  
18          tration. The Secretary, after receipt of a duly filed completed  
19          application for registration, shall send to the applicant a  
20          numbered certificate of registration identifying such person  
21          as the registered owner of such firearm.

22          “(e) Registration of a firearm shall expire upon any  
23          change of the registrant’s name or residence unless the regis-  
24          trant shall notify the Secretary within thirty days of such  
25          change.

1       “(f) It shall be unlawful for a person to carry a firearm  
2 required to be registered by this chapter without having with  
3 him a certificate of registration, or if such certificate has not  
4 been received, temporary evidence of registration, or to  
5 refuse to exhibit such certificate or temporary evidence upon  
6 demand of a law enforcement officer.

7       “§ 933. State preemption

8       “Section 932 shall not apply with respect to a firearm  
9 registered in the possessor’s State of residence or a political  
10 subdivision thereof pursuant to a registration system deter-  
11 mined by the Secretary to be substantially equivalent to and  
12 compatible with the provisions of this chapter. Determina-  
13 tions by the Secretary under this section shall be subject to  
14 review in the manner provided in section 923A (i) of this  
15 title.

16       “§ 934. Sales of firearms and ammunition

17       “(a) A person who sells a firearm registered under this  
18 chapter shall, within five days of the sale, return to the Sec-  
19 retary his certificate of registration, noting on it the name  
20 and residence address of the transferee, the number of the  
21 transferee’s State or local permit or Federal gun license, and  
22 the date of delivery.

23       “(b) It shall be unlawful to acquire a firearm required  
24 to be registered by this chapter knowing or having reason-  
25 able cause to believe that the firearm acquired is not regis-

1 tered to the transferor. Whoever acquires a firearm required  
2 to be registered by this chapter shall require the seller to  
3 exhibit a certificate of registration, and shall note the number  
4 of the certificate on his application for registration.

5       “(c) It shall be unlawful for a licensed dealer to take  
6 or receive by way of pledge or pawn a firearm required to  
7 be registered by this chapter without also taking and re-  
8 taining during the term of such pledge or pawn the certifi-  
9 cate of registration. If such pledge or pawn is not redeemed  
10 the dealer shall return the certificate of registration to the  
11 Secretary and register the firearm in his own name.

12       “(d) The executor or administrator of an estate con-  
13 taining a firearm registered under this chapter shall promptly  
14 notify the Secretary of the death of the registrant and shall,  
15 at the time of any transfer of the firearm, return the cer-  
16 tificate of registration to the Secretary as provided in sub-  
17 section (a). The executor or administrator of an estate  
18 containing a firearm not registered as required by this chap-  
19 ter shall promptly register the firearm, without penalty for  
20 any prior failure to register it.

21       “(e) Whoever possesses a firearm required to be regis-  
22 tered under this chapter shall within ten days notify the  
23 Secretary of any loss, theft, or destruction of the firearm,  
24 and, after such notice, of any recovery.

25       “(f) A licensed dealer shall not sell ammunition to a

1 person for use in a firearm required to be registered without  
2 either (1) requiring the purchaser to exhibit a certificate  
3 of registration or temporary evidence of registration of a  
4 firearm which uses such ammunition, and noting the certifi-  
5 cate number or date of the temporary evidence of registra-  
6 tion on the records required to be maintained by the dealer  
7 pursuant to section 923 (d) of this title, or (2) ascertaining  
8 and recording that the ammunition is for use in a firearm  
9 that is not required to be registered under Federal or State  
10 law.

11 **“§ 935. Penalties**

12 “(a) Whoever violates a provision of section 932 or  
13 934 shall be punished by imprisonment not to exceed two  
14 years, or by a fine not to exceed \$2,000, or both.

15 “(b) Whoever knowingly falsifies any information re-  
16 quired to be filed with the Secretary pursuant to this chapter,  
17 or forges or alters any certificate of registration or temporary  
18 evidence of registration, shall be punished by imprisonment  
19 not to exceed five years or a fine not to exceed \$10,000, or  
20 both.

21 “(c) Except as provided in subsection (b), no infor-  
22 mation or evidence obtained from an application or certificate  
23 of registration required to be submitted or retained by a  
24 natural person in order to comply with any provision of

1 this chapter or regulations issued by the Secretary shall  
2 be used as evidence against that person in a criminal pro-  
3 ceeding with respect to a violation of law occurring prior  
4 to or concurrently with the filing of the application for  
5 registration containing the information or evidence.

6 **“§ 936. Disposition of firearms to Secretary**

7 “(a) The Secretary is authorized to pay reasonable  
8 value for firearms voluntarily relinquished to him.

9 “(b) A person who lawfully possessed a firearm prior  
10 to the operative effect of any provision of this title, and who  
11 is ineligible to possess such firearm by virtue of such  
12 provision, shall receive reasonable compensation for the fire-  
13 arm if surrendered to the Secretary.

14 **“§ 937 Rules and regulations; periods of amnesty**

15 “The Secretary may prescribe such rules and regula-  
16 tions as he deems reasonably necessary to carry out the pro-  
17 visions of this chapter, including reasonable requirements for  
18 the marking of firearms that do not have serial numbers, and  
19 may declare periods of amnesty for the registration of fire-  
20 arms.

21 **“§ 938. Disclosure of information**

22 “Information contained on any certificate of registra-  
23 tion or application therefor shall not be disclosed except to  
24 the National Crime Information Center established by the  
25 Federal Bureau of Investigation, and to law enforcement

1 officers requiring such information in pursuit of their official  
2 duties.

3 **“§ 939. Assistance to Secretary**

4 “When requested by the Secretary, Federal depart-  
5 ments and agencies shall assist the Secretary in the admini-  
6 stration of this title.”

7 **PART B.—LICENSING**

8 **SEC. 511.** Chapter 44 of title 18, United States Code,  
9 is amended by inserting after section 923 the following new  
10 section:

11 **“§ 923A. State permit system; Federal gun licenses**

12 “(a) The Secretary shall determine which States or  
13 political subdivisions of States have adequate permit systems  
14 for the possession of firearms and shall publish in the Federal  
15 Register the names of such States and political subdivisions.

16 “(b) An adequate permit system shall include provision  
17 for—

18 “(1) identification of the permit holder appearing  
19 on the permit, including name, address, age, and signa-  
20 ture or photograph;

21 “(2) restrictions on issuance of a permit to a per-  
22 son who is under indictment or who has been convicted  
23 in any court of a crime punishable by imprisonment for  
24 a term exceeding one year, or who is a fugitive from  
25 justice;

1           “(3) restrictions on issuance of a permit to a  
2 person who, by reason of age, mental condition, alco-  
3 holism, drug addiction, or previous violations of firearms  
4 laws cannot be relied upon to possess or use firearms  
5 safely and responsibly;

6           “(4) means of investigation of applicants for per-  
7 mits to determine their eligibility under subparagraphs  
8 (2) and (3);

9           “(5) prohibition of possession of firearms or am-  
10 munition by any person who has not been issued such a  
11 permit; and

12           “(6) revocation of a permit issued to a person who  
13 subsequently becomes ineligible under subparagraph  
14 (2).

15           “(c) After September 1, 1970, it shall be unlawful  
16 for any person to sell or otherwise transfer any firearm or  
17 ammunition to any person (other than a licensed importer,  
18 licensed manufacturer, or licensed dealer) unless—

19           “(1) the sale or transfer is not prohibited by any  
20 other provision of this chapter; and

21           “(2) the purchaser or transferee exhibits a valid  
22 permit issued to him by a State or political subdivision  
23 having an adequate permit system, or the purchaser or  
24 transferee exhibits a valid Federal gun license issued  
25 in accordance with subsections (d) and (e).

1       “(d) A licensed dealer shall issue a Federal gun license  
2 to a person eighteen years of age or over upon presenta-  
3 tion of—

4           “(1) a valid official document of identification  
5 (such as driver’s permit or selective service certificate)  
6 issued by the United States, a State, or political subdivi-  
7 sion thereof; and

8           “(2) a statement signed by the person in a form  
9 to be prescribed by the Secretary, that he is eighteen  
10 years of age or over, that he has never been committed  
11 to an institution by a court of the United States or a  
12 court of any State or political subdivision thereof on the  
13 ground that he was an alcoholic, a drug addict, or  
14 mentally ill or incompetent, that he is not under indict-  
15 ment, has not been convicted in any court of a crime  
16 punishable by imprisonment for a term exceeding one  
17 year, is not a fugitive from justice, and is not otherwise  
18 prohibited by any provision of Federal, State, or local  
19 law from possessing firearms or ammunition; such state-  
20 ment may include such additional information regard-  
21 ing the applicant, including without limitation, birth  
22 date and place, sex, height, weight, eye and hair color,  
23 and present and previous residences as the Secretary  
24 shall by regulation prescribe.

25       “(e) Federal gun licenses shall be issued in such form

1 as the Secretary may prescribe, and shall be valid for a  
2 period of five years. A dealer shall maintain a record of all  
3 licenses issued by him as part of the records required to be  
4 maintained by section 923 of this chapter, and shall forward  
5 to the Secretary the documents described in subparagraphs  
6 (d) (2) through (d) (3) of this section.

7       “(f) Any person denied a Federal gun license under  
8 subsection (d) may apply directly therefor to the Secretary  
9 in the manner prescribed by regulation of the Secretary.

10       “(g) Unless otherwise prohibited by this chapter, a  
11 licensed dealer may ship or deliver a firearm or ammunition  
12 to a person only if the dealer confirms that the purchaser  
13 has been issued a valid permit issued pursuant to an adequate  
14 State or local permit system, a Federal gun license, or a  
15 Federal dealer's license, and notes the number of such per-  
16 mit or license in the records required to be kept by section  
17 923 of this chapter.

18       “(h) After September 1, 1971, no person may possess  
19 a firearm or ammunition without a valid State or local permit,  
20 if he is a resident of a State or locality having an adequate  
21 permit system, or a Federal gun license: *Provided*, That a  
22 person not a resident of a State or locality having an ade-  
23 quate permit system, who is ineligible for a Federal gun  
24 license solely by reason of age may receive a firearm or  
25 ammunition for occasional, brief, and lawful recreational uses.

1       “(i) Determinations of adequate permit systems under  
2 this section or adequate registration systems under section  
3 933 and denials by the Secretary of Federal gun licenses  
4 shall not be subject to the provisions of chapter 5, title 5,  
5 United States Code, but shall be reviewable de novo pur-  
6 suant to chapter 7, title 5, United States Code, in an action  
7 instituted by any person, State, or political subdivision  
8 adversely affected.

9       “(j) It shall be unlawful for any person willfully to  
10 fail to deliver a valid Federal gun license to the Secretary  
11 if such person has been issued such license and subsequently  
12 is placed under indictment, convicted in any court of a crime  
13 punishable by imprisonment for a term exceeding one year,  
14 a fugitive from justice, committed to an institution by any  
15 court on the ground that he was an alcoholic, a narcotics  
16 addict, or mentally incompetent, or otherwise prohibited by  
17 any provision of Federal, State, or local law from possessing  
18 firearms and ammunition.

19       “(k) It shall be unlawful for any person willfully to  
20 convey or otherwise furnish to another person a Federal  
21 gun license which has been issued to himself, or to a third  
22 person, in order to evade or obstruct the provisions of this  
23 chapter.

24       “(l) It shall be unlawful to knowingly and willfully

1 make a false statement or representation in connection with  
2 any application for a Federal gun license.”

3 SEC. 512. The analysis of chapter 44 of title 18, United  
4 States Code, is amended by inserting immediately after  
“923. Licensing.”

5 the following:

“923A. State permit systems; Federal gun licenses.”

6 PART C.—GENERAL PROVISIONS

7 SEPARABILITY

8 SEC. 521. If the provisions of any part of this Act or  
9 any amendments made thereby or the application thereof to  
10 any person or circumstances be held invalid, the provisions of  
11 the other parts and their application to other persons or  
12 circumstances shall not be affected thereby.

13 EFFECT ON STATE LAW

14 SEC. 522. No provision of this Act shall be construed as  
15 indicating an intent on the part of Congress to occupy the  
16 field in which such provision operates to the exclusion of  
17 the law of a State or possession or political subdivision  
18 thereof, on the same subject matter, or to relieve any person  
19 of any obligation imposed by any law of any State, posses-  
20 sion, or political subdivision thereof.

21 RELIEF FROM DISABILITIES

22 SEC. 523. Notwithstanding the provisions of section  
23 923A (d) (2), a licensed dealer shall issue a Federal gun

1 license to a person who otherwise qualifies under that section  
2 but has been convicted of a crime punishable by imprison-  
3 ment for a term exceeding one year or has been committed  
4 to an institution by a court on the ground that he was an  
5 alcoholic, a drug addict, or mentally ill or incompetent, if  
6 that person displays a document in writing from the chief  
7 law enforcement officer of his State of residence specifically  
8 authorizing that person to obtain such license.

9

#### EFFECTIVE DATE

10 SEC. 524. The provisions of titles IV and V of this Act  
11 shall become effective one year after the date of its enact-  
12 ment.

#### 13 TITLE VI—COMMISSION TO STUDY COURT

14

#### DECISIONS

15 SEC. 301. (a) There is hereby created a Commission  
16 To Study the Effect of Court Decisions on Law Enforcement  
17 and Conviction Rates (hereafter referred to as the  
18 "Commission").

19 (b) The purpose of the Commission is to determine  
20 what effect, if any, recent Federal court decisions have had  
21 upon the rate and difficulty of conviction of accused criminals  
22 and upon law enforcement generally.

23 SEC. 602. (a) The Commission shall be composed of  
24 ten members, one of whom shall be designated as Chairman.  
25 The membership shall include the Attorney General of the

1 United States, three Senators, to be appointed by the Presi-  
2 dent pro tempore of the Senate, three Members of the House  
3 of Representatives, to be appointed by the Speaker of the  
4 House of Representatives, and three other persons to be  
5 appointed by the President.

6 (b) Seven members of the Commission shall constitute  
7 a quorum.

8 (c) Any vacancy in the Commission shall not affect its  
9 powers and shall be filled by a new appointment by the  
10 officer or agency which made the initial appointment to the  
11 position now vacated.

12 SEC. 603. (a) Members of the Commission, other than  
13 officers or employees of the Federal Government, shall re-  
14 ceive compensation at the rate of \$125 per day while en-  
15 gaged in the actual performance of Commission duties, plus  
16 reimbursement for travel, subsistence, and other necessary  
17 expenses in connection with such duties.

18 (b) Any members of the Commission who are  
19 officers or employees of the Federal Government shall serve  
20 on the Commission without compensation, but such mem-  
21 bers shall be reimbursed for travel, subsistence, and other  
22 necessary expenses in connection with the performance of  
23 their duties.

24 SEC. 604. The Commission is authorized to employ such  
25 staff as needed to assist in the performance of its functions.

1       SEC. 605. There are hereby authorized to be appro-  
2       priated such sums as may be necessary to carry out the  
3       provisions of this title.

4       SEC. 606. The Commission shall submit a report of  
5       its findings to the Congress on March 1, 1971.

6       SEC. 607. The Commission may, for the purposes of  
7       carrying out the provisions of this title, hold hearings, ad-  
8       minister oath, and require, by subpoena or otherwise, the  
9       attendance and testimony of witnesses and the production of  
10      documentary material.

91ST CONGRESS  
1ST SESSION

# S. 965

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 1969

Mr. TYDINGS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To establish regional divisions in the National Institute of Law Enforcement and Criminal Justice, and for other purposes.

1     *Be it enacted by the Senate and House of Representa-*  
2     *tives of the United States of America in Congress assembled,*  
3     That the Omnibus Crime Control and Safe Streets Act of  
4     1968 (82 Stat. 197), section 402 (a) (7) is amended to  
5     read as follows:

6             “(7) To establish a research center and to estab-  
7     lish National Institute of Law Enforcement and Criminal  
8     Justice regional divisions in such sections of the country  
9     as it may deem necessary, to carry out the programs  
10     described in this section.”

II.

91<sup>ST</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 966

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 1969

Mr. TYDINGS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide grants for travel for observation and study by State and local law enforcement personnel of the operations of foreign law enforcement agencies, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       That the Omnibus Crime Control and Safe Streets Act of  
4       1968 (82 Stat. 197) is amended by adding after section  
5       406 thereof the following new section:

6       “SEC. 407. (a) The Administration is authorized in  
7       accordance with the provisions of this part to provide by  
8       grant, contract, or otherwise for the travel and study and  
9       observation in foreign countries or the organization, methods,  
10      techniques, capabilities, and practices of law enforcement

1 agencies, the correction of offenders, and the prevention and  
2 control of crime by eligible law enforcement officers who  
3 are selected for travel by the Administration.

4 “(b) For purposes of this section, persons employed  
5 in supervisory, planning, or instructional positions in public  
6 State or local law enforcement agencies or public correctional  
7 institutions shall be considered eligible law enforcement  
8 officers.

9 “(c) Travel grants may be made to an eligible law  
10 enforcement officer only after:

11 “(1) he makes an application therefore in such  
12 manner and at such time as the Administration may  
13 prescribe, containing a written statement setting forth  
14 the intended purpose of the travel, and its relevance  
15 to his present or future duties;

16 “(2) he is at the time of such application employed  
17 by a public State or local law enforcement agency or  
18 correctional institution in an executive, management,  
19 command, or instructional position;

20 “(3) the law enforcement agency or correctional  
21 institutions employing such officer certifies its desire to  
22 have him perform the travel and conduct the study; and

23 “(4) the foreign governmental agency to be visited  
24 agrees to cooperate with the contemplated study visit.”

91st CONGRESS  
1st Session

# S. 968

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 1969

Mr. TYDINGS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide grants for travel for observation and study by State and local law-enforcement personnel of the operations of other domestic law-enforcement agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 That the Omnibus Crime Control and Safe Streets Act of  
4 1968 (82 Stat. 197) is amended by adding after section 406  
5 thereof the following new section:

6 "SEC. 407. (a) The Administration is authorized in  
7 accordance with the provisions of this part to provide by  
8 grant, contract, or otherwise for the travel and study and  
9 observation within the United States of the organization,

1 methods, techniques, capabilities, and practices of law-  
2 enforcement agencies, the correction of offenders, and the  
3 prevention and control of crime by eligible law-enforcement  
4 officers who are selected for travel by the Administration.

5       “(b) Officers eligible to perform study and travel under  
6 this title shall be those employed by State and local law-  
7 enforcement and correctional agencies in supervisory, plan-  
8 ning, or instructional positions or those designated by such  
9 agencies to develop or modify operational or administrative  
10 procedures.

11       “(c) Each person who participates in the exchange  
12 program authorized in this part shall be eligible (after  
13 application therefor) to receive a stipend at the rate of \$100  
14 per week for the period of his travel and study, and travel  
15 expenses as authorized by section 5703 of title 5 of the  
16 United States Code for persons in Government service em-  
17 ployed intermittently.”

91<sup>ST</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 969

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 1969

Mr. TYDINGS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide for programs to bring together various State and local law enforcement officials for periodic meetings, seminars, and consultations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 That the Omnibus Crime Control and Safe Streets Act of  
4 1968 (82 Stat. 197), section 402 (b) is amended as  
5 follows:

6 (a) by striking the word "and" at the end of sub-  
7 section 402 (b) (6) ;

8 (b) by renumbering the present subsection 402  
9 (b) (7) as 407 (b) (8) ; and

1           (c) by inserting the following new subsection after  
2 subsection 407 (b) (6) :

3           “(7) to arrange and conduct conferences, seminars,  
4 and similar programs periodically on a national and  
5 regional basis, bringing together State and local law  
6 enforcement officials of various supervisory levels for  
7 purposes of more effectively implementing the programs  
8 created by this title, by assisting those persons in the  
9 conduct of their offices and carrying out of their func-  
10 tions, as by acquainting them with existing and new  
11 programs, techniques, and methods of organization and  
12 administration, recruiting and retaining personnel, im-  
13 proving the quality and effectiveness of personnel, pre-  
14 venting and controlling criminal activity, and by  
15 encouraging exchange of information regarding local  
16 programs and techniques for dealing with such problems;  
17 and”.

91<sup>ST</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 970

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 1969

Mr. TYDINGS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide supplements to salaries of State and local law enforcement personnel who have achieved certain educational levels, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       That the Omnibus Crime Control and Safe Streets Act of  
4       1968 (82 Stat. 197) is amended by adding after section 406  
5       thereof the following new section:

6       “SEC. 407. (a) The Administration is authorized to  
7       make grants under this title to any State or unit of general  
8       local government for the purpose of supplementing the sal-  
9       aries of officers of any publicly funded law enforcement

1 agency who have completed courses of instruction at institu-  
2 tions as described in subsection (c) of this section.

3 “(b) Any State or unit of general local government  
4 seeking a grant under this section must file an application  
5 therefor with the Administration, setting forth the number  
6 of officers who will be eligible for each class of supplement  
7 as defined in subsection (c) below, and the amount of the  
8 grant to be awarded to each class. The application shall also  
9 describe any existing or proposed program of the State or  
10 unit of general local government making the application to  
11 supplement existing salary schedules on the basis of the edu-  
12 cational level achieved by the recipients. If there is no such  
13 program, the application shall set forth the reasons that one  
14 has not been implemented.

15 “(c) The Administration may make grants under this  
16 section which will result in salary increases, based on present  
17 rates, of up to:

18 “(1) 5 per centum for those who hold or obtain a  
19 degree from an accredited two-year institution of higher  
20 education;

21 “(2) 10 per centum for those who hold or obtain  
22 a degree from an accredited four-year institution of  
23 higher education; and

24 “(3) 15 per centum for those who hold or obtain

1 a graduate degree from an accredited institution of  
2 higher education.

3 “(d) The Administration may, under such rules as it  
4 may establish, make grants under this section for the purpose  
5 of supplementing the salaries of persons in the process of  
6 working toward any of the degrees described in subsection  
7 (c). In no case, however, shall the amount received by  
8 any individual under this subsection be greater than the  
9 percentage arrived at by multiplying the total percentage  
10 available under subsection (c) of this section for completion  
11 of the degree on which the recipient is working by the  
12 percentage, in terms of semesters, of the total number of  
13 semesters required for completion of the degree which will  
14 have been achieved when the current semester is completed.

91ST CONGRESS  
1ST SESSION

# S. 971

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 1969

Mr. TRYBINGS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To increase salaries of certain State and local law enforcement officers.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 That the Omnibus Crime Control and Safe Streets Act of  
4 1968 (82 Stat. 197) is amended as follows:

5 (a) By adding after section 301 (b) (7) thereof the fol-  
6 lowing new subsection:

7 " (8) Supplementing the salaries of law enforcement  
8 personnel, with the object of upgrading those salaries  
9 to a level competitive with that of other comparable  
10 professions in given locales."

1           (b) By altering the first sentence of subsection 301 (d)  
2 to read as follows:

3           “(d) Not more than one-third of any grant made under  
4 this part may be expended for the compensation of personnel,  
5 except that for purposes of determining this limitation no  
6 grants specifically made under the provisions of subsection  
7 (b) (8) of this section shall be included either in the calcula-  
8 tion of the total grant under this part or the calculation of  
9 funds expended for salaries of personnel.”

91ST CONGRESS  
1ST SESSION

# S. 972

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 1969

Mr. TYDINGS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide retirement, injury, and death benefits for personnel of State and local law enforcement agencies.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 That the Omnibus Crime Control and Safe Streets Act of  
4 1968 (82 Stat. 197) is amended by adding immediately  
5 after section 301 (b) (7) the following new subsection:

6 " (8) Increasing and expanding injury, retirement,  
7 and death benefits for members of local and State law  
8 enforcement agencies, including the creation of scholar-  
9 ship funds for surviving children of officers killed in the  
10 line of duty."

91<sup>ST</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1229

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 1969

Mr. BURDICK (for himself, Mr. McGOVERN, Mr. MANSFIELD, and Mr. METCALF) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments.

1     *Be it enacted by the Senate and House of Representa-*  
2     *tives of the United States of America in Congress assembled,*  
3     That section 601 (e) of the Omnibus Crime Control and  
4     Safe Streets Act of 1968 (Public Law 90-351) is amended  
5     by inserting at the end thereof the following sentence:  
6     "For the purpose of making allocations and grants of funds  
7     to Indian tribes which perform law enforcement functions,  
8     'State' also means the Secretary of Interior."

OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
Washington, D.C., March 10, 1970.

HON. JAMES O. EASTLAND,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 1229, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 established, within the Department of Justice, the Law Enforcement Assistance Administration, charged with the responsibility of making Federal financial and technical assistance available to the States and to local governments to enable them to plan and implement comprehensive programs for the improvement of law enforcement at all levels of government. Under the framework of the Act, the Administration makes annual planning grants to the fifty States and to the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa and the Virgin Islands (which are included within the definition of "State" in the Act) to enable them to establish and maintain "State planning agencies" for the purpose of preparing, adopting and annually revising comprehensive law enforcement plans based on their evaluation of State and local law enforcement problems and needs. When State comprehensive plans have been reviewed and approved by the Administration for consistency with the requirements and purposes set forth in the Act, the Administration then makes annual "action grants" to the States to enable them to implement the programs and projects specified in their plans. Local governments participate in the program through their State planning agencies which are authorized to make subgrants and contracts to "units of general local government" and are expressly required to make 40 percent of planning funds to enable them to participate in both the planning and implementation stages of the grant program. The Act defines "unit of general local government" to include "an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior." Thus, under the present Act Indian tribes certified by the Secretary of the Interior are eligible to participate in the Administration's grant program on an equal footing with other local governments and agencies.

S. 1229 would amend the Act to include the Secretary of the Interior as a "State" within the definition of that term in section 601(c) of the Act, for purposes of allocations and grants of funds to Indian tribes. The result would be that the Administration would be required to make annual block grants of planning and action funds to the Department of the Interior which would then make subgrants to the individual Indian tribes throughout the country.

The Department of Justice is of the view that the problems and needs of the Indian tribes in the field of law enforcement improvement can best be satisfied within the general framework of the Act pursuant to which the needs of the tribes are provided for as part of a comprehensive plan for the improvement of law enforcement at all levels within the States and regions in which the tribes are located. The Law Enforcement Assistance Administration is aware of the special problems of the Indian tribes and sympathetic to their needs. The Administration has added a member to its staff to advise it on law enforcement problems of the Indian tribes and to assist in analyzing the comprehensive plans of the States to assure that adequate provision is made for the needs of Indian tribes. We also plan to include a special section in the annual report, required by section 519 of the Act, on funds and programs for the Indian tribes. In addition, a share of the action funds available for fiscal year 1970 and programmed for fiscal year 1971 for allocation in the discretion of the Administration has been earmarked for direct grants to Indian tribes to supplement the funds available to them through the State planning agencies.

We recognize that many of the Indian tribes may have difficulties greater than most other governmental units in raising their required share for financing LEAA projects. However, the Attorney General has transmitted to the Congress a series of proposed amendments to title I of the Act, including an amendment which we believe will alleviate the non-Federal share problem without departing from the present structure of the Act which treats the Indian tribes as local units of the

states in which they are located. This amendment would permit the Administrator to waive the requirements for local matching funds, within prescribed limitation, where LEAA project grants are made in his discretion. Further, as you know, our existing guidelines for the application of the Law Enforcement Assistance provisions of the Crime Control and Safe Streets Act permit the acceptance of services and materials in lieu of money where matching funds are required. This offers another means by which the Indian tribes may be accommodated as necessary.

S. 1229 contemplates a program of direct Federal assistance to Indian tribes which would be inconsistent with the "block grant" approach written into the Act by decisive votes in Both Houses of the Congress during floor consideration of title I of the omnibus crime legislation in 1967 and 1968. Debate on the block grant amendments indicated a strong feeling in both Houses of the law enforcement assistance program funded under the Act should stress planning and implementation at the State and local level rather than at the Federal level. Consistent with this approach, the needs of the Indian tribes in the country should be assessed and provided for as part of a comprehensive effort touching all areas and aspects of law enforcement within the States.

For the above reasons, the Department of Justice is unable to recommend enactment of this legislation.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,  
*Deputy Attorney General.*

91ST CONGRESS  
1ST SESSION

# S. 2465

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IN THE SENATE OF THE UNITED STATES

JUNE 23, 1969

Mr. METCALF (for himself and Mr. MANSFIELD) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a more equitable allocation of grants among the States.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That section 306 of the Omnibus Crime Control and Safe  
4 Streets Act of 1968 is amended by striking the second sen-  
5 tence and inserting in lieu thereof the following: "From  
6 85 per centum of such funds the Administration shall allo-  
7 cate \$100,000 to each State and then allocate the remainder  
8 of such 85 per centum among the States according to their  
9 respective populations. Fifteen per centum of such funds shall  
10 be allocated as the Administration may determine, and such

1 additional amounts as may be made available by virtue of  
2 the application of the provisions of section 509 to the grant to  
3 any State shall be allocated as the Administration may  
4 determine.”.

91ST CONGRESS  
1ST SESSION

# S. 2875

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 9, 1969

Mr. HRUSKA introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide financial assistance to States for the construction of correctional institutions and facilities.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That Eighty-second Statutes at Large, page 197 is amended  
4       as follows:

5       SECTION 1. Parts E and F of title I are redesignated  
6       parts F and G and the sections renumbered accordingly.

7       SEC. 2. Add a new part E as follows:

VII—O

1           “PART E—CORRECTIONAL CONSTRUCTION  
2                           ADMINISTRATION”

3           SEC. 501. (a) The Administration shall, in accordance  
4 with the provisions of this part, make grants to State agen-  
5 cies for the period beginning July 1, 1969, and ending  
6 June 30, 1972.

7           (b) For the purpose of making such payments, there  
8 is authorized to be appropriated the sum of \$100,000,000  
9 for the fiscal year ending June 30, 1970, \$150,000,000 for  
10 the fiscal year ending June 30, 1971, \$200,000,000 for the  
11 fiscal year ending June 30, 1972, and \$250,000,000 for the  
12 fiscal year ending June 30, 1973.

13          SEC. 503. (a) Any State desiring to receive its alloca-  
14 tion of Federal funds under this part shall, consistent with  
15 such basic criteria as the Administration may establish under  
16 section 504, incorporate its application in the State plan  
17 provided in section 303. The application in addition to the  
18 provisions of section 303, shall:

19           (1) set forth a comprehensive statewide program  
20 for the renovation and construction of correctional insti-  
21 tutions in the State under which at least 50 per centum  
22 of all Federal funds granted to State agencies under this  
23 Act for any fiscal year will be available to agencies of  
24 political subdivisions of such State;

25           (2) provide satisfactory assurance that the control

## 3

1 of funds granted under this Act and title to property  
2 derived therefrom shall be in a public agency for the  
3 uses and purposes provided in this Act and that a public  
4 agency will administer such funds and property;

5 (3) provide assurances that the State agency will  
6 pay from non-Federal sources the remaining costs of such  
7 program;

8 (4) provide assurances that projects assisted under  
9 this Act will incorporate innovations and techniques in  
10 the design of such facilities in order to improve the effec-  
11 tiveness of the correctional institutions within such  
12 States;

13 (5) provide assurances that the personnel standards  
14 and programs of such facilities will reflect the best prac-  
15 tice prevailing in the United States;

16 (6) set forth policies and procedures designed to as-  
17 sure that Federal funds made available under this Act  
18 will be so used as not to supplant State or local funds,  
19 but to supplement and, to the extent practicable, to in-  
20 crease the amounts of such funds that would in the ab-  
21 sence of such Federal funds be made available for the  
22 purpose of this Act;

23 (7) set forth procedures under which the State  
24 agency shall not finally disapprove an application for  
25 funds from an appropriate agency of any political subdivi-

1 sion of such State without first affording such agency  
2 reasonable notice and opportunity for a hearing; and

3 (8) provide, where feasible and desirable, the shar-  
4 ing of correctional institutions and facilities on a regional  
5 basis either among the political subdivisions of a State or  
6 among the various States in a region;

7 SEC. 504. As soon as practicable after enactment of this  
8 Act, the Administration shall, after consultation with the  
9 Federal Bureau of Prisons, by regulation prescribe basic  
10 criteria to be applied by the State planning agency under  
11 section 503. In addition to other matters such basic criteria  
12 shall provide:

13 (1) the general manner in which State planning  
14 agency shall determine priority of projects based upon  
15 (a) the relative need of the area within such State for  
16 correctional facilities, (b) the relative ability of the  
17 particular public agency in such area to support a pro-  
18 gram of construction of such facilities, and (c) the ex-  
19 tent to which the project contributes to an equitable dis-  
20 tribution of assistance under this Act within each State;  
21 and

22 (2) general standards of design, construction and  
23 equipment for correctional facilities for different types of  
24 offenders and in different locations.

25 SEC. 505. Nothing contained in this Act shall be con-

1 strued to authorize the making of any payment under this  
2 Act for the construction of facilities as a place of worship or  
3 religious instruction.

4 SEC. 2. (a) Subsection (f) of PART G—DEFINITIONS  
5 is amended to insert immediately after the first sentence, the  
6 following: "For correctional facility purposes, the term also  
7 includes the preparation of drawings and specifications for  
8 correctional facilities; altering, remodeling, improving or  
9 extending such facilities; and the inspection and supervision  
10 of the construction of such facilities. Such term does not in-  
11 clude interests in land or off-site improvements."

12 (b) PART G—DEFINITIONS is amended to add the  
13 following subsections:

14 (l) The term "correctional institution" means any  
15 prison, jail, reformatory, work farm, detention center, com-  
16 munity correctional center, regional correctional center, or  
17 other institution designed for the confinement or rehabili-  
18 tation of individuals charged with or convicted of any  
19 criminal offense, including juvenile offenders.

20 (m) The term "correctional facilities" includes any  
21 buildings and related facilities, initial equipment, machinery,  
22 and utilities necessary or appropriate for correctional insti-  
23 tution purposes.

91<sup>ST</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 3045

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 16, 1969

Mr. HRUSKA introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to modify the provisions relating to discretionary grants to the States, to limit the Law Enforcement Assistance Administration to one block grant per State per year from 85 per centum funds, and to provide authorization of appropriations for fiscal year 1971.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        SECTION 1. (a) The first sentence of section 301 (b)  
4        is amended by striking the words "grants to States having  
5        comprehensive State plans" and substituting the words "one  
6        grant per fiscal year to each State having a comprehensive  
7        State plan."

1 (b) The proviso in subsection 301 (b) (7) is amended  
2 to read as follows: "*Provided*, That in no case shall any  
3 part of a grant made under this section be used for the pur-  
4 pose of this subcategory without the approval of the local  
5 government or local law enforcement agency."

6 (c) Section 301 (c) is amended to read as follows:  
7 "The portion of any Federal grant used for the purpose  
8 of paragraph (5) or (6) of subsection (b) of this section  
9 may be up to 75 per centum of the cost of the program or  
10 project specified in the application for such grant. The por-  
11 tion of any grant used for the purpose of paragraph (4) of  
12 subsection (b) of this section may be up to 50 per centum  
13 of the cost of the program or project specified in the ap-  
14 plication for such grant. The portion of any grant to be used  
15 for any other purpose set forth in this section may be up to  
16 60 per centum of the cost of the program or project specified  
17 in the application for such grant: *Provided*, That no funds  
18 granted under this section shall be used for land acquisition."

19 (d) Section 301, subsection (d), is amended by strik-  
20 ing out the word "part" in the first sentence and inserting  
21 in lieu thereof "section".

22 (e) The first sentence of section 303 is amended by  
23 striking the word "grants" and substituting the words "a  
24 grant each fiscal year".

1 (f) Section 306 is amended to read as follows:

2 "85 per centum of the funds appropriated to make grants  
3 under this part for a fiscal year shall be allocated by the Ad-  
4 ministration among the States according to their respective  
5 populations for grants to the State planning agencies of such  
6 States. The remaining 15 per centum of such funds, plus such  
7 additional amounts as may be made available by virtue of the  
8 application of the provisions of section 509 to the grant to any  
9 State, shall, in the discretion of the Administration, be allo-  
10 cated among the States for grants to State planning agencies  
11 or used by the Administration for grants for the purposes of  
12 this title to units of general local government, public agencies,  
13 Federal or State law enforcement officers or agencies, insti-  
14 tutions of higher education, or combinations of the foregoing,  
15 according to such criteria and on such terms and conditions as  
16 the Administration shall determine consistent with this  
17 title. Grants made under the preceding sentence shall not be  
18 subject to the limitations set forth in subsections (c) and (d)  
19 of section 301."

20 SEC. 2. (a) Section 520 is amended by inserting imme-  
21 diately after "June 30, 1970," the following: "\$650,000,000  
22 for the fiscal year ending June 30, 1971".

91st CONGRESS  
1st Session

# S. 3171

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 21, 1969

Mr. HARTKE (for himself, Mr. BAYH, Mr. BIBLE, Mr. CANNON, Mr. EAGLETON, Mr. HARRIS, Mr. MCCARTHY, Mr. TYDINGS, Mr. WILLIAMS of New Jersey, and Mr. YARBOROUGH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) Section 301 (b) is amended—

4 (1) by redesignating paragraphs (5), (6), and  
5 (7) as paragraphs (6), (7), and (8), and

6 (2) by inserting a new paragraph (5) to read:

7 “(5) Crime prevention, including improved lighting of  
8 high crime areas and development of laws and ordinances and  
9 building design techniques to lower opportunities for crime.”

10 (b) Section 301 (c) is amended to read as follows:

1       “The portion of any Federal grant used for the purpose  
2 of paragraph (6) or (7) of subsection (b) of this section  
3 may be up to 75 per centum of the cost of the program or  
4 project specified in the application for such grant. The por-  
5 tion of any grant used for the purpose of paragraph (4) of  
6 subsection (b) of this section may be up to 50 per centum  
7 of the cost of the program or project specified in the appli-  
8 cation for such grant. The portion of any grant to be used for  
9 any other purpose set forth in this section may be up to 60  
10 per centum of the cost of the program or project specified  
11 in the application for such grant: *Provided*, That no funds  
12 granted under this section shall be used for land acquisition.

13       SEC. 2. Section 306 is amended to read as follows:

14       “Fifty per centum of the funds appropriated to make  
15 grants under this part for a fiscal year shall be allocated by  
16 the Administration among the States according to their  
17 respective populations for grants to the State planning agen-  
18 cies of such States. The remaining 50 per centum of such  
19 funds, plus such additional amounts as may be made avail-  
20 able by virtue of the application of the provisions of section  
21 509 to the grant to any State, shall, in the discretion of the  
22 Administration, be allocated among the States for grants to  
23 State planning agencies or used by the Administration for  
24 grants for the purposes of this title to State agencies, units  
25 of general local government, public agencies, or combina-

1 tions of the foregoing, according to the criteria and on such  
2 terms and conditions as the Administration shall determine  
3 consistent with this title. Grants made under the preceding  
4 sentence shall not be subject to the limitations set forth in  
5 subsections (c) and (d) of section 301: *Provided*, That a  
6 State's allocation shall be increased by 20 per centum from  
7 funds allocated at the discretion of the Administration where  
8 the Administration finds that the comprehensive State plan  
9 required under section 303 adequately deals with the special  
10 problems and particular needs of the major urban areas of  
11 the State and other areas of high crime incidence within the  
12 State: *Provided further*, That a State's allocation shall be  
13 increased by an additional 20 per centum from funds allo-  
14 cated at the discretion of the Administration where the State  
15 contributes at least 50 per centum of the non-Federal share  
16 of costs for programs of units of general local government  
17 funded in accordance with the comprehensive State plan  
18 required under section 303.

19 SEC. 3. (a) Section 520 is amended by inserting imme-  
20 diately after "June 30, 1970," the following: "\$800,000,000  
21 for the fiscal year ending June 30, 1971, \$1,000,000,000  
22 for the fiscal year ending June 30, 1972, and \$1,200,000,000  
23 for the fiscal year ending June 30, 1973."

91<sup>ST</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3541

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## IN THE SENATE OF THE UNITED STATES

MARCH 3, 1970

Mr. HRUSKA (for himself, Mr. ALLOTT, Mr. BIBLE, Mr. BOGGS, Mr. COOK, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. DOMINICK, Mr. EASTLAND, Mr. ERVIN, Mr. FANNIN, Mr. FONG, Mr. GOLDWATER, Mr. GRIFFIN, Mr. HANSEN, Mr. HOLLINGS, Mr. MILLER, Mr. PASTORE, Mr. SCOTT, Mr. SMITH of Illinois, Mr. STEVENS, Mr. TOWER, and Mr. YOUNG of North Dakota) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That this Act may be cited as the "Omnibus Crime Control  
4        and Safe Streets Act Amendments of 1970."

5        SEC. 2. The Omnibus Crime Control and Safe Streets  
6        Act of 1968 (82 Stat. 197) is amended as follows:

7        (1) Subsection (c) of section 203 is amended by insert-  
8        ing the following before the period at the end of the first  
9        sentence: " : *Provided*, That the Administration may waive

1 this requirement, in whole or in part, upon a finding that the  
2 requirement is inappropriate in view of the respective law  
3 enforcement responsibilities of the State and its units of gen-  
4 eral local government or that adherence to the requirement  
5 would not contribute to the efficient development of the State  
6 plan required under this part”.

7 (2) Subsection (c) of section 301 is amended to read  
8 as follows: “The portion of any Federal grant made under  
9 this section used for the purposes of paragraph (5) or (6)  
10 of subsection (b) of this section may be up to 75 per centum  
11 of the cost of the program or project specified in the applica-  
12 tion for such grant. The portion of any Federal grant made  
13 under this section used for the purposes of paragraph (4) of  
14 subsection (b) of this section may be up to 50 per centum  
15 of the cost of the program or project specified in the applica-  
16 tion for such grant. The portion of any Federal grant made  
17 under this section to be used for any other purpose set forth  
18 in this section may be up to 60 per centum of the cost of the  
19 program or project specified in the application for such grant:  
20 *Provided*, That no funds granted under this section shall be  
21 used for land acquisition.”

22 (3) Subsection (d) of section 301 is amended by  
23 changing the word “part” in the first sentence to “section”;  
24 by inserting before the word “personnel” in the first sen-  
25 tence the words “police and other regular law enforcement”;

1 and by adding the following immediately before the period  
2 at the end of the final sentence: “, nor to the compensation of  
3 personnel engaged in research, development, demonstration,  
4 or other short-term programs”.

5 (4) Paragraph (2) of section 303 is amended by add-  
6 ing the following before the semicolon: “: *Provided*, That  
7 the Administration may waive this requirement, in whole or  
8 in part, upon a finding that adherence to the requirement  
9 would not result in an appropriately balanced allocation of  
10 funds between the State and the units of general local gov-  
11 ernment in the State or would not contribute to the efficient  
12 accomplishment of the purposes of this part”.

13 (5) Section 306 is amended to read as follows:

14 “SEC. 306. (a) Eighty-five per centum of the funds  
15 appropriated to make grants under this part for a fiscal year  
16 shall be allocated by the Administration among the States  
17 according to their respective populations for grants to the  
18 State planning agencies of such States. The remaining 15 per  
19 centum of such funds, plus any additional amounts made  
20 available by virtue of the application of the provisions of  
21 section 509 to the grant to any State, may, in the discretion  
22 of the Administration, be allocated among the States for  
23 grants to State planning agencies or used by the Administra-  
24 tion for grants or contracts for the purposes of this title to

1 units of general local government, public or private agencies,  
2 State, or local law enforcement officers or agencies, institu-  
3 tions of higher education, or combinations of the foregoing,  
4 according to the criteria and on the terms and conditions the  
5 Administration determines consistent with this title: *Pro-*  
6 *vided*, That no funds under this section shall be used for land  
7 acquisition: *Provided further*, That 30 per centum of the  
8 funds to be utilized as the Administration determines shall be  
9 allocated for projects receiving at least 25 per centum non-  
10 Federal funding.

11 “(b) If the Administration determines, on the basis of  
12 information available to it during any fiscal year, that a por-  
13 tion of the funds allocated to a State for that fiscal year for  
14 grants to the State planning agency of the State will not be  
15 required by the State, or that the State will be unable to  
16 qualify to receive any portion of the funds under the require-  
17 ments of this part, that portion shall be available for realloca-  
18 tion to other States for grants to their State planning agen-  
19 cies or for grants under the second sentence of subsection (a)  
20 of this section.”

21 (6) Section 406 is amended as follows:

22 (a) by striking the phrase “in areas directly re-  
23 lated to law enforcement or preparing for employment  
24 in law enforcement” in the first sentence of subsection

25 (b) and inserting in lieu thereof the phrase “in areas

1 related to law enforcement or suitable for persons em-  
2 ployed in law enforcement”;

3 (b) by striking the words “tuition and fees” in the  
4 first sentence of subsection (c) and inserting in lieu  
5 thereof “tuition, books, and fees”; and

6 (c) by adding at the end of the section the follow-  
7 ing new subsections:

8 “(d) For the purposes of section 1781 of title 38,  
9 United States Code, no grant or loan made under this section  
10 shall be considered a duplication of benefits, and for the pur-  
11 poses or any program assisted under title I, IV, X, XIV,  
12 XVI, or XIX of the Social Security Act, no grant or loan  
13 made under this section shall be considered income or  
14 resources.

15 “(e) Full-time teachers or persons preparing for careers  
16 as full-time teachers of courses related to law enforcement or  
17 suitable for persons employed in law enforcement, in institu-  
18 tions of higher education which are eligible to receive funds  
19 under this section, shall be eligible to receive assistance under  
20 subsections (b) and (c) of this section as determined under  
21 regulations of the Administration.

22 “(f) The Administration is authorized to make grants  
23 to or enter into contracts with institutions of higher educa-  
24 tion, or combinations of such institutions, to assist them in

1 planning, developing, strengthening, improving, or carry-  
2 ing out programs or projects for the development or demon-  
3 stration of improved methods of law enforcement education,  
4 including—

5 “(1) planning for the development or expansion of  
6 undergraduate or graduate programs in law enforcement;

7 “(2) education and training of faculty members;

8 “(3) strengthening the law enforcement aspects  
9 of courses leading to an undergraduate, graduate, or pro-  
10 fessional degree; and

11 “(4) research into, and development of, methods  
12 of educating students or faculty, including the prepara-  
13 tion of teaching materials and the planning of cur-  
14 riculums.

15 The amount of a grant or contract may be up to 75 per  
16 centum of the total cost of programs and projects for which  
17 a grant or contract is made.”

18 (7) At the end of part D, the following new section  
19 407 is added:

20 “SEC. 407. The Administration is authorized to develop  
21 and support regional and national training programs, work-  
22 shops, and seminars to instruct State and local law enforce-  
23 ment personnel in improved methods of crime prevention  
24 and reduction and enforcement of the criminal law. Such  
25 training activities shall be designed to supplement and im-

1 prove, rather than supplant, the training activities of the  
2 States and units of general local government, and shall not  
3 duplicate the activities of the Federal Bureau of Investiga-  
4 tion under section 404 of this title.”

5 (8) Parts E and F are redesignated parts F and G,  
6 respectively, and the sections thereof renumbered 601  
7 through 622, and 701, respectively, and the following new  
8 part E is inserted immediately after section 407.

9 “PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS  
10 AND FACILITIES

11 “SEC. 501. It is the purpose of this part to encourage  
12 States and units of general local government to develop and  
13 implement programs and projects for the construction, acqui-  
14 sition, and renovation of correctional institutions and facili-  
15 ties, and for the improvement of correctional programs and  
16 practices.

17 “SEC. 502. A State desiring to receive a grant under this  
18 part for any fiscal year shall, consistent with the basic criteria  
19 which the Administration establishes under section 504,  
20 incorporate its application for that grant in the comprehen-  
21 sive State plan submitted to the Administration for that fiscal  
22 year in accordance with section 302 of this title.

23 “SEC. 503. The Administration is authorized to make a  
24 grant under this part to a State planning agency if the agency  
25 has on file with the Administration a comprehensive State

1 plan which conforms with the requirements of section 303 of  
2 this title, and, in addition—

3 “(1) sets forth a comprehensive statewide pro-  
4 gram for the construction, acquisition, or renovation of  
5 correctional institutions and facilities in the State and  
6 the improvement of correctional programs and practices  
7 throughout the State;

8 “(2) provides satisfactory assurances that the con-  
9 trol of the funds and title to property derived therefrom  
10 shall be in a public agency for the uses and purposes pro-  
11 vided in this part and that a public agency will admin-  
12 ister those funds and that property;

13 “(3) provides satisfactory assurances that any part  
14 of the cost of any program or project which under the  
15 basic criteria established by the Administration cannot  
16 be paid from Federal funds, will be paid from non-  
17 Federal sources;

18 “(4) provides for advanced techniques in the de-  
19 sign of institutions and facilities;

20 “(5) provides satisfactory assurances that the per-  
21 sonnel standards and programs of the institutions will  
22 reflect advanced practices;

23 “(6) sets forth policies and procedures designed to  
24 assure that the Federal funds made available will not  
25 supplant State or local funds, but will supplement and,

1 to the extent practicable, increase the amounts of funds  
2 that would, in the absence of Federal funds, be made  
3 available for the purposes of this part;

4 “(7) sets forth procedures under which the State  
5 planning agency shall not finally disapprove an applica-  
6 tion for funds from an appropriate agency of any unit  
7 of general local government within the State without  
8 first affording the agency reasonable notice and oppor-  
9 tunity for a hearing; and

10 “(8) provides, where feasible and desirable, for  
11 the sharing of correctional institutions and facilities on a  
12 regional basis.

13 “SEC. 504. The Administration shall, after consultation  
14 with the Federal Bureau of Prisons, by regulation prescribe  
15 basic criteria to be applied by the State planning agencies  
16 under sections 502 and 503. In addition to other matters the  
17 basic criteria shall provide—

18 “(1) the general manner in which a State planning  
19 agency shall determine priority of projects based upon  
20 (a) the relative need of the areas within the State for  
21 correctional facilities, (b) the relative ability of the  
22 recipient agency in an area to support a program of  
23 construction and operation of the facilities, and (c) the  
24 extent to which the project contributes to an equitable  
25 distribution of assistance under this part;

1           “(2) general standards of design, construction, and  
2           equipment for correctional institutions and facilities for  
3           different types of offenders; and

4           “(3) the proportions of the costs of various pro-  
5           grams and projects, and component elements thereof,  
6           which may be paid from Federal funds.

7           “SEC. 505. Eighty-five per centum of the funds appro-  
8           priated to make grants under this part for a fiscal year shall  
9           be allocated by the Administration among the States for  
10          grants to the State planning agencies of the States, pursuant  
11          to section 503. Such funds may be used to pay up to 75  
12          per centum of the cost of programs or projects specified in  
13          the applications for such grants. The remaining 15 per  
14          centum of the funds appropriated for this part may, in the  
15          discretion of the Administration, be allocated among the  
16          States for grants to the State planning agencies or used by  
17          the Administration for grants or contracts for the purpose  
18          of this part to units of general local government or other  
19          appropriate grantees or contractors, according to the criteria  
20          and on the terms and conditions the Administration deter-  
21          mines. No funds awarded under this part shall be used for  
22          land acquisition.”

23          (9) Section 608 (as redesignated by this Act) is  
24          amended by inserting the following before the period at  
25          the end of the section: “, and to receive and utilize, for the

1 purposes of this title, funds or other property donated or  
2 transferred by other Federal agencies, States, units of gen-  
3 eral local government, public or private agencies or organi-  
4 zations, institutions of higher education or individuals”.

5 (10) Section 617 (as redesignated by this Act) is  
6 amended to read as follows:

7 “SEC. 617. (a) The Administration may procure the  
8 service of experts and consultants in accordance with section  
9 3109 of title 5, United States Code, at rates of compensa-  
10 tion for individuals not to exceed the daily equivalent of the  
11 rate for GS-18.

12 “(b) The Administration is authorized to appoint, with-  
13 out regard to the civil service laws, technical or other ad-  
14 visory committees to advise the Administration with respect  
15 to the administration of this title as it deems necessary. Mem-  
16 bers of those committees not otherwise in the employ of the  
17 United States, while engaged in advising the Administration  
18 or attending meetings of the committees, shall be compen-  
19 sated at rates to be fixed by the Administration but not to  
20 exceed the daily equivalent of the rate for GS-18, and while  
21 away from home or regular place of business they may be  
22 allowed travel expenses, including per diem in lieu of sub-  
23 sistence, as authorized by section 5703 of title 5, United  
24 States Code, for persons in the Government service employed  
25 intermittently.”

1       (11) Section 619 (as redesignated by this Act) is  
2 amended by deleting the word "August" and inserting in lieu  
3 thereof the word "December".

4       (12) Section 620 (as redesignated by this Act) is  
5 amended to read as follows:

6       "SEC. 620. There are authorized to be appropriated such  
7 sums as may be necessary to carry out the purposes of this  
8 title. Funds appropriated for any fiscal year shall remain  
9 available for obligation until expended."

10       (13) Section 701 (as redesignated by this Act) is  
11 amended by adding the following new subsection:

12       “(1) The term ‘correctional institution’ means any  
13 place for the confinement or rehabilitation of juvenile  
14 offenders or individuals charged with or convicted of  
15 criminal offenses.”

16       SEC. 3. Subsection (c) of section 5108 of title 5, United  
17 States Code, is amended by adding at the end thereof the fol-  
18 lowing new paragraph:

19       “(10) The Law Enforcement Assistance Admin-  
20 istration may place a total of twenty-five positions in  
21 GS-16, 17, and 18.”

OFFICE OF THE ATTORNEY GENERAL,  
Washington, D.C., February 17, 1970.

THE VICE PRESIDENT,  
U.S. Senate,  
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal "To amend Title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes." (Introduced in Senate as S. 3541.)

Title I of the Omnibus Crime Control and Safe Streets Act established the Law Enforcement Assistance Administration (LEAA) within the Department of Justice to effectuate the declared policy of the Congress "to assist State and local governments in strengthening and improving law enforcement".

The LEAA has made an impressive start during the first year of its existence, fiscal year 1969. During this year the groundwork has been laid for a comprehensive national program which promises significant progress in the reduction and prevention of crime in the year to come. For example:

Acceptable comprehensive plans for criminal justice reforms were submitted to LEAA by all 50 States, the District of Columbia, Puerto Rico, Guam and the Virgin Islands.

LEAA awarded grants of almost \$19 million for the development of State plans and more than \$25 million for implementation of these plans.

LEAA made \$6.5 million available for studies in colleges and universities by law enforcement and corrections personnel.

The National Institute of Law Enforcement and Criminal Justice, the research arm of LEAA, utilized \$3 million for wide-range research projects on crime control and prevention.

State participation is especially significant in light of the fact that prior to the establishment of this program few States had central planning agencies for criminal justice reform and even fewer had developed long-range plans for statewide improvement programs. Now every State has a planning agency and is actively cooperating with its cities and other units of local government.

Our experience during this past year has indicated that several amendments to the Act would bring about better utilization of the appropriated funds. Also, since the basic Act carries appropriation authorization only through fiscal year 1970, it is now necessary to provide for subsequent appropriations. The enclosed legislative proposal would amend the Act to achieve these purposes.

All of the amendments are explained in the section-by-section analysis accompanying this letter, but the following represent the most significant changes proposed.

The Act presently requires that 40% of all planning funds and 75% of all action funds granted to a State under the "block grant" formula must be made available to local governmental units. This does not always result in the most effective use of allocated funds. We propose that the Act be amended to permit LEAA to waive the requirement that a designated percentage of a grant be allocated to local governments when strict adherence within a State is inappropriate in view of the division of law enforcement responsibilities or would not contribute to the efficient development or operation of a law enforcement plan.

To strengthen the provisions relating to grants for educational purposes, we propose that LEAA be authorized to develop and support regional and national training programs, workshops and seminars for State and local law enforcement personnel, to provide grants for the development of college and university courses related to law enforcement, and to expand the present program of grants for loans to teachers and others who are preparing for careers in the field of law enforcement.

Recognizing that in certain isolated instances participation in the LEAA program would be impossible if the use of matching local funds is required, we propose an amendment specifically to provide that discretionary funds may be granted, within prescribed limitation, without matching funds. The goal of full participation throughout the country is dependent upon this use of discretionary funding.

Finally, an effective corrections system has an important place in any plan for crime control. Consequently, we are proposing the expansion of the LEAA program to provide specifically for grants for the construction, acquisition or improve-

ment of State and local correctional facilities and the improvement of correctional programs and practices. The criteria for the awarding of grants to States would require assurance that the programs and projects funded would incorporate advanced techniques in design and advanced practices in personnel standards and programs.

The fact that every State has responded to the national leadership offered by the creation of the Law Enforcement Assistance Administration is the best indication that the program was not only needed, but that it is one with which the States were ready to proceed. We believe that the changes offered by these amendments will permit the expansion and technical perfection necessary to the achievement of our important goal.

The early introduction and prompt consideration of this legislation is requested.

The Bureau of the Budget has advised that enactment of this proposed legislation would be in accord with the Program of the President.

Sincerely,

ATTORNEY GENERAL.

91<sup>ST</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3616

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IN THE SENATE OF THE UNITED STATES

MARCH 20, 1970

Mr. TYDINGS (for himself, Mr. BIBLE, Mr. COOK, and Mr. HOLLINGS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary .

---

## A BILL

To amend title I of the Omnibus Crime Control and Safe Streets Act to provide direct financial assistance to units of local government upon which the presence of the Federal Government has produced additional law enforcement burdens.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       That the Omnibus Crime Control and Safe Streets Act of  
4       1968 (82 Stat. 197), title I, is amended as follows:

5       (1) Section 305 is amended—

6               (a) by renumbering the present section as sub-  
7       section 305 (a) and inserting after the last word in the  
8       subsection the words "except as set forth in subsection  
9       305 (b)"; and

1           (b) by inserting the following new subsection after  
2 subsection 305 (a) :

3           “(1) In recognition of the responsibility of the United  
4 States for the impact which the Federal presence has on  
5 law enforcement in adjacent units of local government, Con-  
6 gress declares it to be the policy of the United States to  
7 provide direct financial assistance to units of local govern-  
8 ment upon which the presence of the Federal Government  
9 has produced additional law enforcement burdens.

10          “(2) The Administration is authorized to make grants  
11 directly to the units of general local government, combina-  
12 tions of such units, and any regional commission composed of  
13 representatives from two or more such units which are  
14 adjacent to the District of Columbia, a United States military  
15 installation, or any other Federal enclave for the purpose  
16 of planning, developing, improving, or implementing any  
17 criminal justice or law enforcement plan or project de-  
18 signed to deter, control, or facilitate the administration of  
19 criminal justice with regard to the commission of crime in  
20 such units, which is influenced by the proximity of the Fed-  
21 eral presence. These grants shall in nowise affect the size of  
22 the grant made under this Act to the States in which the  
23 eligible units of local government are located.

24          “(3) No grant under this subsection to an eligible  
25 recipient shall be for an amount in excess of 80 per centum

1 of the cost of the project or program specified in the applica-  
2 tion for such grant.

3       “(4) An eligible recipient seeking a grant under this  
4 subsection shall submit to the Administration a plan which  
5 specifies (a) the law enforcement problem or problems pro-  
6 duced or exacerbated by the contiguity of the Federal en-  
7 clave; (b) the plan or project designed to solve such problem  
8 or problems; (c) the budget of such plan or project; (d) the  
9 intent and ability of the recipient to contribute no less than 20  
10 per centum of the cost of such plan or project in funds, facili-  
11 ties, or services or any combination thereof; (e) the policies  
12 and procedures designed to assure that Federal funds made  
13 available for such plan or project will not be used to sup-  
14 plant local funds, but increase the amounts of such funds that  
15 would, in the absence of such Federal funds, be made avail-  
16 able for law enforcement; (f) procedures for fiscal control  
17 and fund accounting which assure proper disbursement of and  
18 accounting of funds received under this subsection; (g) the  
19 relationship of the plan to other relevant State or local law  
20 enforcement plans and systems; and (h) certification that a  
21 copy of the plan or project has been submitted to the chief  
22 executive of the State or States in which the unit or units of  
23 local government involved in the plan or project are located.

24       “(5) The Administration shall allocate funds to the  
25 eligible recipients on the basis of population, the degree of

1 contiguity with the Federal enclave, the evaluation, if any,  
2 of the chief executive of the State in which the involved local  
3 units or units of government are located, and any other factor  
4 which, in the judgment of the Administration, would assure  
5 a fair and effective distribution of funds. The Administration  
6 shall make no grant prior to sixty days after the chief execu-  
7 tive of the State has received a copy of the plan.”

8 (2) Section 306 is amended by inserting after the word  
9 “populations” and before the word “and” the words “and  
10 the recipients set forth in subsection 305 (b)”.

COMPTROLLER GENERAL OF THE UNITED STATES,  
Washington, D.C., July 1, 1970.

HON. JOHN L. MCCLELLAN,  
*Chairman, Subcommittee on Criminal Laws and Procedures, Committee on the  
Judiciary, U.S. Senate.*

DEAR MR. CHAIRMAN: This is in reference to your letter of June 16, 1970, requesting our comments on S. 3616, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide direct financial assistance to units of local government upon which the presence of the Federal Government has produced additional law enforcement burdens.

We have no special information as to the desirability of the proposed amendment which would be of assistance to the committee. However, the committee may wish to give consideration to the following comment.

The proposed amendment (2), lines 8 through 10 on page 4, would amend section 306 of the Omnibus Crime Control and Safe Streets Act of 1968.

Section 306, as amended, would provide that 85 per centum of the funds appropriated to the Law Enforcement Assistance Administration shall be allocated to the States according to their respective populations and the recipients set forth in subsection 305(b). We assume that notwithstanding section 305(b)(2), which provides that the grants to units of local government shall in nowise affect the size of the grant made under the act to the State in which the eligible units of local governments are located, that the amounts granted to the local government units on the basis of population under section 305(b) are intended to be deducted from the allocation to the State. If it is otherwise intended, some clarification would be desirable.

The letter "(b)" should be inserted preceding "(1)" in line 3, page 2.

We are presently considering other proposed legislation referred to in your letter which would amend the act of 1968, and will forward our comments upon completion of our review.

Sincerely yours,

R. F. KELLER,  
*Assistant Comptroller General  
of the United States.*

91ST CONGRESS  
2D SESSION

# S. 4021

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IN THE SENATE OF THE UNITED STATES

JUNE 24, 1970

Mr. HART introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968, in order to expand and strengthen Federal assistance for State and local law enforcement, to promote more effective correctional programs and better correctional facilities, to increase assistance for a comprehensive Federal and State program for the prevention and treatment of drug abuse and drug addiction, and for other purposes.

- 1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited at the "Crime Prevention and  
4       Law Enforcement Act of 1970".

1 TITLE I—AMENDMENTS TO THE OMNIBUS CRIME  
2 CONTROL AND SAFE STREETS ACT OF 1968

3 PLANNING GRANTS

4 SEC. 101. (a) The third sentence of section 203 (a)  
5 of the Omnibus Crime Control and Safe Streets Act of 1968  
6 is amended to read as follows: "The State planning agency  
7 and any regional planning units within the State shall,  
8 within their respective jurisdictions, be representative of the  
9 law enforcement agencies, units of general local government,  
10 and public agencies maintaining programs to reduce and  
11 control crime."

12 (b) Section 204 of such Act is amended by inserting  
13 "section 206 or" immediately preceding section 305 and by  
14 inserting after the word "including" the following: "the  
15 establishment and operation of Criminal Justice Coordinating  
16 Councils pursuant to section 303 (13)".

17 (c) (1) Section 205 of such Act is amended by striking  
18 out "Funds" in the first sentence of such section and inserting  
19 in lieu thereof "not more than 70 per centum of the funds".

20 (2) Section 205 of such Act is further amended by add-  
21 ing at the end thereof the following new sentence: "At least  
22 30 per centum of the funds appropriated under this part shall  
23 be allocated by the administration among the units of general  
24 local government pursuant to section 206 (a) .

1 (d) Part B of title I of such Act is amended by adding  
2 at the end thereof the following new section:

3 "SEC. 206. (a) From funds allocated pursuant to the  
4 last sentence of section 205 of this Act the administration  
5 shall make grants for planning to any unit of general local  
6 government eligible to receive assistance under section 306  
7 (b) of this Act. Federal funds granted under this section  
8 may be used for the establishment and operation of an Office  
9 of Criminal Justice as required by section 303 (13) and for  
10 such other planning and coordinating purposes as may be  
11 approved by the administration."

12 USES OF LAW ENFORCEMENT GRANTS

13 SEC. 102. (a) Section 301 (b) (1) of the Omnibus  
14 Crime Control and Safe Streets Act of 1968 is amended  
15 by adding at the end in lieu thereof the following new sen-  
16 tence: "In high crime areas, emphasis shall be given to  
17 improved techniques for building and area surveillance, ex-  
18 panded police patrol and improved police response time,  
19 emergency crime reporting facilities available to the public,  
20 and improved lighting."

21 (b) Section 301 (b) (2) of such Act is amended to  
22 read as follows:

23 "(2) The recruiting, training, and expansion of law  
24 enforcement, correctional and court administrative person-  
25 nel, and whenever appropriate to carry out programs

1 designed to upgrade personnel requirements, supplementing  
2 the compensation of such personnel.”

3 (c) Section 301 (b) (4) of such Act is amended to read  
4 as follows:

5 “(4) Renting, leasing, and constructing buildings or  
6 other physical facilities which would fulfill or implement the  
7 purpose of this part, including local correctional facilities,  
8 centers for the treatment of narcotic addicts, and temporary  
9 courtroom facilities in areas of high crime incidence.”

10 (d) Section 301 (b) of such Act is amended by adding  
11 at the end thereof the following new paragraphs:

12 “(8) The development and operation of community  
13 based delinquency prevention and correctional programs, em-  
14 phasizing halfway houses and other community based re-  
15 habilitation centers for initial preconviction or postconviction  
16 referral of offenders; expanded probationary programs, in-  
17 cluding paraprofessional and volunteer participation; and  
18 community service centers for the guidance and supervision  
19 of potential youthful offenders.

20 “(9) The establishment, expansion, and improvement  
21 of drug law enforcement programs, emphasizing control of  
22 illegal drug traffic.

23 “(10) The establishment of an Office of Criminal Justice  
24 for any unit of general local government within the State  
25 to assure improved coordination of all law enforcement activi-

1 ties, such as those of the police, the criminal courts, and the  
2 correctional system.”

3 FEDERAL SHARE

4 SEC. 103. Section 301 (c) of the Omnibus Crime Control  
5 and Safe Streets Act of 1968 is amended to read as follows:

6 “(c) The amount of any Federal grant made under this  
7 part shall not exceed 90 per centum of the program or proj-  
8 ect specified in the application for such grant: *Provided,*  
9 That no part of any grant for the purpose of construction of  
10 buildings or other physical facilities shall be used for land  
11 acquisition.”

12 REMOVAL OF COMPENSATION LIMITATION

13 SEC. 104. Section 301 (d) of the Omnibus Crime Con-  
14 trol and Safe Streets Act of 1968 is repealed.

15 HIGH CRIME AREAS

16 SEC. 105. Section 303 of the Omnibus Crime Control and  
17 Safe Streets Act of 1968 is amended by inserting after the  
18 first sentence thereof the following new sentence: “No State  
19 plan shall be approved unless the administration finds that  
20 the plan provides for the allocation of an adequate share of  
21 assistance to deal with law enforcement problems in areas of  
22 high crime incidence.”

23 ADDITIONAL STATE PLAN REQUIREMENT

24 SEC. 106. Section 303 of the Omnibus Crime Control  
25 and Safe Streets Act of 1968 is further amended by (1)

1 striking out the word "and" at the end of paragraph 11  
2 thereof, (2) striking out the period at the end of paragraph  
3 12 of such section and inserting in lieu thereof a semi-  
4 colon and the word "and", and (3) inserting after para-  
5 graph 12 thereof the following new paragraph:

6 " (13) provide that units of general local govern-  
7 ment receiving funds under this part establish an Office  
8 of Criminal Justice or other appropriate office to be  
9 responsible for developing and coordinating concerted  
10 efforts among police, prosecution, courts and correctional  
11 agencies, and other relevant law enforcement agencies."

12 ALLOCATION UPON FAILURE OF STATE PLAN APPROVAL

13 SEC. 107. Section 305 of the Omnibus Crime Control  
14 and Safe Streets Act of 1968 is amended to read as follows:

15 "SEC. 305. Where a State has failed to have a com-  
16 prehensive State plan approved under this title within the  
17 period specified by the administration for such purpose, the  
18 funds allocated for such State under section 306 (a) of this  
19 title shall be available for reallocation by the administra-  
20 tion under section 306 (b)."

21 ALLOCATION

22 SEC. 108. Section 306 of the Omnibus Crime Control  
23 and Safe Streets Act of 1968 is amended to read as follows:

24 "SEC. 306. (a) Forty per centum of the funds appro-  
25 priated to make grants under this part for any fiscal year shall

1 be allocated by the administration among the States accord-  
2 ing to their respective populations to the State planning  
3 agencies of such States.

4 “(b) The remaining 60 per centum of funds available  
5 for grants under this part, plus such additional amounts as  
6 may be made available by virtue of the application of the  
7 provisions of section 509 to the grant to any State, shall be  
8 used as the administration may determine for grants for the  
9 purposes of this title to State agencies, units of general local  
10 government, public and private agencies, or combinations of  
11 the foregoing, according to such criteria and on such terms  
12 and conditions as the administration shall prescribe consistent  
13 with the provisions of this title. At least 75 per centum of the  
14 funds allocated under this subsection, at the discretion of the  
15 administration, shall be granted to:

16 “(1) cities having a population of two hundred  
17 thousand or more

18 “(2) cities having a population of seventy-five thou-  
19 sand or more but less than two hundred thousand and  
20 which the administration determines have disproportion-  
21 ately high per capita incidence of crime;

22 “(3) the largest city in a State if that city does not  
23 qualify under clause (1) or (2) of this subsection; and

24 “(4) any county, or equivalent unit of general local  
25 government, having major prosecution and criminal court

1 responsibilities for a city eligible under this subsection,  
2 provided the grant is for the purpose of fulfilling such  
3 responsibilities.

4 “(c) If the administration determines that the applicant  
5 for a grant under this section is unable to provide sufficient  
6 funds for its contribution to the cost of a program or project,  
7 as required by section 301 (c), the administration may waive  
8 that requirement and grant funds up to 100 per centum of  
9 that project or program, except that no part of any grant for  
10 the construction of buildings or other physical facilities shall  
11 be used for land acquisition.”

12 RESEARCH TRAINING AND GRANTS AND REGIONAL CENTERS

13 SEC. 109. Section 406 of the Omnibus Crime Control  
14 and Safe Streets Act of 1968 is amended—

15 (1) by striking out in the first sentence of sub-  
16 section (b) “in areas directly related to law enforce-  
17 ment or preparing for employment in law enforcement”  
18 and inserting in lieu thereof “in areas related to law en-  
19 forcement or suitable for persons employed in law  
20 enforcement”;

21 (2) by striking out “tuition and fees” in the first  
22 sentence of subsection (c) and inserting in lieu thereof  
23 “tuition, books, and fees”; and

24 (3) by inserting at the end thereof the following  
25 new subsections:

1       “(d) Full-time teachers or persons preparing for careers  
2 as full-time teachers of courses related to law enforcement  
3 or suitable for persons employed in law enforcement, in  
4 institutions of higher education which are eligible to receive  
5 funds under this section, shall be eligible to receive assistance  
6 under subsections (b) and (c) of this section pursuant to  
7 regulations established by the administration.

8       “(e) The administration is authorized to make grants  
9 to or enter into contracts with institutions of higher educa-  
10 tion, or combinations of such institutions, to assist them in  
11 planning, developing, strengthening, improving, or carrying  
12 out programs or projects for the development or demonstra-  
13 tion of improved methods of law enforcement education,  
14 including—

15           “(1) planning for the development or expansion  
16 of undergraduate or graduate programs in law enforce-  
17 ment;

18           “(2) education and training of faculty members;

19           “(3) strengthening the law enforcement aspects  
20 of courses leading to an undergraduate, graduate, or  
21 professional degree; and

22           “(4) research into, and development of, methods of  
23 educating students or faculty, including the preparation  
24 of teaching materials and the planning of curriculums.

1       The amount of a grant or contract may be up to 75 per  
2       centum of the total cost of programs and projects for  
3       which a grant or contract is made.”

4       (b) Part D is further amended by inserting after section  
5       406 the following new section:

6       “SEC. 407. The administration is authorized to develop  
7       and support regional and national training programs, work-  
8       shops, and seminars to instruct State and local law enforce-  
9       ment personnel in improved methods of crime prevention  
10      and reduction and of enforcement of the criminal law. Such  
11      training activities shall be designed to supplement and  
12      improve, rather than supplant, the training activities of the  
13      State and units of general local government, and shall not  
14      duplicate the activities of the Federal Bureau of Investiga-  
15      tion under section 404 of this title.

16      “SEC. 408. In order to promote comprehensive regional  
17      centers of training, research, and education in law enforce-  
18      ment and criminal justice, programs for improved law en-  
19      forcement education under section 406 and training pro-  
20      grams under section 407 shall be established or operated,  
21      wherever feasible and appropriate to contribute to carrying  
22      out the purposes of this part, at existing academic centers  
23      of police science and law enforcement.”



1           “(1) sets forth a comprehensive statewide pro-  
2           gram for the construction, acquisition, or renovation of  
3           correctional institutions and facilities in the State and the  
4           improvement of correctional programs and practices  
5           throughout the State:

6           “(2) provides satisfactory assurances that the con-  
7           trol of the funds and title to property derived therefrom  
8           shall be in a public agency for the uses and purposes pro-  
9           vided in this part and that a public agency will adminis-  
10          ter those funds and that property;

11          “(3) provides satisfactory assurances that the avail-  
12          ability of funds under this part shall not reduce the  
13          amount of funds under part C of this title which a State  
14          would, in the absence of funds under this part, allocate  
15          for purposes of this part;

16          “(4) provides for advanced techniques in the design  
17          of institutions and facilities;

18          “(5) provides satisfactory emphasis on the develop-  
19          ment and operation of community-based correctional  
20          facilities and programs, including diagnostic services,  
21          halfway houses, probation, and other supervisory release  
22          programs for preadjudication and postadjudication re-  
23          ferral of delinquents, youthful offenders, and first of-  
24          fenders, and community-oriented programs for the su-  
25          pervision of parolees;

1           “(6) provides, where feasible and desirable, for the  
2 sharing of correctional institutions and facilities on a  
3 regional basis;

4           “(7) provides satisfactory assurances that the per-  
5 sonnel standards and programs of the institutions and  
6 facilities will reflect advanced practices;

7           “(8) provides satisfactory assurances that the State  
8 is engaging in projects and programs to improve the  
9 recruiting, organization, training, and education of per-  
10 sonnel employed in correctional activities, including  
11 those of probation, parole, and rehabilitation; and

12           “(9) complies with the same requirements estab-  
13 lished for comprehensive State plans under paragraphs  
14 (1), (3), (4), (5), (7), (8), (9), (10), (11), and  
15 (12) of section 303 of this title.

16           “SEC. 454. The administration shall, after consultation  
17 with the Federal Bureau of Prisons, by regulation prescribe  
18 basic criteria for applicants and grantees under this part.

19           “SEC. 455. (a) The funds appropriated each fiscal year  
20 to make grants under this part shall be allocated by the ad-  
21 ministration as follows:

22           “(1) 50 per centum of the funds shall be available  
23 for grants to State planning agencies.

24           “(2) The remaining 50 per centum of the funds  
25 may be made available, as the administration may deter-

1 mine, to State planning agencies, units of general local  
2 government, or combinations of such units, according to  
3 the criteria and on the terms and conditions the adminis-  
4 tration determines consistent with this part.

5 Any grant made from funds available under this part may be  
6 up to 75 per centum of the cost of the program or project for  
7 which such grant is made. No funds awarded under this part  
8 may be used for land acquisition.

9 “(b) If the administration determines, on the basis of  
10 information available to it during any fiscal year, that a por-  
11 tion of the funds granted to an applicant for that fiscal year  
12 will not be required by the applicant or will become available  
13 by virtue of the application of the provisions of section 509  
14 of this title, that portion shall be available for reallocation  
15 under paragraph (2) of subsection (a) of this section.”

16 (b) Section 601 of such Act is amended by inserting  
17 at the end thereof the following new subsection:

18 “(1) The term ‘correctional institution or facility’  
19 means any place for the confinement or rehabilitation of  
20 juvenile offenders or individuals charged with or convicted  
21 of criminal offenses.”

22 (c) Part E and part F of title I of such Act are redес-  
23 igned as part F and part G, respectively.

24 ADMINISTRATIVE PROVISIONS

25 SEC. 111. (a) Section 515 of the Omnibus Crime Con-  
26 trol and Safe Streets Act of 1968 is amended by adding

1 at the end thereof the following new sentence: "Funds ap-  
2 propriated for the purpose of this section may be expended  
3 by a grant or contract as the administration may determine  
4 to be appropriate."

5 (b) Section 516 (a) of such Act is amended by strik-  
6 ing out the period and inserting in lieu thereof the follow-  
7 ing: ", and may be used to pay the transportation and sub-  
8 sistence expenses of persons attending conferences or other  
9 assemblages notwithstanding the provisions of the joint  
10 resolution entitled 'Joint resolution to prohibit expenditure  
11 of any moneys for housing, feeding, or transporting con-  
12 ventions or meetings', approved February 2, 1935 (31  
13 U.S.C. 551)."

14 (c) Section 517 of such Act is amended to read as  
15 follows:

16 "SEC. 517. (a) The administration may procure the  
17 services of experts and consultants in accordance with sec-  
18 tion 3109 of title 5, United States Code.

19 "(b) The administration is authorized to appoint, with-  
20 out regard to the provisions of title 5, United States Code,  
21 relating to appointment in the competitive service, such  
22 technical or other advisory committees as it deems neces-  
23 sary to advise the administration with respect to the admin-  
24 istration of this title. Members of such committees not  
25 otherwise in the employ of the United States, while engaged

1 in advising the administration or attending meetings of the  
2 committees, shall be compensated at rates to be fixed by  
3 the administration but not to exceed the daily equivalent  
4 of the rate authorized for GS-18 by section 5332 of such  
5 title 5 and while away from home or regular place of busi-  
6 ness they may be allowed travel expenses, including per  
7 diem in lieu of subsistence, as authorized by section 5703  
8 of such title 5 for persons in the Government service em-  
9 ployed intermittently.

10 “(c) Section 519 of such Act is amended by striking  
11 out: ‘On or before August 31, 1968, and each year there-  
12 after’ and inserting in lieu thereof the following: ‘On or  
13 before December 31 of each year’.

14 “(d) Section 520 of such Act is amended by adding  
15 at the end thereof the following new paragraph:

16 “There is authorized to be appropriated \$1,000,000,000  
17 for the fiscal year ending June 30, 1971, \$1,500,000,000  
18 for the fiscal year ending June 30, 1972, \$2,000,000,000  
19 for the fiscal year ending June 30, 1973, \$2,500,000,000  
20 for the fiscal year ending June 30, 1974, and thereafter such  
21 sums as may be necessary to carry out the provisions of this  
22 Act. Funds appropriated for any fiscal year may remain avail-  
23 able for obligations until expended. Not less than 25 per  
24 centum of the amounts appropriated shall be devoted to the  
25 purposes of corrections, including probation and parole.”

1 TITLE II—AMENDMENTS TO STRENGTHEN DRUG  
2 ABUSE AND PREVENTION PROGRAMS

3 INCREASED AUTHORIZATIONS

4 SEC. 201. Section 1004 of the Federal Drug Abuse and  
5 Drug Dependence Prevention, Treatment, and Rehabilita-  
6 tion Act of 1970 is amended to read as follows:

7 "SEC. 1004. There are hereby authorized to be appro-  
8 priated to carry out the provisions of this Act \$150,000,000  
9 for the fiscal year ending June 30, 1971; \$200,000,000 for  
10 the fiscal year ending June 30, 1972; and \$250,000,000 for  
11 the fiscal year ending June 30, 1973; and for succeeding  
12 fiscal years such sums as may be necessary to carry out the  
13 provisions of this Act. Any appropriated funds will remain  
14 available until expended. Not less than 75 per centum of the  
15 sums appropriated for each fiscal year, pursuant to this sec-  
16 tion, shall be available only for the purposes of title VII of  
17 this Act.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
Washington, D.C., August 10, 1970.

HON. JAMES O. EASTLAND,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 4021, a bill to amend Section 1004 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, and the Federal Drug Abuse and Drug Dependence, Prevention, Treatment and Rehabilitation Act of 1970.

On June 30, 1970, the House, with the endorsement of the Department, passed H.R. 17825 to amend Title I of the Omnibus Crime Control and Safe Streets Act of 1968, which established the Law Enforcement Assistance Administration within this Department. S. 4021 incorporates many of the provisions in H.R. 17825 and to this extent the Department has no objection to S. 4021. However, S. 4021 differs in a number of significant aspects from H.R. 17825 and the Safe Streets Act as presently enacted, and these differences could have a significant effect on the success of the Law Enforcement Assistance Administration's programs.

In particular, Title I of the Safe Streets Act presently provides that 85% of the funds appropriated for the purposes of Part C of the Act, the action grants, shall be distributed as block grants and that the remaining 15% of the funds may be distributed as discretionary grants. S. 4021 would provide that 40% of Part C funds should be distributed as block grants and 60% as discretionary grants with 75% of the discretionary grants going to large cities. This is a significant undermining of the block grant approach which has proven successful to date and enactment of this provision would greatly weaken the incentive for State and city coordination which is necessary to improve the criminal justice system. This change is not made by H.R. 17825.

S. 4021 would amend Title I of the Safe Streets Act to require that 30% of all planning funds go to large cities. The present Act requires that States make 40% of all planning funds available to units of general local government. To go further would limit the freedom of individual States to order their own priorities. Again there is no similar provision in H.R. 17825.

Section 301(d) of the Safe Streets Act provides that no more than one-third of any grant may be used for the payment of police salaries but payment of personnel engaged in training programs is exempted from this limitation. S. 4021 would eliminate the limitation. The one-third limitation was added by the Congress to the original bill because there was concern that without this limitation the majority of the Safe Street funds would go to the payment of the salaries of law enforcement personnel and would create a Federal police force. In addition, H.R. 17825 amends section 301(d) to allow a grantee to pay up to 100% of the salaries of policemen who are involved in research, development, demonstration or other short term programs. This relaxation of the limitations of section 301(d), together with the funding available during future fiscal years, should insure that sufficient funds will be available for the salaries of law enforcement personnel.

The States are presently required to pay 50, 40 or 25%, depending on the program, of the cost of a project funded with action or discretionary grants. The bill would change the matching requirements for action and discretionary grants to allow for a Federal payment of 90% of a program and a 10% State or unit of local government share. If the matching requirements is reduced to 10%, as proposed by this bill, there will be reduced incentive for State and local government involvement. It is granted that H.R. 17825 allows the Federal government to pay 100% of the cost of a discretionary grant program, but if the States apply for their full share of action funds this will apply only to 15% of the funds granted under Part C of the Act. Payment of up to 100% of the cost of a program is further limited to situations where LEAA determines that the applicant is unable to provide sufficient matching funds.

S. 4021 would also amend section 301(b) to authorize funding of community-based corrections facilities and narcotic rehabilitation centers as well as funding of juvenile rehabilitation and delinquency prevention programs. Funding of these facilities and programs is authorized under the present Act and in fiscal year 1970 LEAA, under its large city discretionary grant program, funded a number of programs in this area. Our preliminary estimates indicate that over \$22 million dollars was granted in fiscal year 1970 alone for community-based correction facilities. This amendment is not in H.R. 17825 and is not needed.

Similarly, S. 4021 would amend section 301(b) to authorize expansion and improvement of drug law enforcement at the local level. Again, funding of this effort is authorized under the present Act and LEAA, in fiscal year 1970, established a Narcotics Control Discretionary Grant Program under which it funded programs in this area.

Title II of S. 4021 contains amendments to the Federal Drug Abuse and Drug Dependence Prevention, Treatment and Rehabilitation Act of 1970. These programs are being carried out by the Department of Health, Education, and Welfare and the Department defers to them on these provisions of S. 4021.

Many of the changes proposed by this bill, and discussed above, would be detrimental to the successful operation of the Law Enforcement Assistance Administration.

Therefore, the Department of Justice recommends against enactment of this bill in so far as it relates to Title I of the Omnibus Crime Control and Safe Streets Act of 1968.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,  
*Deputy Attorney General.*

91<sup>ST</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 17825

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IN THE SENATE OF THE UNITED STATES

JUNE 30, 1970

Read twice and referred to the Committee on the Judiciary

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## AN ACT

To amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That this Act may be cited as the "Omnibus Crime Control  
4        and Safe Streets Act Amendments of 1970".

5        LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

6        SEC. 2. Section 101 (b) of the Omnibus Crime Con-  
7        trol and Safe Streets Act of 1968 is amended to read as  
8        follows:

9        "(b) The Administration shall consist of an Administra-  
10        tor, who shall be appointed by the President, by and with  
11        the advice and consent of the Senate. The Administrator shall

1 exercise the functions, powers, and duties vested in the Ad-  
2 ministration by this title. The Administrator shall be assisted  
3 in the exercise of his functions, powers, and duties by two  
4 Associate Administrators who shall be appointed by the  
5 President, by and with the advice and consent of the Senate.”

#### 6 PLANNING GRANTS

7 SEC. 3. The third sentence of section 203 (a) of the  
8 Omnibus Crime Control and Safe Streets Act of 1968 is  
9 amended to read as follows: “The State planning agency  
10 and any regional planning units within the State shall, within  
11 their respective jurisdictions, be representative of the law en-  
12 forcement agencies, units of general local government, and  
13 public agencies maintaining programs to reduce and control  
14 crime.”

#### 15 GRANTS FOR LAW ENFORCEMENT PURPOSES

16 SEC. 4. Part C of title I of the Omnibus Crime Control  
17 and Safe Streets Act of 1968 is amended as follows:

18 (1) Section 301 (b) (4) is amended to read as follows:

19 “(4) Renting, leasing, and constructing build-  
20 ings or other physical facilities which would fulfill or  
21 implement the purpose of this section, including local  
22 correctional facilities, centers for the treatment of nar-  
23 cotic addicts, and temporary courtroom facilities in areas  
24 of high crime incidence.”

1       (2) Section 301 (b) is amended by adding at the end  
2 thereof the following new paragraph:

3           “(8) The establishment of a Criminal Justice Coor-  
4 dinating Council for any unit of general local government  
5 or any combination of such units within the State to  
6 assure improved coordination of all law enforcement  
7 activities, such as those of the police, the criminal courts,  
8 and the correctional system.”

9       (3) Section 301 (c) is amended by—

10           (A) striking out “amount of any Federal grant  
11 made under” and “amount of any grant made under”  
12 each place they appear and inserting in lieu thereof  
13 “portion of any Federal grant made under this section  
14 for the purposes of”;

15           (B) striking out “amount of any other grant made  
16 under this part” and inserting in lieu thereof “portion  
17 of any Federal grant made under this section to be used  
18 for any other purpose set forth in this section”; and

19           (C) striking out “construction of” and inserting in  
20 lieu thereof the following: “renting, leasing, or  
21 constructing”.

22       (4) Section 301 (d) is amended by—

23           (A) striking out “part” and inserting in lieu thereof  
24 “section”;

## 4

1 (B) by inserting immediately after "compensation  
2 of" in the first sentence the following: "police and other  
3 regular law enforcement"; and

4 (C) striking out the period in the third sentence  
5 and inserting in lieu thereof the following: ", nor to the  
6 compensation of personnel engaged in research, develop-  
7 ment, demonstration, or other short-term programs."

8 (5) Section 303 is amended by inserting after the first  
9 sentence thereof the following new sentence: "No State  
10 plan shall be approved unless the Administration finds that  
11 the plan provides for the allocation of an adequate share of  
12 assistance to deal with law enforcement problems in areas  
13 of high crime incidence."

14 (6) Paragraph (2) of section 303 is amended by strik-  
15 ing out the semicolon and inserting in lieu thereof the follow-  
16 ing: ", and that with respect to any such program or project  
17 the State will provide not less than one-fourth of the non-  
18 Federal funding;"

19 (7) Section 305 is amended to read as follows:

20 "SEC. 305. Where a State has failed to have a compre-  
21 hensive State plan approved under this title within the  
22 period specified by the Administration for such purpose, the  
23 funds allocated for such State under paragraph (1) of sec-  
24 tion 306 (a) of this title shall be available for reallocation by

1 the Administration under paragraph (2) of such section  
2 306 (a)."

3 (8) Section 306 is amended to read as follows:

4 "SEC. 306. (a) The funds appropriated each fiscal year  
5 to make grants under this part shall be allocated by the  
6 Administration as follows:

7 "(1) Eighty-five per centum of such funds shall  
8 be allocated among the States according to their respec-  
9 tive populations for grants to State planning agencies.

10 "(2) Fifteen per centum of such funds, plus any  
11 additional amounts made available by virtue of the appli-  
12 cation of the provisions of sections 305 and 509 of this  
13 title to the grant of any State, may, in the discretion of  
14 the Administration, be allocated among the States for  
15 grants to State planning agencies, units of general local  
16 government, or combinations of such units, according to  
17 the criteria and on the terms and conditions the Adminis-  
18 tration determines consistent with this title.

19 Any grant made from funds available under paragraph  
20 (2) of this subsection may be up to 90 per centum of  
21 the cost of the program or project for which such grant  
22 is made; however, if the Administration determines that  
23 the applicant is unable to provide sufficient funds the amount  
24 of such grant may be up to 100 per centum of the cost

1 of such program or project. No part of any grant for the  
2 purpose of renting, leasing, or constructing buildings or other  
3 physical facilities shall be used for land acquisition.

4 “(b) If the Administration determines, on the basis  
5 of information available to it during any fiscal year, that a  
6 portion of the funds allocated to a State for that fiscal year  
7 for grants to the State planning agency of the State will  
8 not be required by the State, or that the State will be un-  
9 able to qualify to receive any portion of the funds under  
10 the requirements of this part, that portion shall be available  
11 for reallocation under paragraph (2) of subsection (a)  
12 of this section.”

13 TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND  
14 SPECIAL GRANTS

15 SEC. 5. Part D of title I of the Omnibus Crime Control  
16 and Safe Streets Act of 1968 is amended as follows:

17 (1) Section 406 is amended—

18 (A) by striking “in areas directly related to law  
19 enforcement or preparing for employment in law en-  
20 forcement” in the first sentence of subsection (b) and  
21 inserting in lieu thereof “in areas related to law enforce-  
22 ment or suitable for persons employed in law enforce-  
23 ment”;

24 (B) by striking out “tuition and fees” in the first  
25 sentence of subsection (c) and inserting in lieu thereof  
26 “tuition, books, and fees”; and

1 (C) by inserting at the end thereof the following  
2 new subsections:

3 “(d) Full-time teachers or persons preparing for careers  
4 as full-time teachers of courses related to law enforcement  
5 or suitable for persons employed in law enforcement, in in-  
6 stitutions of higher education which are eligible to receive  
7 funds under this section, shall be eligible to receive assist-  
8 ance under subsections (b) and (c) of this section as de-  
9 termined under regulations of the Administration.

10 “(e) The Administration is authorized to make grants  
11 to or enter into contracts with institutions of higher educa-  
12 tion, or combinations of such institutions, to assist them in  
13 planning, developing, strengthening, improving, or carrying  
14 out programs or projects for the development or demonstra-  
15 tion of improved methods of law enforcement education,  
16 including—

17 “(1) planning for the development or expansion  
18 of undergraduate or graduate programs in law enforce-  
19 ment;

20 “(2) education and training of faculty members;

21 “(3) strengthening the law enforcement aspects  
22 of courses leading to an undergraduate, graduate, or  
23 professional degree; and

24 “(4) research into, and development of, methods of  
25 educating students or faculty, including the preparation  
26 of teaching materials and the planning of curriculums.

1 The amount of a grant or contract may be up to 75 per  
2 centum of the total cost of programs and projects for which  
3 a grant or contract is made.”

4 (2) Part D is further amended by inserting after  
5 section 406 the following new section:

6 “SEC. 407. The Administration is authorized to develop  
7 and support regional and national training programs, work-  
8 shops, and seminars to instruct State and local law enforce-  
9 ment personnel in improved methods of crime prevention  
10 and reduction and enforcement of the criminal law. Such  
11 training activities shall be designed to supplement and im-  
12 prove, rather than supplant, the training activities of the  
13 State and units of general local government, and shall not  
14 duplicate the activities of the Federal Bureau of Investiga-  
15 tion under section 404 of this title.”

16 GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

17 SEC. 6. (a) Title I of the Omnibus Crime Control and  
18 Safe Streets Act of 1968 is amended by inserting immediately  
19 after part D the following:

20 “PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND  
21 FACILITIES

22 “SEC. 451. It is the purpose of this part to encourage  
23 States and units of general local government to develop and  
24 implement programs and projects for the construction, acqui-  
25 sition, and renovation of correctional institutions and facilities,

1 and for the improvement of correctional programs and prac-  
2 tices.

3 "SEC. 452. A State desiring to receive a grant under  
4 this part for any fiscal year shall, consistent with the basic  
5 criteria which the Administration establishes under section  
6 454 of this title, incorporate its application for such grant  
7 in the comprehensive State plan submitted to the Admin-  
8 istration for that fiscal year in accordance with section 302  
9 of this title.

10 "SEC. 453. The Administration is authorized to make a  
11 grant under this part to a State planning agency if the appli-  
12 cation incorporated in the comprehensive State plan—

13 " (1) sets forth a comprehensive statewide program  
14 for the construction, acquisition, or renovation of cor-  
15 rectional institutions and facilities in the State and the  
16 improvement of correctional programs and practices  
17 throughout the State;

18 " (2) provides satisfactory assurances that the con-  
19 trol of the funds and title to property derived therefrom  
20 shall be in a public agency for the uses and purposes  
21 provided in this part and that a public agency will ad-  
22 minister those funds and that property;

23 " (3) provides satisfactory assurances that the avail-  
24 ability of funds under this part shall not reduce the  
25 amount of funds under part C of this title which a State

1 would, in the absence of funds under this part, allocate  
2 for purposes of this part;

3 “(4) provides for advanced techniques in the de-  
4 sign of institutions and facilities;

5 “(5) provides, where feasible and desirable, for  
6 the sharing of correctional institutions and facilities on  
7 a regional basis;

8 “(6) provides satisfactory assurances that the per-  
9 sonnel standards and programs of the institutions and  
10 facilities will reflect advanced practices;

11 “(7) provides satisfactory assurances that the State  
12 is engaging in projects and programs to improve the  
13 recruiting, organization, training, and education of per-  
14 sonnel employed in correctional activities, including  
15 those of probation, parole, and rehabilitation; and

16 “(8) complies with the same requirements estab-  
17 lished for comprehensive State plans under paragraphs  
18 (1), (3), (4), (5), (7), (8), (9), (10), (11), and  
19 (12) of section 303 of this title.

20 “SEC. 454. The Administration shall, after consultation  
21 with the Federal Bureau of Prisons, by regulation prescribe  
22 basic criteria for applicants and grantees under this part.

23 “SEC. 455. (a) The funds appropriated each fiscal year  
24 to make grants under this part shall be allocated by the  
25 Administration as follows:

1           “(1) 50 per centum of the funds shall be available  
2 for grants to State planning agencies.

3           “(2) The remaining 50 per centum of the funds  
4 may be made available, as the Administration may  
5 determine, to State planning agencies, units of general  
6 local government, or combinations of such units, ac-  
7 cording to the criteria and on the terms and conditions  
8 the Administration determines consistent with this part.  
9 Any grant made from funds available under this part may  
10 be up to 75 per centum of the cost of the program or project  
11 for which such grant is made. No funds awarded under this  
12 part may be used for land acquisition.

13           “(b) If the Administration determines, on the basis of  
14 information available to it during any fiscal year, that a por-  
15 tion of the funds granted to an applicant for that fiscal year  
16 will not be required by the applicant or will become avail-  
17 able by virtue of the application of the provisions of section  
18 509 of this title, that portion shall be available for realloca-  
19 tion under paragraph (2) of subsection (a) of this section.”

20           (b) Section 601 of such Act is amended by inserting  
21 at the end thereof the following new subsection:

22           “(1) The term ‘correctional institution or facility’ means  
23 any place for the confinement or rehabilitation of juvenile  
24 offenders or individuals charged with or convicted of criminal  
25 offenses.”

1 (c) Part E and part F of title I of such Act are re-  
2 designated as part F and part G, respectively.

3 ADMINISTRATIVE PROVISIONS

4 SEC. 7. Part F of title I of the Omnibus Crime Control  
5 and Safe Streets Act of 1968 (as redesignated by section 6  
6 (c) of this Act) is amended as follows:

7 (1) Section 515 is amended by inserting at the end  
8 thereof the following new sentence:

9 "Funds appropriated for the purposes of this section may be  
10 expended by grant or contract, as the Administration may  
11 determine to be appropriate."

12 (2) Section 516(a) is amended by striking out the  
13 period and inserting in lieu thereof the following: ", and  
14 may be used to pay the transportation and subsistence ex-  
15 penses of persons attending conferences or other assem-  
16 blages notwithstanding the provisions of the Joint Resolution  
17 entitled 'Joint Resolution to prohibit expenditure of any  
18 moneys for housing, feeding, or transporting conventions or  
19 meetings', approved February 2, 1935 (31 U.S.C. sec.  
20 551)."

21 (3) Section 517 is amended to read as follows:

22 "SEC. 517 (a) The Administration may procure the  
23 services of experts and consultants in accordance with section  
24 3109 of title 5, United States Code, at rates of compensation  
25 for individuals not to exceed the daily equivalent of the rate

1 authorized for GS-18 by section 5332 of title 5, United States  
2 Code.

3       “(b) The Administration is authorized to appoint,  
4 without regard to the civil service laws, technical or other  
5 advisory committees to advise the Administration with re-  
6 spect to the administration of this title as it deems necessary.  
7 Members of those committees not otherwise in the employ of  
8 the United States, while engaged in advising the Administra-  
9 tion or attending meetings of the committees, shall be com-  
10 pensated at rates to be fixed by the Administration but not  
11 to exceed the daily equivalent of the rate authorized for  
12 GS-18 by section 5332 of title 5 of the United States Code  
13 and while away from home or regular place of business they  
14 may be allowed travel expenses, including per diem in lieu  
15 of subsistence, as authorized by section 5703 of such title 5  
16 for persons in the Government service employed inter-  
17 mittently.”

18       (4) Section 519 is amended by striking out “On or  
19 before August 31, 1968, and each year thereafter,” and  
20 inserting in lieu thereof the following: “On or before Decem-  
21 ber 31 of each year”.

22       (5) Section 520 is amended to read as follows:

23       “SEC. 520. There is authorized to be appropriated  
24 \$650,000,000 for the fiscal year ending June 30, 1971,  
25 \$1,000,000,000 for the fiscal year ending June 30, 1972,

1 and \$1,500,000,000 for the fiscal year ending June 30, 1973.  
2 Funds appropriated for any fiscal year may remain available  
3 for obligation until expended. Not less than 25 per centum  
4 of the amounts appropriated shall be devoted to the purposes  
5 of corrections, including probation and parole."

6 (6) Section 521 is amended by inserting at the end  
7 thereof the following new subsection:

8 "(c) The provisions of this section shall apply to all  
9 recipients of assistance under this Act, whether by direct  
10 grant or contract from the Administration or by subgrant or  
11 subcontract from primary grantees or contractors of the  
12 Administration."

13 DEFINITIONS

14 SEC. 8. Section 601 of the Omnibus Crime Control and  
15 Safe Streets Act of 1968 is amended as follows:

16 (1) Subsection (a) is amended to read as follows:

17 "(a) 'Law enforcement' means all activities pertaining  
18 to the administration of criminal justice, including, but not  
19 limited to, police efforts to prevent crime and to apprehend  
20 criminals, activities of the criminal courts and related agen-  
21 cies, and activities of corrections, probation, and parole  
22 authorities."

23 (2) Subsection (d) is amended by striking out "or"  
24 the second place it appears and by striking out the period  
25 and inserting in lieu thereof the following: ", or any agency

1 of the District of Columbia government performing law en-  
2 forcement functions in and for the District of Columbia.  
3 Funds appropriated by the Congress for the activities of such  
4 agencies of the District of Columbia may be used to provide  
5 the non-Federal share of the cost of programs or projects  
6 funded under this title.”

7       SEC. 9. Section 5108 (c) of title 5 of the United States  
8 Code is amended by inserting at the end thereof the follow-  
9 ing new paragraph:

10           “(10) the Law Enforcement Assistance Adminis-  
11 tration may place a total of 15 positions in GS-16, 17,  
12 and 18.”

Passed the House of Representatives June 30, 1970.

Attest:

W. PAT JENNINGS,

*Clerk.*

91<sup>ST</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 4066

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IN THE SENATE OF THE UNITED STATES

JULY 7, 1970

Mr. TYDINGS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To amend title I of the Omnibus Crime Control and Safe Streets Act to provide the Law Enforcement Assistance Administration with the authority to render assistance to State and local civil courts.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 307 of the Omnibus Crime Control and Safe  
4       Streets Act of 1968 (Public Law 90-351) is hereby  
5       amended by adding immediately after subsection 307 (b) a  
6       new subsection 307 (c) as follows:

7       “(c) In making grants under this part, the Admin-  
8       istration and each State planning agency shall construe the  
9       phrase ‘comprehensive law enforcement plan’ as found in

1 section 201 and 'programs and projects to improve and  
2 strengthen law enforcement' as found in section 301 to  
3 encompass any plan, program, or project that is designed  
4 to improve the civil as well as the criminal courts of a  
5 State. Also, 'law enforcement' as found in part D, section  
6 401, shall be construed as covering the activities of the  
7 civil as well as the criminal courts of a State."

OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
Washington, D.C., August 10, 1970.

HON. JAMES O. EASTLAND,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 4066, a bill to amend Title I of the Omnibus Crime Control and Safe Streets Act of 1968.

S. 4066 would add a new subsection to section 307 or Title I of the Safe Streets Act to require that the construction of the phrase "comprehensive law enforcement plan", as presently found in section 201 of the Safe Streets Act, and the construction of the phrase "programs and projects to improve and strengthen law enforcement", as presently found in section 301 of the Safe Streets Act, be read as encompassing any plan, program or project that is designed to improve the civil as well as the criminal courts of a State. S. 4066 would also amend Title I of the Safe Streets Act by requiring that "law enforcement", as found in section 401, be read as encompassing the activities of the civil as well as the criminal courts of a state.

Congress, in the preamble to Title I of the Safe Streets Act, stated that it was "the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance," and "law enforcement" is defined in section 601(a) of the Safe Streets Act as "all activities pertaining to crime prevention or reduction and enforcement of the criminal law." S. 4066 does not change this standard, but merely seeks to make express the interpretation that "all activities," as defined in section 601(a) of the Safe Streets Act, includes activities of the civil as well as the criminal courts.

Under Title I of the Safe Streets Act and the definition of "law enforcement" in section 601(a), the Law Enforcement Assistance Administration is authorized to assist State and local governments to undertake systematic, broad-gauged attacks on the problems of law enforcement and this would include attacks on the problems of the entire court system, both civil and criminal, insofar as they promise to have a substantial effect upon the administration of criminal justice. Thus, LEAA has the authority to finance research in court management, and to support the recruiting and training of court management personnel, both for courts of exclusively criminal jurisdiction and for courts of general jurisdiction which have substantial criminal business. In addition, LEAA has the authority to conduct studies of the feasibility of amalgamating separate, purely civil and criminal courts, into single courts or court systems whose judges can be assigned to either civil or criminal cases as temporary vagaries may require. Moreover, the divisions of LEAA primarily charged with responsibilities relating to the courts, the Courts Program Division of the Office of Law Enforcement Programs, and the Centers for Law and Justice, and for Criminal Justice Operations and Management, in the National Institute of Law Enforcement and Criminal Justice, operate with an awareness that criminal court problems relate to court systems in general.

One instance where LEAA has exercised its authority in this area is the District of Columbia Court Management Study, a study grant one-third of which was financed by LEAA's National Institute. This study included both the criminal and civil functions of the United States District Court for the District of Columbia in an effort to determine the proper structure of the court. The study covered case processing, court organization and scheduling in an effort to determine means for efficiently expediting the court process and reducing the court's backlog of cases.

The Department supports the aims of S. 4066 and recognizes that the problems of the civil courts can have a substantial impact on the criminal courts and the administration of criminal justice. However, the aims of S. 4066 can be and are being accomplished through the present statutory authority of LEAA and no statutory change is necessary to achieve the purpose of S. 4066.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,  
Deputy Attorney General.

91st CONGRESS  
2D SESSION

# S. 4098

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IN THE SENATE OF THE UNITED STATES

JULY 17, 1970

Mr. HARTKE introduced the following bill: which was read twice and referred to the Committee on the Judiciary

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## A BILL

Policeman's Salary Supplement Act.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the Omnibus Crime Control and Safe Streets Act of  
4 1968 (82 Stat. 197) is amended as follows:

5 (a) By adding after section 301 (b) (7) thereof the  
6 following new subsection:

7 “(8) Supplementing the salaries of law enforcement  
8 personnel, with the object of upgrading those salaries to a  
9 minimum of \$10,000 per annum.”

10 (b) By altering the first sentence of subsection 301 (d)  
11 to read as follows:

II

1       “(d) Not more than one-third of any grant made under  
2 this part may be expended for the compensation of person-  
3 nel, except that for purposes of determining this limitation  
4 no grants specifically made under the provisions of subsec-  
5 tion (b) (8) of this section shall be included either in the  
6 calculation of the total grant under this part or the calcula-  
7 tion of funds expended for salaries of personnel.”

OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
Washington, D.C., August 10, 1970.

HON. JAMES O. EASTLAND,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 4098, the proposed Policeman's Salary Supplement Act.

The bill would amend section 301(b) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 by adding a new subpart (S) to allow the Law Enforcement Assistance Administration to make grants to States and units of local government for "supplementing the salaries of law enforcement personnel, with the object of upgrading those salaries to a minimum of \$10,000 per annum." Grants made for this purpose would be excluded from the computation of the salary support limitations set forth in section 301(d) of Title I of the Safe Streets Act. That subsection provides that no more than one-third of a grant may be used for the compensation of personnel. The limitation does not apply to compensation for payment for time spent in conducting or undergoing training programs.

Funds granted by LEAA for improvement of law enforcement are available for salary supplements under existing law, subject to the limitations of section 301(d) as stated above. The Department has included some relaxation of these limitations in its proposed amendments to the Act and these amendments are included in H. R. 17825, as passed by the House. These amendments would exclude law enforcement personnel engaged in research and development projects, demonstration projects or other short-term innovative functions supported with action grants under Part C of the Act from the limitations of section 301(d). These amendments would exclude in the same manner administrative, maintenance and other nonoperational personnel from the limitations of section 301(d) of the Act.

It is the view of this Department that the amendments to section 301(d) as contained in H.R. 17825, together with the funding which shall probably be available during future fiscal years, should insure that sufficient funds will be available for the purpose of making necessary increases in the salaries of State and local law enforcement personnel.

It is also noted, from the extensive debates on section 301(d) of the Act, that Congress limited the use of grant funds to supplement the salaries of operational, as opposed to nonoperational, law enforcement personnel because it feared that large scale Federal support of State and local police salaries could lead to an undesirable Federal influence over law enforcement throughout the country and to an eventual national police force.

For the reasons stated above, the Department of Justice recommends against enactment of this legislation.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,  
Deputy Attorney General.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,  
Washington, D.C., July 28, 1970.

Re S. 3, S. 965, S. 966, S. 968, S. 969, S. 970, S. 971, S. 972, S. 1229,  
S. 2465, S. 2875, S. 3045, S. 3171, S. 3616 and S. 964.

Mr. G. ROBERT BLAKEY,  
Chief Counsel, Subcommittee on Criminal Laws and Procedures, Committee on  
the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. BLAKEY: As requested by the Subcommittee, enclosed are views of the Department of Justice on various bills proposing amendments, directly or indirectly, to the Omnibus Crime Control and Safe Streets Act of 1968.

Sincerely,

HERBERT E. HOFFMAN,  
Chief, Legislative and Legal Section.

Enclosure.

VIEWS OF THE DEPARTMENT OF JUSTICE ON PROPOSED AMENDMENTS TO THE OMNIBUS  
CRIME CONTROL AND SAFE STREETS ACT OF 1968 AND RELATED BILLS

S. 3: The purpose of this bill is to establish a group life insurance program for state and local law enforcement officers with the major risks being assumed by compensated commercial insurance companies. The Federal contribution to the program, up to a maximum of one-third of the cost, would be determined by the President.

On March 27, 1970, the Department of Justice submitted a report on this bill to the Senate Committee on the Judiciary which states:

Currently there is no Federal program of insurance for local law enforcement personnel. Moreover, there are but a few very limited provisions in law which relate to Federal participation in the payment of direct monetary benefits to State and local law enforcement officers. The legislative history of the Omnibus Crime Control and Safe Streets Act of 1968 indicates that there are serious objections to an increase in the financial-administrative ties between the Federal government and local law enforcement officers in the form of additional salary aids. Due to the increased Federal aid provided through the Law Enforcement Assistance Administration, it is possible that sufficient State and local funds will become available to permit the establishment of sound life insurance programs under authority of State or local governments.

The Department of Justice recommends deferring consideration of this legislation until the impact of LEAA funding is known.

The Department remains of the view expressed in that report that consideration of this proposed legislation should be deferred.

S. 965: This bill would authorize the establishment of regional divisions of the National Institute of Law Enforcement and Criminal Justice. The Department recommends against enactment of this legislation. Although regional offices of the National Institute might serve a useful purpose some time in the future, the Department does not believe that either the current appropriation level for LEAA or the degree of expertise which has been achieved to date in the field of criminal justice research and development would justify regional offices at this time. In addition, it does not appear that specific authorization would be necessary for the establishment of regional divisions of any of the offices within the Law Enforcement Assistance Administration.

S. 966: This bill would amend P.L. 90-351 to authorize LEAA to make grants to enable state and local law enforcement personnel to travel to foreign law enforcement agencies to observe and study their organization, methods, techniques and practices. The Department of Justice does not believe this amendment is necessary and recommends against its enactment. It is clear that grants and contracts for these purposes are authorized under the present Act.

S. 968: This bill would amend P.L. 90-351 to authorize LEAA to provide grants to enable state and local law enforcement personnel to travel to other law enforcement agencies within the United States to observe and study their organization, practices and techniques. Authority to make such grants exists under the present Act. Hence, the amendment is unnecessary and the Department recommends against enactment of the bill.

S. 969: This bill would amend P.L. 90-351 to authorize LEAA, through its National Institute of Law Enforcement and Criminal Justice, to conduct periodical regional and national conferences and seminars to bring together state and local law enforcement supervisory officials in order to acquaint them with new programs and techniques and to encourage the exchange of criminal justice information. The essential purposes of this amendment are included in the Department's proposal to authorize LEAA to conduct regional and national training conferences and seminars for state and local law enforcement personnel. The Department therefore recommends against this bill.

S. 970: This bill would amend P.L. 90-351 to authorize LEAA to make grants for the purpose of supplementing the salaries of state and local law enforcement officials who have completed undergraduate or graduate courses of instruction at institutions of higher education. The Department recommends against enactment of this proposal. LEAA grant funds are available for salary supplements under existing law subject to limitations set forth in section 301(d) of the Act. The Department has included some relaxation of these limitations in its proposed amendments to the Act. That relaxation, plus the funding available during future

fiscal years, should insure that sufficient funds will be available for the purposes of making necessary increases in the salaries of state and local personnel.

S. 971: This bill would amend P.L. 90-351 to authorize states and cities to use LEAA action funds for supplementing the salaries of law enforcement personnel with the object of "upgrading those salaries to a level competitive with that of other comparable professions in given locales." Grants made for this purpose would be excluded from the computation of the Act's salary support limitations. Specific authority for such grants is unnecessary since grant funds presently can be used for salary support. In addition, the Department opposes the exclusion of such grant funds from the application of the salary support limitations for the reasons stated above in the discussion of S. 970. The Department therefore recommends against enactment of S. 971.

S. 972: This bill would amend P.L. 90-351 to authorize LEAA action funds to be used to provide retirement, injury and death benefits for state and local law enforcement personnel. The Department recommends against enactment of this proposal. As noted above in the discussion of S. 3, Federal participation in the payment of direct monetary benefits to state and local law enforcement officers has not been viewed favorably by the Congress. Moreover, the legislative of the Omnibus Crime Control and Safe Streets Act of 1968 indicates that there are serious Congressional objections to an increase in the financial ties between the Federal government and local law enforcement officers in the form of additional salary aids and other such direct monetary assistance. At the level of LEAA funding projected, we would expect that the states will be able to devote more of their own state funds to programs of the kind authorized by the bill, thus alleviating the need for Federal support.

S. 1229: This bill would amend P.L. 90-351 to authorize block grants to the Secretary of the Interior for Indian Tribes. The Department submitted a report on this bill to the Senate Judiciary Committee on March 10, recommending that it not be enacted.

S. 2465: This bill would amend P.L. 90-351 to provide that each state shall receive at least \$100,000 in action funds per fiscal year. This bill is unnecessary in view of the increased funding levels of LEAA and particularly in view of the use by LEAA of discretionary funds to supplement the statutory block grant allocations of some of the small states. Under that discretionary fund program, no state received less than \$500,000 in action funds in fiscal year 1970. The Department therefore recommends against enactment of this bill.

S. 2875: This bill would amend P.L. 90-351 to authorize LEAA to make grants to the states for the purpose of construction of correctional institutions and facilities. The provisions of this bill are included in S. 3541, the Department's proposed amendments. The Department recommends enactment of the provisions of S. 3541.

S. 3045: The provisions of this bill are included in substance in S. 3541, which the Department recommends be enacted in lieu of this bill.

S. 3171: This bill would reduce the block grant share of LEAA funds from 85% of Part C funds to 50%, with discretion in LEAA to increase a state's allocation by 20% if its comprehensive plan deals adequately with its cities and by another 20% if it pays at least half of the matching funds for local programs and projects. The Department recommends against enactment of this bill. It believes that the block grant concept is working well and that proposals to modify it should be rejected. In addition, the modification proposed by the bill would be unworkable because, since the 75% pass-through requirement is retained, the states would have no incentive to qualify for the operational 20% block grant increases. Instead, they would accept a reduced block grant allocation and would compete with their local units for the increased discretionary funds.

S. 3616: This bill would amend P.L. 90-351 to authorize LEAA to make direct grants to units of local government upon which the presence of the Federal Government has imposed additional law enforcement burdens.

The problem addressed by this bill is adequately provided for under the present Act. In making subgrants to cities, states may consider any additional burdens imposed upon cities within the state by the presence of U.S. military installations on other Federal enclaves. In addition, discretionary funds are available for direct grants to such cities if they can show the need for additional funds to meet law enforcement problems resulting from the presence of the Federal Government.

The Department does not favor a statutory priority in favor of such cities. Such a mandatory priority would limit the desirable flexibility the states now

have to consider all factors in deciding upon allocations of LEAA funds to cities within the state.

The Department therefore opposes enactment of S. 3616.

S. 964: Title I of this bill contains provisions which would authorize programs identical to those authorized by S. 965, S. 966, S. 968 and S. 969. As noted above in comments on those bills, these provisions either duplicate programs contained in the Administration's proposed amendments or are authorized by general provisions now contained in the Omnibus Crime Control and Safe Streets Act. Part A of this title would authorize law enforcement study programs in the Office of Education which would conflict with programs already being conducted by LEAA or included in the Administration's proposed amendments. The national Institute of Law Enforcement and Criminal Justice of LEAA is presently conducting a fellowship program for graduate study in law enforcement and the Office of Academic Assistance provides grants and loans for law enforcement personnel in undergraduate and graduate programs.

Part B of title I would specifically authorize the establishment of regional offices of the National Institute of Law Enforcement and Criminal Justice. LEAA has established seven regional offices for its Office of Law Enforcement Programs. There is similarly sufficient authority under the present language of P.L. 90-351 to establish regional centers for the National Institute at such time as sufficient funds and expertise are available to justify this expansion of the National Institute Program.

Part C of title I would authorize peace-time draft deferments for law enforcement officers. The Department would respectfully deter judgment on this provision to the Selective Service System.

Part D and Part E would provide specific authorization for educational travel to foreign countries and within the United States for law enforcement officers. Both of these programs could be conducted under present authority. The Department does not recommend this additional authorization which would have the effect of limiting the purposes for which such travel could be authorized.

The purpose of Part F, the establishment of a national and regional training program is embodied in Sec. 2(7) of S. 3541 and Sec. 5(2) of H.R. 17825.

Because each of the programs encompassed in title I except for the draft deferment provision is either authorized in the present legislation, embodied in H.R. 17825, or would be in direct conflict with the present programs of the LEAA, the Department is opposed to title I of S. 964.

Title II contains provisions identical to the provisions of S. 970 and S. 971. For the reasons stated in the comments on those bills, the Department opposes these provisions.

Part A of title III would authorize direct federal programs of research and corrections for the rehabilitation of chronic alcoholism under the Secretary of Health, Education and Welfare. The Department of Justice defers to the Department of Health, Education and Welfare as to this item.

Part B of title III would add another category of programs eligible for funding under Part C of the Omnibus Crime Control and Safe Streets Act—experimental correctional programs. Such programs are presently being funded under the existing broad authorization for corrections programs, and no further authority is necessary.

Title IV would create an additional Assistant Attorney General for organized crime. Considering the responsibilities of the individual who heads the Organized Crime and Racketeering Section of the Department and considering further the activity that is generated and the policy decisions that must be made by the head of this section, there is certainly every reason to conclude that its chief should have the rank of Assistant Attorney General. However, title IV of the bill would give the Assistant Attorney General for organized crime the responsibility, among other things, to conduct training sessions for the purposes of educating state and local law enforcement personnel in methods of combating organized crime. The Organized Crime Programs Division of the Law Enforcement Assistance Administration is currently conducting such sessions and there would be duplication of effort if the Organized Crime and Racketeering Section were to take on this responsibility. Effective coordination and utilization is required to improve state and local capability in the fight against organized crime, and this, we feel, can only be accomplished by a non-operational unit whose sole responsibility is to invest its energy, time and resources in increasing and developing state organized crime capability. Thus, because some portion of this title would conflict with present programs within the Department, we are opposed to title IV.

Title V contains provisions for a national system for the registration and licensing of firearms. These provisions were considered by the Congress as amendments to the Safe Streets legislation in 1968 and as amendments to the Firearms Control Act of 1969. They were rejected on both occasions by the Congress. The Department believes that additional time is needed to evaluate the present firearms legislation before new legislation is adopted.

Title VI would create a ten-member commission to study the effect of court decisions on law enforcement. Six members of this commission would be members of the Congress. The Department questions whether such a commission is the best vehicle to accomplish the purpose. Also, if any commission is appointed, we believe it should be more broadly representative of federal, state and local governments and the law enforcement community.

COMPTROLLER GENERAL OF THE UNITED STATES,  
Washington, D.C., July 14, 1970.

B-157179.

HON. JOHN L. MCCLELLAN,  
Chairman, Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, U.S. Senate

DEAR MR. CHAIRMAN: Reference is made to your letter of June 16, 1970, requesting our comments regarding the following bills relating to the prevention and control of crime in the United States: S. 3, S. 964, S. 965, S. 966, S. 968, S. 969, S. 970, S. 971, S. 972, S. 1229, S. 2465, S. 2875, S. 3045, S. 3171, S. 3541, S. 3616.

By letter dated July 1, 1970, we forwarded to you our comments regarding S. 3616, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide direct financial assistance to units of local government upon which the presence of the Federal Government has produced additional law enforcement burdens.

We have no special information as to the advantage or disadvantages of the proposed measures and therefore make no comments as to the merits of these bills. However, we offer the following suggestions regarding certain aspects of some of the bills for the consideration of the subcommittee.

*Senate bill 964.*—The proposed section 572 of the National Defense Education Act of 1958 (page 4) provides for the equitable allocation of grants and contracts and giving preference to programs designed to meet an urgent national need. To assist the Commissioner in making such allocations, the committee may wish to prescribe criteria to be followed by the Commissioner.

The proposed new section 408(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (page 9 of the bill) authorizes for participants in the exchange program a weekly stipend of \$100 and travel expenses in accordance with section 5703 of title 5 of the United States Code. Inasmuch as the enforcement officers participating in the exchange program would presumably continue to receive their regular pay, the basis for authorizing a weekly stipend in addition to travel expenses is not apparent. The committee may wish to consider the need for a weekly stipend of \$100.

The proposed new subsections 407(c)(1) and 407(c)(2) of the Omnibus Crime Control and Safe Streets Act of 1968 (pages 11 and 12 of the bill) both provide for salary increases for "those who hold or obtain a degree from an accredited four-year institution of higher education" of 5 percent and 10 percent, respectively. A similar provision in S. 970 would authorize a 5 percent salary increase for those who hold or obtain a degree from an accredited two-year institution of higher-learning and a 10 percent salary increase for those who hold or obtain a degree from an accredited four-year institution of higher education. Since both bills were introduced by Senator Tydings, the proposed section 407(c)(1) in S. 964 apparently was intended to relate the 5 percent salary increase to two-year rather than four-year institutions.

At the end of "Part D," section 441, page 23, there should be added a provision for amending the analysis of chapter 227 of title 18, United States Code, by adding a new item at the end thereof to reflect the inclusion of the proposed new section 3575.

The date "1968" in line 24, page 5, should be corrected to "1958."

The word "or" in line 17, page 7, should be corrected to "of."

*Senate bill 966.*—The word "or" in line 9, page 1, should be corrected to "of."

*Senate bill 968.*—The proposed new section 407(c) of the Omnibus Crime Control and Safe Streets Act of 1968 is identical to the proposed new section

408(c) under S. 964, and the above comments on section 408(c) are applicable to section 407(c).

*Senate bill 2875.*—This bill would add a new part E to the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to provide financial assistance to States for the construction of correctional institutions and facilities. However, the bill does not prescribe criteria for allocating funds among the States or matching fund requirements. The committee may wish to include such criteria in the bill.

*Senate bill 3541.*—The proposed section 505 (page 10) of the proposed new part E of the Omnibus Crime Control and Safe Streets Act of 1968 would authorize allocation of 85 percent of available funds among the States but does not prescribe criteria as a basis for the allocation. The committee may wish to include such criteria in the bill.

Sincerely yours,

R. F. KELLER,

*Assistant Comptroller General of the United States.*

Now we will call on a witness who has delivered much by way of practical experience as a district attorney, as a practitioner and as a student of the law.

Senator Tydings has been very active in this entire field of law enforcement legislation. He is the author of many bills, many of which have been considered in formulating the laws that have actually been enacted by the Congress these last several years. We welcome his presence here, not only because of that record, but because of the close association we have had with him as a member of the Judiciary Committee where he is very highly valued.

Senator Tydings, will you please proceed in your own fashion to present your testimony.

#### STATEMENT OF JOSEPH D. TYDINGS, U.S. SENATOR FROM THE STATE OF MARYLAND

Senator TYDINGS. I thank the distinguished chairman for his very kind and generous comments.

Before I go into my statement, I wonder if the chairman has had a chance to review a book by Charles B. Saunders, Jr., entitled: "Upgrading the American Police."

Senator HRUSKA. I have not had that pleasure yet. I hope to sometime soon.

Senator TYDINGS. Charles Saunders is a member of the Nixon administration. Ironically he is not in the Department of Justice. He is Deputy Assistant Secretary for Legislation in HEW. At the time that he prepared this book he was working in the Brookings Institution.

Allow me to suggest that if the chairman really wants to get an overview on the legislation which is before this committee, he should read the last chapter, chapter 6, from pages 152 to 172, of this highly meritorious book. The book is very short and very well organized. It is an extremely valuable document because it is written strictly from the objective, pragmatic, professional law enforcement point of view. I have found no manuscript, including the Crime Commission Report, as really as helpful as Mr. Saunders' treatise.

Senator HRUSKA. We are glad for that recommendation. We will put it on the preferred list of reading to be done at an early date.

Senator TYDINGS. Mr. Chairman, I appreciate the opportunity to be before you. As you know, for many years I have tried to get on this

subcommittee, but I have not had this good fortune as yet. Nevertheless, I have, as you have indicated, introduced as much legislation in the field of criminal justice as any Member of the Senate over the past 5 years.

Two years have passed since we enacted the Safe Streets Act. I think we can all agree that despite that ambitious undertaking, we are a long way from our goal. If we are to make any advancements in our Federal anticrime efforts under the Safe Streets Act, I think a number of things need to be done. I am not going to discuss all of my proposals before you this morning, because of the time limitations. I am going to direct my primary attention to four of the real needs in law enforcement across the Nation: Better education and training for our law enforcement personnel. Better pay. Better guarantees that Federal Safe Streets money will reach the areas of high crime incidence. And better management in the law enforcement assistance administration through the elimination of the present three-headed administrative machinery.

Mr. Chairman, I think you know the tremendous difficulties that our police forces face in their work today. This is evident in the nature of the atmosphere and the environment in which we live today. We ask our police not only to serve as a frontline in defense against crime, but we ask them to serve in all sorts of other capacities which are tremendously complicated and sensitive.

We charge our police with an aggregate of responsibilities of the most sensitive, complex and dangerous nature. However, we have yet really to give them the necessary backing to do their jobs.

I think we are beginning to realize that on the average across the Nation, our police officers are notoriously underpaid, undereducated and undertrained. We make police work so unattractive that few large police forces in the Nation can fill their ranks. Time and again our National Advisory Commissions on Crime have told us that if we intend to put safety back on our streets, this must change.

Three years ago the President's Commission on Law Enforcement reported widespread improvement in the strength and caliber of police manpower are the basic essentials for achieving more effective and fairer law enforcement.

The Crime Commission urged that the ultimate goal should be a college education for all policemen.

Mr. Chairman, it is indeed imperative that the Federal Government help provide our local police forces with the education and training to do their jobs.

It is noteworthy that our most respected law enforcement agencies, the Federal Bureau of Investigation and the Secret Service, and various other Federal investigative agencies, have long recognized that a college education really pays off in terms of better law enforcement, and have long insisted upon a college education.

Unfortunately, educational requirements for police service at the State and local level fall far short of this standard.

For instance, in our Eastern States the majority of our police have no post high school education whatsoever. Roughly 15 percent have not even finished high school. The sheriffs of our Nation have an even lower education level. 24 percent of our sheriffs have not finished high school,

and in the South approximately 40 percent of the sheriffs have not completed high school.

Moreover, the educational level of our police officers threatens to lag further and further behind the steadily rising educational level of the general public. Professionals and technical workers have a much higher educational level than policemen. So do managers and proprietors.

Moreover, even salesworkers are, as a whole, better educated than our police officers. So are clerical workers.

If we really want to professionalize law enforcement, and we must, this has to be changed. If the law enforcement profession fails to overtake or at least keep pace with rising educational standards in these occupations, police recruits will increasingly be drawn from among those who are the least educated, least talented, and least qualified to assume the sensitive and complicated responsibilities of modern law enforcement.

Mr. Chairman, equally important is the fact that we cannot expect to attract and hold educated personnel to our police forces so long as we fail to pay them a salary which is commensurate with their education. A salary which is equal to the difficult, dangerous, and discomfoting nature of their job.

Right now the salary levels of the police officer in the United States are far below those of the most skilled occupations. Medium starting salaries for patrolmen range from \$6,600 in smaller communities to \$7,000 in cities of 250,000 to 500,000. And in general the maximum patrolman's salary is less than \$1,000 above his starting salary.

Moreover, these inferior salary scales generally provide no incentives for police to improve their education and training.

According to a 1968 study by the International Association of Chiefs of Police, less than 12 percent of 427 reporting departments provided preferential pay incentives for credit toward college degrees.

Considering the complex and dangerous problems involved in law enforcement today, and the widely inadequate education, training, and pay we provide our police in solving these problems, there is no wonder that we remain in the grips of a serious crime crisis.

Directed at these problems, I have introduced a number of proposals. I initially introduced these measures in the 90th Congress, and I have again introduced them in the 91st. They are embodied in Senate 964, which is my omnibus crime bill, amended to the Safe Streets Act, and which includes an important section on grants to colleges and fellowships for law enforcement education.

Incidentally, Mr. Chairman, I have broken the many sections of that bill into individual bills, so if there is some parts you favor more than others you can select them and move them into the proposal before you.

Senate 965 is a bill that creates regional crime study centers; Senate 966 and Senate 968 are bills that establish travel grants to police officers to study other police departments both here and overseas. Senate 969 is a bill which calls for regional law enforcement meetings, programs, and seminars for police officers; and Senate 970, Mr. Chairman, which is perhaps the most important bill in this group, is a bill that calls for Federal salary supplements for law enforcement personnel who achieve certain educational levels; and Senate 972 is a bill that calls

for Federal aid in the area of retirement, injury, and death benefits for law enforcement personnel.

Senate 964, my omnibus bill, is premised upon the fact that while urgently needing better educated, trained law enforcement officers, law enforcement education programs are inadequate, both in quantity and quality, to do the job.

Law enforcement as an academic discipline is relatively new. We do not have adequate information on what a curriculum should obtain or how it should be taught. Extensive research and study are needed for its development. Demanding education and granting fellowships is pointless unless the programs pursued are designed to produce the results we seek—an effective law enforcement agent.

We recently have been able, with the help of our Governor in Maryland, and support from the legislature, to put in law enforcement as a new discipline at the University of Maryland. But there are very few—and you probably can name them on the fingers of your hands—universities across the country that have really made law enforcement the discipline that it should be.

In Senate 964, I propose that we amend the National Defense Act to authorize the Commissioner of Education, acting in conjunction with the Administrator of LEAA, to make grants to or contract with colleges to establish and improve programs for preparation of students to enter law enforcement, and for research into improved methods of law enforcement education. This measure would authorize the Commissioner of Education to award fellowships of \$3,500 plus \$800 for each dependent per year to persons who intend to pursue a career in law enforcement. Under this proposal the Commissioner must approve college law enforcement programs before fellowships may go to students enrolled in these programs.

I think that this function belongs in the Department of Education, with the advice and consultation of the Law Enforcement Assistance Administration.

Senate 972 is another measure designed to bring law enforcement salaries into a more rational relationship with the duties performed. The proposal authorizes grants under the Safe Streets Act to increase and expand retirement, injury, and death benefits for those persons in law enforcement injured or killed in the line of duty.

A special provision makes it clear that included among these benefits would be scholarships for children of law enforcement officers who are killed in the line of duty.

I think the chairman knows all too well how many cities' police officers have been killed in the line of duty, and how the widows and children are dependent upon some newspaper campaigns to raise money to enable the children to go to college or have a chance at a decent life.

Senate 970, as I indicated, I think is perhaps one of the most important proposals I have here. It is premised upon the need to develop incentives for educational advancement among the police officers. It is designed to assure that law enforcement personnel who seek to make themselves a better professional are compensated for their time and effort.

The bill would authorize salary supplements for persons achieving certain levels of education beyond high school. The supplemental,

based on a percentage scale of current earnings, increases in size at each degree level achieved. The bill provides a 5 percent increase for attainment of a degree requiring 2 years of education beyond high school; 10 percent for acquiring a college degree, and 15 percent for receiving a graduate degree beyond college.

In many instances, the student will be an officer who is already engaged actively in law enforcement and who is attending school on a part-time basis, or has taken a leave of absence to increase his educational training. It is to be hoped that in such circumstances he will continue to receive a salary from his local force.

To further encourage such educational pursuits, and to help defray the added expenses he will be bearing as a student, portions of that ultimate supplement he will receive will be given to him during the course of his schooling. Perhaps the best means of explaining the bill as it is presently written would be by example.

An officer who had completed a 2-year degree after college would be entitled, under the bill, to receive a maximum supplement of 5 percent of the salary he receives from his employing law enforcement agency.

At the beginning of his first semester of additional training, based on total four semesters, he will be entitled to receive one-fourth of 5 percent of his salary as a bonus; at the beginning of the second semester, one-half of 5 percent; at the beginning of the third semester, three-fourth of 5 percent; and, at the beginning of the fourth and final semester he should be entitled to receive the full 5 percent.

If at any time he discontinues the educational program without receiving a degree, he shall no longer be entitled to the supplement.

Mr. Chairman, this is not a new idea with me. This is presently in operation in some advanced police departments around the country. Indeed, in Montgomery County. This is one of the points which Mr. Saunders emphasizes most strongly in his recommendations on upgrading the American policeman. However, Mr. Chairman, rather than an outright grant, as I have in Senate 970, your committee might wisely decide that it should be in the form of a matching fund program, half and half.

In other words, if a police department wished to engage in such a program to improve or raise the level of professional attainment of its law enforcement personnel, the Law Enforcement Assistance Administration would match the funds needed.

I can't emphasize too strongly how important I think this is, how important I think it is to raise the level of professionalization of our law enforcement officers across the Nation. Our goal should be to have professionals in this country just as they are in law enforcement in Great Britain. This would be a tremendously important step in that direction.

Another thing: I think it is only fair that a policeman who is willing to take his nights and weekends away from his family to improve his capacity and his ability and training ought to be compensated for it.

Mr. Chairman, we do it in every other line of endeavor. I think it is imperative that we encourage our law enforcement personnel to raise their level of professionalism, that we try and keep already well-qualified officers within the profession where we need them so greatly, particularly as they improve their capacity and educational attainments.

Senate 966, 968, and 969 are geared to assist in the area of expanding the organization techniques and knowledge of good law enforcement agencies beyond their own physical locale. One of the most direct attacks is through a direct exchange of officers. The chief of the vice squad of Omaha, Nebr. Police Department comes in and works with the Baltimore City Police Force, or the Montgomery, Ala., or vice versa.

It is a pollinization. You bring in good men and get their ideas within your own department and they take back the good ideas that they find when they are working in another department.

Senate 968 and 969 call for Federal assistance to State and local law enforcement officers, especially those engaged in supervisory, planning or instructional positions, to visit other law enforcement agencies, both here and abroad, to study the techniques of these other law enforcement agencies. This will encourage an even greater interchange of ideas about law enforcement techniques, devices and operations.

It will permit these personnel to keep abreast of latest developments in a complex and rapidly expanding field. It will facilitate the pooling of data and research in an area which though local in responsibility is essentially national in scope.

Senate 969 authorizes the Institute of Criminal Justice to conduct conferences, seminars and similar instructional programs both nationally and regionally. It is my intention that, while some of these programs would bring together chiefs and other leaders of State and local law enforcement agencies, the interchange will not end there. I envision many different kinds of meetings among many levels of supervisory and planning personnel, for purposes of exchanging information regarding local practices, and for indoctrination regarding new developments coming out of the various research programs.

Mr. Chairman, I now turn my attention to another problem with the Federal anticrime effort under the Safe Streets Act. I am concerned that the Federal anticrime money does not appear to be adequately reaching the urban areas of high crime incidence where the money is needed the most.

Two years ago, at the time of the Senate debate on the Safe Streets Act, I strongly expressed my opposition to placing primary and practically exclusive control of safe street funds in the hands of State governments by way of block grants.

I recognize that crime is essentially an urban disease. And I argued that heavy reliance upon this bloc grant approach would subject urban law enforcement to serious delays and frustrations and impede our progress in the war against crime.

I think, Mr. Chairman, some of these problems are becoming too apparent. Our urban law enforcement officials around the country know that something has gone wrong. I think that the block grant approach is not working for a number of reasons:

First, many States, to administer the grants, have established regional as well as statewide law enforcement planning units. As a result, Federal funds must pass through two additional levels of bureaucracy before it reaches the area of high crime incidence, basically the cities, and along the way some of the money is siphoned off.

In New Haven, Conn., the police chief calls this scheme "bureaucracy in the worst sense."

A well-researched study by the National League of Cities confirms the view of the New Haven chiefs. The study concluded that:

Instead of focusing dollars on the critical problems of crime in the streets, local planning funds are being dissipated broadly without regard to need and are being used to finance third-levels of bureaucracy as a matter of state administration convenience.

A second reason why high crime areas are not getting needed Safe Streets Act funds is that under the current bloc grant approach money is distributed to the States strictly on the basis of population. Missouri has twice as much crime as Wisconsin but gets about the same amount of money, and so forth and so on.

The problem is that crime simply does not follow the census.

A third reason why high crime areas are not receiving adequate funds is because urban areas are frequently under-represented on many State planning boards. As a result, money which should be going to fight crime is going to relatively crime-free countryside communities.

I have a number of illustrations in my statement which the chairman can read to back up my points.

In brief, Mr. Chairman, I don't think the present bloc grant approach, is providing us with the most effective war against crime for our dollars.

Senate 3171 is designed to get our Federal anticrime money to where it is needed. This amendment would decrease the percentage of Federal safe street funds allocated in bloc grants to 50 percent and allow in turn our cities to receive directly the other 50 percent.

However, a State's bloc grant allocation will be increased by 20 percent when the State demonstrates that it plans to adequately deal with the special problems and particular needs of its major urban areas and other areas of high crime incidence within the State.

Furthermore, a State's bloc grant will be increased by an additional 20 percent if it pays at least 50 percent of the non-Federal share of the costs for local law enforcement programs.

I believe that it is essential that every dollar that is allocated for crime prevention be spent for crime prevention and spent in the right places.

Currently this is not being done. S. 3171 is designed to correct this.

Mr. Chairman, as an alternative to S. 3171, I wish to endorse two provisions now found in H.R. 17825.

The first of these provides that: "No State plans shall be approved unless the administration finds that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in the area of high crime incidence."

The second requires that States must contribute at least 25 percent of non-Federal shares for funding local law enforcement programs. I think that these provisions represent significant steps toward meeting crime where it occurs often, in our high congested urban areas.

Finally, Mr. Chairman, I think it is imperative that we amend the act to enable the LEAA to function properly. Right now LEAA is being administered not by an administrator, but by an administration

composed of three men all of whom must agree on practically every decision before much needed anticrime action can be taken. This troika or three-headed board is totally incompatible with our need to have a viable, well-run agency to direct the Federal anticrime effort.

Mr. Chairman, I have a very revealing letter from Mr. Charles Rogovin, the very able past administrator of LEAA, in which he discusses the absolutely wretched condition of the Nation's key crime control agencies.

I would ask the chairman if that letter might be incorporated in my statement? I think perhaps I will read that letter to you because, as you know, Mr. Rogovin is a very capable man in the field of law enforcement, and his comments are really, I think, in the constructive aspect, and I think this particular aspect of LEAA really needs correction. This is the letter:

DEAR SENATOR TYDINGS: You requested my views on the various proposals to modify the administrative structure of the Law Enforcement Assistance Administration. Before commenting on the matter, may I first recall some of the background which led to the current form of the LEAA.

As originally passed by the House of Representatives, H.R. 5037 would have conferred grant-making authority upon the Attorney General, assisted by a new Assistant Attorney General. The Senate Judiciary Committee, however, reported, the Senate adopted, and the House ultimately agreed to a substitute bill which established a three-member LEAA to administer the program.

Section 101(b) of the Act provides that the LEAA "shall be composed of an Administrator of Law Enforcement Assistance and two Associate Administrators," all nominated by the President and confirmed by the Senate. All functions, powers, and duties are vested in the Administration: and although the Act designated one Administrator at Executive Level IV and two Associate Administrators at a level below that of the Administrator, nothing in the Act explicitly resolved the question of whether all powers were to belong jointly to the three, or whether some powers were to be exercised by the Administrator alone.

When the program began, during the previous Administration, this ambiguity was resolved by delegation. The Acting Administrator delegated operating authority over the Office of Law Enforcement Programs to one Acting Associate, and authority over the National Institute to the other. As a result, the agency was balkanized, and the Administrator isolated.

During the weeks following my appointment as Administrator, I had an opportunity to consider alternative methods of resolving the statutory ambiguity. After consultation and deliberation, I decided that division of the agency into two programs is not a wise arrangement. But, unfortunately, there was no satisfactory arrangement.

In the absence of Congressional guidance, I struggled with the problems of division of authority and delegation of authority. It seems to me that the creation of a three-man Administration and the few remarks made to explain it suggested that the Senate objected to concentration of grant-making authority in one individual. There was further no suggestion that two constituted a quorum or that a vote of two to one would be conclusive. The Act seemed to suggest that unanimity was required on all matters.

The Law Enforcement Assistance Administration, therefore, appeared to be unique. We could find no other Federal commission, administration, or agency composed of two or more members in which one is not clearly designated as responsible for the agency. And because the Act conferred "all of the functions, powers, and duties" upon "the Administration," Congress's will was interpreted as intending that all three members of the Administration were obliged to decide all matters from grant-making to rule-making to routine administrative questions. It was this interpretation and the absolute impossibility of implementing it which crippled the agency and led to my resignation.

I resigned because I am convinced beyond doubt that the Law Enforcement Assistance Program cannot be administered in its present administrative form. An agency cannot be managed by three chiefs. Three men cannot agree on all matters. From my position as Administrator, I was not permitted to provide

policy direction, administrative leadership, or even to settle relatively routine questions of implementation because of the difficulty of obtaining the approval of the two associates. When I attempted to exercise leadership and my colleagues disagreed, the agency was stalemated. I sat helpless while this program—which I regard as the most important effort ever made to improve criminal justice—deteriorated because of a totally bizarre administrative concoction.

I saw a very good staff severely demoralized by lack of leadership and uncertainty about where even to look for leadership. For example, the members of the Administration were unable to agree on simple delegations to the staff: the top staff, even GS 18's, had no authority to hire staff beyond the level of GS-12. Indeed, there was no delegation of authority to them other than that of a minor nature—such as that required to purchase curtains, books, and desks. Consequently, the civil disorders program, for example, has had extreme difficulty beginning because of a disagreement about policy.

And the National Institute of Law Enforcement and Criminal Justice has been unable to get approval of basic research programs, and has had difficulty sometimes obtaining approval even of many individual grants. Indeed, no grants whatever could be made for any purpose without the signed agreement of all three members of the Administration. I concluded that policy cannot be formulated, rules cannot be promulgated, and authority cannot be delegated in an agency with three chiefs.

So, I resign—in part, as a demonstration of my strong conviction that Congress must amend the Act to clarify authority. There are two proposals before the Congress. One would abolish the two associate administrator positions; the other would make clear Congress's wish that there be one administrator of the agency, although the two associate positions would be retained solely as assistants to the Administrator, and without authority to act as part of the administration. Although I think the former is preferable, the latter would be acceptable, in my judgment, if Congress's intentions are made truly clear.

There is no need to emphasize to you who have been so concerned about improving criminal justice that the Law Enforcement Assistance program is at a critical moment. During the next several years, it appears, Congress will authorize the expenditure of one billion dollars or more to be spent each year through this program. If the money is not accompanied by strong Federal Government initiatives to improve our system of criminal justice, we will squander resources on a system which must be reformed in order to be improved.

I am persuaded that Federal leadership will not be possible unless Congress vests its confidence in one single administrator who can provide the leadership commensurate to the challenge. That was the meaning of my resignation.

Sincerely yours,

CHARLES H. ROGOVIN.

Mr. Chairman, I met with Mr. Rogovin before he left and I couldn't agree more with the thrust of his remarks.

Let me try and refresh the chairman's recollection on this issue back when we were debating it. As I recall, the reason for the three-headed or the troika type of administration was the thought that you would have one member of the party out of power and two members of the party in power, or something along those lines; that we were a little reluctant at the time to put the complete responsibility and authority in one man.

Mr. Chairman, I think we made a very serious mistake. I think that we ought to have one man, responsible. I think either we should abolish the two associate administrators, or keep them in, but make it absolutely certain that they are assistants to the administrator, and that the administrator makes the policy and the administrator makes the major decisions.

Otherwise we are going to continue to have a serious problem of morale in the LEAA. You can't afford to lose men of the caliber of Charles Rogovin. We need the best men in law enforcement in the Nation in that administrative office. As he indicated, there are going

to be billions of dollars spent there. We can't have a policy which hamstrings our top officials from even being able to hire a GS-13. I mean, we just can't tolerate that, Mr. Chairman, and I think it is very important that your subcommittee redress this problem.

I think we just can't afford to have this order of lack of morale and lack of direction in the Law Enforcement Assistance Administration. That concludes my remarks.

Senator HRUSKA. Thank you very much for your testimony, Senator Tydings.

As we all know, all four of us are members of the Judiciary Committee. The full Judiciary Committee will be called into session shortly.

Shortly after you commenced your testimony, Senator Tydings, Senator Thurmond of South Carolina and Senator Hart from Michigan entered the committee room and were very interested listeners. They may have some questions and I shall give them that opportunity in the time permitted.

This I make first as an observation: It would seem that the series of bills which you have discussed here which deal with very important aspects of the problem of law enforcement, are primarily oriented toward the policeman and the police officer; is that correct?

Senator TYDINGS. The ones that I discussed are. As the Senator may know, I have some 30 proposals, some of which are before other committees which he and I sit on. I have one or two in correction which I would appreciate the committee would take a look at with respect to reform and strengthening our correctional system. But I realize the time is limited. I tried to emphasize those proposals which relate to upgrading the American police and, of course, those with respect to the proper administration of the Law Enforcement Assistance Administration itself.

Senator HRUSKA. This is not said as a criticism, because as you indicated, the field is broad; it is wide and it is deep. However, in our deliberations we have always borne in mind that law enforcement as embraced in the Law Enforcement Assistance Administration Act covers not only the policeman on the beat and the police station where the apprehended are at least temporarily detained, but also includes investigators and prosecutors, technicians, and records keepers.

It includes judges, probation, parole personnel and all of the officers involved in that process. It also includes the wide and very important field of corrections, rehabilitation, halfway houses, work relief programs, prison reform and so on.

Now, some of the other bills that have been introduced by the Senator from Maryland deal with other aspects of this problem. I detailed these other officers for the purpose of pointing out that the police officer represents only one aspect of law enforcement.

Senator TYDINGS. Mr. Chairman, while we are on that subject, you will recall that one of the proposals I have is called the National Court Assistance Act which is before the Committee on Improvements in Judicial Machinery. This bill would set up an independent board of trustees to provide grants and studies to local court systems across the country—when their State chief justice approves—to upgrade and modernize the courts.

You will recall that when we had our hearing before our subcommittee, Mr. Velde, who was one of the three administrators of LEAA, indicated that in his judgment we didn't need my proposal, the National Court of Assistance Act, because the Law Enforcement Assistance Administration could make such a grant itself.

I was very encouraged by Mr. Velde's statement. However, when I found that other members of the LEAA didn't agree with Mr. Velde's interpretation, and that they felt that grants from the Law Enforcement Administration Agency in connection with court reform and court reorganization, could only be used for a criminal court reorganization, I was no longer encouraged. Anybody in the field of judicial administration knows that in a court system, even if your criminal section is working beautifully, if all the other sections of your total administration are faulty, there is nothing much you can do because the whole system will eventually go down. It might well be that you might want to take a look at this particular area, since court administration is a field with which we are both concerned. We should assure through legislation that the Law Enforcement Assistance Administration can make the grants along the lines that Commissioner Velde spelled out when he testified before our Subcommittee on Improvements in the Judicial Machinery earlier this year.

I know that you are particularly informed and one of the national leaders in the field of court administration, and since you brought that up I thought it might be something you might consider.

Senator HRUSKA. I think so; and if there is unduly limiting language to be found in the law as it now exists, perhaps it should be changed.

I am interested that the sheriff of Michigan County gets \$1,500 for radio equipment and Grand Rapids, Mich., gets \$180 to buy two cameras.

Do you think that is a fair characterization or illustration of what LEAA is actually doing, considering that this had to be within the first year or two of this program?

In the first year, \$63 million was appropriated in a field where \$6 billion is spent each year. In the second year \$280 million was involved. In each of those 2 years, the thrust was to get a State program approved. Most of the moneys expended were for administrative study of the structuring and management of the entire system of law enforcement in each State.

Only 15 percent of the funds could be distributed on a discretionary basis. You did not indicate whether the \$180 for the cameras came from that source or from another source.

On its face this looks so stupid that I am sure no human being could contrive such a thing if he tried. I am just a little bit suspicious that it might be taken out of context and that it doesn't represent the entire true picture.

Would you like to comment on that misgivings on my part, I went into this pretty much in detail and I would be interested in your comments.

Senator TYDINGS. Mr. Chairman, I think as appendices to my remarks we ought to put in the Wall Street Journal article and other articles which appeared on this subject, from which these figures were taken.

Senator HRUSKA. What is the date of it?

Senator TYDINGS. I don't know. We will give you the copy of the article. Another significant document is "A survey of the street crime and Safe Streets Act, What is the Impact," by the National League of Cities and United States Conference of Mayors. [See page 328 for this document.]

Senator HRUSKA. What is the date of the article?

Senator TYDINGS. That date is February 1970.

Senator HRUSKA. And may we have it for the record?

Senator TYDINGS. Yes; you may have it for the appendix, in particular respect to page 9.

(The documents referred to follows:)

[From the New York Times, Dec. 7, 1969]

#### FUNDS TO FIGHT CRIME ARE MISSING THE TARGET

(By John Herbers)

WASHINGTON.—The problem of urban crime—one of the major causes of the increasing agony of the cities—has barely been touched as yet by measures supposedly designed to deal with it. Several developments in the past few days have underscored that fact.

The National Commission on the Causes and Prevention of Violence issued a report on the "significant and disturbing increases" in homicide, assault, rape and robbery during the past decade. The commission said that this is primarily a phenomenon of the large cities, which are on their way to becoming a mixture of "fortresses" and "place of terror," with the well-to-do living in privately guarded compounds and residents moving in armored vehicles through "sanitized corridors" connecting safe areas.

Last week, the commission issued another report, this one on group violence, warning that there was a danger of "extreme, unlawful tactics" replacing the legal processes as a means of registering demands—a trend that has been accelerated by unsophisticated and inadequate police response.

#### MAYORS ENDORSE CONCEPT

A group of Democratic Senators introduced legislation that would amend the Omnibus Crime Control and Safe Streets Act of 1968 so that more of the money appropriated for improving law enforcement would go to the cities. The National League of Cities at its annual convention in San Diego last week endorsed the concept. Senator Vance Hartke of Indiana, chief author of the legislation, pointed out that several studies had shown that the states were using a disproportionate amount of the Federal funds to build new layers of bureaucracy and to assist the smaller cities, suburbs and rural areas—for example, two-way radios for the "Golden Valley Police Department"—where there is relatively little crime.

The violence commission, headed by Dr. Milton S. Eisenhower, brother of the late President, agreed with several previous commissions that what primarily was needed was a national commitment to rebuild the inner cities and improve the lives of the poor who inhabit them. The commission also found, as had previous commissioners, that the law enforcement agencies and the judicial systems were wholly inadequate and that public resources in this area ought to be at least double if the cities are to avoid the polarizations and distortions resulting from affluent citizens providing their own security by hiring private guards or moving to the suburbs.

#### WHERE MALADY LIES

There can now be no question of where the malady lies. Commission studies showed that 26 cities with half a million or more residents—making up 17 per cent of the national population—have about 45 per cent of the major crimes. "The average rate of major violent offenses in cities of over 250,000," the commission found, "is 11 times greater than in rural areas, eight times greater than its suburban areas and 5½ times greater than in cities with 50,000 to 10,000 inhabitants."

This would suggest a concentrated correctional effort in the big cities. It is urban crime that is frightening people in the suburbs and the quiet country villages. It is a prime issue all across the political spectrum. Representative William L. Clay, a young Negro who represents the slums of St. Louis, recently said, "As long as murder in the white community is considered a serious crime and murder in the black community is considered, by law enforcers and public officials alike, as a way of life, crimes of violence will continue to increase."

Yet when it comes to concentrating anticrime efforts in the cities, a political dilemma immediately presents itself. The Safe Streets Act which was passed last year was designed to provide the resources that the local government cannot afford. About \$60-million, mostly in action and planning grants, was appropriated for the fiscal year which ended last June 30. Almost \$300-million is budgeted for the current fiscal year and greater increases are anticipated for the future.

The act, however, came at a time when there was wide distrust of Federal controls as exercised under categorical grants, made for specific purposes under Federal standards. State and local officials had complained bitterly that inflexible Federal requirements, especially with the many new social programs enacted in the mid-1960's, were hampering local initiative and efficiency. This, in addition to a traditionally strong endearment for states' rights, led to a public demand that Government programs be brought closer to the people. In the Safe Streets Act, therefore, Congress provided for block grants, under which the states receive the money for a general purpose and have wide latitude in deciding how it will be spent and distributed to the local governments. Only a small portion was made available for direct distribution to the large cities—\$1.1-million the first year to the 11 largest.

#### STATE SPENDING

The states are spending much of the money to set up agencies to administer the program. Most have been distributing "action grants" to the local governments on a straight per capita basis, causing officials like Mayor James J. H. Tate of Philadelphia to complain of a "dismal trickling down of funds" to the high crime areas. In Indiana, Gary, a city choked with crime, is not even represented on the state agency.

Senator Hartke's bill runs counter to the philosophy of the Nixon Administration, which has encouraged the block grant approach. In the big industrial states with big cities, suburban interests are on the ascendency, electing Republican governors who have minimum support in the inner cities. When Senator Hartke sought help from Republican Senators for his bill, he was told by some that they would like to join him but could not because they had Republican governors who wanted to retain control of the funds.

Some advocates of the cities' cause say a good case can be made for bringing the states into the urban crisis, because they are such an integral part of the Federal system. The question, they say, is whether there is still time for effective response by the states, even if they are capable of such response.

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[From the Wall Street Journal, Feb. 4, 1970]

#### CURBING CRIME—THE "SAFE STREETS" ACT YIELDS SCATTERED GAINS AGAINST LAWLESSNESS

U.S. AIDS CITIES AND STATES UNDER LAW; NEW POLICE GEAR, BETTER JAILS SOUGHT

(By Alan L. Otten)

The Chicago Police Department is trying to determine whether modern personnel-testing techniques can predict which rookies will make good cops. Florida, Puerto Rico and the Virgin Islands have set up a telephone tie-line to exchange information on big-time gamblers and hoodlums moving around the Caribbean.

Louisiana plans to build a regional correctional center in New Orleans to replace the dilapidated, outmoded parish (county) prison. Maryland is studying what can be done to move criminal cases through the Baltimore criminal courts more swiftly, and Syracuse is testing whether crime can be slashed in certain precincts by relieving small squads of police of routine chores and giving them a free hand to fight crime.

Police departments across the country are buying equipment from riot guns and tear gas for suppressing disorders to balls and bats for youth community relations projects. And a new Federal research unit is developing two much-wanted items of police hardware: A new type of small but powerful walkie-talkie that might be worn as part of a patrolman's uniform, and a night vision device to permit cops to probe more safely into dark hallways and alleys.

In these and scores of other ways, states, cities and the Federal Government itself are laying out the money becoming available under the 1968 Safe Streets Act, Uncle Sam's major current effort to mount a comprehensive attack on crime.

#### RISING SPENDING

Under the act, passed late in the Johnson era, \$59 million was provided in the fiscal year ended last June 30 for Federal research and for financial and technical aid to state and local police forces and to court and corrections systems. The amount rose to \$268 million for the current year, and President Nixon is requesting \$480 million for the year starting July 1.

Further increases are likely in later years, probably to \$1 billion or more in the not too distant future, as the Administration and Congress vie to show concern over rising crime rates. A House Judiciary subcommittee starts hearings Feb. 18 on bills to increase available funds; Chairman Emanuel Celler of New York proposes \$750 million for the coming year, ranking Republican William McCulloch of Ohio plumps for \$650 million. A Senate Democratic bloc endorses \$800 million for next year and still more for the two following years. Total state and local spending on police, courts and corrections now runs about \$6 billion a year, mostly for salaries and equipment, so even this year's Federal funds represent a substantial increase in spending on law enforcement and criminal justice.

"The nation's criminal justice system has been starved for resources for decades," declares Attorney General John Mitchell. "Public officials at every level, and the public itself, must be prepared to expend large sums if they are serious about controlling crime."

Admittedly, the program has started more slowly than many advocates and administrators had hoped it would. The act requires most Federal aid to go through the states and requires every state to set up an agency to map out a crime-fighting plan. It has taken time to create these agencies and get them moving. As a result, most of the first year's "action" money didn't begin flowing out until last June.

What's more, Congress didn't vote this fiscal year's appropriations until early December, and the bulk of the current year's funds probably won't be disbursed until late May and June.

As might have been expected, too, comparatively little of the early money has been going for well thought out training programs or promising experimentation and research. Officials of the Law Enforcement Assistance Administration (LEAA), the comparatively small (under 250 people) agency that oversees spending under the Safe Streets Act, estimate that probably one-fourth of the first year's funds went into equipment purchases and another fourth into salaries. They think that eventually about 25% of LEAA funds will go for construction, about 25% for equipment and the rest for higher salaries, more personnel, better training, research and other items.

#### AVOIDING FALSE HOPES

Crime-fighting officials here caution against expecting quick accomplishment. They point to the scarcity of good people to work against crime and the intense resistance to change in police departments, courts and prison systems. Above all, they stress the immensity of the problem they're tackling; urbanization, poverty, lack of education and other basic social forces have tended to keep crime rates skyrocketing.

"We've had these problems for over a hundred years, and they've been getting steadily worse, and we're not going to solve them overnight," says Charles Rogovin, the LEAA's administrator. "This is a program to deal with the fact of crime, anyhow, and not the root causes. Our mission is not that broad." Mr. Rogovin, just turned 39, is a former assistant attorney general in Massachusetts.

By far the largest amount of "Safe Streets" money—\$215 million of this year's \$268 million appropriation—goes in "action grants" to states and local governments to improve police forces, courts and correction systems. These funds can go for salaries, buildings, equipment, training programs, experimentation with

new techniques or community relations projects. The states and cities must put up one-fourth to one-half of the cost of each program. The action grants this year will vary from \$17.3 million for California and \$6.4 million for New York on down to \$500,000 for each of the least populous states.

An LEAA unit known as the National Institute of Law Enforcement and Criminal Justice will spend another \$7.5 million this year on a vast range of research and development projects. The LEAA's technical assistance division provides consultants to help state and local governments with police, court and correction problems. It sponsors seminars to teach police how to handle campus disorders or to show prosecutors new wrinkles in combating organized crime; its experts may help plan a new jail or evaluate a local parole system.

Finally, the LEAA will spend some \$19 million this year in loans and grants for college study by more than 65,000 men and women who are already in police, court or corrections work or who are planning such careers.

Though activity under the law is just picking up steam, criticism has been at full throttle for some time. Critics delight in quoting an October speech by Daniel Skoler, director of the LEAA's Office of Law Enforcement Programs and the man really in charge of overseeing state and local efforts.

#### THE CITIES' PROBLEMS

After listing a number of accomplishments, he confessed to a number of problems, including high staff turnover in state planning agencies, "rudimentary" and "often vague" anticrime plans and "weak initial commitment" by the states to work in the fields of courts, prosecution and corrections. Moreover, he said, the states have yet "to demonstrate a clear commitment to the problems of the large cities which account for the bulk of crime incidence."

This last criticism is widely voiced. The U.S. Conference of Mayors, the Urban Coalition and other city-oriented groups have complained that states spread the Federal money around evenly, even into low-crime rural areas, rather than concentrating it in the big cities. (The 57 largest cities have over half the nation's serious crime.)

Other critics contend Mr. Rogovin and his aides don't push states and cities hard to be more specific and more imaginative in planning. Many complain too much money is going to police departments (about 80% of early "action" money) as compared to courts and corrections (6% and 14% respectively). Some protest that too much Federal cash is spent on hardware, too, little for training and research.

"The whole tone the Attorney General is setting is putting too little emphasis on innovation," asserts Prof. James Vorenberg of Harvard law school. "Too much is going for technology the police don't need and don't know how to use and which will not produce any real change."

#### AGENCY'S REBUTTAL

In defense, LEAA officials reply that spending on hardware will slacken in coming years, that they're pushing for more action on courts and corrections and that they probably couldn't find any more qualified people to do research now. As for the charge that urban needs are being shortchanged, Mr. Rogovin says that his agency tries to give big cities an extra-large share of a small amount of "discretionary" money it has available.

Clearly, it will be quite a while before any real assessment can be made. Meanwhile, just pumping out money for more or better equipment and personnel probably helps appreciably.

The National Institute of Law Enforcement and Criminal Justice has hundreds of research projects under way—spending anywhere from a few thousand dollars for one college professor to study ways to classify dried blood groups to \$100,000 or more, to help a large research organization evaluate methadone treatment of drug addicts. The institute also keeps track of promising new anticrime approaches that states and cities, foundations and other organizations are trying on their own and hopes to serve as a clearinghouse to disseminate this information.

Right now, though, the institute is concentrating on its own research projects. Top priority is being given to efforts to perfect the small walkie-talkie—"a personal transceiver," in the technicians' jargon—that would fit the special needs of the cop on the beat far better than present ones.

Existing models tend to be bulky, low in power, subject to distortion by background noise, hard to maintain and easily broken. The patrolman often must use one or both hands to operate the walkie-talkie, at a time when his hands should be free to deal with a suspect or a crowd.

#### TESTS IN SEVERAL CITIES

The institute is prepared to spend \$500,000 to \$750,000 to develop a model that is small and lightweight, powerful and reliable, easy to operate and maintain and yet not too expensive. Ideally, it would be part of the uniform, mounted on the epaulet or fitting under the patrolman's arm, so his hands would be free. Institute officials already are working with Air Force experts to write specifications for the transceiver and hope soon to seek bids on several models from manufacturers. The schedule calls for letting contracts in the spring for walkie-talkies to test in several cities.

This approach of awarding development contracts may be employed for other communications devices, chemical agents, computers and other hardware. Eventually, suggests Henry Ruth, the 38-year-old head of the institute, the LEAA may set standards for manufacturers to meet in selling to local law enforcement agencies. He explains: "Police chiefs are being deluged by salesmen trying to persuade them to buy new devices they know little about. We may start out evaluating some of these things, and later, if we could set standards, it would be a big help for them."

The researchers also assign top importance to the research on a night vision device. Industry is trying to adapt to police work a night vision aid used by the military in Vietnam.

With Federal help, the Chicago Police Department and the Industrial Relations Center of the University of Chicago are moving on to the second stage of a project using industrial personnel tests to try to predict the performance of patrolmen. First the center selected a battery of perceptual, psychological and other tests and gave these to some 500 patrolmen; it found a high correlation between the test results and performance ratings given by supervisors. The best performers were healthy men who came from stable homes and had early taken on family responsibilities.

Now the researchers are giving the tests to rookies in training to see if the findings can predict which will do well. The next step would be to test all applicants for the police force and sign up only the more promising men.

Other research projects range widely. Michigan State University's speech department and school of police administration are testing to find if individual voices are unique and whether recordings of them could be classified and stored for quick retrieval. Success could mark a major crime-fighting breakthrough, since voices might be recorded in many crimes where photos couldn't be taken and fingerprints might not be left.

Wayne State University, the Detroit Police Department and auto manufacturers are trying to design a more comfortable and more efficient prowl car; police now adapt regular passenger cars. The researchers are trying to answer such questions as how best to carry prisoners, whether air-conditioning improves police efficiency, whether a teletypewriter can be installed in the car to record messages while the policeman is away from the car and whether a tape recorder would be useful for recording interviews with witnesses and suspects.

The Syracuse police project frees small numbers of police from worrying about auto accidents, family quarrels and other routine and gives them full responsibility for cutting crime in specific precincts. They can work whatever hours they want, pound a beat or not, develop their own sources of information and decide which cases to drop and which to follow up and how. Early results suggest that crime can be cut substantially, with no extra outlay of manpower or money. The test has been carried on for a year on three high-crime beats and is being expanded.

Cedar Rapids, Iowa, police are testing whether burglaries can be reduced by tying businesses that are likely targets directly into the police communications network. Private firms will soon be working to develop a sophisticated narcotics sensor—using smell or some other technique to detect the presence of narcotics, particularly heroin. Architects, psychologists and housing experts are meeting to see if housing projects can be designed in ways that might cut assaults and vandalism—with hallways visible from the outside, for instance, or laundry rooms located in less out-of-the-way areas.

Despite the criticism that cities and states aren't doing enough experimentation, some are doing imaginative work with their LEAA action money. Philadelphia District Attorney Arlen Specter is trying to cut high murder rates and other violence among street gangs with storefront youth centers in two of his city's most troubled neighborhoods. These centers, staffed by former gang members, offer all sorts of help from job training and drug therapy to weekend camps in the Pocono Mountains.

#### KEEPING TAB ON MOBSTERS

Six states are trying to decide if it's possible to set up a computerized intelligence system on organized crime. The idea would be to feed in data on the movement of suspects, their contacts, their investments and other personal matters. The computer might then be asked for example, which persons staying at a particular Las Vegas hotel in June, 1969 had traveled to Florida in January 1969 and had done business with a particular Philadelphia insurance agency.

Conceding that courts and corrections have been neglected in early plans, the LEAA officials are working to give these areas more emphasis. "The corrections area is going to hell faster than any other part of the criminal justice system," asserts Lawrence Carpenter, a retired U.S. prisons official who spearheads the LEAA's corrections effort. The agency is asking states and cities to make special efforts soon to improve corrections centers for juveniles and to broaden experiments with "halfway houses" and work-release programs for prisoners. It also is urging first-rate regional facilities, rather than second-rate local facilities, for handling women, the mentally disturbed and other special categories of offenders.

The LEAA-aided projects already under way include Louisiana correctional center in New Orleans, one of six new regional facilities planned for the state—with medical areas, work-release areas and detention areas of varying security. In Austin, Texas, the LEAA is helping finance a probation setup that may become the nucleus for a statewide system. Seattle is giving correctional personnel special training right in the ghetto—riding in patrol cars, working in skid row hotels, living with slum families—to give them a feel for the conditions that give rise to crime.

The courts have been even more neglected than the correction system. "They not only consider themselves somewhat independent, but traditionally they've also isolated from other criminal justice agencies and so have little role in developing state programs," says George Trubow, the LEAA's top man in this area. "We have to encourage the judges to ask for more help and the agencies to give them more."

Officials would like to see, for example, more local agencies to supply presentencing help to judges, including background on the accused and the pattern of sentences in other courts for similar offenses.

Ten states are taking part in project SEARCH—an acronym for "System for Electronic Analysis and Retrieval of Criminal Histories." The idea is to see whether a nationwide computer system can be set up to keep track of the history of all persons charged with or convicted of major crimes.

The data would include the type of crime, outcome of the trial, sentence and time actually served and probation record. Each state would store its own facts and figures, but there would be a central index and switching system to refer queries to the proper source. The system would permit periodic reports on such matters as the number of repeat offenders, mobility of criminals, prisons with good rehabilitation records and those with poor ones.

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[From the National Observer, Feb. 9, 1970]

#### A BATTLE BREWS OVER U.S. AID TO LOCAL POLICE

CITIES SAY RURAL SHERIFFS GET FAR TOO MUCH HELP; AGENCY DEFENDS AWARDS

(By Michael T. Malloy)

"My experience with the state has been appalling, just appalling," complained the city manager of Savannah, Ga.

"We are concerned that medium-sized cities get a fair share of the money, and right now they're not," said the public-safety director of Lancaster, Pa.

"It's a fight all the way," protested the chief of police of New Haven, Conn. "That money may just go down a rat hole."

The Government's fledgling Law Enforcement Assistance Administration (LEAA) is less than two years old, and already a political battle is brewing between states and cities for a bigger share of what could be the lushest political pork barrel of the 1970s. The prize is potentially great because the agency's budget already has quadrupled in one year to \$268,000,000, and some congressmen are demanding that it be raised to \$1 billion and beyond.

Nobody is criticizing the LEAA itself, nor attacking its administrator, Charles Rogovin. The agency is the Government's spearhead in the politically popular war on crime, and Mr. Rogovin is a veteran crime fighter with experience in big cities in Massachusetts and Pennsylvania.

The quarrel is over the complicated system that Congress set up to disburse the growing pile of money that the agency handles. The Omnibus Crime Control and Safe Streets Act of 1968 required the agency to give almost 85 per cent of its funds directly to the states on a per-capita basis. The states must pass on 75 per cent of their money to local governments. The final recipients must match the Federal money with contributions of their own, ranging from 10 to 100 per cent of the Federal grant, depending on the kind of project to be carried out.

The states don't have to distribute their money on a per-capita basis. But most of them adopt such a formula, or even use a method that favors the big cities. Minnesota, for instance, says it puts 82 per cent of its local grants into the three counties that include Minneapolis, St. Paul, and Duluth, even though they contain only 45 per cent of the state's population.

Urban pressure groups such as the National League of Cities complain, however, that too much of the money now goes into new state bureaucracies, which are required by law, or politically potent but relatively crime-free communities in the suburbs and the countryside.

"If it is a crime program to buy guns and automobiles for rural sheriffs, it's doing its job," complains a league official. "But if it's a program for opposing crime in the cities, it's not."

Urban officials point out that the agency's first round of grant money was distributed in such a way that in Michigan, for instance, Grand Rapids (population 202,000) received \$180 to buy two cameras, while the sheriff of Ogemaw County (population 10,100) got \$1,488 for radio equipment. The latest round of allocations in Pennsylvania gave \$32,286 to Pittsburgh (population 604,000), but \$22,386 to bucolic Potter County (population 16,200). The state of Ohio received more than \$1,000,000 in the latest round of allocations, but only \$40,000 of that trickled down to the City of Cleveland.

Spreading the money to the states on a population basis does raise questions because crime does not follow the census. Missouri reports twice as much crime as Wisconsin, but gets about the same amount of Federal money because their populations are almost equal. Maryland gets less than seven times as much money as Vermont, even though it reports 37 times as many crimes—more than 32 times as many murders.

The urban spokesmen are particularly upset about the way the money is distributed once it reaches the states. They complain against the system on three counts:

The states set up state-wide and regional law-enforcement planning units that allegedly impose two new levels of bureaucracy between the cities and the source of the Federal funds.

"They've created another bureaucracy and another political level," complains James Ahern, New Haven police chief. "All their staffs do is process paper. It's bureaucracy in the worst sense. The City of Bridgeport didn't even apply for money because it was so much aggravation."

The state and regional planning units allegedly are weighted with political appointees who represents the states, counties, and suburbs more than the cities.

"They have an appalling insensitivity to the problem of putting the money where the crime is," complains Picot Floyd, Savannah, Ga., city manager. He says his city of 150,000 has 22 per cent of the state's crime, but gets only Georgia's 5 per cent of LEAA money. And it shares that money with four other counties, in a regional planning unit whose headquarters is 60 miles away in Statesboro (population 8,350).

The states allegedly distribute the money without regard to how hard local communities already are taxing themselves to pay for police protection.

"Our citizens of Lancaster pay \$16 per capita for police services," says Herbert Yost, public-safety director. "Now the state is finding Federal money to buy the first police radios for communities that don't have them because they were unwilling to spend more than \$5 per capita. That's an inequity, and I don't think anyone should get a dollar of Federal money until they are willing to spend substantial amounts of their own for police protection."

Mr. Rogovin and his top aides did not write the law under which they work, but they defend it, at least until it has a chance to prove itself. "There has not been enough experience to determine whether this approach is a viable one or not," says Mr. Rogovin. "It can be. You have to give it a fair try."

It is too early to judge the agency's performance. Its first administrators were hired only 16 months ago. At the same time, the law required all 50 states to form planning agencies with the help of Federal "planning money," and then submit their plans in order to get Federal "action money." In states with an additional layer of regional planning agencies, this process was repeated.

So LEAA's first-year budget of \$63,000,000 is still finding its way down to some local governments. Pennsylvania is mailing out most of the checks this month. Mayor George Seibels of Birmingham, Ala., says his state didn't approve any local projects until last week. And this belated input can only scratch the surface of a law-enforcement industry that costs about \$6 billion per year.

Nevertheless, LEAA officials believe that they have made some striking progress, even if it isn't possible to measure it yet in the number of criminals captured or crimes solved. They find progress in some of the very things the cities complain about.

#### THE LAW-ENFORCEMENT SYSTEM

To appreciate their approach, it is necessary to view law enforcement as do the LEAA professionals, most of whom have many years' experience. They see crime as a regional or even national problem that cannot be fought within the cramped confines of the estimated 40,000 individual police departments into which the country is broken up. They view law enforcement as a "system" in which the judge, the prosecutor, and the prison warden are as important to public safety as the policemen on the beat.

"An input in police activity alone is not going to make the kind of changes that are desirable," say Mr. Rogovin. "If you have 30 per cent more arrests, you'll have 30 per cent more guys going through the courts. If the courts aren't upgraded you'll have more delay, and more guys committing crimes on bail. And with no improvement in the corrections system, 30 per cent more convictions will just make that many more repeaters when they get out.

"It's like a bag filled with water. If you push it in one place, it bulges out somewhere else."

From this point of view, the creation of extra "bureaucracies" is a great step forward. In most states, the new planning agencies include prosecutors, juvenile court officials, directors of prison systems, and state and local police chief.

"For the first time in this country you're beginning to see components of the criminal-justice system," Mr. Rogovin says. "And if you don't have this comprehensive planning, you are not going to get systematic upgrading.

"The city alone can't address these needs," the administrator adds. "What do you do about the suburbs, where crime is rising faster than in the cities? And what about corrections, which is usually a state-wide system? And the court systems aren't always limited in the cities. Pittsburgh's courts cover all of Allegheny County."

The allocation of 85 per cent of the agency's "action" money for distribution by the states was written into the act because of fears that direct payments to city police departments would be a first step toward a Federal police system. It also was intended to have the effect of pushing decisions down the political ladder to levels where local officials are theoretically more familiar with local needs than some far-off Federal bureaucracy could ever be.

"Their needs are really diverse," says George O'Connor, the chief of LEAA's Police Operations Division. "In a state like California we are talking about adding on to existing crime laboratories. In another state the local guy needs a file cabinet or even a squad car. In one Southern state there is a two- or three-man police department that uses the pay phone outside the little shack they call headquarters."

## LIKE A SMALL-TOWN DEPARTMENT

The LEAA money thus goes into radically different approaches to the same problem of crime. In Syracuse, N.Y., it is helping to underwrite an experiment in which a handful of officers patrol their section of the city almost like a small-town police department. They schedule their shifts on the basis of what they know about local conditions instead of getting their schedules from the main headquarters. But they still have access to all the services and potential reinforcements of the city department.

The Potter County, Pennsylvania, money, on the other hand, is pulling five little police departments together into a common radio net with the sheriff's deputies. None of the departments, including the sheriff's office, used radios before. Both these projects attack the same problem from opposite directions, trying to combine the benefits of technology with the benefits of small-town police knowledge.

No matter who wins the fight over distribution of the funds, the LEAA professionals undoubtedly will get more and more money to work with. President Nixon asked for \$480,000,000 to fund LEAA next year under the present method of distribution. The U.S. Conference of Mayors included a request for a 1971 budget of \$800,000,000 in the same resolution in which it condemned the method of distribution. Sen. Vance Hartke, Indiana Democrat, has introduced a bill with eight other senators to give LEAA \$3 billion in the next three years, under a formula that would give proportionately more to the cities. Sen. Roman Hruska, Nebraska Republican, has sponsored a measure to spend \$700,000,000 on corrections alone. Rep. Emanuel Celler, New York Democrat, has asked for \$750,000,000 next year, and Rep. Brock Adams, Washington Democrat, introduced a bill boosting that sum to an even \$1 billion.

Senator TYDINGS. Mr. Chairman, I think you are aware that today the greatest single criticism of the Law Enforcement Assistance Administration has been that the funds have not gotten to those areas where you have the high incidence of crime. Part of that may be that the funds have not been appropriated in adequate amount to reach these high crime areas.

But, if there is going to be any problem with this administration—and by “administration,” I am talking about the Law Enforcement Assistance Administration, not the national administration—it is going to be to assure that the funds get to the areas where you have the highest incidence of crime.

Senator HRUSKA. Have they had time to get there?

Senator TYDINGS. Those funds that have gone out have gone without respect to the areas or incidence of crime in the area receiving them. That may be happenstance because it was the first year of the program where the funds were not adequately budgeted, but I point it out as a warning, Mr. Chairman. It would be a tragedy if, in the designations of the recipient of LEAA funds, areas of high crime incidence were not to receive the proportion of funds which their high crime rates justify and if the funds were to be channeled or siphoned off to areas which don't have this incidence of crime because the bureaucracy setup in the individual States were overloaded with members who are more interested in the areas of low crime incidence than high. There is ample evidence to suggest that this is a problem which your subcommittee must grapple with.

I point it out because it is the area where you have the most criticism of the Law Enforcement Assistance Administration to date.

Senator HRUSKA. Well, in that connection, the bill being considered by the other body contains in proposed section 303 this language:

No State plan shall be approved unless the administration finds—and the administration in this sense is the LEAA Administration—unless the adminis-

tration finds that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence.

Of course, that will be a statutory direction to achieve what you have called to our attention. But to take a program that has been funded to the extent of \$63 million, much of which has gone into planning and not into action, and write an editorial or article—which must have been written and prepared in January of this year—which calls attention in this nit-picking way to some of the things that have happened under this plan doesn't seem to be very objective.

It is well known and anyone who has studied that program for 4 hours will know that the first 2 years have been devoted almost entirely to planning grants. You can't buy much equipment with planning grants.

Maybe they mention in the article that the police cars around the city of Washington have gold lettering on their cars instead of ordinary paint. That is one of the things that was covered by a grant, I understand. Maybe they could have picked on that and said: "This is horrible—no guns but gold paint on the cars."

This year for the first time we are going to get into action grants as opposed to planning grants. Many critics do not recognize this.

Of course this statement does not include the witness before us because I know of no one more dedicated to the law enforcement cause. But I wanted to deliver myself of those thoughts because they cross the mind of anyone who has studied this subject and who is familiar with it.

Senator TYDINGS, would you agree with me that the duties of the administrators of the Law Enforcement Assistance Act can be divided into two categories?

One would be the problems of office management—housekeeping, providing for staff and personnel, enough desks and paper clips and telephones—which enable the organization to function.

A second category would be found the making of policy—whether the crime commission plan of the State of New York or any other State is drawn pursuant to the terms of the law.

Senator TYDINGS. Right.

Senator HRUSKA. Now, then, can it be that we can have a division of authority in that regard and endow the chairman or chief administrator with certain powers, as is done in many commissions and in many regulatory bodies having to do with the first category. But when it comes to a question of broad policy then the three members of that administration would be required to pass on that.

I haven't gone into the matter of who determined that there had to be a unanimous opinion on all administrative matters. That seems an unnecessary restrictive reading of the legislative language.

Senator TYDINGS. You can see what happened. When the final language was drafted, you got the language administration. The actual bill had an administrator and two associate administrators, but it said the decisions must be made by the administration; and that has been interpreted and carried forward now to the point where all of the policy decisions, as well as the executive decisions, have to be signed by all three administrators.

So, as a result, the whole administration, according to Mr. Rogovin in his words, was seriously thwarted.

Let me say, Mr. Chairman, this is a tremendously important issue for your subcommittee to take up. I am one of those who feel that the administrator of the Law Enforcement Assistance Administration ought to be given the authority and the responsibility. I think that is an appointment by the attorney general that is a tremendously important one, but since you are going to hold the responsibility of the attorney general to carrying out the program, I think you ought to give him the authority and I think he ought to have it.

Senator HRUSKA. In both categories?

Senator TYDINGS. In both categories. I think it is just too important an area to risk vitiating the thrust of the administration by any type of bureaucracy, and I think when you have to shop around and get two or three out of three signatures on policy, I just don't think that is the way to run a railroad.

I think this is a tremendously important administration. I think that undoubtedly the person at the head of it is one of the most important appointments that the attorney general will make. I think if you are going to hold him responsible you ought to give him the authority. At the very best, if you don't do that, Mr. Chairman, then you ought to have it worded so that two out of three can make a policy decision.

But, I lean on the one. Put the man in charge; hold him responsible; give him the authority to get the job done.

Senator HRUSKA. In that regard, all legislative powers in the U.S. Government are vested in the Congress. Nobody ever dreamed of being so farfetched in his reasoning as to think that that meant that the unanimous consent of Congress had to be obtained before any decision was possible.

Here the powers are vested in the Administration. I don't know who is responsible for this interpretation, but I think a delegation of authority could be made to solve any problem that might arise.

However, going to the second point, there is a reason why there are three administrators to decide. That was the intent of the committee. We wanted collective judgment on questions of policy.

Here will be a fund in a few years which will be \$1 billion plus. For one man to have the power to say that the city of Detroit should get that money but not the city of Chicago is something which we did not desire.

It was felt that having three members representing various points of view, from various backgrounds, would be a great advantage for the determination and administration of this very important law.

Senator TYDINGS. I don't follow you. If you take the next step, we shouldn't have one Secretary of HEW; we ought to have three. You shouldn't have one Secretary of Transportation; you should have three. You shouldn't have any one person with sole responsibility to hand out grants for anything; you should always have three.

I think that this job, the Administrator of the Law Enforcement Assistance Administration, is just as important in many respects as the secretary of some of our major Government departments. And I think for you to break down his authority and responsibility, you defeat the purpose and thrust of the legislation. I really think you

should consider that, and it is not just my thinking. You lost the man who was put in as Administrator.

I think Mr. Rogovin, who was a former assistant attorney general of Massachusetts, a distinguished Republican law enforcement figure, has made it crystal clear in his letter that in the three-headed concoction you have an impossible situation. You can't administer the act properly. The staff morale has been broken. You haven't been able to do the things you ought to do, and you can't do it this way.

This Nation can't afford to lose men like Rogovin. We need them. I think you ought to seriously look at the problem which provoked his resignation.

I think the Attorney General had some very important testimony with respect to this in the House. I think the House bill addresses itself somewhat to this proposal.

Senator HRUSKA. Yes; I think so. And I think this committee will scrutinize it very carefully. It should be pointed out that Mr. Rogovin was the Democratic member of the administration.

Senator TYDINGS. Excuse me; I thought he was Republican.

Senator HRUSKA. I do not believe that three men possessed of good faith and a desire to make the plan work will cause it to get hung up. If it is possible under the law we have on the book, we ought to amend the law. But, I would still believe the Congress would be reluctant to turn over to an appointee of a President the total and sole power to say, "Yes; City A will get \$7 million; City B will get \$1 million."

Senator TYDINGS. We do it.

Senator HRUSKA. Congress envisioned and both Houses of Congress said, "No; we will not do that." We are going to put that in the hands of three people: two Democrats and one Republican, or one Democrat and two Republicans. It doesn't make any difference, but it should be three people.

Senator TYDINGS. The committee has to make a decision, but I want you to get my thinking on it.

Senator HRUSKA. Senator Hart, would you have any questions or observations?

Senator HART. I don't want to get in the middle of this exchange. I have a tentative opinion about the desirability of one administrator, but I do want to thank Senator Tydings for the testimony he has given us.

As usual, it is pointed and there is no mistaking his view with respect to desirability of any of these proposals.

Mr. Chairman, you made the point that we are talking about a field where we spend \$6 billion. That sounds like a lot of money. I am not even sure it would be enough, if it represented the total payroll for police in this country.

The chairman and I sat on the Commission on the Causes and Prevention of Violence and we have a very explicit comment about that figure \$6 billion. That figure represents the total expenditures at every level of Government; Federal, State and local, for every aspect of criminal jurisprudence.

Senator TYDINGS. Courts as well as correction.

Senator HART. Courts, penal institutions, probation, parole, police, the judges; everything. The whole ball of wax in this country adds up to something less than \$6 billion.

Now, none of us can claim we are fighting crime if we are going to bookkeeper ourselves into that kind of situation. The fellow that makes a speech about fighting crime should put his money where his mouth is. That is rather a coarse statement.

Senator TYDINGS. I couldn't agree with the Senator more.

Senator HARR. It is the hard truth. I agree with Senator Tydings' basic theme that if you are going to fight crime you find out where the crime is, and if it is in some rural crossroad, send it some money, but if it is in the city of Detroit, that is where you send the money.

And if you have limited means, then you do what any military planner does, who has limited forces available, he finds out where the toughest center of resistance is and attempts to subdue it. That is precisely the formula on which we should allocate the funds intended to fight crime.

Senator HRUSKA. Has the Senator completed his statement?

Senator HARR. Yes.

Senator HRUSKA. We are called upon now to go to the full committee meeting. Before we recess I will submit for the record a statement submitted by Senator Vance Hartke concerning certain changes he has proposed to the Omnibus Crime Control and Safe Streets Act; a statement from Senator Charles H. McC. Mathias on H.R. 17825; a statement from Mr. John H. Hickey, Director of the Arkansas Commission on Crime and Law Enforcement; and other material pertaining to the amendments before us.

The committee will recess subject to the call of the Chair. We shall have a conference as to when to resume the hearing that is now being interrupted.

(Whereupon, at 11 a.m. the hearing was recessed, subject to the call of the Chair.)

TESTIMONY OF HON. VANCE HARTKE, BEFORE THE SENATE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. Chairman, I appreciate this opportunity to present my views on certain changes I have proposed to the Omnibus Crime Control and Safe Streets Act of 1968.

As the sponsor of S. 3171, I am gratified by the support this legislation has received from its eleven co-sponsors and from interested organizations such as the Urban Coalition, the National League of Cities and the U.S. Conference of Mayors.

It is undeniable that the challenge of crime must be met and met soon. The question is how? This subcommittee is currently examining what should be one of the most important weapons in the war against lawlessness: Title I of the Omnibus Crime Control and Safe Streets Act. If intelligently used, the planning and action grants distributed to the States by the Law Enforcement Assistance Administration (LEAA) could be of invaluable assistance in the crime fight. Unfortunately, I find no persuasive evidence that these grants are fulfilling their great promise; rather, they have often been misspent in low crime, non-urban areas where crime is not nearly the real and present danger it is in our urban areas.

The amendments which I have introduced in S. 3171 constitute an attempt to cure the most apparent inadequacies of Title I. Identical legislation was introduced in the House of Representatives by Mr. Bingham.

The Hartke-Bingham legislation would change section 306 of Title I so that no more than 50 percent of the funds appropriated by Congress, rather than the 85 percent now provided, would go to the States as block grants. Attached to this amendment is the proviso that a State's block grant allocation will be increased by 20 percent from funds allocated at the discretion of LEAA, where it finds that the comprehensive State plan, required under the act, adequately

deal with the special needs and particular problems of its major urban areas, and other areas of high crime incidence within the State.

This legislation further provides that a State's block grant will be increased by an additional 20 percent from LEAA discretionary funds where the State contributes at least 50 percent of the non-Federal share of the cost for programs of local government.

Thus, if LEAA finds that a State has adequately dealt with the pressing problems of its urban areas and if that State is also willing to accept at least half of the matching cost burden now placed on units of local government, the State's block grant award will actually be larger than under the current formula. That is, a State which complies with the two provisos in this legislation will receive a 90 percent block grant allocation rather than the 85 percent currently provided.

Let me emphasize that it is not the purpose of the first proviso to weaken the effective control that the States now exert over Title I funds. Rather it is an effort to increase the sensitivity of state governments to the needs of their major urban areas. As things now stand, all too many State planning agencies have failed to take sufficient account of the aggravated crime problems of their urban areas where high population density and low median income combine to breed massive lawlessness.

Similarly the second proviso is not meant to strengthen the position of the urban areas at the expense of the States, but is an attempt to better recognize fiscal realities. At a time when our cities, and other units of local government, find it increasingly difficult to generate revenue to adequately perform even the most basic services, the matching requirements of Title I place an unfair burden on our already overextended cities. Even now many cities are finding it difficult to furnish matching funds under a program which is still relatively modest in scope. What then will be their position when Title I grows into a billion-dollar program? I strongly believe that if the block grant approach to Federal assistance is to work, there must exist a partnership between not only the Federal government and the States, but also between the States and the units of local government. It is my belief that this partnership can best be established by requiring a more equitable sharing of costs.

As this committee is aware certain objections have already been raised to S. 3171. Chief among these is the contention that it is too soon to tell if grant money is being misallocated by the States. Yet, all indications are that the trend of fund misallocation established during this program's first year will not be reversed in succeeding years. Essential to this conclusion is the fact that the traditional rivalry between State and local government is very much in evidence in this program. Until it is sublimated to the objective of fighting crime, implementation of this program will suffer.

Interestingly, this view is shared by officials in the Justice Department itself. In an address before the Federal Bar Association on March 10, 1969, Attorney General Mitchell commented that—"All too often needed cooperation and help has stumbled on political rivalries and bureaucratic parochialism which divide the urban centers and the State governments. While I understand the basis for much city-state government rivalry, political parochialism must be put aside in the name of our citizens who live in our cities."

Daniel L. Skoler, director of law enforcement programs at LEAA has said that the States have yet to demonstrate a clear commitment to the crime problems of the large cities.

A Justice Department memorandum sent to the States in April of last year made official the doubts Attorney General Mitchell and Mr. Skoler had expressed earlier. It stated that State planning agency programs for local grants awards had assumed a greater regional emphasis that was expected with the result less direct pass-through to major local units of government of metropolitan areas occurred than had been anticipated. In short, the memorandum acknowledged that our major urban areas were not receiving an appropriate share of LEAA funds and urged the States to take into greater account their urban crime problems.

Most recently, a comprehensive report released by the Advisory Commission on Intergovernmental Relations reported that the States were continuing to focus a disproportionate amount of their attention on smaller communities rather than on high-crime areas. That study confirms the contention that most States have distributed small action subgrants to large numbers of rural and small suburban jurisdiction, as well as to urban jurisdictions, so that everyone is

assured of getting a small "piece of the action." The specific findings of the commission in this regard are as follows:

Cities under 10,000 population constituted half of all subgrantees in the 48 states surveyed and they received seven percent of the municipal action funds, with the average subgrant being \$1,285. Those under 25,000 accounted for 66 percent of the city subgrantees and 14 percent of the municipal awards; their average subgrant was \$1,959. Cities with less than 50,000 constituted 77 percent of this type of subgrantee and were awarded 24 percent of the total 11.6 million distributed to municipalities; the average subgrant here was \$2,788. (see page 27 of ACIR report)

The commission concludes that the above data "tend to confirm the allegation that some SPA's (State Planning Agencies) have spread Federal anti-crime action funds thinly among a large number of local units, particularly those in rural and small suburban areas."

That this was its finding should not be surprising in light of what I view as the inherent pressures on the block grant approach to federal assistance. Unless sufficient safeguards are built into a block-grant program, it is completely predictable that states will be compelled to utilize a "buckshot" method of grant distribution. Why? Because political realities compel that no important part of a state-wide constituency be ignored during the distribution process. This is so even though any objective listing of priorities would not include small, rural jurisdictions where crime does not constitute a clear and present danger.

This subcommittee is fully aware of so-called "horror stories" wherein large metropolitan areas have received virtually no funding assistance and small rural jurisdictions have received thousands of dollars for radio equipment for which there is no obvious need. I am confident that some of these inequities resulted from the newness of the program; anomalies such as these are bound to occur in any new venture as complex as this one. The point I make, however, is that the passage of time will not truly remedy this problem for the basic political necessity of catering to the entire constituency, not only that portion which suffers most seriously from crime, will still remain.

It is my view that the pertinent amendments in S. 3171 would serve to encourage the states to put objective crime-fighting considerations above considerations of political expediency. In short, the states, like any bureaucracy, must be forced to do what is right. Left to their own devices, however, it is inevitable that objective crime-fighting considerations will not be allowed to take precedence over political ones.

Another charge which has been raised against my legislation is that the states would prefer to compete with the units of local government for discretionary funding rather than comply with either of the two provisos mentioned above. According to this argument, the states, if S. 3171 became law, would not choose to deal adequately with the special crime problems of its major urban areas and would not opt to contribute at least 50 percent of the non-Federal share of the cost for programs of local government, but rather would enter into active competition with the cities for discretionary grant money. In this regard Mr. Richard Velde, Associate Administrator of LEAA had the following to say during the House hearings on S. 3171: "On the basis of our experience, we would feel that these State agencies would be very vigorous and effective competitors. They are staffed, they have the expertise, they have gone through these comprehensive planning exercises, so they would be very capable competitors. The net effect of the Hartke amendment may well be the additional funds would not go to the cities. We would have to consider these application on their merits and on the ability to provide a sound, well thought out proposal for funding. We just can't give money to a city because it is a city." (see page 669 of House hearings).

After giving careful attention to this objection I find that I can not accept it. It is my considered opinion that the states generally would prefer to comply with the two provisos in question and thereby receive a 90 percent block grant award (as compared with the 85 percent award now provided under the statute) than attempt to compete for the additional discretionary funds. Mr. Velde's contention that the SPA's have staffs, expertise and planning experience superior to that of the urban areas is at best problematical. The studies done by the National League of Cities and the Advisory Commission on Intergovernmental Relations have concluded that SPA's are generally understaffed and suffer from an obvious lack of expertise.

For a state to consciously not comply with my two provisos would constitute a calculated risk which I believe few states would care to take.

Yet another objection to the Hartke-Bingham legislation is that it would concentrate the crime-fighting effort in the area of law enforcement to the exclusion of programs in the area of courts and corrections. This objection I must also take exception to. I believe it critically important that appropriate emphasis be given to each of the three components in the criminal justice system. Clearly, any fight against crime must aim at strengthening our courts and correctional systems as well as the first line of defense against street crime, the police. First year LEAA figures indicate that there has been a slight imbalance in favor of the police and against courts and corrections. This imbalance should be eliminated and I trust it will be. It can be righted, however, without compromising the law enforcement efforts of our urban areas if the SPA's are willing to abandon the "buckshot" method of funding distribution. But absent intelligent modification of Title I, I am not confident this will occur. In short, it is not the purpose of the Hartke-Bingham legislation to shortchange the effort in courts or corrections, nor would this be its effect. What it does attempt to do is put funds for law enforcement purposes where the need is and that is in the urban areas of this country.

I would suggest that the fear of crime—lawlessness' worst legacy—will not be diminished until real progress is made to check crime in our cities. It should be emphasized that, although non-urban crime is on the rise, and cannot be ignored, it still represents only one-twelfth of the over-all incidence of crime in this country.

If the war against crime is to be won, it must be won in our cities for it is our cities that the fear of crime is born, grows, and spreads itself into the countryside. If real substantial progress is made in our cities, I am confident that all areas of the country, both urban and non-urban, will profit.

#### STATEMENT OF HON. CHARLES McC. MATHIAS, JR.

Mr. Chairman, the Congress concluded in the Omnibus Crime Control and Safe Streets Act of 1968 that:

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

Since that time, we have demonstrated that we are capable of sending a man safely to the moon and back. Sadly, however, we have yet to insure that same man's safety on a trip to the corner grocery and back. The aptness of our 1968 declaration is echoed daily in streets and homes across America.

The Omnibus Act began its legislative journey in the Judiciary Committee of the other body, of which I was then a member. It was an unprecedented commitment of federal resources to aid state and local governments in combating crime.

The other body, after extensive hearings on the operation of the Act, has now passed a comprehensive amendatory bill, H.R. 17825. I would like to comment briefly on three aspects of that legislation.

#### CORRECTIONS REFORM

Section 6 of H.R. 17825 would make special provision for grants to develop new correctional facilities and to improve corrections programs.

The Law Enforcement Assistance Administration would be authorized to make grants to state planning agencies which had formulated comprehensive statewide programs for construction, acquisition, or renovation of correctional institutions and for improvement of correctional programs and practices. Such grants would be further conditioned on adoption of advanced design of facilities and advanced correctional practices.

This section of the bill parallels very closely the February 1970 recommendations of the Nixon Administration.

It has become increasingly clear that a massive commitment to improving our correctional system will be required to interrupt the continual revolving-door problem of today's criminal justice system. For about 60 percent of the individuals who are convicted and committed, a stay in prison is nothing more than a way station on the road to further serious crime. Far from rehabilitating, the present system all too frequently embitters individuals and trains them

further in the criminal professions. A federal district court has recently gone so far as to declare that confinement in one state's penitentiary system in some respects violates the eighth amendment proscription against cruel and unusual punishment.

The extraordinarily high percentage of inmates who are eventually released into society—and the sobering percentage of those who ultimately return to prison—force us to reassess our view of rehabilitation. It may be time to view rehabilitation as a right demanded by the rest of society rather than as a privilege granted an individual violator.

As James V. Bennett, the distinguished former Director of the Federal Bureau of Prisons, testified during the hearings in the other body:

The slightest knowledge of our correctional system indicates that prisons, probation, and parole have been neglected far too long. The consequences of this neglect weigh heavily upon an already burdened and frustrated society. Only through an aggressive presentation of needs and massive infusion of funds can any headway be made in reducing the social and economic cost of crime committed by repeaters.

Under this proposed initiative, fifty percent of the funds would be allocated to state planning agencies by LEAA. The remaining fifty percent would be available for discretionary grants by LEAA to state planning agencies, units of local government, or combinations of such units. H.R. 17825 additionally earmarks one-quarter of all law enforcement assistance appropriations for corrections, including probation and parole.

I heartily endorse these provisions of the House-passed measure and urge the Subcommittee to act favorably upon them.

#### COURT REFORM AND FACILITIES

Our judiciary system is undergoing considerable change under the general rubric of court reform. In an effort to eliminate crippling civil and criminal delays and backlogs, innovations are being suggested and implemented at all levels of our court system. Use of automatic data processing in calendaring, increased use of judicial support personnel, and adoption of management techniques pioneered by American business hold out great promise. All Americans share a desire that judicial delay—condemned as long ago as the Magna Carta—be eliminated. Both society and individual defendants are entitled to the speedy and fair trial promised by the sixth amendment.

One of the crying concomitant needs of our courts is occasionally overlooked. Reforms in court administration and procedure require adequate physical facilities. Additional space for courtrooms, jury facilities, and supporting staff is a requisite of effective court reform in both the federal and state systems.

I am pleased that section 4 of H.R. 17825 further clarifies the authority of LEAA to make grants for such facilities. Proposed new section 301 (b) (4) of the Omnibus Act would authorize grants for:

Renting, leasing and constructing buildings or other facilities which would fulfill or implement the purpose of this section, including local correctional facilities, centers for the treatment of narcotics addicts, and temporary courtroom facilities in areas of high crime incidence.

Private and professional sources have spearheaded many of the court reform projects now underway; processing financial demands on state and local governments dictate that the federal government extend aid for reform-related facilities on a high-priority basis.

#### GRANT PROVISIONS

Under present law, 85 percent of all action grants must be channeled to the states under the Act's population formulas. These block grants are supplemented by the remaining 15 percent of action funds, which are distributed directly to state or local governments in the discretion of LEAA. The Act also requires that 40 percent of each state's planning funds and 75 percent of its action funds be "passed through" to units of general local government or combinations thereof.

The non-federal matching share required of recipients presently varies from 50 percent (on grants for construction) down to 25 percent (on grants for organized crime control and certain officer education and training programs).

The House-passed bill modifies these provisions in certain respects and omits certain other modifications proposed by the Department of Justice. Debate in

these areas reflects two legitimate concerns which at times are allegedly contradictory.

On the one hand, law enforcement assistance funds must reach the areas, especially our urban centers, where the incidence of crime is highest. This need is doubly important in view of the precarious financial situation of most of our major cities.

On the other hand, one of the weaknesses of the criminal justice system which has been pointed out by almost every authoritative study is jurisdictional fragmentation. Law enforcement, particularly in its police and correctional aspects, must develop a capacity to deal effectively with crime in spite of certain political boundary lines. State planning agencies appear suited to coordinate inter-county and urban-suburban anti-crime efforts. The issue of precisely where the primary flow of funds should be channeled is a difficult one.

It is illustrated in some respects by thoughtful letters I have received from two distinguished Marylanders, both of which I would like to include at the conclusion of my statement.

The Honorable Thomas J. D'Alesandro III, Mayor of the City of Baltimore, writes that the 60 percent federal-40 percent local financing formula provided for most types of action grants "is unrealistic in view of the immediacy and almost-emergency nature of our crime situation." The Mayor also recommends that some provision for grant renewal be made so cities can escape the potential second-year dilemma of either abandoning a promising project or absorbing its entire cost.

In an equally well-reasoned analysis, Mr. Richard C. Wertz, Executive Director of the Maryland Governor's Commission on Law Enforcement and the Administration of Justice, criticizes H.R. 17825 for requiring that states contribute one-fourth of the non-federal grant share.

Mr. Wertz also states that the amendment permitting 90 and 100 percent LEAA discretionary grants will "encourage local and state law enforcement and criminal justice agencies to develop grant applications for submission directly to Washington rather than to their State Planning Agencies." He suggests that both LEAA (in its discretionary program) and state planning agencies be given power to make 90 and 100 percent grants.

The controversies over various grant provisions will not be easy to resolve. I am, however, hopeful that, after full consideration of all the data, including the voluminous testimony before this Subcommittee and the Judiciary Subcommittee of the other body, we can resolve such difficulties to the satisfaction of all parties involved. We must act wisely and promptly to protect that most basic civil right of all our citizens, the right to be secure in their homes and on our streets.

EXECUTIVE DEPARTMENT,  
GOVERNOR'S COMMISSION ON LAW ENFORCEMENT  
AND THE ADMINISTRATION OF JUSTICE,  
*Cockeysville, Md., July 28, 1970.*

HON. CHARLES McC. MATHIAS, Jr.,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MATHIAS: As the Executive Director of the agency which has been assigned the responsibility for administering the Omnibus Crime Control and Safe Streets Act within the State of Maryland, I am deeply concerned about two of the provisions contained in H.R. 17825 which was recently passed by the House of Representatives.

Section 4(6) of H.R. 17825 would amend Section 303(2) of the Omnibus Crime Control and Safe Streets Act of 1968 by requiring the states to provide, at least, one-fourth of the required non-federal share of all grants given to local units of government by the Governor's Commission. Assuming that Maryland will receive \$4,650,000 during FY 1970 for action grants to local governments and assuming that the grants given by the Commission are provided on a 60%-40% basis, then the cost of this amendment to our State government would be \$775,000.

If our State did not already have a program aimed at providing assistance to units of local government for law enforcement purposes, perhaps this "buy-in" mandate would be appropriate. But we do have such a program. This year the State General Assembly appropriated over \$21,000,000 to its various subdivisions under the State Aid to Local Police Act. In view of this, the proposed amendment to Section 303(2) is not warranted.

This amendment when viewed from the local governmental vantage point is even more undesirable. If enacted into law, this provision would require the State to pay on the average \$1 out of every \$10 required to support a program initiated with Safe Streets Act assistance. (The Federal government would pay \$6; the local government itself would pay \$3.)

It is not only likely, but probable that the General Assembly would insist on reviewing and approving each local project submitted before they authorized the required State expenditure. Thus, a worthy local project proposal could be effectively vetoed by the General Assembly even though the General Assembly would be providing only \$1 in \$10. This seems to me to be a case of the tail wagging the dog.

The other proposed amendment in H.R. 17825 which concerns me is Section 4(8) which amends Section 306(a) of the Omnibus Crime Control and Safe Streets Act to allow the Law Enforcement Assistance Administration to give 90% and 100% discretionary grants.

This amendment would in effect, encourage local and State law enforcement and criminal justice agencies to develop grant applications for submission directly to Washington rather than to their State Planning Agencies. This not only undermines the whole block grant concept, but it also places some Washington bureaucrat who knows nothing about Maryland's problems and priority needs in the position of determining what is best for Maryland.

I would suggest as an alternative that the Omnibus Crime Control and Safe Streets Act be amended to allow both the State Planning Agency (in their normal action grant program) and the Law Enforcement Assistance Administration (in their discretionary grant program) to give grants of 90% or 100% of total project cost.

I understand that the Senate Judiciary Committee is now considering the proposals contained in H.R. 17825. I hope that you will do what you can to insure that the two amendments outlined above are not passed by the Senate. If I can provide you with any additional information on this matter, please call.

Sincerely,

RICHARD C. WERTZ,  
*Executive Director.*

CITY OF BALTIMORE,  
July 29, 1970.

Hon. CHARLES MCC. MATHIAS,  
*Senate Office Building,*  
*Washington, D.C.*

DEAR SENATOR MATHIAS: As you know, this fiscal year, Baltimore has received substantial sums of money from grants authorized under the Safe Streets Act. The City is most appreciative of this money and of your efforts in passing legislation providing badly needed anti-crime aid to the City. Generally, those of us at the local level are very satisfied with the operation of the Safe Streets Act, thus far, and with the wonderful cooperation received from the Governor's Commission on Law Enforcement and the Administration of Justice. This cooperation has reflected itself not only in the recognition of the special crime problem faced by the City, but in the translation of this concern into concrete program grants.

However, there are several aspects of the Federal anti-crime program which we think are weak and deserve some re-examination, and, possibly, amendment.

First, we feel that the 60% Federal/40% local, financing formula, now operative, is unrealistic in view of the immediacy and almost-emergency nature of our crime situation. Other Federal programs, as you know, are much more liberal in the amount of Federal money made available to the local jurisdictions; and many require no local spending (such as certain Model Cities programs), or—as in the case of the highway program—the Federal share is massive.

Second, we feel that there should be some provision for the possible renewal of grants from year to year, so there can be some fiscal continuity to some programs which a locality could not normally undertake because of its relatively adverse financial condition.

What I want to emphasize is that cities like Baltimore are eager to accept Federal anti-crime money and, further, are willing to put up the local share; but, when that share is almost half of the total program cost, then the financial burden is substantial. The situation is aggravated even more because the follow-

ing year, unless there is a Federal renewal, the City must either completely absorb the costs of the program, or eliminate it.

I am bringing these matters to your attention because, as you realize, the City's financial resources are limited, at this time (given pressing needs); and I feel these proposed changes in the Safe Streets Act will make Federal assistance more meaningful and less burdensome to financially hard-pressed local jurisdictions.

Sincerely,

THOMAS J. D'ALESSANDRO III, *Mayor.*

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STATE OF ARKANSAS,  
COMMISSION ON CRIME AND LAW ENFORCEMENT,  
*Little Rock, Ark., July 28, 1970.*

Re: H.R. 17825.

MR. G. ROBERT BLAKEY,  
*Chief Counsel, Criminal Law and Procedures Subcommittee,  
New Senate Office Building, Washington, D.C.*

DEAR MR. BLAKEY: The referenced Bill is to amend the Omnibus Crime Control and Safe Streets Act of 1968 and for other purposes. This Bill, if it is passed in its present form, will create certain problems in so far as Arkansas is concerned.

First, a demand is placed upon the State in the area of matching funds which will require all States to provide 25 per cent of all local matching in addition to the 40 per cent average State match due for the State's own share. If this provision had existed in FY 1970 for example, Arkansas would have been required to provide \$518,230 instead of \$178,700 as now required. Under H.R. 17825, the State would have to supply \$6,820,800 projected over the fiscal years 1971-1973 using LEAA planning estimates. The present fiscal situation in this State makes the answer quite clear. Arkansas will simply be forced to abandon the entire program. The State will be forced to default for the lack of money for matching.

In this case, the Federal Government can appropriate back to itself the monies appropriated for the State; then the Federal Government can reuse these monies at its discretion under a new set of matching ratios of not 40 per cent, but a mere 10 per cent or 100 per cent give away.

H.R. 17825 also provides to any unit of local government in the State establishment of "Criminal Justice Coordinating Councils", which would have operating means and funds to administer programs through direct contact with LEAA, which in fact would bypass the existing State Planning Agency and its State-wide planning efforts.

Under the present law, Federal, State, and local levels have worked well together with the control having been properly placed by Public Law 90-351 in the hands of the people who actually face the problem. This has been accomplished in Arkansas through five (5) Criminal Justice Planning Councils made up entirely of a broad representation from each County in the State.

I cannot stress too strongly the possible consequences to the State of Arkansas if H.R. 17825 should pass. It will destroy in Arkansas what we consider to be an outstanding program developed under the Block Grant concept and substitute instead a Federal Grant-in-Aid approach and will never accomplish the goals originally intended.

Sincerely,

JOHN H. HICKEY, *Director.*

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ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS,  
*Washington, D.C., September 8, 1970.*

HON. JOHN McCLELLAN,  
*Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate, New  
Senate Office Building, Washington, D.C.*

Attention: Mr. Robert Blakey.

DEAR MR. CHAIRMAN: As a follow-up to my letter of June 19, enclosed is a xerox copy of Chapter III of the Commission's report *Making the Safe Streets Act Work: An Intergovernmental Challenge*. This chapter contains the recommendations made by the Commission at its June 12 meeting in connection with the Act's operation and the rationale underlying its policy positions.

We would greatly appreciate your inserting this additional material in the section of the hearing record of the Subcommittee on Criminal Laws and Procedures where the first two chapters of this report appear.

We hope that the Commission's findings and recommendations will be helpful to the members of the Judiciary Committee in their consideration of the Act. If we can be of further assistance, please let us know.

Cordially yours,

DAVID B. WALKER,  
Assistant Director.

### CHAPTER 3

#### CONCLUSIONS AND RECOMMENDATIONS

In this report, the extent of the Federal Government's overall involvement in crime reduction has been summarized. Chief attention has focused on the intergovernmental issues and problems which have arisen in connection with the operation of Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, the Federal Government's first comprehensive grant-in-aid program for assisting State and local law enforcement and criminal justice administration efforts and a new block grant approach. The Commission now sets forth its basic findings and conclusions, as well as recommendations for improving Federal-State-local relationships under the Safe Streets Act.

#### SUMMARY OF MAJOR FINDINGS

##### *Federal Crime Reduction Expenditures*

The Federal Government's crime reduction outlays will total an estimated \$1,257 million in fiscal 1971, 33 percent more than in 1970 and 91 percent more than in 1969. In fiscal 1971, 41 percent of the Federal Government's domestic anti-crime expenditures will be for assisting States and localities, a significant hike over the 30 percent in fiscal 1970 and 16 percent in fiscal 1969. Moreover, direct Federal outlays for these purposes show a relative decline over this period from 84 percent in fiscal 1969, to 70 percent in 1970 and 59 percent in 1971.

Despite rapid increases in Federal crime prevention and control outlays, the estimated 1971 figure is still only 35 percent of the \$3,633 million spent for law enforcement and criminal justice purposes by the 50 States, 55 largest counties, and 43 largest cities in fiscal 1967-1968.

Seventy-one percent of the \$518 million in fiscal 1971 Federal expenditures for support of State and local crime reduction programs will be provided under Title I of the Omnibus Crime Control and Safe Streets Act.

##### *Gearing Up: August 1968-June 1969*

Between August 1968 and June 1969, each State established a law enforcement planning agency pursuant to the Act and received a planning grant from the Law Enforcement Assistance Administration (a total of \$19 million was spent by LEAA on planning in fiscal 1969); each State prepared and submitted a comprehensive law enforcement plan to LEAA for approval; 40 States received special grants for the prevention and control of riots and civil disorders; and the National Institute of Law Enforcement and Criminal Justice, LEAA's research and development arm, awarded funds for studies concerning police equipment improvement, violent crime, and organized crime.

##### *Allocation of Planning Funds*

Allocation of planning grants on a two-factor (flat sum-population) basis has resulted in the largest States receiving less total funds per capita than many smaller States. California and New York, for example, received 7.2 cents per capita compared with 30.8 cents in Vermont, 38.5 cents in Wyoming, and 43.2 cents in Alaska. Many of the so-called "urban" States having the highest crime rates fell below the national per capita average. Not to be overlooked here is the fact that even if the flat sum allocation had not been required, larger States would not have received significantly more planning funds, given the modest amounts involved in the 1969 allotment.

##### *State Comprehensive Law Enforcement Planning*

Most States have not built sizeable new central law enforcement and criminal justice administration bureaucracies with Federal funds. As of December 31, 1969, the average size of a State planning agency professional staff was 9.3. This figure, of course, does not include the staff for new regional districts or for existing areawide bodies assigned responsibilities under the Safe Streets Act. A major problem has been the high rate of turnover among SPA Executive Directors.

In early 1970, the size of SPA supervisory boards varied widely from 12 in Montana and Wisconsin to 43 in Kentucky and 47 in Oklahoma, with a national average of 23 members. No significant correlation exists between the number of board members and State population, area, and crime rate.

Some supervisory boards appear to be not adequately representative of elected local government policy-makers and executives and the general public, although over one-fourth of the board members, on the average, represent these interests. At the same time, returns to ACIR's survey from 48 States indicate that elected officials or their alternates and public members have a somewhat lower attendance rate than law enforcement functionaries at board meetings. These figures, however, cover only the period April 1969 through February 1970, and the number of supervisory board meetings held during this time varied widely among the States.

Many 1969 State plans were not really comprehensive in their treatment of the criminal justice system, and tended to focus mainly on police needs. Greater attention to courts and corrections apparently has been given in some 1970 plans.

#### *"Pass through" of planning funds*

As of December 31, 1969—almost one year after LEAA had allotted full planning grants to the States—14 SPAs had not awarded the required 40 percent local share for fiscal 1969; five of these had made available less than 30 percent of this amount, and three less than 20 percent. Four of these States, however, had received waivers of part of the "pass through" funds in return for planning on behalf of some local governments. On the other hand, 16 States had awarded more than the mandatory 40 percent, with 11 States allocating more than 50 percent, five more than 60 percent, and three more than 70 percent. On the average, the 50 States awarded 45 percent of Federal planning dollars to local and regional units in 1969, and 71 percent of this amount actually had been paid by the end of the calendar year.

Overall, individual cities and counties were allotted 30 percent of local "pass through" planning funds. Regional combinations of local units, then, were awarded the bulk of these grants, with 21 States allocating all such dollars for fiscal 1969 to these multijurisdictional entities and an additional eight making available more than 80 percent of these funds.

#### *Sub-State Regional Districts*

Forty-five States have expanded the functions of existing districts or have established new regions for law enforcement planning, with the national average being 11 regions per State. Thirty of the 43 districted States responding to ACIR's survey used the former approach. By the end of 1969, 41 of the 45 States with districts had set up regional advisory councils modeled on the SPA supervisory board. Most of these districts have been assigned a wide range of planning, administrative, and fiscal responsibilities. Over one-half of the States having regions awarded them funds solely on a population basis while in three-tenths a population-crime index formula was used. In 1969, regions in 36 of the 43 districted respondents to ACIR's poll had a full-time professional staff; in 22 of these States they were hired independently from the SPA and in 13 others with the SPA's concurrence. On only four States were regional staff on the State's payroll. No reliable data presently exist with respect to the overall size of district professional staff. If these figures were available, undoubtedly they would become a point of controversy among those who view regions as State-imposed entities which are unrepresentative of their constituent local governments.

#### *Action funds and the "pass through"*

In fiscal 1969, 85 percent of the total action funds in LEAA's budget, or \$24.5 million, was allocated to the States in block grants. In fiscal 1970, the States received \$179.4 million. The average per capita State allocation was 12.5 cents and 90.1 cents for fiscal 1969 and fiscal 1970, respectively. The remaining 15 percent constitutes a discretionary fund—amounting to \$4 million in fiscal 1969 and \$32.25 million in fiscal 1970—which LEAA may use to make project grants for meeting urgent city, county, and State crime reduction needs.

Twelve of the 48 States participating in ACIR's survey "passed through" more than the required 75 percent local share of action funds, and six of these allotted 85 percent or more of their total action block grant. By February 23, 1970, however, two-thirds of the States still had not made available the full statutorily prescribed proportion.

Forty-two of the 48 respondents retained funds at the State level for programs considered by SPAs to be of direct benefit to local jurisdictions. Thirty-six States charged all or part of the cost of these programs to their share of action grants, amounting to \$2,044,505. At the same time, 14 States charged all or a portion of such costs to local action funds retained at the State level, totaling \$656,071.

#### *State Distribution of Subgrants*

Some SPAs have spread action funds thinly among a large number of rural and small suburban units. Jurisdictions under 50,000 population constituted 77 percent of the municipal subgrantees, and received 24 percent of the \$11.4 million in action funds awarded to cities by 48 States. The average subgrant award to these small units was \$2,782. Counties under 50,000 constituted two-thirds of the subgrantees of this type, and received 23 percent of the \$5.6 million allocated for county action programs. The average subgrant here was \$2,511. Cities and counties over 50,000 were awarded 76 percent of the total action subgrants made to these units.

Using the five largest cities' share of the State crime rate as an index of their law enforcement need, as of February 28, 1970 only five States (of 45 respondents) had "passed through" to these jurisdictions more than they would have received under this formula, and another seven had allocated a fairly proportionate amount. Applying these jurisdictions' portion of total State-local police expenditures as a barometer of their crime control effort, 12 of the 45 States made available more than this index would have allotted, and 12 other States awarded a commensurate amount. If total local police outlays alone are used as a measure, seven States "passed through" more funds than required, and ten others disbursed an amount in line with this index. No general consensus exists, however, as to the reliability of any one or combination of these factors as a gauge of State responsiveness to urban crime reduction needs or of local anti-crime effort.

#### *State "Buying In"*

As of February 28, 1970, 23 States had made an in cash or in kind contribution to match Federal "pass through" grants to local and regional units, mainly for planning purposes. Yet, this amounted to only \$791,945 for 21 of these States. Two of the States surveyed appear to have "bought into" planning and the various types of action programs on an across-the-board basis. The fact that 1969 Federal action funds were not awarded to the States until the end of the fiscal year, after some legislatures had adjourned, partially explains this relatively small amount of State financial involvement. On the other hand, in 1967 over two-thirds of the States were assuming 75 percent or more of combined State-local corrections expenditures, and 16 accounted for 25 percent or more of State-local police outlays.

#### *Functional Distribution of Funds*

As of early 1970, 45 percent of the Safe Streets Act action funds awarded by 48 States had been used for police programs, including equipment, communications systems, and training. Relatively insignificant dollar amounts had been awarded for upgrading courts, prosecution, and corrections.

#### *Recommendation 1: Distribution of Funds by the States: Retaining the Block Grant*

The Commission concludes that the block grant arrangement established by the Safe Streets Act, with its mandatory "pass through" of 75 percent of action funds, generally has worked well. A majority of State law enforcement planning agencies, the Commission finds, are allocating an adequate share of Federal monies to large urban and suburban areas where the incidence of crime is greatest. Further, many States have provided some financial assistance to local governments in their crime reduction efforts under the Act, and have furnished substantial financial aid in other crime prevention and control programs such as corrections, courts, prosecution, and police training.

The Commission strongly believes that, although there are presently some gaps in State performance under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 in responding to the special needs of high crime urban and suburban areas, the block grant represents a significant device for achieving

greater cooperation and coordination of criminal justice efforts between the States and their political subdivisions. The Commission therefore recommends that the block grant approach embodied in the Act be retained and that States make further improvements in their operations under it.

One of the major fears expressed by Johnson Administration officials, municipal representatives, and other observers during the Congress' consideration of the Safe Streets Act was that many States were ill-disposed and ill-equipped to target funds on urgent urban crime problems. They believed a block grant approach to administering and financing the Federal Government's first comprehensive grant-in-aid program for assisting State and local law enforcement and criminal justice administration efforts would reinforce rather than reverse this State inertia. They argued that many States were unprepared functionally to handle a block grant program and to exercise wisely their discretionary authority. They also claimed that fiscally most States had steadfastly failed to significantly lighten the heavy burden that the costs of providing law enforcement services had placed on hard-pressed local government budgets.

Despite these gloomy predictions, the Commission believes that overall, most States have made remarkable progress during the first 22 month's operation of the Safe Streets Act. Each State has set up a law enforcement planning agency, and 45 have established regional districts for law enforcement planning. Within a relatively short time period, each State prepared a comprehensive plan for law enforcement and criminal justice improvements. For the first time, the plans and activities of major components of the criminal justice system—police, courts, prosecution, and corrections—have begun to be meshed into a statewide crime reduction effort. State, regional, and local crime problems are being identified, priorities are being determined, timetables and funding arrangements are being worked out, and inter-jurisdictional and inter-program relationships are being established.

With respect to the States' record in channeling action funds to local governments, as of February 28, 1970, the majority of SPAs have put the money where the crime is. At least 12 State planning agencies have "passed through" to local units more than the statutorily required 75 percent of action funds, and six of these have allocated 85 percent or more of their total action block grant to localities. Cities and counties over 50,000 population have received 76 percent of the action subgrants awarded to these jurisdictions. Furthermore, 36 SPAs charged against their 25 percent share of action funds all or a portion of the cost of State level programs directly benefiting local governments, and this amounted to more than \$2 million. At least 23 States are "buying into" planning or action programs under the Safe Streets Act, and over two-thirds are assuming 75 percent or more of total State-local corrections expenditures. These State expenditures free up local dollars for police-related and other purposes. While funds have been awarded to gear up the law enforcement capabilities of numerous small rural and suburban jurisdictions, this seems justified in view of the spillover nature of the crime problem. All things considered, then, most States have been quite responsive to the crime prevention and control needs of their larger political subdivisions, and this argues strongly against upsetting the pattern of intergovernmental relationships established under the block grant approach. Not to be ignored is the fact that the Act is little less than two years old, and it takes time to get a balanced, multi-faceted criminal justice planning and action program underway.

Opponents of block grants, however, assert that State planning, administrative, and fiscal achievements under the Act have been limited. They contend that many 1969 State plans were far from comprehensive, and tended to focus attention on police-related needs and to largely ignore courts, prosecution, and corrections. They argue that the States, in fact, are as addicted to the project grant approach as any Federal agency. Although most States were quick to establish a State level and substate administrative apparatus, it is alleged that these agencies have turned into unresponsive and unwieldy State and regional bureaucracies that have slowed processing of city and county grant applications, delayed the receipt of funds at the local level, and siphoned off planning and action monies which should have been allocated to individual local governments. Critics also charge that SPA handling of subgrants and allocation of financial and in kind assistance to local applicants shows that most States are unconcerned with the crime reduction needs and problems of urban areas, especially big cities, and suburbs. Some of these observers focus their attention on the fact that a majority of the SPAs have not "passed through" action funds to their five largest cities

proportionate to the latter's crime rate, portion of State-local police expenditures, or share of total local police outlays.

The Commission believes that, on balance, the overall planning and administrative accomplishments under the Safe Streets Act to date, coupled with evidence that a majority of States are responding to urban and suburban anti-crime needs either directly by "passing through" Federal dollars to these jurisdictions, in some cases more than required by statute, or indirectly by using part of their share of action funds for programs benefiting local units, are compelling reasons for continuing the block grant approach. At the same time, the Commission urges those States that currently do not give sufficient attention to the needs of high crime areas to move in this direction.

The Commission is fully aware of the fact that the States' response to the program has been uneven. If certain indices of local crime reduction need and effort are used—proportion of the crime rate, share of State-local police expenditures, or portion of total local police outlays—a majority of States in 1969 did not make available commensurate amounts of action funds to their larger municipalities. Many urban counties also have not fared very well in the distribution of action monies. A number of States have spread action funds thinly among many smaller jurisdictions, and less than half have committed their funds to help localities meet non-Federal matching requirements.

Yet, the Commission also recognizes that crime rates and outlays for police are something less than fully reliable as gauges of overall anti-crime effort. The former is only beginning to assume some degree of statistical reliability, and the latter ignores the other basic components of the total criminal justice system—components in which the States are involved in a major way. It also finds that the bulk of the action funds went to jurisdictions with a population of 50,000 or more in 1969. The Commission strongly agrees that "buying in" is an excellent measure of a State's commitment to a joint action program; this has been a basic ACIR position for six years. Yet, it appreciates the fact that this measure alone does not always give a complete picture of State involvement in or concern with solving local problems, and this is especially true with respect to a field as complex and as comprehensive as criminal justice.

Some authorities have contended that the block grant device in the Safe Streets program should be retained only in those instances where States have provided a substantial part of the non-Federal matching share. If a State failed to assume this fiscal obligation, then grants would be made by LEAA directly to local units as well as to State agencies. The unique character of the block grant device, however, coupled with overall State performance during the first 22 months of the program's operation, suggest that the most feasible approach at this point in time is to encourage but not mandate such financial participation. Almost half of the States to some extent already are "buying into" planning and action programs under the Safe Streets Act, and greater activity on this front is probable. Many States also have a heavy fiscal involvement in law enforcement and criminal justice programs not directly covered by the Act. Consequently, "buying in" requirements might unnecessarily complicate block grant administration and unduly restrict State discretion. Those States which are not now doing so, however, should make a greater effort to assist local governments in matching the non-Federal share of planning and action program costs.

Other observers have argued that while the block grant approach should be retained, the proportion of the total State allotment should be reduced from 85 to 50 percent. At the same time, the discretionary fund should be expanded from 15 to 50 percent, but coupled with a proviso that such monies be used to increase the total amount allocated to a State which contributes one-half of the non-Federal matching costs of local programs, and gives adequate attention in its comprehensive plan to the needs of urban areas and other jurisdictions having a high incidence of crime.

The Commission believes that this attempt to replace the present statutory arrangement with half of the action funds going to project grants to individual State agencies and local jurisdictions would ignore the pivotal position of the States in the criminal justice area. The State planning agency is in the best position to supervise, direct, and coordinate the efforts of local governments, regional units, and State agencies in formulating and updating a statewide comprehensive law enforcement plan. Once State, regional, and local law enforcement and criminal justice needs have been identified, priorities have been determined, time-tables have been worked out, and interrelationships have been established, the State is much better equipped than a Federal agency to translate these plans into

action programs and to oversee and assist in their implementation. The Federal Government simply is not prepared to mesh separate crime control plans and to evaluate the individual project proposals submitted by possibly 50 States and approximately 18,000 municipalities, 3,000 counties, and 40,000 police departments. Since crime is not confined to jurisdictional boundaries, only the State can weigh local priorities against regional and statewide needs. And only the State can mesh planning and action efforts under the Safe Streets Act with other State as well as regionally and locally administered and financed anti-crime programs. Bypassing the State, then, would reinforce rather than reduce the fragmentation which currently exists among the various components of the law enforcement and criminal justice system.

To sum up, the Commission finds that the block grant approach embodied in Title I of the Omnibus Crime Control and Safe Streets Act of 1968 merits support. The evidence to date regarding its operation, while not glowingly optimistic, is sufficiently promising to indicate that drastic changes now would be unwise. The block grant concept is, after all, fairly new. It would encounter a host of difficulties in no matter what functional area it might be applied. And the criminal justice field is one of the most fragmented in the whole range of intergovernmental activities. If, as the Commission believes, greater coordination and more integration of the various components of the several law enforcement and criminal justice systems are vital goals in our effort to develop effective and equitable crime reduction programs, then there is little that is promising in the record of narrow categorical project grants. The block grant, on the other hand, is designed to achieve just this kind of result. For the most part, present intergovernmental crime reduction activities are fragmented. If given a chance, the Commission is convinced that State comprehensive plans under the Act, as developed by SPA supervisory boards, will constitute key mechanisms for making State-local criminal justice efforts part of an interrelated system. For these reasons, the Commission urges that the experiment be permitted to continue and that the defects which have been identified to date be worked out within the context of the existing block grant program.

#### *Recommendation 2: Maintaining the Present Subgrant System*

The Commission concludes that most State law enforcement planning agencies are allocating sufficient amounts of Federal funds to larger local jurisdictions which have the most critical crime problems. Further, the Commission believes it is necessary that Federal dollars continue to be made available to support the crime prevention efforts of suburban jurisdictions and urbanizing areas, as well as of core cities.

The Commission recommends that no changes be made in Title I of the Omnibus Crime Control and Safe Streets Act of 1968 to funnel additional Federal funds into high crime urban and suburban areas, except for an amendment providing that no State comprehensive law enforcement plan shall be approved unless the LEAA finds that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence.

The Commission believes that the majority of State law enforcement planning agencies have responded well to the crime prevention and control needs of their political subdivisions. The Commission, therefore, can see no reason for drastically amending the Safe Streets Act to mandate a rigid system for allocating action subgrants to large local units with the greatest occurrence of crime. Proposals such as requiring a minimum 50,000 population level for applicant eligibility or stipulating a population-crime index formula for the distribution of action funds to localities would not ensure necessarily that more dollars would be channeled to larger jurisdictions than are already being made available. Moreover, they inevitably would complicate the administration of the Act and arbitrarily would prevent certain local units from applying for Federal aid. Equally significant, they would reduce the discretion of State supervisory boards, impede the efforts of SPAs to develop genuinely comprehensive plans and, in effect, undermine the basic thrust of the block grant approach. Because crime does not obey jurisdictional boundaries, because areawide and regional solutions are needed to combat the spillover of crime from urban to suburban to rural areas, and because SPAs need maximum flexibility in developing balanced funding of statewide, regional, and local priority projects, any altering of the present statutory arrangement in connection with the awarding of subgrants by imposing eligibility or distribution requirements is both undesirable and unfeasible.

At the same time, the Commission recognizes the merits of requiring LEAA to make a finding that, in order to be approved, each State plan must provide for an adequate allocation of subgrant funds to jurisdictions with high crime rates. This approach to the problem has the advantages of leaving the block grant intact, of being flexible, and of providing LEAA with an adequate statutory basis for seeing to it that clearly inequitable funding situations are corrected.

Supporters of strict formulas or population requirements for targeting more dollars on big city crime needs contend that wide variation is apparent in the degree to which the States have been responsive to the crime control problems of larger jurisdictions. They point out that as of February 28, 1970, two-thirds of the State planning agencies had not made available the full 75 percent local share of action funds. They indicate that 33 SPAs had "passed through" insufficient amounts of Federal monies to their five largest cities in view of the latter's share of the total State crime rate, 21 had awarded less than a proportionate amount of subgrants to these jurisdictions relative to their share of total police expenditures, and 17 had allocated less than a commensurate amount in terms of their share of total State-local police outlays. Furthermore, they assert that many SPAs are disbursing small amounts of Federal aid to large numbers of local units in rural and small suburban areas which have lesser crime rates than larger urban areas. Jurisdictions under 10,000, they stress, constituted half of all municipal subgrantees in 1969 and they received seven percent of the city action funds, with the average subgrant being \$1,285. Counties in this population group comprised one-fourth of all subgrantees of this type and were awarded eight percent of the county action funds; their average award was \$2,308.

As was noted previously, the indices used here do not necessarily provide a complete picture of a State's role in assisting the law enforcement and criminal justice administration efforts of its localities. Moreover, although a number of States have spread their subgrant allocations among many small local jurisdictions, the vast majority of "pass through" action funds have gone to jurisdictions of 50,000 or more. Overall, then, the present subgrant system has not been as inequitable as its severest critics contend, nor has it been as perfect as its staunchest defenders claim. And it is this basic findings that provides the foundation of the Commission's position on the subgrant question. While the Commission opposes major changes in connection with jurisdictions eligible to apply for financial aid and formulas for determining subgrant awards, it believes that a more precise statutory safeguard is needed to ensure that those States which are not already doing so will pinpoint Federal money on areas having the most pressing crime problems. This objective can be best accomplished by amending the Act to specify that no State comprehensive plan would be approved unless LEAA makes a finding that the plan provides for the allocation of an adequate share of financial assistance to deal with the law enforcement problems of high crime areas.

Critics of this proposal point out that it still represents an unwarranted infringement upon State discretion under the block grant. After all, they assert, the States—not LEAA—are in the best position to know the needs and problems of their political subdivisions and to determine necessary remedial action. Furthermore, some see a danger in giving LEAA virtually unbridled leeway under this requirement. Still other opponents contend that in view of tight plan approval deadlines, this proposal is not a foolproof way of ensuring that States will adequately meet urban crime reduction needs. It is also claimed that this provision duplicates both the Act and LEAA's program guidelines, which require States to take into account local crime problems. Finally, some argue that the lion's share of Federal action dollars already goes to cities and counties over 50,000 having the highest crime rates, making this modification unnecessary.

The Commission, however, believe that the proposal has the advantage of assuring cities and counties that their State will be responsive to the special needs of large areas with a heavy incidence of crime while, at the same time, not penalizing the large number of SPAs which have furnished adequate assistance to these jurisdictions. By relying on the discretion of LEAA, rather than on rigid statutory provisions such as a formal "certification" requirement, this approach offers administrative flexibility consistent with the block grant principle. It also requires LEAA to make a specific finding regarding the status of high crime areas in the State comprehensive plan, something which has not always been done in the past. This procedure, in turn, would give LEAA more leverage in encouraging some States to give greater attention to the crime reduction problems of their large urban and suburban jurisdictions.

*Recommendation 3: Strengthening All Components of the Criminal Justice System*

The Commission finds that while in 1969 State law enforcement planning agencies allocated inadequate amounts of Federal funds for improvements in court systems and correctional institutions, more attention has been given to these functions in some 1970 plans. The Commission concludes that the States should make greater efforts to upgrade all components of the criminal justice system.

The Commission recommends that no changes be made in Title I of the Omnibus Crime Control and Safe Streets Act of 1968 to require or encourage a greater channeling of Federal funds to court and corrections related projects, since modifications of this type would constitute an infringement on State and local discretion under the block grant approach contained in the Act. At the same time, the Commission urges that State comprehensive law enforcement plans should give greater attention to improving all components of the criminal justice system.

As of February 28, 1970 only 11 percent of all Federal action funds awarded to State agencies and local jurisdictions in 48 States went for correctional and rehabilitative programs, and a meager four percent for prosecution, court, and law reform. At the same time, 45 percent of such monies was allocated for police-related purposes. Continuance of this lopsided funding pattern can only negate the essential thrust of the basic legislation—development of a balanced, effective, and interrelated system of corrections, courts, prosecution, and police in all 50 States.

A heavy emphasis on police may be appropriate during the initial phase of the program, but most experts recognize that a law enforcement focus alone is self-defeating in the long run. The Commission is aware that many States already have given or intend to give more attention to all components of their criminal justice system; a number of 1970 comprehensive law enforcement plans represent a marked departure in this respect from the 1969 plans. The Commission believes that those SPAs which are not presently doing so should make available greater amounts of funds under the Act for improvements in courts, prosecution, and corrections.

Some observers contend that the most feasible approach to correcting programmatic disparities and to achieving a more balanced flow of aid would be to amend the Safe Streets Act to permit LEAA, at its discretion, to waive wholly or partially the requirement that 75 percent of the Federal action funds allotted to the State planning agency be made available to units of general local government. Others favor increasing the Federal share of the costs of developing and implementing court, prosecution, and correctional programs, and some would couple increased Federal matching with earmarking of a part of LEAA's appropriation for use in improving these functions. Still others advocate placing a ceiling on the amount of action funds which may be used for police-related purposes.

The Commission rejects these alternatives since, in general, they would constitute an undesirable infringement on the discretion accorded to States and local governments under the block grant device. Specifically, waiver of "pass through" provisions in some cases would weaken the rather fragile foundations of State-local collaboration within the program. This proposal, as well as those calling for a hike in matching or imposition of a ceiling on police expenditures, probably would result in fewer funds being made available for law enforcement, and this would hit hardest those who are quite literally on the firing line in the battle against crime. Moreover, none of these approaches takes into account the impact of the States' greater fiscal capacity relative to their political subdivisions upon the traditional division of funding responsibility between these jurisdictions for police, courts, and corrections. Revisions along the above lines, then, would benefit the States more and would ignore the needs of hard-pressed localities. Finally, adoption of these proposals would not automatically guarantee increased outlays for courts and corrections. The secondary treatment of these areas in the 1969 plans and subgrant outlays is merely a repeat of the meager success courts and corrections have had generally in achieving adequate funding in the State and local budgetary process. There is no reason to believe they will be helped very much by any of these Federal prescriptions.

The Commission believes that the answer to the problem lies in the process that now is underway in the various States. Court, prosecution, and correctional interests generally are well represented in all of the SPAs—some even contend too much so. Developing genuinely balanced and comprehensive criminal justice plans is more and more the paramount goal of these State planning bodies. The

tasks of meshing the various components of the system and of achieving balance among these functional areas is difficult at best, and developing formulas suitable for all 50 States would be equally troublesome. Given all these considerations, the Commission rejects proposals for mandated change. But it does urge the SPAs and their State, local, public, and professional representatives, to focus more on ways and means of strengthening all components of their respective criminal justice systems.

*Recommendation 4: Maintaining Present Representation Requirements for SPAs*

The supervisory boards of most SPAs, in the Commission's judgment, are sufficiently representative of law enforcement and criminal justice agencies as well as elected policy-making officials of units of general local government.

The Commission recommends that the present provisions of Title I of the Omnibus Crime Control and Safe Streets Act, and of related program guidelines, providing for balanced representation of interests on the supervisory boards of State law enforcement planning agencies be retained.<sup>1</sup>

SPAs play a paramount role under the Act. They condition the basic approach their State takes in developing a coordinated anti-crime program. They determine the procedures for administering the Safe Streets Act at the State and substate levels. They serve as a critical forum for reconciling State, regional, and local needs. They give local jurisdictions a say in the development of the State's criminal justice programs. They constitute a prime mechanism for identifying and interrelating the efforts of splintered law enforcement and criminal justice responsibilities. The composition of the SPA supervisory board, then, is critical to the effective performance of these tough assignments.

Some authorities contend that the majority of these boards are dominated by law enforcement and criminal justice professionals and that elected local policy-makers are greatly underrepresented. They charge that this imbalance has led to the development of State comprehensive plans which do not adequately reflect the crime reduction needs of their political subdivisions. Consequently, they advocate greater representation of local political executives on supervisory boards.

Supporters of present representation requirements assert that this revisionist position ignores certain hard political and administrative facts of life. As of early 1970, they point out, the composition of most SPA boards in terms of overall numbers of State and local policy-makers and professionals was nearly two-to-one in favor of local officials. They note that many local political executives have tended to deputize police officials to represent them to board meetings. As a result, expansion of the supervisory boards to give local officials a greater voice might instead bolster the ranks of law enforcement functionaries. These observers also point out that LEAA's program guidelines have designated eight representational categories, and hence allegations that States on their own are responsible for any "stacking of the deck" against elected local policy-makers are unfounded. Some also contend that a substantial increase in the number of city and county elected officials serving on the board might place the State in an untenable position, since representatives of local governments would have an unprecedented veto power over State anti-crime programs. Finally, they argue that any expansion of the size of SPA boards could easily transform them into unwieldy, bickering bodies where rhetoric rather than reason might be the guiding behavioral norm.

For these and other reasons, the Commission supports retention of the present provision contained in the Act and LEAA's program guidelines regarding supervisory board membership. SPAs already meet these requirements, and any mandated increase in the proportion of elected local policy-makers might upset the functional balance needed to develop an interlocking criminal justice planning process. Due to political pressures and numerous competing demands on their time, many elected spokesmen are not able to assume a vigorous membership role

<sup>1</sup> Senator Muskie dissents from this recommendation and states: "Concerning this recommendation, Table 6 of the Commission report indicates that locally elected officials compose only 11 percent of the State supervisory board membership. In the light of this fact, it would appear that some changes should be made in the Act itself, or the guidelines for its implementation, to provide for a greater degree of representation of local officials and local interests regarding the responsibility for planning and budgeting the law enforcement improvement program and the integration of these programs into total community improvement effort."

in supervisory board affairs; their attendance record at meetings highlights this difficulty. The tendency of these officials to name police officers as their alternates already gives law enforcement interests greater representation in board deliberations vis-a-vis corrections, court, prosecution, and other interests. Yet, these non-police functions have been traditionally "minor claimants" in the battle for funds in the State and local budgetary process. As a result of these factors, expanding the number of elected local political executives serving on SPA boards could have the indirect effect of increasing the voice of those interests least in need of added representation.

To put the argument somewhat differently, elected local officials already comprise one-tenth of the representatives on the typical SPA. If these members assume a direct and dynamic leadership role, the views of city and county policy-makers inevitably will have an impact on SPA deliberations. Moreover, if these political executives interact with local law enforcement and criminal justice specialist members in a constructive fashion, there can be little doubt that local concerns as a whole will be given more than adequate consideration. These local policy-makers and professionals, after all, constitute nearly two-thirds of all SPA members.

The Commission, then, believes that the existing basis for according representation on supervisory boards provides an adequate foundation for achieving a balance between the administrative generalists and the various criminal justice specialists, as well as among the different specialized categories. It is convinced that both kinds of representational balance are crucial prerequisites for hammering out comprehensive and coordinated criminal justice plans. Where representational imbalances have emerged, the Commission feels that the existing LEAA guidelines provide ample room for corrective action.

#### *Recommendation 5: Retaining Regional Districts*

The Commission concludes that the majority of regional law enforcement planning districts established by the States have developed into viable mechanisms for carrying out areawide planning, conducting certain action programs, reviewing local applications for Safe Streets Act funds, and coordinating interlocal crime reduction efforts.

The Commission recommends that States retain and strengthen their regional law enforcement planning districts.

The Commission finds that generally the States' response to LEAA's urging that "regional combinations" be set up for areawide law enforcement and criminal justice planning and coordination efforts has been commendable. Jurisdictional isolationism is about the last way to mount an effective battle against crime, and the regional districts are a positive means for curbing this curse of both metropolitan and nonmetropolitan areas.

Most anti-crime programs, with the exception of certain police activities, can not be planned or meshed at the local level by merely relying on the uni-jurisdictional approach. The fragmented scene that now confronts the criminal justice field is largely a result of the failure to recognize this intergovernmental fact of life. The need for a multijurisdictional approach, then, is compelling. Moreover, those who argue that the SPA should be the sole planner and coordinator for all State and regional efforts ignore the need to differentiate between urban and rural area crime problems and appropriate remedial measures. Such spokesmen also overlook the need to have intermediary bodies which are both responsive to and interrelated with the unique set of planning and coordinating difficulties of individual regions.

The task of building some consensus among the competing functional components and between these and the political decision-makers can not and should not be assigned to the SPAs alone. The districts, in effect, serve as regional replicas of the SPAs in this respect, and this division of labor, in the long run, ought to strengthen the instrumentalities themselves as well as facilitate the Act's implementation.

The Commission believes that districted States should take steps to beef up the comprehensive criminal justice planning capability of these regional units. Available evidence indicates that the coordination and review and comment functions of many districts could be strengthened. Although regions in at least 32 districted States currently review local applications for action subgrants before their submission to the State planning agency and in 22 States they perform such review on referral from the SPA, this important function might well be conducted by all districts. Why set up such entities if not for areawide review

and coordination purposes? Furthermore, in only 20 States have regional units been assigned a review role in connection with the law enforcement components of local Model Cities plans, and in 17 States concerning applications for Juvenile Delinquency Act funds. In only 11 States do regions review Highway Safety Act project proposals. Meshing Safe Streets Act projects with activities under the above programs is a critical role which more regional districts might assume.

Some complain that the districts have added an unnecessary and expensive layer of bureaucracy to the program. Some claim that they actually have hindered localities in upgrading their law enforcement and criminal justice efforts. And some charge that they divert critically needed planning funds away from local governments. These criticisms, however, overlook the rather obvious fact that areawide planning and especially coordination can only be performed by a regional instrumentality—not by individual jurisdictions. Most cities and counties lack coordinating councils for criminal justice activities. In addition, a recent ICMA survey indicated that 80 percent of 574 participating municipalities agreed that units other than cities should be the instrumentalities to conduct comprehensive criminal justice planning. Hence, any thought that these jurisdictions generally can assume the planning function of the districts is a bit fanciful.

Most regional agencies, then, have emerged as important forums for criminal justice coordinating and planning purposes. Most now serve as functioning vehicles for letting individual jurisdictions in the area involved know of the law enforcement activities of their neighbors. Most provide meaningful inputs to SPA efforts. For all these reasons, the Commission endorses the retention of these regional bodies and urges the States to take steps to strengthen them.

*Recommendation 6: Authorizing Waiver of the Personnel Compensation Limit*

Payment of realistic salaries is essential to improving State and local law enforcement and criminal justice administration capabilities and to reducing the incidence of crime. The Commission finds that the provision of the Safe Streets Act requiring that not more than one-third of the amount of an action grant may be spent for personnel compensation to some extent has hampered the efforts of State and local governments to recruit new personnel and to retain their present employees.

The Commission recommends that the Law Enforcement Assistance Administration be authorized to waive the ceiling on grants for personnel compensation contained in Title I of the Omnibus Crime Control and Safe Streets act of 1968.<sup>2</sup>

Personnel compensation constitutes a substantial portion of the expenditures for State and local crime reduction programs. Ninety percent of overall local law enforcement outlays, for example, are for this purpose. Many jurisdictions, however, have inadequate numbers of well trained policemen, correctional officers, prosecutors, judges, and other criminal justice professionals. Recent efforts have gone far toward bettering the pay and caliber of police departments, but correctional institutions and courts are still facing serious problems in attracting and retaining qualified personnel. Specialized positions in criminal justice planning and administration, crime research and statistics, and training also are difficult to fill.

In light of the foregoing, some authorities contend the Act's provision that no more than one-third of an action grant may be used for personnel compensation has hindered the efforts of some jurisdictions to meet their most pressing need—acquiring sufficient personnel to operate their law enforcement systems. As a result of this provision, it is claimed, action grant awards have been used for the purchase of equipment and for projects which were of secondary or even tertiary priority to the recipient. Some also argue that this personnel limit violates the spirit of the block grant approach by unduly circumscribing the discretionary authority of State law enforcement planning agencies. Moreover, it is asserted, this ceiling restricts the freedom of cities, counties, and regional units to establish their own law enforcement priorities and to develop programs to meet these needs. Consequently, some of these observers advocate deletion of the compensation limit contained in the Act. Others prescribe removal of this curb only with reference to non-police personnel, since they believe that the Federal Government should not substantially underwrite the costs of local police officers' salaries and that absence of this restriction would lead in effect to the establishment of a Federal police force.

<sup>2</sup> Congressman Fountain, Budget Director Mayo, and Supervisor Roos dissent on this recommendation.

The Commission fully appreciates the fact that provisions like the personnel compensation limit are not fully consistent with the spirit of the block grant approach. It also recognizes that in some jurisdictions this requirement has precluded the funding of top priority crime reduction programs. At the same time, a few conditions are compatible with the block grant concept since some national objectives must be accorded recognition. The Commission agrees with those who fear that deletion of the personnel compensation ceiling might tempt some States and localities to apply only for funds for this purpose rather than developing innovative proposals for law enforcement and criminal justice reforms—an expressly stated Congressional purpose in enacting the measure.

The Commission, therefore, seeks to strike a balance in this area between giving States and localities maximum discretion in formulating project proposals to meet their own needs and recognizing a national criminal justice goal as set forth by Congress. This can be done by authorizing LEAA to waive the personnel compensation ceiling. This proposal represents a flexible approach to the issue. It avoids completely deleting the statutory limitation, as well as restricting it to certain categories of law enforcement personnel. By giving LEAA this discretionary authority, critical law enforcement and criminal justice personnel needs of States and localities can be considered on a case-by-case basis in conjunction with the broad program goals established in the State comprehensive plan. This approach also avoids the possibility of abuse that an outright repeal of the personnel limit might produce. It would encourage applicants to mesh their personnel and "hardware" needs into innovative programs without having to worry about the effects of an arbitrary ceiling on the type of proposal that could be developed. Finally, it does not rely on the invidious comparisons implicit in recommendations for applying the compensation limit only to police personnel.

#### *Recommendation 7: Modifying LEAA's Administrative Structure*

Reliance on a three-member Law Enforcement Assistance Administration, the Commission finds, has created obstacles to the effective, efficient, and economical administration of the Safe Streets Act. The Commission believes that these difficulties can only multiply as Congress appropriates greater amounts of funds for programs under the Act, and hence that continuance of this tripartite arrangement is unnecessary and undesirable.

The Commission recommends that Title I of the Omnibus Crime Control and Safe Streets Act of 1968 be amended to create the position of Director of Law Enforcement and Criminal Justice Assistance who, acting under the general authority of the Attorney General, would be responsible for administering the Act. He shall be one of the three-man Law Enforcement Assistance Administration. The Commission further recommends that the Director be appointed by the President with due regard to his fitness, knowledge, and experience to perform the duties of the chief administrator of the LEAA.<sup>3</sup>

The requirement that LEAA be administered by a three-man leadership—no more than two of whom may come from the same political party—has realized many of the fears of its initial critics. The recent departure of LEAA's Administrator and two other top officials only dramatizes what insiders had known for some time—a triumvirate is an "administrative monstrosity," and the crude attempt at "political accommodation" that it symbolizes neither serves the political interests involved nor achieves much real accommodation.

The Commission believes that the logical solution to the serious troubles generated by this Congressionally mandated "troika" is to amend the Act to authorize the appointment of a single Director to serve as the chief member of the three-man LEAA. The Director should be assigned responsibility for and exercise authority over all of LEAA's activities under the Act. This would establish a clear superior-subordinate relationship between the Director and his two associates.

Various arguments have been advanced by those supporting the present setup. Unanimous action by a bipartisan body can ward off certain kinds of politically-motivated attacks on LEAA. This tripartite structure also can serve as a potential check on arbitrary actions or favoritism, and this is particularly important

<sup>3</sup> Senator Muskie dissents from this recommendation and states: "This recommendation, as envisioned by the Commission's members approving it, would make the Law Enforcement Assistance Agency administrator a Presidential appointment, without the advice and consent of the Senate of the United States. Even if it were possible to support the proposition that there should be but one administrator, and hence support the goal of the recommendation in this regard, the important position held by the administrator within the whole intergovernmental law enforcement structure must be regarded as significant enough to justify Senate consent to the appointment."

in view of the large amount of discretionary funds available for LEAA distribution. The delays resulting from the need to produce agreement among the Administrator and the two Associate Administrators, then, may well be a good thing in a program area as new, as untried, and as potentially controversial as this major comprehensive Federal crime reduction effort. Moreover, good judgment in making appointments, it is argued, will solve most of the practical problems ostensibly stemming from this "troika" provision.

Despite the foregoing, the Commission feels that the Safe Streets program is too important to leave basic LEAA direction to the uncertainties of personality and to the possibility of political stalemate. The goals of the legislation are too critical to waste the top leadership's time with bickering over administrative details, such as approving travel vouchers, and hiring and promoting lower level professional personnel and interns. The need for good people in the agency is too great to allow petty partisanship to serve as a major conditioner of personnel selection. LEAA's appropriation is growing too large and the need for action is becoming too urgent to allow a continuance of administration by three-man consensus. Good management and good politics, in the long run, clearly dictate the need for scrapping this cumbersome arrangement. At the same time, the Commission feels that complete abolition of the LEAA would raise unnecessary political criticisms and conceivably might endanger the basic reform sought here—focusing primary responsibility for the program in one chief administrator. The need for deputies would arise in any event and the recommendation advanced here recognizes this need.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS,  
Washington, D.C., June 19, 1970.

HON. JOHN L. MCCLELLAN,  
Chairman, Subcommittee on Criminal Laws and Procedures,  
Committee on the Judiciary, Washington, D.C.

DEAR MR. CHAIRMAN: On June 12, the Advisory Commission on Intergovernmental Relations completed action on "Making the Safe Streets Act Work: An Intergovernmental Challenge." This study of the first 16 months under the program is a part of a comprehensive investigation of "Federalism and the Criminal Justice System," which should be completed by September.

This first portion of the broader report was taken up first to coincide with Congress' deliberations on the Act. It is based on comprehensive data provided by 48 of the 50 States. Great care was taken by the Commission's staff to assure objectivity in gathering data and in developing tentative findings and conclusions. The staff worked closely with organizations representing various affected public interest groups, including the International City Management Association, the National Governors' Conference, the U.S. Conference of Mayors-National League of Cities, and the National Association of Counties. The Bureau of the Budget and the Department of Justice were consulted at various points during the research phase of the study.

At its June 12 meeting, the Commission agreed on seven policy positions with respect to Title I of the Omnibus Crime Control and Safe Streets Act of 1968. These recommendations are enclosed, along with the preface, the first two background parts of the study, and a listing of tentative findings and conclusions. The Commission would greatly appreciate insertion of these materials—or those you feel are most relevant—in the hearing record your Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary will begin to compile on June 24 and 25. We hope that they may be helpful to the Subcommittee in its consideration of the Act.

Sincerely,

DAVID B. WALKER,  
Assistant Director.

Enclosures.

RECOMMENDATIONS ADOPTED BY THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS IN ITS REPORT ON "MAKING THE SAFE STREETS ACT WORK—AN INTERGOVERNMENTAL CHALLENGE"

MODIFYING LEAA'S ADMINISTRATIVE STRUCTURE

*Recommendation 1.*—The Commission recommends that Title I of the Omnibus Crime Control and Safe Streets Act of 1968 be amended to create the position of

Director of Law Enforcement and Criminal Justice Assistance who, acting under the general authority of the Attorney General, would be responsible for administering the Act. He shall be one of the three-man Law Enforcement Assistance Administration. The Commission further recommends that the Director be appointed by the President with due regard to his fitness, knowledge, and experience to perform the duties of the chief administrator of the LEAA.

#### DISTRIBUTION OF FUNDS BY THE STATES: RETAINING THE BLOCK GRANT

*Recommendation 2.*—The Commission strongly believes that, although there are presently some gaps in State performance under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 in responding to the special needs of high crime urban and suburban areas, the block grant represents a significant device for achieving greater cooperation and coordination of criminal justice efforts between the States and their political subdivisions. The Commission therefore recommends that the block grant approach embodied in the Act be retained and that States make further improvements in their operations under it.

#### MAINTAINING THE PRESENT SUBGRANT SYSTEM

*Recommendation 3.*—The Commission recommends that no changes be made in Title I of the Omnibus Crime Control and Safe Streets Act of 1968 to funnel additional Federal funds into high crime urban and suburban areas, except for an amendment providing that no State comprehensive law enforcement plan shall be approved unless the LEAA finds that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence.

#### STRENGTHENING ALL COMPONENTS OF THE CRIMINAL JUSTICE SYSTEM

*Recommendation 4.*—The Commission recommends that no changes be made in Title I of the Omnibus Crime Control and Safe Streets Act of 1968 to require or encourage a greater channeling of Federal funds to court and corrections related projects, since modifications of this type would constitute an infringement on State and local discretion under the block grant approach contained in the Act. At the same time, the Commission urges that State comprehensive law enforcement plans should give greater attention to improving all components of the criminal justice system.

#### RETAINING REGIONAL DISTRICTS

*Recommendation 5.*—The Commission recommends that States retain and strengthen their regional law enforcement planning districts.

#### AUTHORIZING WAIVER OF THE PERSONNEL COMPENSATION LIMIT

*Recommendation 6.*—The Commission recommends that the Law Enforcement Assistance Administration be authorized to waive the ceiling on grants for personnel compensation contained in Title I of the Omnibus Crime Control and Safe Streets Act of 1968.<sup>1</sup>

#### MAINTAINING PRESENT REPRESENTATION REQUIREMENTS FOR SPAS

*Recommendation 7.*—The Commission recommends retention of the present provisions of Title I of the Omnibus Crime Control and Safe Streets Act, and of related program guidelines, providing for balanced representation of interests on the supervisory boards of State law enforcement planning agencies.

#### ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

#### MAKING THE SAFE STREETS ACT WORK: AN INTERGOVERNMENTAL CHALLENGE— HIGHLIGHTS OF THE MAJOR FINDINGS

The Omnibus Crime Control and Safe Streets Act will be two years old on June 19. One of the most controversial measures considered by Congress in the

<sup>1</sup> Congressman Fountain, Budget Director Mayo, and Supervisor Roos dissented on Recommendation 6.

1960s, it has been marked by virulent debate at every step of its implementation. Now Congress has the Act before it again, with a variety of proposals to change it significantly.

Title I of the Act sets up the first comprehensive Federal grant program for assisting State and local law enforcement and criminal justice administration. It does so through block grants to the States with a required pass-through to localities. Funds were awarded in a two-step procedure—first for planning and then for action programs. Federal responsibilities are handled through the Law Enforcement Assistance Administration. Much of the debate has been over the desirability of channelling Federal funds through the States on a broad program basis versus direct Federal-local grants on a project-by-project basis that bypasses the States. The Commission study focuses on these intergovernmental problems and issues in administering the Act. It is based on responses of 48 States to a comprehensive questionnaire. Great care was taken to assure an objective study by involving groups representative of all points of view in developing the questionnaire.

The Safe Streets Act has dramatically increased overall Federal spending for crime prevention and control in the past two years. It nearly doubled between fiscal 1969 and fiscal 1971. But States and local governments still provide the overwhelming bulk of the money. During the fiscal year that ends June 30, 1971, the Federal Government is expected to spend \$1,257 million on crime prevention and control. But this is only about one-third of what the 50 States, 43 largest cities and 55 largest counties spent on law enforcement and criminal justice in fiscal 1968.

Although a major intent of the legislation is to stimulate a comprehensive approach to criminal justice, early planning and action on the program has focused primarily on law enforcement. The study reveals heavy accent on police in the 1969 plans, although somewhat greater attention apparently has been given to courts and corrections in 1970 plans. Similarly, as of early 1970, 45 percent of the action funds had been used for police programs with large amounts going to purchase equipment and for communications systems and training. Relatively insignificant dollar amounts were awarded for upgrading courts, prosecution and corrections, according to the survey.

In answer to these criticisms, the report notes that the program is still in its early stages. There was little time to gear up for a truly comprehensive approach initially, it points out. The law enforcement interests were organized at State and local levels, and able to get the funds and use them immediately. A balanced, interrelated program will take more time.

That the Safe Streets program got underway in a hurry is also documented in the study. The legislation required the States to set up a State Planning Agency within six months of the measure's enactment to devise a plan, to receive block grants and disburse subgrants. Otherwise, the Federal government could deal directly with localities. Every State complied within the time limits. Each State received at least \$100,000 to enable a minimum planning effort. Additional planning awards were made based on population. As a consequence, the largest States received less total funds per capita than many smaller States with lower crime rates. Although a bone of contention this is in part due to the relatively modest amounts involved—\$19 million the first year.

The State Planning Agencies (SPAs) have two components: a supervisory board of elected and appointed state and local officials and citizens-at-large, and a day-to-day professional staff. The Commission study finds that some supervisory boards are dominated by functional officials and appear to be inadequately representative of elected local government policy-makers and the citizens-at-large. This can be attributed, in part, to the Federal Law Enforcement Assistance Administration (LEAA) guidelines, which specify eight categories of officials that *must* be represented on the boards. The average supervisory board has 23 members. On the average, one-third represent elected local government policy makers and executives and the citizens. These officials also tend to have somewhat lower average attendance rates than functionaries. However, the number of supervisory board meetings varied widely among the States during the period studied.

As to the professional staff, charges have been leveled that the States were using Federal Safe Streets money to build a new law enforcement and criminal justice bureaucracy. The Commission study finds that this is not true at the State level. The average size of a State Planning Agency professional staff is 9.3. This does not include regional or areawide staffs. Forty-five States use regional bodies to help administer the Act at the substate level. Many of these dis-

tricts have been assigned a wide range of planning, administrative and fiscal responsibilities. There are no reliable figures on the size of the professional staff at the regional level. But there have been charges that the regions are State-imposed entities which are unrepresentative of their constituent local governments.

The Act requires States to pass through 40 percent of the planning grants to individual localities and regional units. As of December 31, 1969, 16 States had awarded more than the 40 percent, but 14 had awarded less.

Most of the controversy since the Act's adoption has revolved around the handling of action grants: \$24.5 million in fiscal 1969 and \$179.4 million in fiscal 1970. These funds were allocated to the States strictly according to population. The States were required to pass through 75 percent.

The study shows that 17 of the 48 States reporting, passed through more than the required 75 percent of action funds; only two passed through less. Forty-two of the States retained funds at the State level for programs they considered to be of direct benefit to local jurisdictions. Thirteen States charged all or part of the cost to the localities' share of funds retained at State level; but thirty-six States charged all or part of these programs to the State share of the action grants.

Of the action subgrants going to cities, municipalities of over 25,000 population received 86 percent of the funds. And urban counties (over 25,000 population) received 83 percent of the action money going to counties. However, cities under 25,000 population constituted 66 percent of the total number of municipal subgrantees. Their average subgrants amounted to \$1,959. Small counties (under 25,000 population) made up half the subgrantees in the county category, with an average subgrant of \$2,447. This proliferation of small subgrants has led to the charge that the States are employing a buck-shot approach and are spending subgrants too thinly rather than targeting the money on where the problems are.

Crime rate, local portion of total State-local police expenditures and total local police outlays have been proposed by some as measures of law enforcement assistance need and effort. The study uses the money passed through to the five largest cities (25,000 or more) in each of 45 States to assess how they fared. Five States passed through more to these jurisdictions than they would have received if crime rate were the basis for allocation and another seven States passed through a roughly proportional amount. Using these jurisdictions' portion of total State-local police expenditures as a test, 12 States passed through more and 12 others a commensurate amount. And using total local police outlays, seven States distributed more and 10 a comparable amount. However, *no general consensus* exists as to the reliability of any one or combination of these factors as a gauge of State responsiveness to urban crime reduction needs or of local anti-crime effort.

The Act requires that for Federal planning money, recipient jurisdictions provide at least 10 cents for every Federal 90 cents. Every 60 cents in Federal action grants are to be matched by 40 cents. Other matching requirements are 75-25 for organized crime and riot control programs, and 50-50 for construction projects. One measure of a State's concern with solving local problems is the extent to which it is willing to put up its own money to cover part of the non-federal share, in other words, to "buy-in." Cash contributions are not required by the Act, however, only State technical assistance and services. As of February 28, 22 States had made a cash or in-kind contribution to help match passed-through funds, most of it for planning. However, the total amounted to only \$776,906 for 20 States. Two States "bought in" to planning and action programs across the board. Thirty-four States are assuming 75 percent or more of combined State-local corrections expenditures and 16 States account for 25 percent or more of total State-local police outlays. It is also pointed out that the amount of financial involvement may be small because of 1969 Federal action funds were not awarded to the States until the end of the fiscal year, after some legislatures had adjourned.

Various reports making charges and countercharges have come out since the enactment of this controversial legislation. To obtain the greatest objectivity, the Commission staff worked closely with groups of varying opinions throughout the course of the study. They included: the Council of State Governments, International City Management Association, National Association of Counties, National Governors' Conference, National League of Cities, and U.S. Conference of Mayors, as well as the U.S. Bureau of the Budget and the Law Enforcement Assistance Administration. Of course, the findings and conclusions are solely the work of the Commission staff.

MAKING THE SAFE STREETS ACT WORK: \*  
AN INTERGOVERNMENTAL CHALLENGE

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Part One: The Federal Government and Safe Streets

Part Two: Issues and Problems

with 25 charts and tables

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Advisory Commission on Intergovernmental Relations  
Washington, D. C. 20545

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\* Staff note: This draft is not the final report submitted to the Subcommittee. An edited copy was received too late for printing, but is available in the Subcommittee files.

## INTRODUCTION

## THE FEDERAL ROLE IN LAW ENFORCEMENT

Law enforcement is usually considered to be mainly a State and local responsibility. Not to be overlooked, however, is the fact that in addition to its direct crime reduction outlays the Federal Government provides significant financial and technical assistance to these jurisdictions in their anti-crime efforts.

Major categories of Federal programs for reducing crime include: support and improvement of Federal, State, and local law enforcement agencies; reform and enforcement of Federal criminal laws; court administration and prosecution; custody and rehabilitation of criminal offenders; prevention of crime; planning and coordination of State and local crime control activities; and crime research and statistics.

As indicated in Table 1, Federal outlays in support of State and local crime prevention and control activities have grown significantly over the 1969-1971 fiscal year period. In fiscal 1971, 41 percent of all Federal domestic crime reduction expenditures will be for assisting States and localities, as contrasted with 30 percent in fiscal 1970 and 16 percent in fiscal 1969. At the same time, although direct outlays for dealing with Federal crimes also increased, their share of the total amount spent by the Federal Government for crime reduction declined from 84 percent in 1969, to 70 percent in 1970 and 59 percent in 1971. (See Figure 1)

It is estimated that the Federal Government's anti crime outlays in fiscal 1971 will total \$1,257 million. This figure is 33 percent greater than estimated Federal expenditures in 1970 and 91 percent more than the 1969 actual figure. Most of these funds have been used for Federal criminal law enforcement activities; support or improvement of Federal, State, and local police and investigative agencies; and crime prevention services. As a proportion of total Federal crime reduction outlays, however, the amount spent for such direct Federal criminal law enforcement programs as investigations, policing of certain Federal areas, and

specialized activities to control organized crime, has decreased steadily over the 1969-1971 fiscal year period. On the other hand, relatively sharp increases have occurred in expenditures for law enforcement support and for public education, alcoholic and addict rehabilitation, juvenile delinquency prevention and control, and other community services to prevent crime. (See Table 2)

Despite these rises, projected Federal outlays for crime reduction in fiscal 1971 will still be far less than the expenditures of State and local jurisdictions for police, courts, and corrections. The Bureau of the Census reports that in fiscal 1967-1968, a total of \$3,633 million was spent by the 50 States, 55 largest counties, and 43 largest cities in the nation for these purposes.<sup>1</sup> This amount is 189 percent more than the estimated Federal outlays for fiscal 1971. In other words, Federal anti-crime expenditures in fiscal 1971 will represent only 35 percent of the total law enforcement and criminal justice outlays made by State and selected large county and city governments three years ago.

Although the Department of Justice has been assigned major responsibility for leading the Federal Government's attack on the law enforcement aspects of the crime problem, Table 3 shows that at least 14 other Federal agencies currently administer programs which involve direct Federal crime reduction operations or support for State and local efforts on this front. These 15 agencies follow, together with a summary of their anti-crime programs (excluding for the most part regulatory responsibilities) and their estimated outlay of Federal funds in fiscal 1971 relative to the expenditure

<sup>1</sup>U.S., Department of Commerce, Bureau of the Census, *Criminal Justice Expenditure and Employment for Selected Large Governmental Units, 1967-68* (Washington, D.C.: U.S. Government Printing Office, 1970) pp. 1-3.

levels for the two immediately preceding fiscal years.<sup>2</sup>

#### Department of Justice

The involvement of the Department of Justice in the reduction of crime is widespread, covering virtually all of the types of Federal direct action or support mentioned above. An important direct activity involves the detection, identification, and apprehension of violators of Federal criminal laws. The Department's Criminal Division, its U. S. Attorneys and U. S. Marshalls, and the Federal Bureau of Investigation (FBI), for example, are charged with responsibility for combating organized crime. Twelve "strike forces" against organized crime, composed of FBI agents, Federal grand juries, prosecutors, and other law enforcement personnel, have been organized by the Department across the nation.

In support of State and local law enforcement activities, the Justice Department, through the Law Enforcement Assistance Administration (LEAA), provides funds for training State and local police and for loans to enable full-time students and in-service policemen to enroll in college degree programs. The FBI's National Academy and its field training program offer a large number of courses to State and local law enforcement officers each year. The Bureau of Narcotics and Dangerous Drugs (BNDD) trains policemen in drug enforcement.

The Department also plays a leading role in the rehabilitation of offenders. In addition to its direct outlays for operation of community treatment centers and vocational training for Federal inmates, the Bureau of Prisons provides support for the correctional programs of State and local governments, including a jail inspection service and technical assistance in jail design, prisoner management, and staff training.

Turning to crime prevention services, LEAA funds have been awarded to assist State and local governments in undertaking juvenile delinquency prevention and control projects. With respect to direct operations, the Bureau of Prisons treats inmates who are narcotic addicts both while they are in prison and when they return to the community following their release. The Department, in cooperation with the Department of Defense and the Department of Health, Education, and Welfare (HEW), also plans to conduct a three-year drug

information program over the mass media.

The Department of Justice administers a wide range of programs related to crime research and statistics. The FBI has established a nationwide system of reported crime data which are published periodically and distributed to State and local law enforcement agencies. For many years, its fingerprint identification and laboratory services have been made available to these agencies. LEAA funds have been allocated to States and localities for reforming their criminal laws. The Department's direct activities include: initiation of a comprehensive criminal justice statistics and information service and efforts to devise better detection and apprehension methods; BNDD's program for recognizing and testing new unsafe substances likely to be abused; research in connection with improving correctional practices sponsored by the Bureau of Prisons and LEAA; and studies dealing with upgrading court procedures undertaken by LEAA and the Federal Judicial Center. Under Executive Order 11396, the Department is responsible for achieving effective intergovernmental planning and coordination of the crime prevention and control programs which it administers, as well as those funded by HEW and the Department of Housing and Urban Development (HUD).

In fiscal 1971, an estimated \$830.4 million will be spent by the Department of Justice on its numerous anti-crime programs, a 39 percent increase over the 1970 estimated outlay and a 113 percent increase over its 1969 actual expenditure figure. These overall rises reflect the rapid growth in the Department's outlays for assisting State and local governments from 16 percent of its total crime reduction expenditure in 1969, to an estimated 36 percent in 1970 and 49 percent in 1971.

#### Treasury Department

The Treasury Department's principal role in reducing crime has involved direct Federal criminal law enforcement efforts. The Department conducts certain Federal police activities through the Bureau of Customs, whose agents are responsible for controlling drug smuggling and indirectly for fighting organized crime, and through the Secret Service, which investigates forgery and protects the President and foreign diplomatic missions. Internal Revenue Service officers enforce alcohol and tobacco tax statutes, and also play a key part in combating organized crime.

The Treasury Department will spend an estimated \$141.9 million on its anti-crime programs in fiscal 1971. This figure is 13 percent greater than the Department's estimated 1970 outlay, and 57 percent more than its actual 1969 expenditure.

<sup>2</sup>U.S., Bureau of the Budget, *Special Analyses, Budget of the United States, Fiscal Year 1971* (Washington, D.C.: U.S. Government Printing Office, 1970), pp. 194-205. Crime reduction outlays by the Department of Defense are not included in this discussion of the Federal Government's role in law enforcement and criminal justice administration. The Bureau of the Budget estimates that in 1969 the Defense Department spent \$500 million on anti-crime measures.

#### Department of Health, Education, and Welfare

HEW administers a number of programs for assisting State and local governments in their crime prevention and control activities. The Office of Education (OE), for example, provides basic education for inmates in State and local penal institutions. OE also funds the enrollment of law enforcement personnel in vocational education classes, offers programs for upgrading the education of institutionalized delinquent children, and distributes information on narcotics to the public. For a long time, the former Children's Bureau conducted surveys of juvenile court and correctional systems, sponsored training workshops, and disseminated information to States and localities. Finally, under the Juvenile Delinquency Prevention and Control Act of 1968, Federal funds have been awarded to the States for preparing comprehensive plans, undertaking prevention and rehabilitation projects, and furnishing other community-based services to juveniles.

With regard to direct operations to combat Federal crimes, HEW's National Institute of Mental Health (NIMH) sponsors narcotics treatment and drug prevention programs, supports research on aberrant behavior, juvenile delinquency, drug addiction, correctional practices, and court procedures, and trains prison officers and professional correctional and court personnel. OE also conducts training programs for Federal correctional personnel.

In fiscal 1971, HEW will make crime reduction outlays amounting to approximately \$75.7 million. This figure exceeds the 1970 estimate by 26 percent, and it is 67 percent more than the Department's actual 1969 expenditure.

#### Post Office Department

This Department investigates mail fraud and theft and fights organized crime by monitoring the flow of illegal material through the mails. The Department will spend an estimated \$36.5 million on these direct activities in fiscal 1971, 31 percent more than the estimated 1970 figure and 14 percent more than the actual 1969 outlay.

#### Department of Housing and Urban Development

Through the Model Cities program, HUD has supported crime reduction projects in a number of communities. The law enforcement components of typical local Model Cities plans involve such projects as police-community relations, halfway houses and foster homes for juveniles, addiction treatment centers, and

juvenile probation services.

An estimated \$23.6 million in HUD funds will be awarded to Model Cities for their anti-crime programs in fiscal 1971, a sharp rise (73 percent) over the \$13.6 million estimated 1970 figure. It is noteworthy that, according to Bureau of the Budget figures, in 1969 only \$526,000 in Model Cities funds were spent for law enforcement purposes.

#### Veterans Administration

The Veterans Administration (VA) supports State and local law enforcement by recruiting policemen among veterans and training them either on the job or in the classroom. VA's direct crime reduction efforts involve the treatment of veterans with drug abuse or alcohol problems in units operated by its hospitals. These services will amount to approximately \$22.5 million in 1971, an increase of 46 percent over the 1970 estimate and 111 percent over the 1969 actual outlay.

#### Department of the Interior

Responsibility for policing certain areas in the National Park System, including enforcement of Federal game laws and supervision of Indian reservations, is assigned to the U. S. Park Police in the Department of the Interior. In 1971, it is estimated that the Department will spend \$19.7 million on these activities, only slightly more than the 1970 estimate (6 percent) but 27 percent above the 1969 actual total.

#### General Services Administration

In fiscal 1971, the General Services Administration will spend approximately \$13.3 million on construction of the FBI's National Academy.

#### Department of Transportation

Under the auspices of the Department of Transportation (DOT), the U. S. Coast Guard enforces certain Federal criminal laws dealing with water pollution, and Federal Aviation Administration agents police aircraft hijacking. The Federal Highway Administration makes support grants under the Highway Safety Act of 1965 to provide training and equipment for police departments and other law enforcement agencies. The Urban Mass Transportation Administration provides funds for State and local research, development, and statistics programs. Expenditures of \$12.5 million are projected for 1971, a relatively small increase over the 1970 estimate (7 percent) and the 1969 actual figure (13 percent).

### Office of Economic Opportunity

In fiscal 1971, it is estimated that the Office of Economic Opportunity (OEO) will spend \$11.3 million on programs to assist States and localities in reducing crime, well over twice (122 percent) the 1970 estimate and 52 percent greater than the 1969 actual outlay. These funds will be used to support and upgrade OEO's drug programs, including treatment of narcotic addicts via community-based rehabilitation services and study of new approaches for dealing with drug addiction in poverty areas. They will also provide experimental college preparatory courses for inmates of penal and correctional institutions and post-release academic assistance to former inmates. OEO funds will operate demonstration projects for improving the pretrial handling of indigent suspects, and provide neighborhood legal services for the poor.

### Department of Labor

Inmates of State correctional and penal institutions are trained in various occupational shortage areas under a program funded by the Department of Labor. The Department also investigates the possible illegal use of union pension funds. In fiscal 1971, an estimated \$6.1 million will be spent for these purposes, a rise of 24 percent over the 1970 estimate and 115 percent over the 1969 actual figure.

### Department of Agriculture

The Department of Agriculture will spend approximately \$3.8 million in fiscal 1971 for direct programs to combat consumer fraud. This amount is only 6 percent greater than the Department's 1970

estimated outlay, but it is 21 percent above the 1969 actual expenditure.

### National Aeronautics and Space Administration

The National Aeronautics and Space Administration will allocate an estimated \$1.2 million in 1971 to fund a variety of State and local projects involving the planning and evaluation of police patrol and detection methods and the improvement of police communications systems.

### Atomic Energy Commission

In fiscal 1971, it is projected that the Atomic Energy Commission will spend \$149,000 on developing techniques for analyzing evidence in criminal cases using special nuclear devices which are capable of revealing traces of substances that are otherwise undetectable. This outlay is 6 percent below the estimated figure for 1970, and 39 percent less than 1969 actual expenditure.

### The Judiciary

The Judiciary's principal function is to ensure the proper administration of criminal justice through operation of court systems, trial of cases, and provision of defense counsel to defendants who cannot otherwise afford legal representation. These and other related activities, of course, have a major impact on reducing crime. In addition to handling all Federal criminal cases, the Judiciary also operates a probation service and undertakes research on crime problems. Its estimated fiscal 1971 outlay of \$58 million is only 5 percent above the 1970 estimate and 20 percent greater than the actual 1969 expenditure.

## PART I

## THE FEDERAL GOVERNMENT AND SAFE STREETS

The Bureau of the Budget estimates that \$518 million—41 percent of the approximately \$1,257 million in fiscal 1971 Federal anti-crime expenditures—will be for support of State and local crime reduction programs. Seventy-one percent of these funds will be provided under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Federal Government's first comprehensive grant-in-aid program for assisting State and local jurisdictions in their law enforcement and criminal justice administration efforts.<sup>3</sup>

The Safe Streets Act was one of the most controversial laws enacted by Congress in the 1960's. Like other hotly argued bills passed during this decade—such as the anti-poverty program and the Model Cities program—the major issues did not concern the matter of whether Federal involvement was justified in an area that, for the most part, had been traditionally a State and local responsibility. Rather, heated debate centered around determination of the most suitable procedures for administering Federal financial assistance to State and local crime reduction efforts and, in particular, focused on the questions of whether the Federal Government should bypass the States and deal directly with local units on a project grant basis or whether Federal-local contacts should be channeled through State administrative agencies under a block grant approach. The block grant issue, in turn, raised questions concerning whether States should be required to "pass through" a specified proportion of Federal funds to local jurisdictions or whether this should be left to State discretion.

Arguments over the nature, extent, and effectiveness of the role of State governments in programs administered and financed under the Safe Streets Act, as well as the related issues of channeling and the modified version of the block grant embodied in the Act, have persisted to the present time. Resolution of these intergovernmental tensions is a prerequisite for achieving the full potential of the legislation. Furthermore, experience under the type block grant approach taken here may well condition the future application of this broad functional grant device to other Federal aid programs. For these reasons, the

Commission's treatment of the Federal Government's activities in law enforcement will deal exclusively with the operation of the Safe Streets Act.

## OLEA: A Prod to State and Local Innovations

Nineteen sixty-five was a landmark year for federalism and the criminal justice system. In his March 8, 1965 message to Congress, President Lyndon B. Johnson announced the establishment of a President's Commission on Law Enforcement and Administration of Justice to probe the causes of crime and to recommend ways to improve its prevention and control. He indicated that a commission would be named to make a similar study for the District of Columbia. The President also proposed a Law Enforcement Assistance Act as the first Federal grant-in-aid program designed solely for the purpose of bolstering State and local crime reduction capabilities. President Johnson explained the intergovernmental implications of these elements of the Federal Government's "war on crime" as follows:

This message recognizes that crime is a national problem. That recognition does not carry with it any threat to the basic prerogatives of State and local governments. It means, rather, that the Federal Government will henceforth take a more meaningful role in meeting the whole spectrum of problems posed by crime. It means that the Federal Government will seek to exercise leadership and to assist local authorities in meeting their responsibilities. It means that we will make a national effort to resolve the problems of law enforcement and the administration of justice—and to direct the attention of the nation to the problems of crime and the steps that must be taken to meet them.<sup>4</sup>

<sup>4</sup>President's message to the Congress—"Crime, Its Prevalence and Measures of Prevention," March 8, 1965, quoted in *1965 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly Service, 1966 (pp. 1396-97).

<sup>3</sup>U.S. Bureau of the Budget, *Special Analyses*, p. 196.

Six months later, the Congress enacted the Law Enforcement Assistance Act of 1965 (LEAA). The basic thrust of this legislation was to generate new approaches and techniques and to upgrade existing practices, resources, and capacities for dealing with the problem of crime. The Attorney General was authorized to make grants to, or to contract with, public or private non-profit agencies for projects intended to improve law enforcement and correctional personnel, increase the ability of State and local agencies to protect persons and property from lawlessness, and instill greater public respect for the law. The Act contained no formula for determining the allocation of these funds, but instead gave the Attorney General considerable discretion in awarding project grants. The Attorney General was also empowered to conduct research on law enforcement and crime prevention practices, furnish technical assistance to State and local jurisdictions, evaluate the effectiveness of programs funded by LEAA, and disseminate information regarding the results of such projects.

The Attorney General administered the program through the Justice Department's Office of Law Enforcement Assistance (OLEA). Congressional authorizations for the first three fiscal years of LEAA's operation were \$10 million, \$15 million, and \$30 million, respectively. Actual appropriations of funds for the 1966-1968 fiscal year period, however, were considerably less than these amounts: \$7,249 million for 1966, \$7.25 million for 1967, and \$7.5 million for 1968. These figures contrast with departmental requests of \$9.3 million for 1966, \$13.7 million for 1967, and \$19 million for 1968.<sup>5</sup> The program spearheading the Federal Government's "war on crime," then, was funded at only a demonstration or experimental level.

By April 1968, OLEA had awarded a total of nearly \$19 million for 330 separate projects, which were grouped into one of three major categories:

--individually designed training, demonstration, and development projects and studies for the purpose of collecting data or formulating and testing new models, techniques, and approaches for reducing crime;

--grants for special projects designed to meet a particular need on a wide-scale basis (such as police-community relations programs in large metropolitan areas, college and university courses and degree programs in police science, statewide police standards, police and correctional in-service training systems, State criminal justice

administration planning committees, and planning and research units in medium-size police departments) by making relatively modest amounts of funds available to a large number of States and localities; and

--information dissemination and such technical assistance services as support for conferences and workshops held by State and local law enforcement agencies.<sup>6</sup>

Projects involving police departments were the recipients of 66 percent of the total funds awarded by OLEA during the first two and one-half years of its existence, while those relating to correctional institutions were allotted 15 percent, planning and crime prevention studies were given 11 percent, and courts and prosecution projects were allocated eight percent. With respect to the type of project funded, 48 percent of the grants were for operations improvement, 41 percent for training, and 11 percent for planning and crime prevention studies. State, county, or city agencies were grantees for 50 percent of the total funds awarded, colleges and universities received 29 percent, and private research organizations and professional associations were allocated the remaining 21 percent. Although the Act did not specify matching formulas, by April 1968 these grantees had contributed more than \$10 million to cover the non-Federal share of project costs.<sup>7</sup>

The Law Enforcement Assistance Act of 1965 was a pioneering attempt by the Federal Government to encourage State and local jurisdictions to improve their law enforcement and criminal justice systems and to undertake new programs through the funding of a variety of experimental, research, demonstration, and training projects. OLEA funds, for example, were used to launch a nation-wide survey of correctional institutions, study the incidence and patterns of unreported crime, probe police-community relations problems, explore the possibilities for pooling, consolidating, and regionalizing police services, and examine the relationship between the personal characteristics of policemen and their job performance. Furthermore, as a result of OLEA's special project program, 27 States established new criminal justice planning committees or broadened the activities of previously existing groups; 17 States began police science courses and college degree programs; 20 States started planning for statewide integrated in-service correctional training systems; 33 large cities developed

<sup>5</sup>U.S., Department of Justice, *Third Annual Report to the President and the Congress on Activities Under the Law Enforcement Assistance Act of 1965* (Washington, D.C.: U.S. Department of Justice, 1968), p. 2.

<sup>6</sup>U.S., Department of Justice, *Third Annual Report to the President and the Congress on Activities Under the Law Enforcement Assistance Act of 1965*, pp. 2-3.

<sup>7</sup>*Ibid.*, p. 4.

or improved police-community relations programs; and 10 medium sized city and county police departments set up full-time planning and research units.<sup>8</sup> In addition to administering its on-going programs, OLEA coordinated its activities with those of other Federal agencies responsible for programs related to law enforcement and criminal justice administration, and participated in the joint funding of projects.

OLEA's success in using funds to stimulate new or improved State and local anti-crime efforts is reflected in the 1,200 requests totaling more than \$85 million which the Agency had received as of April 1968.<sup>9</sup> By this time, however, support was mounting in Congress and the Administration for a greater Federal commitment to reducing crime in the Nation. It was generally believed that while the "research and development" programs funded under the Act were important, they should be coupled with a substantial "need" program. Subsequently, a Safe Streets and Crime Control Act was proposed by President Johnson in his February 6, 1967 message on crime to Congress. This bill was designed to build upon the "creative federal partnership" in law enforcement and criminal justice administration initiated by OLEA.

#### From "Direct Federalism" to Block Grants

The Johnson Administration developed the Safe Streets and Crime Control Act of 1967 to implement many of the important recommendations advanced by the President's Commission on Law Enforcement and Administration of Justice (the President's Crime Commission) in its final report, which was submitted to the President two weeks before his third annual message on crime to the Congress.<sup>10</sup> The Commission concluded that greater resources should be made available to support new approaches for improving all components of the law enforcement and criminal justice system at the Federal, State, and local levels. It recognized that the prevention and control of crime was basically a State and local responsibility, but urged that crime reduction should also be considered a national problem requiring help from the Federal Government. The Commission

identified eight critical areas in which Federal assistance was needed: (1) State and local planning; (2) education and training of personnel; (3) surveys and advisory services in connection with the structure and functions of criminal justice agencies; (4) development of coordinated national crime information systems; (5) experimental and demonstration projects in criminal justice agencies; (6) scientific and technological research and development programs; (7) institutes on the criminal justice system for research and training personnel; and (8) grants-in-aid for State and local operational innovations.<sup>11</sup> President Johnson characterized the Federal Government's overall role in these intergovernmental crime reduction efforts as involving stimulation and support rather than control and coercion:

The Federal Government must not and will not try to dominate the system. It could not if it tried. Our system of law enforcement is essentially local; based upon local initiative, generated by local energies and controlled by local officials. But the Federal Government must help to strengthen the system, and to encourage the kind of innovations needed to respond to the problem of crime in America.<sup>12</sup>

As introduced in Congress (H.R. 5037, S.917), the Safe Streets and Crime Control Act of 1967 represented another instance of "direct federalism" in grant-in-aid programs, under which the Federal Government could bypass the States and establish direct relationships with local governments.<sup>13</sup> The Administration's bill would have authorized the Attorney General to make project grants to States and to units of general local government, or combinations thereof. Federal funds could have been used to cover 90 percent of the costs of preparing comprehensive law enforcement and criminal justice plans and 60 percent of the expenditures by these jurisdictions for innovations or improvements in public protection, equipment, manpower, organization and management, operations and facilities, community relations, public education, and other anti-crime

<sup>11</sup>President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*, pp. 285-88.

<sup>12</sup>President's Message to the Congress—"Crime in America," February 6, 1967, quoted in *1967 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly Service, 1968), pp. 43A-47A.

<sup>13</sup>The greatest development of this phenomenon occurred in the 1960's, with 23 of the 38 Federal grant programs which completely bypassed State governments being enacted during 1961-1967. See U.S., Advisory Commission on Intergovernmental Relations, *Fiscal Balance in the American Federal System*, 2 vols. (Washington, D.C.: U.S. Government Printing Office, 1967), 1:165.

<sup>8</sup>U.S., Department of Justice, *Third Annual Report to the President and the Congress on Activities Under the Law Enforcement Assistance Act of 1965*, pp. 6-25. See also Daniel Skoler, "Two Years of OLEA and the Road Ahead," Remarks before the Second National Symposium on Law Enforcement Science and Technology, Illinois Institute of Technology, March 1968.

<sup>9</sup>*Ibid.*, p. 5.

<sup>10</sup>President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: U.S. Government Printing Office, 1967).

purposes. Not more than one-third of any "action" grant could have been used for personnel compensation. The bill also would have empowered the Attorney General to make grants to eligible applicants to cover 50 percent of the costs of constructing buildings and other physical facilities which fulfilled "a significant, innovative function." In order to be eligible to receive these planning and action grants, States and localities would have been required to meet three conditions:

-have an individual or combined population of 50,000 or more;<sup>14</sup>

-make an annual increase in anti-crime outlays of at least five percent; and

-file a current law enforcement and criminal justice plan with the Attorney General which (i) encompassed a State, unit of general local government, or combination of such States or local units; (ii) applied to a population of at least 50,000; and (iii) contained innovations, advanced techniques, and a comprehensive description of problems, priorities, resources, capabilities, alternatives, and interrelationships.

This legislation would have repealed and superseded the Law Enforcement Assistance Act of 1965, and would have authorized the Attorney General to make research, demonstration, and special project grants to higher education institutions and other public agencies and private nonprofit organizations. The bill would have provided for the appointment of a Director of Law Enforcement and Criminal Justice Assistance by the President to help the Attorney General discharge his new responsibilities. For fiscal 1968, \$50 million would have been authorized for funding the Federal share of planning, action, and research grant awards.

*House Hearings.* During March and April 1967, Subcommittee No. 5 of the Committee on the Judiciary of the House of Representatives held hearings on H.R. 5037 and companion measures to create a United States Corrections Service, control firearms, establish a Federal Judicial Center, and prohibit wire interception and eavesdropping devices.<sup>15</sup> Heated debate centered around three major features of the Administration's bill: the role of the States in general, and the Governor in particular; the 50,000 population cutoff; and the five percent annual expenditure increase requirement.

Under the Safe Streets and Crime Control bill, State governments would have been treated on the same

basis as their political subdivisions. The States, as well as each local jurisdiction or combination of localities over 50,000 population, would have been required to prepare law enforcement and criminal justice plans as a condition for receiving Federal funds. Development of a statewide comprehensive plan coordinating and integrating State and local police corrections, court, and prosecution programs would not have been mandated. Instead, preparation of plans encompassing the entire metropolitan area surrounding an applicant would have been encouraged. Furthermore, no provision was made in the bill for review, comment, or approval of local grant applications by the Governor or an appropriate State administrative agency.

The Administration's rationale for bypassing the States was rooted in the belief that most States lacked experience in all phases of law enforcement and had spent considerably less than their local jurisdictions for this purpose. In response to a question concerning the desirability of amending the bill to give the Governor or a State agency approval power over local project applications before their submission to the Federal Government in order to avoid duplication or conflict with the State's crime reduction plans and programs, Attorney General Ramsey Clark contended:

I don't really think that would be desirable. I think it would really impair the potential effectiveness of the act. When you look at State governments and look at their involvement in local law enforcement, you will see that it is almost nil. New York State does not contribute to the \$380 million annual budget for criminal justice of New York City. They don't give money and they don't have the potential. They have just established an office, in fact with two or three people in it, to try to correlate criminal justice information for smaller jurisdictions. But the State doesn't have the experience, it doesn't have the people, it does not make the investment in law enforcement and police that local governments make. So they could not contribute.<sup>16</sup>

For similar reasons, municipal representatives also opposed giving priority to statewide planning in the awarding of grants for the preparation of comprehensive

<sup>14</sup>The Attorney General possessed discretionary authority to make exceptions to this requirement in action programs.

<sup>15</sup>U.S., Congress, House of Representatives, Committee on the Judiciary, Subcommittee No. 5, *Anti-Crime Program: Hearings* 90th Cong., 1st sess., 1967.

<sup>16</sup>U.S., Congress, House of Representatives, Committee on the Judiciary, Subcommittee No. 5, *Anti-Crime Program: Hearings*, p. 65.

## law enforcement plans:

A number of States have restricted their law enforcement activity to highway patrol and other traffic control work, and rarely do States become deeply involved in urban law enforcement problems. For this reason, many States do not have the historical interest, the personnel, the appropriations or the expertise to cope with the complex problems of urban law enforcement. Perhaps the States should be more deeply concerned but it would be unfortunate if planning so urgently needed for a total attack on crime in our cities was delayed while the States expanded their personnel and developed the expertise necessary to deal in the areas in which they have not been previously involved.<sup>17</sup>

These pessimistic views regarding the willingness and ability of the States to assume responsibility for law enforcement programs were also reflected in testimony pertaining to the 50,000 population cutoff for applicant eligibility. The principal purpose of the minimum population standard was to limit the number of direct Federal-local contacts. A secondary objective was to encourage interlocal cooperation and coordination in submitting joint applications, contracting for services, or actually consolidating police functions. Because the Federal Government could deal only with local jurisdictions having an individual or a combined population of at least 50,000, States could be bypassed in programs involving approximately 80 percent of the nation's population and 75 percent of its law enforcement personnel.<sup>18</sup> One potential State role, however, was pointed out by Attorney General Clark:

We think as to small jurisdictions the States have a role that they should play that does not apply to a city of a million people, for instance. The States need to provide training facilities for small jurisdictions because the small jurisdiction cannot really set up a meaningful training program. It needs to participate with others.<sup>19</sup>

With respect to the five percent annual expenditure increase over the fiscal 1967 base year required for an applicant to maintain eligibility, the Attorney General stated that this provision would

stimulate greater outlays than would otherwise normally be made by State and local governments. These jurisdictions would have to provide \$200 million (five percent of the \$4 billion annual combined State and local law enforcement and criminal justice outlay) in order to qualify for Federal aid under the bill. Assuming that \$300 million in Federal funds would be available for action grants in fiscal 1969 and that an additional \$200 million would be allocated by States and local units to cover the non-Federal matching share, a total of \$700 million in intergovernmental expenditures would be generated by the Administration's bill.<sup>20</sup> The annual improvement standard, then, would have a significant "pump-priming" effect.

Representatives of the nation's cities, however, argued that this formula was unrealistic since one-fifth of total local government expenditures already went for crime control, and the return of Federal funds for each local dollar invested would not be as great as in such programs as urban renewal, anti-poverty, and Model Cities. They further contended that communities should not be required to divert their resources away from top priority programs in order to remain qualified to receive aid for projects of uncertain local importance under the bill; use of a single base year could impose severe difficulties on cities which made high anti-crime expenditures in the base year; the financial burden of meeting this requirement could preclude a city from developing innovative programs; and the improvement criterion could have a spillover effect on the area-wide nature of law enforcement plans.<sup>21</sup> These witnesses claimed the most effective approach to stimulating cities to initiate new crime reduction programs would be to lower the amount of the non-Federal matching share of action program costs from 40 percent to 10 percent, and that of special facilities construction programs from 50 percent to 33 percent.<sup>22</sup>

*Senate Hearings.* During March-July 1967, the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary held hearings on S.917, the proposed Safe Streets and Crime Control Act of 1967, and companion measures dealing with organized crime syndicates, wiretapping, admissibility in evidence of confessions, survivors compensation for local law enforcement officers, riots, local law officers

<sup>17</sup>*Ibid.*, p. 381.

<sup>18</sup>U.S. Congress, House of Representatives, Committee on the Judiciary, Subcommittee No. 5, *Anti-Crime Program Hearings*, p. 35.

<sup>19</sup>*Ibid.*, p. 36.

<sup>20</sup>U.S. Congress, House of Representatives, Committee on the Judiciary, Subcommittee No. 5, *Anti-Crime Program Hearings*, p. 46.

<sup>21</sup>*Ibid.*, pp. 384-85.

<sup>22</sup>*Ibid.*, p. 439.

education and equipment, a United States Corrections Service, a National Institute of Criminal Justice, and other matters.<sup>23</sup> As in the House hearings, a large part of the testimony on S.917 focused on the overall role of State governments, desirability of the 50,000 population base for applicant eligibility, and feasibility of the five percent annual improvement standard. In addition, some witnesses directed the Subcommittee's attention to certain dimensions of the bill which had not been fully explored during the hearings on H.R. 5037, particularly the scope of the Attorney General's discretionary authority, effects of the personnel compensation ceiling, and merits of adopting a block grant approach in administering and financing the program.

Three major issues were raised in connection with the State's role under S.917: whether local jurisdictions should be encouraged to bypass State agencies in their dealings with the Federal Government; whether State and local applications for action grants should be required to conform to statewide comprehensive plans; and whether Governors should be given a veto power over local projects. The Administration's position, developed in the hearings on H.R. 5037, that States should be placed on equal footing with local units over 50,000 in planning and applying for Federal funds remained essentially unchanged. The rationale underlying this view, however, was significantly expanded and somewhat modified.

Instead of focusing entirely on State and local responsibilities in the law enforcement or police function, the Attorney General also discussed the role of these jurisdictions in the criminal justice area, especially courts and corrections. He argued against making conformance to a statewide comprehensive law enforcement plan a prerequisite for approval of local action grant applications, contending that police protection was handled mainly by localities and long delays would be involved in getting the States to gear up their law enforcement capabilities. On the other hand, Attorney General Clark supported statewide criminal justice planning because the States had primary responsibility for courts and corrections.

We hope each State will make a plan that will be comprehensive to all parts of criminal justice in the State. But the plan need not include all jurisdictions in it. We think that in most States, the State government has primary responsibility for

corrections and for courts. That is where planning should be predominant. . . . to require a compulsory State plan involving local law enforcement would create many problems. . . . The place where the State would be the most effective in the police area is in setting standards and providing training opportunities for local police in your smaller jurisdictions—where there is not the opportunity or sufficient manpower to engage in either. I would suspect a lot of local police departments have much greater experience in law enforcement work than the State itself does.<sup>24</sup>

Asserting that many States lacked experience in local law enforcement and had failed to provide any financial support for this purpose or to establish an office for coordinating city and county police activities, the Attorney General objected to any inclusion of a Governor's veto over local law enforcement projects: "There is no real basis for the Governor of a State in the exercise of his functions to say that a particular program is not sound since he has no experience in the field."<sup>25</sup>

Governors, of course, shared a different point of view. In a letter to Senator James O. Eastland, Chairman of the Senate Judiciary Committee, Wisconsin's Governor Warren P. Knowles urged amendment of S. 917 to set a time limit for a State agency designated by the Governor to formulate a comprehensive law enforcement plan, and to make conformance of local plans and projects with the statewide plan a primary criterion for their approval. Based on the experience of Wisconsin's Governor's Commission on Law Enforcement and Crime, he concluded: ". . . It would be most unfortunate if local communities were allowed to develop applications that were inconsistent with the statewide plan as presently being developed."<sup>26</sup>

Members of the Subcommittee referred to the division of operational responsibilities for police, courts, and corrections between States and localities in questioning whether jurisdictions of 50,000 population and over would be able to prepare comprehensive plans when they lacked experience in the last two functional areas. Senator John L. McClellan, Chairman of the

<sup>24</sup>U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Law and Procedures, *Controlling Crime Through More Effective Law Enforcement Hearings*, p. 361.

<sup>25</sup>U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Law and Procedures, *Controlling Crime Through More Effective Law Enforcement Hearings*, p. 382.

<sup>26</sup>*Ibid.*, p. 911.

<sup>23</sup>U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Law and Procedures, *Controlling Crime Through More Effective Law Enforcement Hearings*, 90th Cong., 1st sess., 1967.

Subcommittee on Criminal Laws and Procedures, asserted:

I would like to see coordinated plans to cover a whole State. The municipalities submit plans to the State authority and let them relate the plans to a statewide program. I would grant exceptions, certainly, where exceptions could be made by the Attorney General, for example, if he found a State was not acting, not interested, not aggressive in trying to submit a plan, I would not deny a municipality or other entity from securing the benefits of this act. But if we could get them coordinated on a statewide basis as a rule that would be far better.<sup>27</sup>

In response to this line of reasoning, the Attorney General pointed out that some localities operated jails and courts as well as police departments and that, to the greatest extent possible, planning should deal with the interrelationships between the three major components of the law enforcement and criminal justice system. When for various reasons such coordinated planning could not be undertaken, "...then plans that provide for only certain aspects of the process of criminal justice are acceptable."<sup>28</sup>

To summarize, in the Administration's view the States should focus attention on court and corrections planning and local units with individual or combined populations of 50,000 or over should concentrate on police planning. Meshing of these State and local plans into a comprehensive approach to meeting law enforcement and criminal justice administration needs and problems should be attempted, but on an informal or permissive basis. Conformance of local plans and projects to statewide plans should not be mandated, and Governors should not exercise a veto power over local action programs. On the other side of the coin, local units with less than 50,000 inhabitants should work with and through their States. Moreover, State agencies should offer appropriate technical assistance and services to these smaller jurisdictions, and seek funds for those willing to participate in action programs. This theme of "quasi-direct federalism" is clearly reflected in the following statement by Attorney General Clark.

I think the State...is particularly important as to your smaller cities and towns, because they in and of themselves are

too small to provide all of the support for law enforcement that is needed, to provide all of the opportunity for training, for education, for interchange of personnel, to provide latest techniques--so I think in your smaller jurisdictions, the States play an important role. I think that is one of the benefits of the 50,000 population limitation. It provides a greater incentive for the States to show leadership as to those jurisdictions... On the other hand, as to your major cities, your big cities, generally throughout the United States the State has not played a role financially or by guidance or other support in local law enforcement. The cities have historically had the leadership and the responsibility for local law enforcement, and the State has not played a role. So it would be very difficult for--particularly in your big States, with these major metropolitan areas, for the State to come in the first time with comprehensive planning for law enforcement agencies that have been in the business for more than a century.<sup>29</sup>

A second area of investigation by the Senate Subcommittee on Criminal Laws and Procedures that received limited treatment in the House hearings was the extent of the Attorney General's discretionary authority. Some Senators expressed great concern that the Attorney General would possess virtually unbridled authority in approving plans and action programs, withholding funds from applicants for failure to comply with provisions of the Act, Federal regulations, or comprehensive plans, and granting waivers of the Act's requirements. In particular, it was asserted that by dealing directly with local jurisdictions and awarding them substantial amounts of funds, the Federal Government through the Attorney General's Office would be able to supervise closely and control the operation of local police departments. According to Senator Strom Thurmond, "...going down to the States and giving out Federal money with a lot of strings attached and giving the Administration the power to withhold funds from police departments and getting everybody in the departments obligated to the Federal Government can be a powerful political hammer in the

<sup>27</sup>U.S. Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Law and Procedures, *Controlling Crime Through More Effective Law Enforcement: Hearings*, p. 365.

<sup>28</sup>*Ibid.*, p. 640.

<sup>29</sup>U.S. Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Law and Procedures, *Controlling Crime Through More Effective Law Enforcement: Hearings*, p. 814.

hands of any administrator."<sup>30</sup> Mr. Clark denied this charge, and contended that the legislation struck a reasonable balance between flexibility and accountability in terms of the Attorney General's authority:

The Bill itself...makes very clear that any exercise of control over local law enforcement would violate the statute. For any Attorney General to attempt to do so would involve an abuse of his authority under the statute. Moreover, as a practical matter, it would be impossible for the Attorney function in the United States. These jurisdictions have consistently maintained a strong tradition of autonomy and independence in local law enforcement.<sup>31</sup>

Some Senators, however, seemed unconvinced that S.917 would not lead to the creation of a national police force or a Federal "anti-crime czar."

A third focal point of the Senate hearings was the bill's restriction that a grantee could use only one-third of action grant awards for personnel salaries and compensation. Municipal representatives and other witnesses argued that this ceiling was unrealistic in view of the fact that approximately 90 percent of local law enforcement expenditures were for such purposes. They further asserted that this unprecedented limitation would inhibit the payment of adequate police salaries, which in turn would make hiring new personnel and retaining present employees difficult, and would encourage some cities to substitute equipment purchases for more essential personnel reforms. While recognizing the importance of pay increases, the Attorney General indicated that the salary restriction would promote innovations and improvements in other critical areas of law enforcement which would have a greater impact on reducing crime than if the full amount of Federal grants could be used for personnel compensation.

The hearings on S.917 also raised the matter of the desirability of block grants-- grants-in-aid allocated for broad functional purposes with few or no "strings" attached by the Federal Government--as an alternative to the approach taken in the Administration's bill. This issue was not explored in the hearings on H. R. 5037, although the appendix of Congressman Richard H. Poff's statement contained letters from 17 Governors (in response to his request for comments on the bill) seven of whom Mississippi, Missouri, Nevada, North Dakota,

<sup>30</sup>U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Law and Procedures, *Controlling Crime Through More Effective Law Enforcement: Hearings*, p. 500.

<sup>31</sup>*Ibid.*, p. 829.

Utah, Washington, and Wyoming--stated they supported block grants.<sup>32</sup> As would be expected in light of his other testimony, Attorney General Clark took a pessimistic view of this proposal. In a written response to a question from Senator McClellan asking whether the objectives of the legislation would be more fully realized if Federal funds were apportioned among the States on a population basis and then distributed to localities by State agencies, he replied:

No, I do not believe so. Once the tax funds come into Federal hands, Federal responsibility attaches to see that they are properly utilized. More importantly, there would be no particular advantages in having the funds administered by the states. The major responsibility for law enforcement in this country is handled at the local level. State governments in most states have little involvement in, control over, or responsibility for local law enforcement. Local jurisdiction would be opposed to the states attempting to assume control over their law enforcement operations and the possibility that the States would use control over their law enforcement operations and the possibility that the States would use control of the purse strings for such a purpose is significantly greater than the possibility that the Federal Government would do so. Thus the threat to local autonomy under such a proposal would be considerably more serious than the "threat" of Federal control under the bill.<sup>33</sup>

*House Action.* On July 17, 1967 the House Judiciary Committee reported favorably H.R. 5037.<sup>34</sup> Of the 25 amendments made to the bill as introduced, six were of major significance:

-local units were required to submit copies of their applications for planning and action grants to the Governor of the State or States involved, and the Governor was given 60 days to forward to the Attorney General, if he so desired, his written

<sup>32</sup>U.S., Congress, House of Representatives, Committee on the Judiciary, Subcommittee No. 5, *Anti-Crime Program: Hearings*, pp. 1422-43.

<sup>33</sup>U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Law and Procedures, *Controlling Crime Through More Effective Law Enforcement*, pp. 836-37.

<sup>34</sup>U.S., Congress, House of Representatives, Committee on the Judiciary, *Law Enforcement and Criminal Justice Assistance Act of 1967: Report to Accompany H.R. 5037*, 90th Cong., 1st sess., H. Rept. No. 488, July 17, 1967.

evaluation of the proposed project including its relationship to other plans or pending applications;

-the 50,000 population eligibility standard was deleted in order to maximize the Attorney General's discretion in determining the most appropriate population size for participation in planning and action programs;

-the five percent annual improvement formula was dropped, and it was replaced by provisions for grantees' sharing 40 percent of action program costs and for the Attorney General determining applications are supported by adequate assurances that Federal aid will be used to supplement and increase the amount of local dollars the applicant otherwise would have made available for law enforcement purposes;

-all authority to use Federal funds for direct compensation of law enforcement personnel, other than for conducting or undergoing training programs and performing "innovative functions," was removed;

-the discretionary authority of the Attorney General was curbed by the addition of provisions calling for judicial review of his actions to terminate or suspend payments to an authorized grantee and for compliance with notice and hearing requirements in the promulgation of regulations; and

as a means of achieving closer Congressional oversight, the "open end" appropriation was deleted and funds were authorized for only fiscal 1969, with specific allocations designated for each title.

A vocal minority contended that the bill (renamed the Law Enforcement and Criminal Justice Assistance Act of 1967) still contained a number of serious deficiencies. These 12 Republican Congressmen believed that H.R. 5037 as amended did not provide adequate safeguards to prevent a nationally controlled police force and to limit the discretionary authority of the Attorney General. Furthermore, some felt that the States should be eligible to receive Federal financial assistance for establishing broadly representative planning agencies, and that preparation of a comprehensive statewide plan and its approval by the Attorney General should be made a prerequisite to State and local participation in action grant programs. Finally, they argued that the bill failed to give sufficiently high priority to research and to training of State and local law enforcement and criminal justice personnel. In their individual supplementary statements, the minority members indicated they would press for further amendments along these lines on the

House floor.<sup>35</sup>

In early August 1967, H.R. 5037 was the subject of heated debate on the floor of the House of Representatives. In the course of deliberations after the House had resolved itself into a committee of the whole, an amendment was offered by then Representative William T. Cahill of New Jersey to significantly change the bill as reported from the Committee on the Judiciary. Major features of the "Cahill amendment" included:

-authorization for Federal planning grants to be awarded to the States for the establishment and operation of State level law enforcement and criminal justice planning agencies, created and directed by the Governor and representative of State and local functional agencies, which would prepare a comprehensive and innovative statewide plan, develop and coordinate projects, establish priorities, and make grants to general units of local government or combinations thereof;

-requirements that Federal planning and action grants be made to the State planning agency, provided the agency had a comprehensive plan conforming to the purposes of the Act on file with the Attorney General within six months of approval of its planning grant, which would receive local applications for financial assistance, determine whether such applications were in accordance with the objectives of the Act and were consistent with the State comprehensive plan, and disburse funds to applicants;

-allotment of a flat grant of \$100,000 to each State and allocation of 75 percent of the annual appropriation among the States on a population basis, with the remaining 25 percent constituting a discretionary fund for use by the Attorney General;

-provision in the State comprehensive plan for a mandatory "pass through" of at least 50 percent of all Federal financial aid received by the State planning agency for action programs; and

-authorization for the Attorney General to make planning and action grants to general units of local government if a

<sup>35</sup>U.S., Congress, House of Representatives, Committee on the Judiciary, *Law Enforcement and Criminal Justice Assistance Act of 1967: Report to Accompany H.R. 5037*, pp. 28-46.

State failed to establish a law enforcement and criminal justice planning agency or to file a comprehensive plan, provided that a copy of any local application would be submitted to the Governor who within 60 days could send his evaluation of the proposed project to the Attorney General.

Opponents of the Cahill amendment argued that a block grant approach was undesirable in view of the States' general lack of concern with solving urban problems and, in particular, their unwillingness or inability to assist local law enforcement activities. Proponents of the amendment replied that the Administration's bill as reported from Committee would vest virtually unlimited authority in the Attorney General's Office and would lead to the creation of a national police force.

A second important modification in the bill was sponsored by Representative Robert McClory of Illinois. His amendment provided for the establishment of a National Institute of Law Enforcement and Criminal Justice to conduct research and training programs. The principal purpose of this change was to give greater attention and support to these programs by assigning responsibility for their administration to a separate division of the Department of Justice headed by a professional director.

After considerable discussion, on August 8, 1967 both the Cahill and McClory amendments were approved and the bill was passed overwhelmingly by the House (378 to 21).<sup>36</sup> Attention then turned to the Senate, where the backers of "direct federalism" and supporters of block grants were preparing for battle.

*Senate Action.* On April 29, 1968, the Senate Judiciary Committee reported favorably S.917,<sup>37</sup> and made significant changes in the organization of the bill. Instead of one five-title measure dealing entirely with law enforcement assistance, the original Crime Control and Safe Streets Act was coupled with certain companion measures which were considered during the hearings. The amended version of S.917 was divided into five titles: law enforcement assistance; admissibility in evidence of confessions and eyewitness testimony, and procedures for obtaining writs of *habeas corpus*, wiretapping and electronic surveillance; State firearms control assistance; and general provisions.

<sup>36</sup>Congressional Record, August 8, 1967, pp. 21812-61.

<sup>37</sup>U.S. Congress, Senate, Committee on the Judiciary, *Comibus Crime Control and Safe Streets Act of 1967*, 90th Cong., 2d sess., Sen. Rept. No. 1097, April 29, 1968.

The six-part Title I of S. 917 as reported by the Committee contained three major modifications in the original bill. First, in order to curb the discretionary authority of the Attorney General, the provision for appointment of a Director of Law Enforcement and Criminal Justice Assistance was deleted and establishment of a three-member, bipartisan Law Enforcement Assistance Administration appointed by the President, within the Department of Justice was authorized. Second, the maximum Federal share of eligible costs was changed to 80 percent for planning grants; 60 percent for action grants; 75 percent for organized crime, riots, and civil disorders prevention and control grants; and 100 percent for research, education, training, and demonstration grants. Finally, the Federal Bureau of Investigation was authorized to conduct training programs at its National Academy and to furnish, on request, training assistance for law enforcement personnel of State and local governments.<sup>38</sup>

The fairly wide margin by which the Cahill amendment passed the House of Representatives (256 to 147) did not deter vigorous Senate debate over the desirability of block grants. In May 1968, a slightly modified version of the Cahill amendment was offered by Senator Everett McKinley Dirksen. These changes included: (1) requiring the State law enforcement and criminal justice planning agency to pass through at least 40 percent of all Federal planning funds and at least 75 percent of all Federal action funds to general units of local government or combination thereof; and (2) providing for 85 percent of the annual appropriation to be allocated among the States according to their population, with the remaining 15 percent being allotted at the discretion of the Law Enforcement Assistance Administration.

As was the case in the hearings on S.917, supporters of the Administration bill contended that assigning the States a greater role would be unfeasible in that law enforcement was mainly a local function and long delays would be involved in gearing State governments up to prepare statewide comprehensive plans and to implement action programs. Further, it was charged that adoption of a block grant approach in the bill would adversely affect local home rule and would generate political conflict between the States and their counties and cities.

<sup>38</sup>U.S. Congress, Senate, Committee on the Judiciary, *Comibus Crime Control and Safe Streets Act of 1967*, pp. 2-9, 21-37.

On the other side of the coin, advocates of block grants had a more positive view of State capabilities. They claimed that a Federal-State-local partnership in the program was the most effective strategy for fighting crime in the streets since courts and correctional institutions, as well as police departments, required upgrading. This was also the most efficient way to administer Federal aid, they asserted, because States were more aware of urgent local problems than the Federal Government and they could better apply funds to meet these needs, thereby avoiding waste, duplication, and nationwide competition for Federal dollars. Block grants were also considered to be an appropriate means of reinforcing traditional federal principles and of braking the escalation of "creeping federalism" to "galloping federalism."<sup>39</sup> Senator Dirksen evaluated the different intergovernmental administrative and fiscal relationships provided under the Cahill amendment and the Administration bill as follows:

There is going to be the so-called law enforcement assistance division, under the Attorney General [in the Administration bill] that will look at these plans as they are submitted. The State can submit plans, a locality can submit a plan; but before it goes to the assistance division, it has to go to the Governor to give him a look. But the interesting thing is that the Governor cannot either approve or disapprove. He is just a vegetable, so far as all power is concerned. And that seems rather strange....So through the power of the Federal purse and the mechanism in title I, we could inadvertently federalize all of law enforcement in America...the [law enforcement] system is outmoded, and to dump \$500 million into the system with its fragmentation and its weaknesses is going to be a waste of the people's money. This has to be planned and the place to plan it is at the State level. That is the reason for this so-called block grant amendment. We still have some flexibility, namely 15 percent, but the emphasis and the focus is upon the State, where it ought to be. We are never going to do a job in this field until we have a captain at the top, in the form of the Governor, and those he appoints, to coordinate the matter for a State because crime may be committed at a spot, but before it gets through its

ramifications it may spread over a very considerable area...if we are going to do a job it has to be unfragmented, and the only way it can be done is to make certain that this goes from the top down and that it goes through the hands of the Governors of the States...we have impaired the Federal-State partnership to the point where now we see that what was creeping federalism is now almost galloping federalism. This is a good place to put the elchoks on the wheels before we go much further down the road. That, then, is the purpose of block grants on an 85 to 15 basis.<sup>40</sup>

On May 23, 1968, the Senate approved the Dirksen amendment by a vote of 48 to 29. Two weeks later, without resorting to a conference committee, the House adopted a resolution agreeing to the Senate's amendment and the bill was sent to the President.<sup>41</sup> On June 19, 1968, President Johnson signed into law the Omnibus Crime Control and Safe Streets Act of 1968.

#### An Intergovernmental Experiment

In Summary, Title I of the Omnibus measure is the Federal Government's first comprehensive grant-in-aid program for preventing and controlling the spread of crime, and represents a new type of block grant approach (in comparison with the Partnership for Health Act of 1966 and the Vocational Education Amendments of 1968). As such, the Safe Streets Act is a marked departure in substance and style from most other grant programs enacted by Congress during the 1960's.

The most striking change is the Act's heavy reliance on State governments as planners, administrators, coordinators, and innovators. The States are assigned the major share of administrative responsibility for the program. They must establish broadly representative State level law enforcement planning agencies, prepare comprehensive plans, review and approve applications for financial aid submitted by their political subdivisions, distribute planning and action grant funds to local jurisdictions, and provide appropriate assistance to applicants. The State's overall role is to act as a catalyst in bringing together previously isolated components of the law enforcement and criminal justice system and coordinating, directing, and supporting their efforts in a comprehensive attack on crime.

<sup>39</sup>Congressional Record, May 23, 1968, pp. 14751-71.

<sup>40</sup>Congressional Record, May 23, 1968, p. 14753.

<sup>41</sup>Congressional Record, June 6, 1968, pp. 16271-300.

Meanwhile, the Federal Government also has important responsibilities to fulfill under the Act, but far less than those which would have been assigned to it by the Johnson Administration's bill. The Department of Justice, through a three-member bipartisan Law Enforcement Assistance Administration and its central and regional office staff, must ensure that Federal funds are properly and wisely spent, but without relying extensively on the "conditions" which serve as the normal instruments of Federal control in grant programs. LEAA must encourage and assist State law enforcement planning agencies, it must establish broad program guidelines and approve comprehensive plans for conformance with statutory and administrative standards, and it must stimulate innovation. When necessary, it may intervene directly or indirectly on behalf of local applicants.<sup>42</sup> Through its discretionary fund and its research and training unit (the National Institute of Law Enforcement and Criminal Justice), LEAA may formulate and test new approaches to crime reduction. All in all, while LEAA has not developed rules and regulations comparable to those of most Federal agencies, it still has had to rely on "guidelines" and "special conditions," especially in comprehensive

plan contents, financial reporting, and State planning agency composition.

Finally, local jurisdictions must formulate multi-faceted and innovative plans and project proposals for crime control. They must mesh their activities with those of other localities, regional and multi-jurisdictional units, and their State government. And they must evaluate the impact of action programs on the crime problem in their area.

The Safe Streets Act, then, is an experiment in intergovernmental administrative and fiscal relations. The success or failure of this experiment will probably have a strong influence on the course of future Federal grant-in-aid policy, particularly in connection with the issue of whether the States should be bypassed by the Federal Government in its dealings with local jurisdictions or whether, as proponents of the "new federalism" argue, program responsibilities should be decentralized to the State level. Consequently, the issues and problems which have arisen in the operation of this Act have considerable bearing not only on the future of the anti-crime program, but also on that of other programs in which the block grant "direct federalism" controversy is or will be very much alive.

<sup>42</sup>See Part F, Sections 510 and 511 of the Act for the appeals procedure available to applicants.

PART II  
ISSUES AND PROBLEMS

The comprehensive intergovernmental crime reduction program established under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 formally commenced operation on October 21, 1968 when the first Administrators of the Law Enforcement Assistance Administration (LEAA) took office. Two months earlier, Congress had approved a \$63 million appropriation for LEAA's operations during fiscal 1969. This amount included the following categories of assistance: action grants, \$29 million; planning grants, \$19 million; academic assistance, \$6.5 million; research and development, \$3 million; Federal Bureau of Investigation administered programs, \$3 million; and administration, \$2.5 million.

From August 1968 through June 1969 a number of significant developments took place at the State and local levels which were initiated by this "seed money" appropriated by Congress. Each State established a law enforcement planning agency, received a planning grant, and prepared and submitted a comprehensive law enforcement plan to LEAA for approval. Forty-five States either expanded the functions of existing regional districts of multijurisdictional units to include law enforcement planning or created new districts. Many individual counties and cities, as well as regional units, geared up their law enforcement planning capability. All State planning agencies received action block grants from LEAA and in turn awarded subgrants to State agencies, regional districts, counties, and cities for projects designed to implement approved law enforcement plans. In August 1968, 40 States received special grants under a section of the Act that waived the requirement for an LEAA approved State plan as a condition for award of action funds for the prevention and control of riots and civil disorders. Finally, the National Institute of Law Enforcement and Criminal Justice, LEAA's research and development arm, awarded funds for studies dealing with improvements in police equipment, causes and prevention of violent crimes, and organized crime's penetration into legitimate businesses.<sup>44</sup>

<sup>44</sup>U.S. Department of Justice, Law Enforcement Assistance Administration, *1st Annual Report of the Law Enforcement Assistance Administration* (Washington, D.C.: U.S. Government Printing Office, 1969), pp. 1-22.

Despite these important accomplishments during the first year under the Act, the controversy that surrounded Congress' consideration of the legislation persisted. The main focal points of this dialogue were and continue to be the role, responsibilities, and performance of State governments in planning and action grant programs, and the desirability and feasibility of the block grant approach in comparison with direct Federal-local administrative and fiscal relationships on a project grant basis. Moreover, the fact that Congress no longer is appropriating merely "seed money" but is increasingly allocating sizeable amounts for programs under the Act (\$268 million appropriation for fiscal 1970 and a \$480 million appropriation for fiscal 1971), has magnified both the terms of the debate and the stakes involved in its outcome.

At this point, the major intergovernmental issues and problems raised in connection with the operation of Title I of the Omnibus Crime Control and Safe Streets Act from August 1968 to March 1970 will be explored. It should be remembered that only the first 22 months under the Act are being examined, and for the most part just 16 months of its actual operation. Intergovernmental friction points will be considered in three broad sections dealing with planning grants, action grants, and administrative issues.<sup>44</sup> Except where otherwise indicated, the empirical data presented here have been derived from a questionnaire developed by ACIR--in cooperation with the Law Enforcement Assistance Administration, Bureau of the Budget, International City Management Association, National Association of Counties, National League of Cities, and National Governors' Conference--and sent to the Directors of the 50 State law enforcement planning agencies in March 1970. This questionnaire probed the operation of the Act in each State as of February 28, 1970.<sup>45</sup> By June 13, 48 States had replied to the

<sup>44</sup>The examination of issues and problems in connection with planning grants, as well as action grants, focuses wholly on the 50 States and their political subdivisions. The experience of American Samoa, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands is not included in this part.

<sup>45</sup>Refer to Appendix A for a copy of ACIR's Safe Streets Act questionnaire.

Commission's survey.<sup>46</sup>

### Planning Grants

LEAA's Office of Law Enforcement Programs (OLEP) was responsible for processing the \$19 million in planning grants appropriated for fiscal 1969 and the \$21 million earmarked for this purpose in fiscal 1970. In accordance with the Act, each State receives a flat grant of \$100,000 and an additional amount based on its population. The States, in turn, must make 40 percent of all Federal planning funds available to units of general local government or combinations thereof. These subgrants enable localities to participate in formulating the local component of the State comprehensive law enforcement plan and, where appropriate, to develop and support permanent planning units or capabilities.

*Allocations of Planning Funds to the States.* Although a flat sum allocation may be justified as a means of ensuring the establishment of a minimum level of performance, problems arise when the jurisdictions involved vary widely in terms of their population, area, problems, and resources. Consequently, while funds from this source would enable some jurisdictions to meet or even surpass the minimum standard, others might be forced to draw more heavily upon their financial resources in order to avoid falling below this basic service level. The Safe Streets Act sought to overcome these interjurisdictional disparities by coupling a \$100,000 allocation to each State with a population-based formula for awarding the remainder of Federal planning grants.

Table 4 shows that the largest States have received far less total planning funds on a per capita basis than many smaller States. The 1969 per capita figure, for example, ranges from 7.2 cents in California and New York to 30.8 cents in Vermont, 38.5 cents in Wyoming, and 43.2 cents in Alaska. In the 1970 planning grant allocations, New York and California did not fare much better, with each receiving 8.1 cents per capita.

Those States falling below the national average included most of the so-called "urban" ones—California, Illinois, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and others—which have the highest crime rates. If crime rates serve as a reliable index of need—as many critics of the existing formula contend—then the findings here indicate that Federal block grants to the States for planning purposes are not being targeted on the areas with the greatest problems.

<sup>46</sup>The State law enforcement planning agency in Alaska and Louisiana did not respond to OLEP's Safe Streets Act questionnaire.

Instead, the two-factor flat sum allotment and population formula for determining the distribution of planning grant awards has resulted in smaller jurisdictions with lesser rates of crime receiving a disproportionate share of Federal dollars. The fact that in 18 States the fiscal 1969 planning allocation actually exceeded the amount of their action grant for that year, including special awards for the prevention and control of riots and civil disorders, further highlights this disparity as well as points up another result of the flat grant device.<sup>47</sup> In light of the foregoing, opponents of the two-factor method could argue that block grant allotments to the States for planning should be on the basis of a population-need formula.

Supporters of the existing approach, however, point out that crime rates per se are not necessarily an accurate barometer of the overall needs of a State-local law enforcement and criminal justice system. They cite the wide inconsistencies and gaps in crime reporting as additional evidence of the unreliability of this measure. Such figures, they contend, tell little of the severe problems of planning and implementing an interlocking system in smaller, poorer, and less urban States. Moreover, the broad per capita range in planning grant allocations is largely explainable by the relatively small total amount of Federal funds appropriated for this purpose. How else could a meager \$100,000 flat sum allocation produce such varying results? Proponents of the two-factor device also note that it takes a certain level of expenditure in almost any State to get an adequate planning effort underway, especially in the criminal justice area, and this "pump priming" objective argues strongly for inclusion of a flat grant in the allocation formula.

*State Law Enforcement Planning Agencies.* The Safe Streets Act required the Governor of each State to set up under his authority a State law enforcement planning agency (State planning agency or SPA) as a permanent decision-making and administrative body to receive block grant awards from LEAA and to disburse sub-grants to local governments. Federal planning funds could be used to cover up to 90 percent of the cost of establishing and operating this agency. If a State failed to create an SPA within six months following enactment of the omnibus bill, then LEAA would be authorized to deal directly with units of general local government, provided such units submitted a copy of their application for funds to the Governor for evaluation.

As of April 1967, only 10 State planning

<sup>47</sup>See U.S. Department of Justice, Law Enforcement Assistance Administration, *1st Annual Report of the Law Enforcement Assistance Administration*, pp. 33-34.

committees in criminal justice administration had been established with financial aid under the Law Enforcement Assistance Act of 1965. One year later, 27 States had created new committees or had enlarged the functions of existing ones.<sup>48</sup> By December 1968, all States had set up a law enforcement planning agency pursuant to the Safe Streets Act.

A June 1969 questionnaire survey conducted by the International City Management Association (ICMA) revealed that in 49 States gubernatorial initiative and leadership was largely responsible for developing interest in and support for both criminal justice planning and a State agency to perform this function. This, of course, was a purpose of the Act, and it resulted in all but 10 SPAs being located within the Governor's office. The latter are organized as part of the State general planning agency. No SPA is housed in the Attorney General's office.<sup>49</sup>

Each SPA has two major components—a full-time professional staff and a supervisory or policy board. With respect to the former, Table 5 reveals wide interstate variations in the number of professionals employed by the State planning agency and in their areas of competency. SPA professional staff size ranges from two in South Dakota to 39 in Massachusetts, with an overall average of 9.3. On a national scale, as of December 31, 1969 these units averaged over 80 percent of the authorized staffing level. The staff of all State planning agencies include specialists in police, courts, and corrections. In addition, nearly all SPAs employ professional planners and grant administrators.

Data presented in Table 5 indicate most States have not built sizeable new central law enforcement and criminal justice bureaucracies with LEAA funds, and this finding calls into question the claim of some critics that LEAA monies have subsidized a huge administrative apparatus in State capitals. Furthermore, the national averages for the functional areas of staff specialization are reasonably well distributed within the 1.0 - 2.2 professionals range.

These data, to some degree, confirm the assessment of some that the real staff problem for SPAs is one of scarcity rather than extravagance. In view of the relative infancy of criminal justice planning and administration as a profession and the desire of many State planning agencies to hire personnel with either a

multi-faceted public safety background or experience in public administration, budgeting, and law rather than law enforcement, it is not surprising that qualified SPA personnel are difficult to find. In his August 1969 testimony before the Select Committee on Crime of the House of Representatives, Charles H. Rogovin, LEAA's former Administrator, contended that insufficient and inexperienced personnel were major problems in implementing criminal justice reform at the State and local levels:

There are very few of what might be termed criminal justice people as yet. There has never been a process of this kind, stimulated from the Federal level, and it is going to take some time to provide the personnel to get this program going....We at LEAA are attempting to find capable people, making them available both directly from LEAA as LEAA employees, and making them available by helping to recruit them for the State agencies involved in this effort.<sup>50</sup>

The executive director of the SPA plays a key role in gearing the agency to fulfill its varied responsibilities under the Act. ICMA's review of 27 State comprehensive law enforcement plans for 1969 revealed that in 11 of these States the executive director was appointed by the Governor directly, in 15 by the State general planning agency, and in one State by the personnel office. With respect to the professional background of the staff head of 30 SPAs, IMCA found that 13 had previous experience in law or the judiciary, nine in general government and public administration, four in police work, and three in corrections.<sup>51</sup> This "generalist" background of most directors reinforces the multi-functional nature of the SPA's task.

The turnover rate of executive directors has been quite high. Of the 48 States responding to ACIR's Safe Streets Act survey, only 20 still had their original director by March 1970. Twenty-two SPAs have had two executive directors since their inception, four have had three administrative heads, and two have had four directors. These frequent changes in the top staff

<sup>48</sup>U.S., Department of Justice, *Third Annual Report to the President and the Congress on Activities Under the Law Enforcement Assistance Act of 1965*, p. 21.

<sup>49</sup>B. Douglas Harman, "The Safe Streets Act: The Cities' Evaluation," *Urban Data Service*, Vol. 1, No. 9 (Washington, D.C.: International City Management Association, September 1969), p. 4.

<sup>50</sup>U.S., Congress, House of Representatives, Select Committee on Crime, *The Improvement and Reform of Law Enforcement and Criminal Justice in the United States: Hearings*, 91st Cong., 1st sess., 1969, p. 471.

<sup>51</sup>Harman, "The Safe Streets Act: The Cities' Evaluation," p. 24.

position in some cases have generated tension and instability within the SPA, and have produced delays in preparing plans, approving local applications, and disbursing subgrant awards. As one LEAA official has contended: "Without a period of stability here, the difficult mission of the Title I program will be in jeopardy. Gains in experience, training and working relationships are lost when the guard is changed too frequently."<sup>52</sup>

Turning to supervisory boards, the Safe Streets Act makes no provision concerning their optimum size. The number of the SPA board members, as of December 31, 1969, ranged widely--from 12 in Montana and Wisconsin to 43 in Kentucky and 47 in Oklahoma, with a national average of 23 members. There appears to be no significant correlation between State population, area, and crime rate and the number of supervisory board members.

The Act stipulates that the State planning agency must be representative of law enforcement agencies and units of general local government. LEAA's program guidelines for fiscal 1970 specify eight types of interests which must be represented on these boards in order to meet this broad statutory mandate: (1) State law enforcement agencies; (2) elected policy-making or executive officials of units of general local government; (3) local law enforcement officers or administrators; (4) major law enforcement functions including police, courts, corrections and, where appropriate such special emphasis areas identified in the Act as organized crime, riots, and civil disorders; (5) juvenile delinquency and adult crime prevention and control; and (6) citizen or community views; (7) reasonable geographical and urban-rural balance; and (8) proportionate representation of the concerns of State law enforcement agencies and local governments and their law enforcement agencies.<sup>53</sup> Determination of whether each SPA meets this "balanced representation" requirement is, of course, an LEAA responsibility.

Critics claim that many supervisory boards give insufficient representation to elected local government policy-makers and administrators as well as to the citizenry at large. Instead of being "broadly representative," they contend, most SPA boards are dominated by law enforcement functionaries, and this

leads to fragmented planning and to action programs which are unresponsive to the real needs of local governments and community residents. Some observers argue that LEAA's guidelines are mainly responsible for the underrepresentation of elected local political executives and public members, while others point to the States' interpretation of these directives.

Data presented in Table 6 confirm some of these charges. Of the 1,153 persons serving on the 50 boards as of the end of 1969, 37 percent represented the States and 63 percent represented local governments and law enforcement agencies. This finding suggests that local interests have been well represented, but a breakdown of the two aggregates leads to a somewhat different conclusion.

Representatives of the police, court, and correctional functions constituted over three-fifths of all SPA supervisory board members. Citizen or community interests accounted for only one-fifth. Moreover, a scant one-eighth of the board members were elected policy or executive officials of units of general local government, less than one-half the amount of police representation. Combining the total percentages for all of the specialized law enforcement and criminal justice areas represented on the supervisory board reveals that over two-thirds of the members fell into one or more of these functions, while only one-third appeared in the citizen and local elected official categories (see Figure 2).

Another key dimension of the representation issue is the participation of State, local, and citizen members in supervisory board meetings. Replies to ACIR's survey from 38 States (see Table 7) reveal that elected officials or their alternates and public members have a lower attendance rate than law enforcement functionaries. Local elected policy-makers, executives, or their alternates appeared at 62 percent of SPA board meetings, while elected State officials had a 60 percent attendance rate. On the other hand, local appointed officials or alternates--such as police chiefs, judges, and prosecutors--participated in 70 percent of the 279 supervisory board sessions held in these 38 States from April 1969 to February 1970, and their State counterparts appeared 76 percent of the time. Finally, citizen representatives attended 65 percent of the board meetings.

*The State Comprehensive Law Enforcement Plan.* A State's share of its planning grant award from LEAA may be used to underwrite 90 percent of the costs of preparing and updating a statewide comprehensive plan for law enforcement improvements. The contents of this document include: an analysis of law enforcement needs, problems, and priorities; an examination of

<sup>52</sup>Daniel Skoler, "Federal-State Administration of the Omnibus Crime Control and Safe Streets Act of 1968--a Balance Sheet," Remarks for the Western Attorneys General Conference, October 20, 1969.

<sup>53</sup>U.S. Department of Justice, Law Enforcement Assistance Administration, Office of Law Enforcement Programs, *Guide for Comprehensive Law Enforcement Planning and Action Grants, Fiscal Year 1970* (Washington, D.C.: U.S. Department of Justice, January 1970), pp. 5-6, mimeo.

existing law enforcement agencies and available resources; a multi-year projection of financial and budgetary plans and program results; a description of the annual action program; a discussion of SPA organization, operation, and procedures and the fund availability plan for local governments; a review of related law enforcement plans and systems; and a statement of compliance with statutory requirements.<sup>54</sup>

At the outset of the program, each State was eligible for an advance of up to 20 percent of its planning grant allocation to hire staff and to provide facilities and materials necessary for preparation of the comprehensive plan, creation or expansion of a law enforcement planning agency, and related activities. These advances were paid in October 1968, and allocations of full planning grants were made in January 1969. Since the \$29 million in action funds had to be awarded to the States by the end of the fiscal year on June 30, 1969, planning was accelerated as much as possible. LEAA simplified its processing arrangements and waived the requirement for States to formulate five-year comprehensive plans. Detailed explanation was necessary only in connection with the organizational structure and procedures for ensuring project completion, the "pass through" of Federal planning and action dollars to local governments, and the use of funds for personnel compensation.<sup>55</sup> LEAA gave the following rationale for this approach:

The simplified procedures recognized that within the States there was general agreement on immediate law enforcement needs. Identification of needs and problems thus could largely be accepted as a given fact, rather than an item for study, and energy could be devoted at once to priority programs.<sup>56</sup>

Since OLFP began its review of the State plans in April, most SPAs had only three months following the receipt of their planning grant to prepare this document. This tight deadline precluded many States from giving comprehensive treatment to their criminal justice system. Instead, they tended to focus mainly on police needs. As a staff report to the National Commission on the Causes and Prevention of Violence concluded:

<sup>54</sup>U.S., Department of Justice, Law Enforcement Assistance Administration, Office of Law Enforcement Programs, *Guide for Comprehensive Law Enforcement Planning and Action Grants, Fiscal Year 1970*, pp. 45-62.

<sup>55</sup>U.S., Department of Justice, Law Enforcement Assistance Administration, *1st Annual Report of the Law Enforcement Assistance Administration*, p. 8.

<sup>56</sup>*Ibid.*

In theory, the 1968 legislation provided the framework and the funds for massive Federal grants to the States with which the comprehensive and detailed recommendations of the President's [Crime] Commission could be implemented. In fact, early performance has been handicapped by unrealistic deadlines, inadequate funds and a shortage of experienced manpower to convey a criminal justice system approach to the states....Agencies of the criminal process have tended to plan their own individual programs by themselves. Crime control has continued to remain isolated from social programs aimed at employment, education, housing and health. Outside expertise to augment local planners has remained scarce. The consequence, in many instances, has been pedestrian state plans. Unless some new ingredients are added, deficiencies such as these foreshadow the channeling of massive federal funds into old programs, and into higher salaries for old-line personnel. They will thereby tend to reinforce rather than reform the inadequate criminal justice institutions and to perpetuate the polarized attitudes which exist today.<sup>57</sup>

Given the limited lead time available for the first year of law enforcement and criminal justice planning under the Safe Streets Act, criticism of the initial State plans for lack of comprehensiveness would seem to be somewhat unfair. It is clear, however, that much remains to be done here by the SPAs in order to comply with both the spirit and the letter of the Act. As one LEAA official has pointed out:

Although there are 50 State plans, these are rudimentary, exhibit gaps in coverage, are often vague and imprecise about implementation, and have yet to incorporate serious long-term or multi-year components. Despite the encouraging start, it is still too early to tell whether the States will develop sophisticated, well-dehmented plans capable of effectively directing funds and spearheading reform efforts. While we have insightful understanding of needs and

<sup>57</sup>James S. Campbell, Joseph R. Schild, and David P. Stang, *Law and Order Reexamined: Report of the Task Force on Law and Law Enforcement to the National Commission on the Causes and Prevention of Violence* (Washington, D.C.: U.S. Government Printing Office, 1970), pp. 273-74.

sound conception of priorities, we do not have such plans as yet.<sup>58</sup>

Early impressions regarding selected 1970 State plans suggest that more attention is being given to components of the criminal justice system other than police. Although the deadline for completion of this study precluded analysis of the 1970 comprehensive law enforcement plans which SPAs had to submit to LEAA by April 15, preliminary indications are that these documents will devote more attention to the courts and corrections areas than those for the first year of the Act's operation. As Attorney General John N. Mitchell stated in his March 12, 1970, testimony before Subcommittee No. 5 of the House Judiciary Committee: "We are now receiving information that, in this fiscal year, the law enforcement appropriation will be decreased and the appropriations for courts and corrections will be increased more in line with the national averages. This means that public officials are becoming more aware of the interrelationships among law enforcement, the courts and corrections."<sup>59</sup>

*"Pass Through" of Planning Funds.* The Safe Streets Act requires SPAs to make available 40 percent of all Federal planning funds to units of general local government or combinations thereof for use in developing local components of the State comprehensive plan; conducting studies and collecting data pertinent to the formulation, revision, or expansion of such plan; and creating and supporting continuing planning units or capabilities. The program guidelines prohibit the States from charging off the cost of State-furnished planning assistance or State-conducted studies on behalf of localities as funds "made available" to local units unless both the supervisory board and affected local governments have approved these practices.<sup>60</sup> Furthermore, they provide that "priorities in funding local planning should be given to the State's major urban and metropolitan areas, to other areas of high crime incidence and potential, and to efforts involving combinations of local units."<sup>61</sup>

<sup>58</sup>Skoler, "Federal-State Administration of the Omnibus Crime Control and Safe Streets Act of 1968—A Balanced Sheet," p. 5.

<sup>59</sup>Statement of Attorney General John N. Mitchell before Subcommittee No. 5 of the House Judiciary Committee, March 12, 1970, p. 5, mimeo.

<sup>60</sup>U.S., Department of Justice, Law Enforcement Assistance Administration, Office of Law Enforcement Programs, *Guide for Comprehensive Law Enforcement Planning and Action Grants: Fiscal Year 1970*, pp. 6-8.

<sup>61</sup>*Ibid.*, p. 7.

These LEAA guidelines highlight one of the most difficult problems involved in the block grant approach. On one hand, local units desire an "iron clad" assurance from the Federal Government, via the mandatory "pass through" and the "guidelines" approaches, that the States will distribute the full amount of funds to jurisdictions with the greatest incidence of crime. On the other hand, the States want relative freedom from the administrative and fiscal red tape normally associated with Federal categorical grants-in-aid. Striking this balance is indeed a delicate task.

Table 8 presents a mixed view of State performance in handling the fiscal 1969 block grants for planning. As of December 31, 1969—almost one year after LEAA's allotment of these grants to SPAs—14 States, excluding Alaska and Delaware which received waivers of the local "pass through" requirement, had not made available the full 40 percent local share for fiscal 1969. Five of these States had distributed less than 30 percent of their planning grant to localities or regional planning agencies, and three allocated under 30 percent to such units. Furthermore, 16 States (again exempting Alaska and Delaware) had actually paid less than three-fourths of the total amount they had awarded to local subgrantees. This slowness at the State level in the allocation and payment of funds can create serious delays and uncertainties in the criminal justice planning process at the local level. At the same time, however, the failure of some SPAs to award the full local share of 1969 planning funds can be attributed in part to delays of some counties and cities in applying for grants.

On the other side of the coin, 16 States "passed through" more than the required 40 percent of fiscal 1969 planning grants to local governments or regional planning districts. Eleven States allotted more than 50 percent of these funds to regional units or localities, five awarded over 60 percent, and three allocated more than 70 percent. On a nationwide scale, the States made available 45 percent of Federal planning dollars to such units in 1969, 72 percent of which had been paid by the end of the year.

With respect to the type of unit receiving 1969 planning subgrants, overall individual localities were awarded 30 percent of these funds. Only five States allotted all of the 40 percent local planning share to single jurisdictions, and another six allocated over 80 percent of local planning dollars to such units. Forty-nine percent of all 1969 Federal planning funds awarded to individual local subgrantees by SPAs had been paid by January 1, 1970.

The table clearly shows that combinations of local units, chiefly regional planning agencies established at either State or local initiative, received the bulk of local planning subgrants. Twenty-one States awarded all of

the local planning share for fiscal 1969 to multijurisdictional units, while an additional eight "passed through" more than 80 percent of all subgrant awards of this type had been paid by the end of 1969.

A number of factors might be responsible for the slowness of some States in awarding planning grants and in making payments of funds. By April 1968, 23 States had not established a criminal justice planning committee. This finding suggests that some States had not established a criminal justice planning committee. This finding suggests that some States had to spend time getting administratively geared up for the program, which no doubt hindered a prompt move on the planning subgrant front. The fact that LEAA did not award planning grant advances to the States until October 1968 and the balance of the full allocation until January 1969 partially explains this delay. Another consideration is the time involved in establishing new districts or equipping existing units to perform law enforcement planning. Forty-five States adopted the regional device and presumably endorsed the areawide planning approach. Initially, this effort took time, although once the planning districts were set up, overall fewer delays occurred in funneling subgrant awards to these entities. In the case of individual local jurisdictions, various factors combined to retard progress under the program: the time involved in developing a local capability to plan in the criminal justice area on a comprehensive basis and to submit requests for funds to implement these plans; the time taken for SPAs to become operational; and the time involved in working out new relationships between States and their political subdivisions in the anti-crime field as well as among the various components of the criminal justice system. Finally, the difficulties of instituting and understanding a "letter of credit" device for transferring LEAA funds to recipient jurisdictions have been cited by some as still another delaying factor.

**Regional Planning Districts.** LEAA's program guidelines encourage planning on a metropolitan, regional, or other "combined interest" basis. They suggest use of planning regions which are continuous or consistent with those set up under other Federal grant programs or with existing State planning districts. They urge States to consider the views of affected local governments in the establishing and operation of new or existing regions for crime control planning: "State planning agencies should recognize that under the Act, regional combinations must be more than State imposed geographic units and need to enjoy a base of local unit acceptability and representation."<sup>62</sup>

<sup>62</sup>U.S., Department of Justice, Law Enforcement Assistance Administration, Office of Law Enforcement Programs, *Guide for Comprehensive Law Enforcement Planning and Action Grants: Fiscal Year 1970*, p. 7.

Despite these provisions, reliance of most States upon these planning regions has met with considerable opposition, mainly from constituent cities and counties. Critics allege that Federal anti-crime funds are being used to build another level of bureaucracy between the source of money—the Federal Government—and the source of problems—local governments. They charge that while many of these regions are really State instrumentalities, their operational costs are subsidized out of the 40 percent local planning share. Some opponents assert that urgent local priorities often are stifled at the regional level because representatives from urban areas serving on regional policy boards or advisory councils have the same voting power as members from smaller areas with less pressing crime problems. They argue that rural and suburban coalitions often exercise a veto power over big city anti-crime proposals. As Carl B. Stokes, Mayor of Cleveland, Ohio, contended in the July 1969 hearings before the House Select Committee on Crime:

...instead of sending the [Federal planning] money down to the cities, they have developed some seven districts in Ohio, and these districts are composed of several counties, of the townships, and then of the cities themselves, with invariably the voting structure as to the dispensation of the funds and the approval of programs being in the hands of those who represent the greater voting majority, all of whom are without the large cities.<sup>63</sup>

Finally, some critics point out that meaningful criminal justice planning can never be carried on by instrumentalities that lack the power to implement program objectives.

As indicated in Table 9, 45 States have established regions for law enforcement and criminal justice planning. The national average was 10 regions per State as of the end of 1969. Forty-one of these States have created regional policy boards or advisory councils modeled for the most part on the SPA supervisory board.

In at least 30 of the 43 districted States responding to ACIR's survey, the functions of existing multijurisdictional entities—such as State planning districts, councils of government, regional planning commissions, and Local Development Districts and Economic Development Districts—were expanded to

<sup>63</sup>U.S., Congress, House of Representatives, Select Committee on Crime, *The Improvement and Reform of Law Enforcement and Criminal Justice in the United States: Hearings*, p. 46.

include crime control planning. In seven other States, new regions were determined by the SPA supervisory board after consultation with local governments, municipal leagues, and other affected groups. In only three of these States, however, was a tentative districting plan made available to local units for comment. Another used both existing and new districts for law enforcement planning, and distributed the tentative districting plan to localities for their reaction. In five other States, local jurisdictions were requested by the State planning agency to form districts (see Figure 3.)

Turning to the functions of criminal justice planning regions in 43 districted States surveyed, Table 10 shows that nearly all perform planning for their area of jurisdiction, well over four-fifths coordinate the planning efforts of localities within their territory, and three-fourths review local action subgrant applications prior to their submission to the SPA. One-half of the districted respondents indicated their regions reviewed local action subgrant applications either on referral by the State planning agency or after receiving an information copy directly from the applicant. Two-fifths of these regional agencies also reviewed law enforcement related project proposals for funds under the Model Cities program and the Juvenile Delinquency Prevention and Control Act., and more than one-third expended action funds as the ultimate grantee. One-fourth of the respondents noted that their districts made planning subgrants to local governments or reviewed applications for funds under the Highway Safety Act. In only four States did regional agencies make action subgrants to localities.

With respect to the financing of State planning regions, Table 9 reveals that in 29 of the 45 districted States only the regions were eligible to receive subgrants, while in the remaining 16 both regions and individual local units could be awarded Federal funds. In 1969, the basis for distributing aid in 24 States was population only; in 13, a combined population-crime index formula was used; in two, crime index only; in four, the merits of the application along with population and/or crime were involved in determining subgrant awards; and in one, merit alone was the deciding factor.

Thirty-six of the 43 districted States responding to ACIR's survey indicated that their regional planning units had full-time professional staff. In 22 of these States, such personnel were hired independently by the district, while in 13 others they were employed by the unit with the SPA's concurrence. Only three SPAs directly hired regional staff with the regional units' consent, and just one SPA employed these personnel without consulting the affected districts. Finally, in four States, some or all regional staff were on the State's

payroll, and in two of these salary expenses were charged to the local planning share. One State advanced the following as reasons for adopting this approach: "To reduce the overall budgetary charges for regional operations, upgrade the quality of services made available to local units, to provide a professional staff on a continuing basis and to insure each person is covered by State civil service."

The foregoing suggests that proponents of the areawide approach to solving urban problems can find considerable solace in the early experience of State criminal justice planning regions. Functionally, instead of being "paper tigers" these units perform important planning and coordination functions and play a significant supervisory role in connection with local action plans and programs. Some make subgrant awards to constituent local governments. Fiscally, these districts have received most of the local share of planning grants, and in almost one-half of the States they are the only units eligible for such awards. Structurally, most criminal justice planning regions appear to be coterminous or at least consistent with other multi-jurisdictional entities set up by the States under Federal or State programs. Organizationally, in several States the regions are independent from the SPA as far as their staffing is concerned, and consequently cannot be viewed wholly as State instrumentalities.

In the final analysis, evaluation of the merits of this areawide approach is largely conditioned by one's philosophy of government and administration. If in the law enforcement and criminal justice field one favors local freedom to act, if one supports direct local access to Federal or State agencies, if one agrees that local crime problems are best handled at the local level, if one views a multi-jurisdictional planning and review and comment operation as an unnecessary and time consuming effort, or if one thinks that localities acting individually can have the same impact as localities acting jointly, then regional planning districts probably are not the answer. On the other hand, if one believes in channeling local programs having an areawide impact through higher levels of government in order to achieve greater coordination of effort, if one feels that problems with cost "spillovers" demand concerted action, or if one believes that to be effective the components of the criminal justice system must be treated on an interlocking rather than fractionalized basis, then the areawide device may be part of the answer.

#### *Action Grants*

In fiscal 1969, Congress appropriated \$29 million for action grants to carry out law enforcement and

criminal justice improvement programs under the Safe Streets Act. The fiscal 1970 appropriation is over seven times this amount. Federal action grants may be used for the following purposes specified in the Act: public protection; recruitment and training of law enforcement personnel; public education relating to crime prevention and respect for law and order; construction of buildings or facilities; prevention and control of organized crime, riots, and civil disorders; and recruitment and training of community service officers.

The Act provides that 85 percent of the total action funds in LEAA's annual budget must be allocated to the States in block grants. The amount each State receives is based solely on its population. As shown in Table 11, the 50 States were awarded a total of \$24.5 million and \$197.4 million for fiscal 1969 and fiscal 1970, respectively, with an average per capita allocation of 12.5 cents for the first year of action programs and 90.1 cents for the second year.

The remaining 15 percent of LEAA's action budget constitutes a pool of funds which may be used at the Administration's discretion to:

...advance national priorities, draw attention to programs not emphasized in State plans, and provide special impetus for reform and experimentation within the total law enforcement improvement structure created by the Act. Discretionary funds represent only a small portion of the total aid that will be available to State and local government and, thus will be used for special emphasis and supplementation rather than to meet the massive or widespread need that State plans and 'block grant' action funds must address.<sup>64</sup>

In 1969, for example, a large part of the \$4 million in available discretionary funds was used to meet pressing city and State crime reduction needs. These awards included: grants of up to \$100,000 to each of the nation's 11 largest cities for special anti-crime projects; a \$600,000 allocation to six States to assist in developing a prototype computerized criminal justice statistics system, and \$150,000 to other grantees for initiation of a model computerized organized crime intelligence system; allotment of \$350,000 to 11 States and the District of Columbia to bring each jurisdiction's

total action grant award up to a \$100,000 minimum level necessary to permit a meaningful start on crime prevention and control programs; \$1.3 million to continue general research and demonstration projects begun under the auspices of the Office of Law Enforcement Assistance; grants amounting to \$180,000 to the International Association of Chiefs of Police and the American Correctional Association to help sponsor conferences; an award of \$230,000 to 64 State and local law enforcement agencies to facilitate their participation in the FBI's National Crime Information Center.<sup>65</sup>

In fiscal 1970, \$32,250,000 in discretionary funds will be made available for State and local crime reduction projects. Ten million dollars will be used for aiding from 60 to 90 jurisdictions in a special group of 112 "target" cities including: 69 with over 200,000 population; 21 with less than 200,000 people but having a Model Cities program; 10 in the 75,000 - 250,000 population range with crime rates well above the national average; and 12 that are the largest municipalities in their State, yet are not included in the previous groups. Grants will be limited to \$250,000 for cities of one million or more inhabitants and \$150,000 for other eligible localities. The remaining \$20 million in discretionary monies will help finance the following types of State and local programs: police, courts, and corrections improvement; organized crime, narcotics, riots, and civil disorders prevention and control; crime information and statistics; and American Indian law enforcement. Finally, some of these funds will be used to supplement action allocations to small States, raising their grant awards on the average of 30 percent per State.<sup>66</sup>

Despite this basically project grant approach, the discretionary grant guidelines require all city applications to be consistent with their State's comprehensive law enforcement plan, and to be submitted to the State planning agency for review and approval. SPAs, in turn must, furnish appropriate assistance to applicants, coordinate discretionary project proposals with statewide plans, and certify that the amount of action subgrants will not be reduced simply because a city has been awarded discretionary dollars. Disbursements of most of these grants will be made

<sup>65</sup>U.S., Department of Justice, Law Enforcement Assistance Administration, *1st Annual Report of the Law Enforcement Assistance Administration*, pp. 4-8.

<sup>66</sup>U.S., Department of Justice, Law Enforcement Assistance Administration, Office of Law Enforcement Programs, *Guide for Discretionary Grant Programs: Fiscal Year 1970*, pp. 25-91.

<sup>64</sup>U.S., Department of Justice, Law Enforcement Assistance Administration, Office of Law Enforcement Programs, *Guide for Discretionary Grant Programs: Fiscal Year 1970* (Washington, D.C.: U.S. Department of Justice, 1970), p. 1, *indef.*

through the State planning agency.<sup>67</sup>

The Safe Streets Act specified matching requirements for all action grant programs, including discretionary awards. Federal funds are available to cover 75 percent of the cost of riot, civil disorders, and organized crime control projects; 50 percent of the cost of constructing buildings or facilities; and 60 percent of the cost of all other action programs. Grantees may make their matching contribution either in cash or in kind. These matching ratios in effect compromise the block grant principle, since they constitute an incentive device for achieving what Congress—not the States and localities—considers to be top priority crime reduction programs.

*"Pass Through" of Action Funds.* The Safe Streets Act provides that State law enforcement planning agencies must make available 75 percent of their action block grant to units of general local government or combinations thereof. In keeping with the block grant concept, no population or crime index criteria are specified in the Act to guide SPAs in determining which jurisdictions should be awarded subgrants and what amount they should receive. These agencies are required, however, to give "special emphasis" to projects dealing with organized crime, riots, and civil disorders prevention and control.

Critics of the block grant approach charge that this statutory imprecision, coupled with the traditional inability or unwillingness of some States to assist in solving urban problems, has resulted in all but a few States allocating an insufficient share of Federal anti-crime funds to large urban areas with the greatest incidence of crime. They contend that most States have distributed small action subgrants to large numbers of rural and suburban jurisdictions, as well as to urban units, so that virtually all localities get a small "piece of the action" regardless of their needs, resources, and law enforcement expenditure levels. This "buckshot" method, so the argument runs, precludes a careful targeting of dollars on the most pressing crime problems. Opponents also allege that some States have retained funds designated for local governments and have used them for purposes ostensibly of local benefit but which, in fact, usually have been of low priority to recipients.

Supporters of block grants reply that most SPAs are well aware of the major crime areas in their State and have made subgrants accordingly. Furthermore, they assert that disbursements of Federal funds to bolster the law enforcement capabilities of rural and suburban jurisdictions are quite necessary since crime knows no boundaries. After all, when big-city crime problems spill over into outlying areas, these localities must be well equipped to deal with them. Proponents also point out

that many States are "passing through" more than the required 75 percent of action funds, which attests to their concern with helping to meet the needs of their political subdivisions. Defenders of the present arrangement assert that this State responsiveness coupled with LEAA's use of discretionary funds, has resulted in an effective double-pronged attack on urban crime problems.

Table 12 shows the amounts of 1969 and 1970 action funds that 48 States responding to ACIR's Safe Streets Act questionnaire had made available to local units or regional agencies by February 28, 1970. Seventeen of these States "passed through" more than the required 75 percent local share; eight of these allocated 85 percent or more of their total action block grant to local jurisdictions. Only two States awarded less than 75 percent of such monies to cities, counties, and areawide bodies.

With respect to funds retained at the State level for programs directly benefiting local governments, six States charged all of the cost of these programs to the local share; seven others charged a portion of the cost. The amounts here ranged from four percent to 86 percent of the "pass through" figure. These types of programs included: recruitment and training of police, probation and parole, juvenile delinquency, and narcotics control personnel; purchase of riot control equipment; establishment of crime laboratories; and development of a computer based criminal justice information system.

On the other side of the coin, 36 SPAs charged against their portion of action funds the cost of programs directly benefiting local units. In 19 States, over 45 percent of the State share was used for these purposes. Typical programs included: training for police officers, prosecutors, judges, and probation and parole personnel; purchase of communications equipment; organized crime and riot prevention and control projects; juvenile delinquency treatment programs; arson investigation units; police-community relations workshops; crime laboratories; criminal code revision; court organization studies; and crime statistics.

These aggregate findings suggest that most of the States reporting have been quite responsive to the crime reduction needs of local jurisdictions, either directly through the allocation of more total action funds than required by statute or indirectly through financing with part of the State share of block grants anti-crime programs and services which SPAs consider to be of

<sup>67</sup>U.S., Department of Justice, Law Enforcement Assistance Administration, Office of Law Enforcement Programs, *Guide to Discretionary Grant Programs Fiscal Year 1970*, p. 6.

direct benefit to localities. This does not necessarily mean, however, that Federal funds are being funneled to large areas with the greatest incidence of crime.

Data presented in Table 13 tend to confirm the allegation that some SPAs have spread Federal anti-crime action funds thinly among a large number of local units, particularly those in rural and small suburban areas. Cities under 10,000 population constituted half of all subgrantees in the 48 States surveyed and they received seven percent of the municipal action funds, with the average subgrant being \$1,285. Those under 25,000 accounted for 66 percent of the city subgrantees and for 14 percent of the municipal awards; their average subgrant was \$1,959. Cities with less than 50,000 constituted 77 percent of this type of subgrantee and were awarded 24 percent of the total 11.6 million distributed to municipalities; the average subgrant here was \$2,788.

The county figures are somewhat similar, although far fewer dollars were made available to these jurisdictions. Counties under 10,000, for example, accounted for 26 percent of all subgrantees of this type and for eight percent of the total \$5.6 million in action funds awarded to counties; their average subgrant was \$2,308. Counties under 25,000 comprised half of this kind of subgrantee and received 17 percent of the total funds for county programs, with an average subgrant award of \$2,447. Finally, jurisdictions with less than 50,000 population constituted two-thirds of the county subgrantees and were allocated 23 percent of the total county action monies, with their average award being \$2,511.

On the other hand, cities and counties above the 50,000 level received 76.2 percent of the total 17.2 million in action subgrants awarded to these jurisdictions. There is a steady progression in terms of both the total amount of awards and the average award per subgrantee as we move from the 50,000 - 100,000 population category upward. At the same time, the 48 States surveyed awarded a total of \$346,490 to "other" local units (townships, towns, villages, school districts, etc.) and \$3,364,007 to multipurisdictional units.

With respect to the charge that State planning agencies have not "passed through" sufficient funds to large areas having pressing crime problems, LEAA has concluded that its studies reveal urban crime programs are receiving adequate attention from the States. Appendix Table B-1 is a slightly modified version (American Samoa, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands have been excluded) of an attachment to the Attorney General's March 12, 1970 testimony before Subcommittee No. 5 of the House Judiciary Committee. It indicates that, as of the

end of 1969, cities over 50,000 had received 59 percent of all local action funds distributed by SPAs. These 411 jurisdictions contain 40 percent of the nation's population and 62 percent of its serious crimes. This "pass through" figure, however, includes not only subgrants to individual cities, but also those to countywide or regional law enforcement and criminal justice programs in which cities were directly participating. Another attachment to the Attorney General's statement (see Appendix Table B-2) revealed that the 15 cities in the nation having the highest crime rate were awarded more subgrant funds than their population warranted, but on the average received only 67 percent of the amount based on their proportion of the State crime index.

A more detailed view of the relationship between city crime needs, resources, and financial assistance under the Safe Streets Act is provided in Table 14. Data are presented in connection with the amount of action subgrants 45 States had made to their five largest cities (in all cases, not less than 25,000 population)<sup>68</sup> by February 28, 1970 relative to the proportion of combined total State index crime, State-local police expenditures, and local police outlays accounted for by these jurisdictions (see Figure 4).

Looking solely at crime rates, five States awarded more to their five largest cities than the latter would have received on the basis of their share of index crime. Seven States awarded proportionate amounts of subgrants (within five percent above or below the measure), and 33 States awarded substantially less monies than warranted.

In terms of the five largest cities' portion of total State-local police expenditures, 12 States awarded more than a commensurate amount of subgrants to these jurisdictions, 12 others awarded a commensurate amount, and 21 States awarded less than a commensurate amount. According to the five largest cities' share of total local police outlays, seven States awarded more than a proportionate amount of subgrants, 10 States awarded a proportionate amount, and 28 States awarded less than a proportionate amount.

No general consensus exists, of course, regarding the reliability of these three factors as measures of crime control need and/or effort. The crime index is perhaps the most controversial, given the wide gaps and inconsistencies in reporting. Moreover, some critics of this measure allege that an underreporting of crime incidence occurs in rural and small suburban areas, thus distorting allocations of funds based on this factor.

<sup>68</sup>In 17 States, less than five cities were observed due to this population limitation.

Furthermore, unavailability of data in connection with State-local court and prosecution expenditures, it is argued, produces an underrepresentation of local crime reduction efforts, since many cities and counties play a significant fiscal role in these areas.

Another important consideration is that the amounts of funds "passed through" to the five largest cities during the period under examination are conditioned by the willingness of such jurisdictions to apply for financial aid and by the time involved in preparing proposals. The failure of some of these cities to receive action subgrant awards in proportion to their share of the State crime rate. State-local police expenditures, or local policy outlays, then, may be a reflection of their reluctance or delay in applying for funds. In his March 12, 1970 testimony before Subcommittee No. 5 of the House Judiciary Committee, the Attorney General pointed out some examples of this situation:

Other cities have simply failed to display initiative in applying for grants. San Francisco and Oakland each applied for one State grant of about \$20,000 each and these grants were awarded. But Los Angeles has so far received \$564,000. San Francisco has also received a \$100,000 discretionary grant. Cleveland made only one request for \$58,000 and it was granted. Cleveland also received a \$100,000 discretionary grant. It has yet to initiate the project for which it received this grant. In other instances, cities such as Chicago were simply not prepared because of organizational problems to draw up sufficient plans for fund applications.<sup>69</sup>

Unfortunately, similar figures for counties cannot be presented because crime rates for these jurisdictions are not available. Table 15, however, shows that the five largest counties in 46 States received far less of the \$20,866,991 in action funds made available to local units by State planning agencies than did their municipal counterparts. These counties were awarded 15 percent of the total amount "passed through" to individual localities and multi-jurisdictional units, while the five largest cities in these States received 37 percent of this overall figure.

In summary, the various tables dealing with the "pass through" issue present a mixed view of State

experience under the block grant approach. As of February 28, 1970, 17 SPAs made directly available to local units more action funds than required by statute, and 36 indirectly aided localities by charging to the State action share programs benefiting local units. At the same time, 13 retained local "pass through" dollars at the State level to help finance programs which SPAs considered to be of direct assistance to local governments. In the aggregate, cities and counties over 50,000 population received the bulk of action subgrants, but some SPAs distributed small amounts of funds in grants to many jurisdictions under 10,000 which had less serious crime problems. Twelve of the 45 State planning agencies reporting "passed through" to their five largest cities more or a commensurate amount of action funds than were warranted by the latter's share of the State crime rate. With respect to these jurisdiction's portion of State-local police expenditures, 24 States allocated an amount equivalent to or greater than this index warranted. Finally, 17 SPAs made available adequate or larger proportions of funds compared to their five largest cities' share of total local police outlays.

*State Matching Contribution.* One measure of a State's concern with solving local problems is the extent to which it is willing to put up its own funds to cover part of the non-Federal matching share of grant-in-aid programs affecting cities and counties. The Safe Streets Act provides only that in their comprehensive law enforcement plans the SPAs demonstrate the State's willingness to furnish technical assistance and services to local applicants.

Some opponents of the block grant approach contend that all States should not automatically serve as a funnel for a block grant award covering 85 percent of LEAA's total action appropriation, since the States vary widely in their desire and ability to respond to urban crime prevention and control needs. Instead, some argue that the size of the block grant should be reduced and that incentives for SPAs to demonstrate greater concern with big city crime problems should be made available, such as through giving those States which assume a sizeable part of the non-Federal share a bonus amount from LEAA's discretionary fund allotment. Other observers contend that State "buying in" should be made a condition for receipt of block grant awards, and that a project grant approach be adopted in States failing to participate financially.

Defenders of the present arrangement assert that any reduction in the proportion of the block grant award to State planning agencies would be infeasible since it could result in an administrative nightmare; LEAA would have to deal with hundreds of counties and cities. They point out that a large Federal bureaucracy would probably have to be created in order to handle

<sup>69</sup>Statement of Attorney General John N. Mitchell before Subcommittee No. 5 of the House Judiciary Committee, March 12, 1970, p. 14.

direct contacts with these jurisdictions. They argue that block grants and project grants do not mesh well if the real objective is to plan and execute a comprehensive and coordinated attack on crime. These observers also assert that to rely on "buying into" categorical aid programs as an accurate barometer of State concern with helping in the crime reduction efforts of local jurisdictions is unrealistic, since the State may provide significant assistance under Federal anti-crime programs other than the Safe Streets Act or make its own separate effort.

Table 16 reveals the amount of the in cash and in kind contribution of 48 responding States to match Federal planning and action grant awards to local units as of February 28, 1970. A total of \$776,906 was allocated by 20 of these States. Most of this figure was used to cover the full non-Federal share of local planning program costs. With respect to action subgrants, no State matching contribution was made to construction program costs and only \$36,719 in cash or in kind assistance was made available for priority programs. A total of \$278,408 was provided for "other action programs." Two States--Arizona and Missouri--appear to have "bought in" on an across-the-board scale. It is important to recognize that by the time 1969 Federal action funds were awarded to the States at the end of the fiscal year some legislatures had already adjourned, precluding action on the "buying in" front.

Table 17 highlights some of the difficulties involved in relying solely on "buying in" to gauge State responsiveness to local crime reduction needs. The data on the percent of total State-local police and corrections expenditures (figures for court outlays are unavailable) show that many of the States which have not "bought into" programs under the Safe Streets Act in 1967 were assuming a substantial part of total corrections costs and a respectable share of police expenditures, in some cases significantly more than States which now contribute to the non-Federal share under the omnibus measure (see Figure 5). For example, 34 States assumed 75 percent or more of combined State-local corrections expenditures, and 16 provided 25 percent or more of combined police outlays. Not to be overlooked here is the fact that as of February 28, 1970, 36 States had used part of their share of action funds for programs they considered to be of direct benefit to local governments.

In light of the foregoing, while a majority of the responding States are making what appears to be token or no contributions to the non-Federal share of local action program costs, this alone does not necessarily serve as a reliable measure of the State's willingness to assist local governments in combating crime. Rather, overall anti-crime effort, including "buying in" the States' share of total State-local police and corrections

outlays, and indirect State financial assistance, would seem to present a more balanced view.

*Purposes of Action Grant Expenditures.* Federal action funds under the Safe Streets Act have been used for 12 purposes: riots and civil disorders control; upgrading law enforcement; detection and apprehension; crime prevention; correction and rehabilitation, juvenile delinquency prevention and control; prosecution, court, and law reform; community relations; organized crime control; research and development; construction; and crime statistics and information. Applications for grants for the above types of programs are, of course, based on the contents of the State comprehensive plan.

Despite the fact that one of the main objectives of the Act is to support and upgrade all components of the criminal justice system, during the first year of its operation the police function received the bulk of available funds. In the 1969 State comprehensive plans 79 percent of all action grants was earmarked for police-related programs, in contrast with a 61 percent public expenditure ratio in fiscal 1965. Fourteen percent of the action funds was awarded for corrections projects (compared with a 23 percent public expenditure ratio), while a meager six percent went for courts programs (compared with a 16 percent public expenditure ratio).<sup>70</sup>

As a result of this early outlay pattern, some observers have questioned whether it will be possible to develop meaningful systemwide crime control planning and action programs, or whether the Safe Streets Act will remain mainly a police-oriented operation similar to its predecessor, the Law Enforcement Assistance Act of 1965. As one LEAA official has observed:

The States have shown a weak initial commitment to the fields of court, prosecution and corrections. As yet, a serious commitment to these segments of law enforcement remains to be demonstrated.... Signs are encouraging but it is not yet clear whether the natural and justified priority for the largest element of crime control--police services--will unduly overshadow the other segments of criminal justice, thereby confirming the fears of critics who see this as a police-dominated program.<sup>71</sup>

<sup>70</sup>Public expenditure ratios have been derived from: U.S. Bureau of the Census, *1969 Statistical Abstract*, (Washington, D.C.: U.S. Government Printing Office, 1970), p. 145.

<sup>71</sup>Skoler, "Federal-State Administration of the Omnibus Crime Control and Safe Streets Act of 1968--A Balance Sheet," p. 5.

Others are less pessimistic about this initial preference for police-related programs. Courts and corrections, they point out, are notoriously poor at the fiscal in-fighting which takes place within most State and local budgetary processes. Courts, in any case, provide a special problem given the separation of powers and their concomitant reluctance to act in concert with executive branch agencies. Furthermore, the comprehensive criminal justice planning required for balanced, interrelated treatment of all the components of the system is obviously in a state of infancy, and this condition initially works to the advantage of the law enforcement sector. Preliminary indications are, however, that courts and corrections are faring much better in the 1970 State plans.

Table 18 shows the relative funding status of police programs as of February 28, 1970 in 48 States surveyed. Forty-five percent of the total \$27,857,369 in action subgrants awarded to State agencies and regional and local units were for three police-related purposes--upgrading law enforcement, detection and apprehension, and crime prevention. It is quite clear that other important components of the criminal justice system--such as prosecution, court, and law reform, juvenile delinquency prevention and control, and correction and rehabilitation--did not fare nearly so well.

This preponderance of police outlays is also reflected in Table 19 which presents a breakdown of certain objects of expenditure in terms of their recipient. Individual local jurisdictions received 60 percent of funds for training, communications systems, and equipment.

The data, then, clearly reveal that as of early 1970 most Safe Streets Act action dollars were used to bolster public safety, especially to purchase local police equipment and communications systems, and to train law enforcement personnel. Relatively small amounts of funds were made available for upgrading other components of the criminal justice system.

#### *Administrative Issues*

*Three-Man vs. One-Man Administration.* The Johnson Administration's bill for a Safe Streets Act as first presented to Congress provided for the program to be administered by a new Office of Law Enforcement and Criminal Justice Assistance in the Department of Justice, under the supervision of a Director. The Director was to be appointed by the President with the advice and consent of the Senate. These provisions were retained in the bill as reported out by the House Committee on the Judiciary and approved by the House.

In its separate consideration of the Administration

bill, the Senate Committee on the Judiciary decided to substitute its own proposal. Among other changes, the substitute established within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration instead of a Director. The Administration was composed of an Administrator of Law Enforcement Assistance and two Associate Administrators, appointed by the President with the advice and consent of the Senate. No more than two members of the Administration were to be of the same political party. An amendatory effort was made on the floor of the Senate to remove the Administration from under the direct control of the Attorney General, but it was defeated. The bill as reported out by the Senate Judiciary Committee ultimately became the Safe Streets Act.

According to most reports, the first three men appointed by President Johnson to constitute the Administration seemed to work together fairly harmoniously, overcoming any partisan or philosophical differences they may have had. The second trio, appointed by President Nixon, consisted of a Democrat as Administrator and two Republicans as Associate Administrators. On occasion, the two Associates outvoted the Administrator on policy issues. On administrative matters, disagreements resulted in inaction, since the law was interpreted as requiring unanimity on these decisions. In this situation, it was reported, the Administrator felt that his position was untenable, and he resigned in April 1970. The resignation brought into the open the basic question of whether the "troika" arrangement is workable for administration of the Safe Streets Act.

Little appears in the record of the hearings, the committee reports, or the floor debates to document the reasons for establishing the Administration in lieu of the single Administrator. Some clues were given, however, in the Senate's debate over a related issue, i.e., whether to remove the Administration from under the direct authority of the Attorney General. A subcommittee of the Senate Judiciary Committee had approved an amendment to do just that, but this amendment was rejected by the full Committee. In the statement of their individual views in the Senate Judiciary Committee report, Senators Dirksen, Hruska, Scott, and Thurmond stated in defense of the proposed amendment:

It is regrettable that the provision for the independent status of the Administration was dropped from the bill. We attempted unsuccessfully to reinstate the provision in the full committee, and will urge its adoption on the floor of the Senate.

In short, we don't want the Attorney General, the so-called "Mr. Big" of federal law enforcement to become the director of State and local law enforcement as well. It is true that the Attorney General is the chief law enforcement officer of the federal government. But he is not chief law enforcement officer of states or cities. We believe America does not want him to serve in this latter capacity.

Organization and management experts may object to a dilution of executive authority, but we want no part of a national police force. Such dilution, if a price at all, is a small price to pay to preserve a fundamental balance of police power.

We don't want this bill to become the vehicle for the imposition of federal guidelines, controls, and domination.<sup>72</sup>

Later, in presenting the amendment on the floor, Senator Hruska argued that it would make the Administration,

...truly independent in its jurisdiction and in its powers. It was felt that to give one man the right to approve or disapprove the allocation of a fund which initially will be \$400 million, but which the Attorney General has testified that they hoped to whip up to a level of \$1 billion a year, would be too much power to vest in the hands of one individual, whoever he is, and it would better be vested in a body that would be non-partisan and independent of any single person, and therefore much better qualified to call the shots as they really see them.<sup>73</sup>

The Senate did not accept the amendment.

These observations suggest three arguments for establishing administrative authority in the hands of a three-member Administration rather than a single Administrator or Director. First, the fear that the administration of the new Act would turn the Department of Justice under the Attorney General into a national police force. This was also one of the reasons cited for preferring block grants to project grants.

Second, the fear of centering so much power in one man—the Attorney General—regardless of whether it was used to build a national police force. Third, the desire of the Republicans to prevent an increase in authority of the then incumbent Attorney General.

The partisan character of the last point, moreover, suggests that the "troika" arrangement as adopted, even though still subject to the direct influence of the Attorney General, had the merit of generating bipartisan support in the Congress, without which the bill may have failed. A final argument that could be cited in favor of the three-member Administration approach is that a multi-member body may be more suitable than a single administrator in the early stages of development of policies in a new and controversial area, such as the Safe Streets Act, when the emphasis is on fresh ideas and innovative approaches.

In favor of a single Administrator, on the other hand, is the basic organizational principle of pinpointing administrative responsibility in order to avoid back-passing and achieve expeditious decision-making. Also, countering the argument that entrance into a new, controversial field favors reliance on three heads rather than one, it can be said that Congress had worked out the policies of the Act in fairly specific detail, and that what was needed, in light of the urgency of the problems of crime, was prompt, effective implementation of those policies. A single Administrator is more likely to move vigorously in deciding the multitude of problems that rise to the top than is a three-member Administration, particularly if the latter must act unanimously. The statement of the minority members acknowledged the potency of the efficiency argument in referring to "organization and management experts" who would object to "dilution of executive authority." However, for their part at least, they were willing to sacrifice administrative efficiency for protection against the dangers of a national police force.

Finally, in support of the single Administrator, it may be contended that while bipartisanship may have merit in garnering support for passage of the legislation in the first instance, it raises difficulties in getting the system to work once the legislation is passed. Personnel appointments, particularly crucial to the effective administration of any program, are likely to be the victims of disagreements among the bipartisan members of a multi-member body.

<sup>72</sup>U.S. Congress, Senate, *Omni-bus Crime Control and Safe Streets Act of 1967*, Report No. 1097, 90th Congress, 2nd Session, p. 230.

<sup>73</sup>*Congressional Record*, May 23, 1968, p. 14777.

TABLE 1

TYPES OF FEDERAL OUTLAYS FOR THE REDUCTION  
OF CRIME, BY MAJOR PROGRAM

(in thousands of dollars)

Program	1969 Actual		1970 Estimate		1971 Estimate	
	Direct	Support	Direct	Support	Direct	Support
Crime Research & Statistics	9,687	3,756	11,138	15,782	12,779	30,430
Reform of Criminal Laws	287	59	351	686	298	1,154
Services for Prevention of Crime	21,572	26,208	25,588	78,197	31,918	154,923
Federal Criminal Law Enforcement	356,225	-0-	427,624	-0-	472,823	-0-
Law Enforcement Support	5,170	48,569	8,161	130,063	14,717	221,921
Court Administration and Prosecution	67,502	1,036	80,453	9,089	85,335	25,116
Rehabilitation of Offenders	94,171	11,211	106,382	29,555	121,241	56,083
Planning & Coordination of Crime Reduction Programs	-0-	12,900	-0-	24,272	-0-	28,600
TOTAL	554,614	103,739	659,697	287,644	739,111	518,227

Source: U.S. Bureau of the Budget

FIGURE 1  
 TYPES OF FEDERAL OUTLAYS FOR THE  
 REDUCTION OF CRIME, BY MAJOR PROGRAM

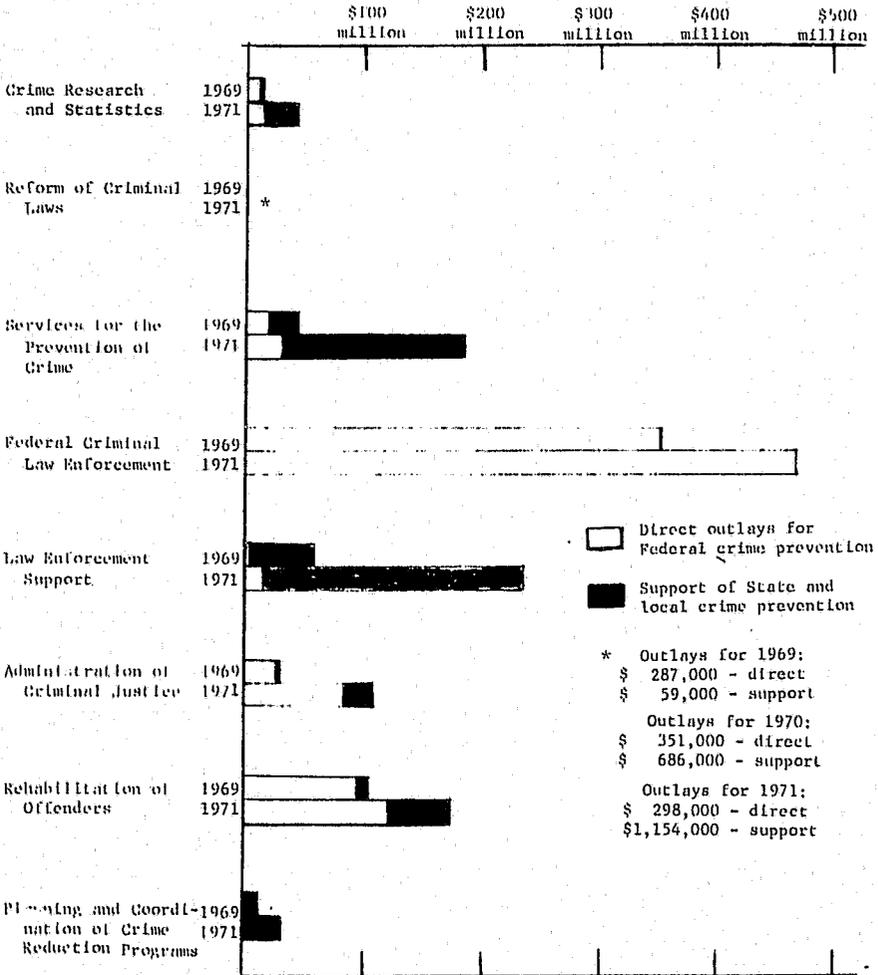


TABLE 2

## TRENDS IN FEDERAL OUTLAYS FOR THE REDUCTION OF CRIME, BY MAJOR PROGRAM

Program	1969		1970		1971		% increase or(decrease)	% of Program Total
	Actual	% of Program Total	Estimate	% increase or(decrease)	Estimate	% increase or(decrease)		
Federal Criminal Law Enforcement	356,225	54	427,624	20	45	472,873	11	38
Law Enforcement Support	53,739	8	138,224	157	15	236,638	71	19
Services for Prevention of Crime	47,780	7	103,785	117	11	186,841	80	15
Rehabilitation of Offenders	105,382	16	135,937	29	14	177,324	30	14
Court Administration and Prosecution	68,538	10	89,542	31	9	110,451	23	9
Crime Research and Statistics	13,443	2	26,920	100	3	43,209	61	3
Planning and Coordination of Crime Reduction Programs	12,900	2	24,272	88	3	28,600	18	2
Reform of Criminal Laws	346	-	1,037	200	-	1,452	40	-
Total	658,353	100	947,341	44	100	1,257,338	33	100

Source: U.S., Bureau of the Budget, Special Analyses, Budget of the United States, Fiscal Year 1971 (Washington, D.C.: U.S. Government Printing Office, 1970), pp. 197-98.

TABLE 3

TYPES OF FEDERAL OUTLAYS FOR THE REDUCTION  
OF CRIME, BY ADMINISTERING AGENCY

(in thousands of dollars)

Agency	1969		1970		1971	
	Actual		Estimate		Estimate	
	Direct	Support	Direct	Support	Direct	Support
Department of Justice	329,136	61,179	387,078	211,864	427,134	403,294
Treasury Department	90,344	-0-	125,578	-0-	141,903	-0-
Department of Health, Education and Welfare	22,848	22,585	25,463	34,704	27,673	48,092
The Judiciary	48,485	-0-	55,510	-0-	58,054	-0-
Post Office Department	31,899	-0-	27,904	-0-	36,509	-0-
Department of Housing and Urban Development	-0-	525	-0-	13,360	-0-	23,690
Veterans Administration	3,700	6,963	4,100	11,357	7,000	15,501
Department of Interior	14,523	1,000	16,813	1,752	17,931	1,782
General Services Administration	-0-	-0-	500	3,877	4,000	9,333
Department of Transportation	10,042	953	10,442	1,221	11,325	1,150
Office of Economic Opportunity	-0-	7,446	-0-	5,095	-0-	11,295
Department of Labor	-0-	2,839	1,900	3,000	3,100	3,000
Department of Agriculture	3,158	-0-	3,602	-0-	3,810	-0-
National Aeronautics and Space Administration	24	248	58	1,114	58	1,180
Atomic Energy Commission	243	-0-	159	-0-	149	-0-
Other Independent Agencies	212	-0-	590	-0-	465	-0-
TOTAL	554,614	103,739	659,697	287,644	739,111	518,227

Source: U.S. Bureau of the Budget

Table 4  
 Planning Grant Awards to SPAs by Per Capita Amount  
 FY 1969 - FY 1970

State	FY 1969 Planning Grant	Per Capita* (cents)	FY 1970 Planning Grant	Per Capita** (cents)	Total Crime Index 1968
Alabama	\$ 337,600	9.5	\$ 369,000	10.5	1,441.0
Alaska	118,000	43.2	121,000	43.8	2,183.8
Arizona	209,890	12.8	228,000	13.7	2,788.5
Arkansas	232,300	11.8	252,000	12.7	1,238.3
California	1,387,900	7.2	1,566,000	8.1	3,763.8
Colorado	232,840	11.8	258,000	12.5	2,401.3
Connecticut	297,100	10.2	326,000	11.0	2,076.7
Delaware	135,235	25.9	141,000	26.5	1,943.4
Florida	503,650	8.4	575,000	9.2	2,901.6
Georgia	403,750	9.0	450,000	9.8	1,560.6
Hawaii	149,680	20.2	159,000	20.5	2,750.8
Idaho	146,980	21.0	154,000	21.7	1,147.8
Illinois	833,050	7.6	938,000	8.5	2,024.6
Indiana	436,150	8.7	487,000	9.6	1,804.6
Iowa	284,950	10.3	312,000	11.2	1,138.4
Kansas	252,550	11.1	275,000	12.0	1,480.2
Kentucky	314,650	9.9	347,000	10.8	1,474.4
Louisiana	345,700	9.4	384,000	10.4	1,785.7
Maine	165,475	17.0	175,000	17.9	891.4
Maryland	347,050	9.4	384,000	10.3	3,293.6

State	FY 1969 Planning Grant	Per Capita* (cents)	FY 1970 Planning Grant	Per Capita** (cents)	Total Crime Index 1968
Massachusetts	\$ 464,500	8.6	516,000	9.4	2,384.6
Michigan	677,800	7.9	763,000	8.8	2,697.8
Minnesota	340,300	9.5	380,000	10.4	1,869.1
Mississippi	257,950	11.0	280,000	11.9	711.5
Missouri	409,150	8.9	452,000	9.8	2,265.2
Montana	147,115	21.0	153,000	22.0	1,403.3
Nebraska	196,525	13.7	211,000	14.5	1,347.9
Nevada	129,835	29.2	134,000	29.8	3,020.8
New Hampshire	146,170	21.3	154,000	21.9	807.4
New Jersey	571,150	8.2	641,000	9.0	2,437.6
New Mexico	167,500	16.7	176,000	17.7	2,342.3
New York	1,332,550	7.2	1,490,000	8.1	3,544.6
North Carolina	438,850	8.7	492,000	9.6	1,345.7
North Dakota	142,930	22.4	148,000	23.7	634.1
Ohio	803,350	7.6	911,000	8.5	1,719.5
Oklahoma	267,400	10.7	294,000	11.6	1,608.7
Oregon	234,460	11.7	253,000	12.6	2,231.1
Pennsylvania	881,650	7.5	998,000	8.4	1,296.7
Rhode Island	160,480	17.8	169,000	18.6	2,639.3
South Carolina	274,150	10.5	304,000	11.4	1,393.6
South Dakota	145,360	21.6	151,000	22.7	979.1
Tennessee	361,900	9.3	402,000	10.2	1,598.0
Texas	830,350	7.6	942,000	8.5	2,064.3
Utah	168,850	16.5	179,000	17.4	1,816.2

State	FY 1969 Planning Grant	Per Capita* (cents)	FY 1970 Planning Grant	Per Capita** (cents)	Total Crime Index 1968
Vermont	\$ 128,080	30.8	\$ 133,000	31.0	787.0
Virginia	405,100	8.9	452,000	9.8	1,626.0
Washington	307,900	10.0	352,000	10.7	2,373.1
West Virginia	220,960	12.3	239,000	13.1	786.5
Wisconsin	382,150	9.1	422,000	10.0	1,245.5
Wyoming	121,195	38.5	125,000	38.8	1,346.0
Total	18,250,161	9.0	20,217,000	10.0	

\*Based on July 1, 1967 population estimate.

\*\*Based on July 1, 1968 population estimate.

Source: U. S. Department of Commerce, Bureau of the Census, State Government Finances in 1968 (Washington, D. C.: U. S. Government Printing Office, 1969), p. 50; U. S. Department of Justice, Law Enforcement Assistance Administration, 1st Annual Report of the Law Enforcement Assistance Administration (Washington, D. C.: U. S. Government Printing Office, 1969), pp. 33-34; U. S. Department of Justice, Law Enforcement Assistance Administration, Guide for Comprehensive Law Enforcement Planning and Action Grants: Fiscal Year 1970 (Washington, D. C.: U. S. Department of Justice, 1970), p. 31, mimeo; U.S., Department of Justice, Uniform Crime Reports - 1968 (Washington, D.C.: U.S. Government Printing Office, 1969), pp. 60-5.

Table 5  
 SPA Staff Personnel  
 December 31, 1969

State	No. of Personnel		Functional Areas Covered*									% Level of Full Staffing
	Prof.	Clerical	Police	Courts	Corrections	Riots	Organ. Crim.	Juv. Del.	Other	Grant Admin.	Planning	
Alabama	14	4	1	0	1	1	1	1	0	1	0	77
Alaska	3	1	1	1	2	1	0	1	1	1	3	100
Arizona	6	4	1	1	1	2	2	1	0	2	1	100
Arkansas	9	4	1	1	1	1	1	1	1	1	2	100
California	18	22	3	2	3	3	3	3	0	5	3	100
Colorado	8	6	4	2	3	1	1	2	1	2	2	100
Connecticut	13	5	2	2	1	0	1	3	1	5	3	85
Delaware	4	3	1	1	1	1	2	1	0	1	5	80
Florida	5	6	3	0	2	1	1	1	2	2	2	33
Georgia	6	2	1	2	0	2	0	1	0	1	1	66
Hawaii	6	5	1	2	1	0	0	1	0	2	2	100
Idaho	4	2	2	0	2	0	0	1	0	1	1	57
Illinois	24	19	3	4	2	1	1	2	2	2	7	100
Indiana	5	1	1	1	1	1	1	1	0	0	1	53
Iowa	8	3	2	1	1	0	0	1	1	2	1	80
Kansas	5	5	2	1	1	0	0	1	0	0	1	33

State	No. of Personnel		Functional Areas Covered*									% Level of Full Staffing
	Prof.	Clerical	Police	Courts	Corrections	Riots	Organ. Crime.	Juv. Del.	Other	Grant Admin.	Planning	
Kentucky	12	6	2	2	1	2	1	2	0	2	3	100
Louisiana	13	2	1	1	1	1	1	1	0	1	2	93
Maine	4	4	0	0	0	0	0	0	0	1	1	100
Maryland	19	6	3	3	4	1	3	3	3	3	6	79
Massachusetts	39	17	2	3	3	2	3	2	7	1	2	75
Michigan	18	7	2	3	1	1	1	1	1	2	3	91
Minnesota	8	4	2	2	2	2	2	2	2	2	2	88
Mississippi	10	3	4	1	1	3	1	1	0	2	1	100
Missouri	8	3	1	1	1	0	0	1	0	1	2	100
Montana	5	3	1	1	0	1	1	1	0	1	1	79
Nebraska	5	3	1	1	1	1	0	1	0	1	2	100
Nevada	3	1	1	0	1	0	1	1	0	1	1	75
New Hampshire	4	4	1	1	1	1	1	1	0	1	2	100
New Jersey	22	13	2	1	1	1	2	1	0	1	2	92
New Mexico	4	3	0	0	1	0	1	1	0	2	2	57
New York	23	16	1	1	1	1	1	1	1	5	5	65

State	No. of Personnel		Functional Areas Covered*									% Level of Full Staffing
	Prof.	Clerical	Police	Courts	Corrections	Mots	Organ. Crime.	Juv. Del.	Other	Grant Admin.	Planning	
North Carolina	6	3	3	2	2	2	2	1	2	2	1	54
North Dakota	5	--	1	1	1	0	0	1	0	2	1	83
Ohio	22	16	4	3	0	2	1	1	0	1	0	45
Oklahoma	6	5	2	4	1	2	2	2	1	3	6	100
Oregon	5	2	2	1	1	2	2	2	0	1	2	100
Pennsylvania	24	15	1	2	2	1	1	1	0	6	1	89
Rhode Island	4	5	1	0	1	1	1	1	0	1	1	80
South Carolina	4	2	3	4	2	1	2	1	1	1	2	67
South Dakota	2	1	0	0	0	0	0	0	0	2	2	75
Tennessee	8	3	2	1	1	0	0	1	1	2	1	80
Texas	8	6	1	1	1	1	1	1	0	1	2	100
Utah	4	--	2	2	1	0	0	1	1	2	2	100
Vermont	5	4	0	1	0	0	0	0	0	1	1	100
Virginia	6	4	2	2	2	1	2	2	0	3	6	100
Washington	4	2	1	1	1	3	3	1	0	2	2	66
West Virginia	8	3	1	1	4	2	1	2	0	4	6	90

State	No. of Personnel		Functional Areas Covered*										% Level of Full Staffing
	Prof.	Clerical	Police	Courts	Corrections	Riots	Organ. Crime,	Juv. Del.	Other	Grant Admin.	Planning		
Wisconsin	7	2	4	2	0	1	1	1	1	2	1	70	
Wyoming	3	2	0	1	0	0	0	0	0	2	1	100	
Total	466	262	83	71	63	51	52	61	30	63	110	4,157	
National Average	9.3	5.2	1.7	1.4	1.3	1.0	1.0	1.2	0.6	1.3	2.2	83.1	

\*Numbers are non-add since one staff person can have more than one functional competency.

Source: U. S., Department of Justice, Law Enforcement Assistance Administration.

Table 6

SPA Supervisory Board Composition\*  
December 31, 1969

State	Total Membership	State #	Local #	Police	Courts, Prosecution & Defense	Corrections	Juvenile Delinquency	Citizens	Local Elected Officials	Other
Alabama	30	12	18	12	3	4	4	5	5	6
Alaska	27	4	23	9	4	6	3	1	4	1
Arizona	17	4	13	3	3	1	0	3	7	0
Arkansas	14	7	7	5	3	2	-	1	2	1
California	25	5	20	5	4	2	0	8	1	0
Colorado	19	8	11	5	5	2	0	4	2	5
Connecticut	18	14	4	3	9	2	1	4	2	4
Delaware	24	12	12	3	4	3	2	4	4	5
Florida	26	13	13	9	4	2	1	8	2	7
Georgia	22	6	16	5	2	3	3	6	3	2
Hawaii	15	4	11	4	3	2	2	2	5	2
Idaho	15	7	8	4	3	2	1	2	2	4
Illinois	30	10	20	8	7	3	5	6	1	-
Indiana	13	4	9	2	3	2	1	1	3	2
Iowa	30	10	20	6	8	4	2	6	4	3
Kansas	26	13	13	13	20	15	2	5	2	2
Kentucky	43	16	27	10	11	5	6	6	2	3
Louisiana	34	12	22	6	6	1	2	12	2	7

State	Total Membership	State	Local	Police	Courts, Prosecution & Defense	Corrections	Juvenile Delinquency	Citizens	Local Elected Officials	Other
Maine	19	11	8	6	4	1	1	4	3	3
Maryland	24	9	15	6	5	3	3	4	4	7
Massachusetts	30	11	19	9	11	3	3	2	2	3
Michigan	28	10	18	7	8	2	3	3	2	3
Minnesota	32	6	26	12	4	2	1	10	3	24
Mississippi	34	11	23	10	7	3	2	3	2	0
Missouri	18	7	11	6	4	3	3	1	1	6
Montana	12	5	7	4	3	2	1	2	1	0
Nebraska	21	5	16	4	5	2	3	3	2	2
Nevada	17	4	13	7	3	2	1	2	2	4
New Hampshire	30	7	23	7	5	6	4	8	2	2
New Jersey	14	8	6	3	5	1	0	1	3	2
New Mexico	18	8	10	3	3	2	1	2	4	2
New York	23	9	14	3	4	2	1	6	3	1
North Carolina	26	16	10	8	5	3	1	5	4	7
North Dakota	15	6	9	3	4	2	2	2	2	0
Ohio	22	9	13	5	4	2	2	3	5	6
Oklahoma	47	14	33	15	12	5	2	10	3	4

State	Total Membership	State	Local	Police	Courts, Prosecution & Defense	Corrections	Juvenile Delinquency	Citizens	Local Elected Officials	Other
Oregon	22	3	19	3	3	1	2	6	7	3
Pennsylvania	42	14	28	10	18	3	3	14	3	8
Rhode Island	22	15	7	5	4	1	2	4	6	3
South Carolina	16	7	9	4	1	2	2	5	2	5
South Dakota	16	8	8	5	4	2	1	2	2	0
Tennessee	16	5	11	7	2	1	1	1	4	6
Texas	21	9	12	4	4	1	1	3	3	5
Utah	18	7	11	5	4	1	1	1	4	0
Vermont	18	7	11	10	4	1	0	3	1	2
Virginia	16	7	9	3	4	1	1	4	3	14
Washington	29	5	24	6	4	2	1	10	6	2
West Virginia	25	10	15	6	4	1	4	8	2	-
Wisconsin	12	4	8	3	2	1	1	2	3	4
Wyoming	22	8	14	5	8	2	0	4	3	0
Total	1,153	426	727	306	264	127	89	222	150	182
Percent	100	.37	.63	.27	.23	.11	.08	.19	.13	.15
Average	23	8.5	14.5	6.1	5.3	2.5	1.8	4.4	3.0	3.6

\*All numbers are non-add except State/local representatives.

\*\*Organized crime and riot control categories have not been included.

Source: U. S. Department of Justice, Law Enforcement Assistance Administration.

Figure 2  
Composition of the Average SPA Supervisory Board  
by Functional Background  
December 31, 1969

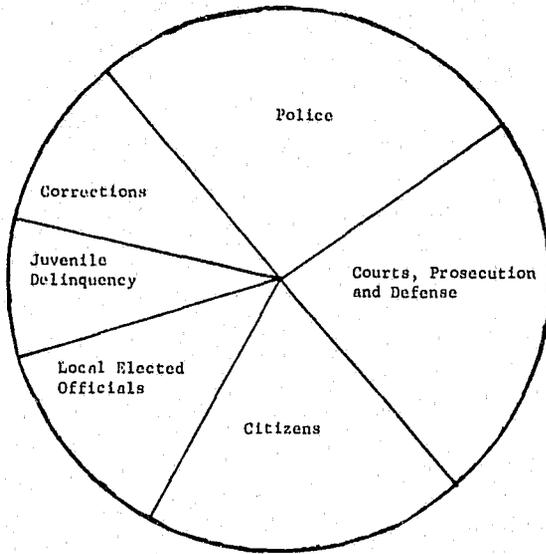


TABLE 7  
 ATTENDANCE RATES AT SPA SUPERVISORY BOARD MEETINGS  
 APRIL 1969 - FEBRUARY 1970  
 BY TYPE OF BOARD MEMBER  
 (38 States Responding)

State	No. of SPA Board Meetings	Attendance Rates (%)				
		Local Appointed Officials	Local Elected Officials	State Appointed Officials	State Elected Officials	Public Members
Alabama *						
Alaska **						
Arizona	10	80	54	90	35	85
Arkansas	9	81	44	64	--	100
California	19	80	77	88	44	75
Colorado	4	70	74	75	--	69
Connecticut	3	50	67	83	83	62
Delaware	8	88	43	62	88	70
Florida ***	6	50	75	72	21	--
Georgia *						
Hawaii	9	100	64	84	--	--
Idaho	7	--	76	79	71	64
Illinois	8	76	74	82	--	71
Indiana *	8					
Iowa	6	90	57	77	73	65
Kansas	5	67	45	57	40	42
Kentucky*						
Louisiana **						
Maine	5	40	72	72	30	40
Maryland	11	91	67	75	84	52
Massachusetts	3	53	36	67	100	80
Michigan	7	43	80	67	100	79
Minnesota	9	71	63	78	67	41
Mississippi	6	--	47	83	44	53
Missouri *						

TABLE 7  
ATTENDANCE RATES AT SPA SUPERVISORY BOARD MEETINGS  
APRIL 1969 - FEBRUARY 1970  
BY TYPE OF BOARD MEMBER

State	No. of SPA Board Meetings	(38 States Reporting)				
		Attendance Rates (%)				
		Local Appointed Officials	Local Elected Officials	State Appointed Officials	State Elected Officials	Public Members
Montana *	12					
Nebraska	10	86	69	81	89	67
Nevada	8	88	73	69	38	83
New Hampshire	9	59	52	60	--	60
New Jersey *	1					
New Mexico	7	36	37	65	64	62
New York	6	--	81	80	83	95
North Carolina	9	--	56	81	67	67
North Dakota	9	96	69	89	100	--
Ohio	3	58	83	95	100	--
Oklahoma *	10					
Oregon	9	71	53	83	--	64
Pennsylvania	4	42	54	80	38	48
Rhode Island **						
South Carolina	4	88	67	83	--	42
South Dakota	7	--	62	86	86	64
Tennessee	3	92	100	93	89	--
Texas	5	90	57	94	80	80
Utah	12	75	72	65	33	83
Vermont	3	44	83	83	73	36
Virginia	5	80	70	79	40	80
Washington *	4					
West Virginia	11	53	36	59	--	30
Wisconsin	10	90	84	85	90	88
Wyoming	3	100	91	93	100	71
TOTAL	279	70	62	76	60	63

--No members of the SPA Supervisory Board in this classification.

\*Data not reported.

\*\*Questionnaire not returned.

\*\*\*Includes only those meetings for which there were attendance records.

"PASS THROUGH" OF FY 1969 PLANNING FUNDS TO LOCAL UNITS  
DECEMBER 31, 1969

State	Block Grant Total (A)	Total Amount Awarded to Local Subgrantees* (B)	% of A	Total Funds Paid to Local Subgrantees (C)	% of B	Total Amount Awarded to Individual Localities	% of B
ALABAMA	337,600	132,040	40	132,040	100	-0-	0
ALASKA	118,000	-0-	-0-	-0-	0	-0-	0
ARIZONA	209,890	83,960	40	83,960	100	-0-	0
ARKANSAS	232,300	92,900	40	71,873	77	92,900	100
CALIFORNIA	1,387,900	555,420	40	432,681	78	-0-	0
COLORADO	232,840	93,137	40	9,834	11	-0-	00
CONNECTICUT	297,100	108,180	36	92,124	85	71,997	67
DELAWARE	135,235	-0-	-0-	-0-	0	-0-	0
FLORIDA	503,650	382,844	76	320,518	84	-0-	0
GEORGIA	403,750	234,347	58	234,347	100	-0-	00
HAWAII	149,680	48,595	32	32,024	66	43,295	89
IDAH0	146,980	58,786	40	58,792	100	-0-	0
ILLINOIS	833,050	397,837	48	101,073	25	341,385	86
INDIANA	436,150	306,581	70	133,785	44	-0-	0
IOWA	284,950	115,400	40	102,960	89	110,000	96
KANSAS	252,550	101,020	40	66,122	66	46,701	46
KENTUCKY	314,650	125,860	40	125,860	100	-0-	0
LOUISIANA	343,700	138,280	40	138,280	100	-0-	0
MAINE	165,475	64,703	39	49,934	71	9,000	14
MARYLAND	347,050	139,200	40	85,100	61	139,200	100
MASSACHUSETTS	464,500	185,800	40	124,800	67	118,000	64
MICHIGAN	677,800	271,120	40	271,120	100	-0-	0
MINNESOTA	340,300	75,000	22	45,500	61	75,000	100
MISSISSIPPI	257,950	103,180	40	75,657	73	-0-	0
MISSOURI	409,150	173,506	42	159,432	92	9,000	5
MONTANA	147,115	27,451	19	27,451	100	-0-	0
NEBRASKA	196,525	91,405	47	91,405	100	-0-	0
NEVADA	129,835	24,246	19	22,446	93	6,300	26
NEW HAMPSHIRE	146,170	81,200	56	67,300	83	51,200	63
NEW JERSEY	571,150	215,464	38	199,619	93	215,464	100
NEW MEXICO	167,500	36,519	22	36,519	100	33,519	92
NEW YORK	1,332,550	918,173	69	72,068	8	752,873	82
NORTH CAROLINA	438,850	311,290	71	144,753	47	-0-	0
NORTH DAKOTA	142,930	48,358	34	40,358	83	4,628	10
OHIO	803,350	471,340	59	436,651	93	-0-	0
OKLAHOMA	267,400	154,300	58	154,300	100	19,550	26
OREGON	234,460	138,709	59	136,444	98	-0-	0
PENNSYLVANIA	881,650	352,660	40	352,600	100	-0-	0
RHODE ISLAND	166,480	71,189	46	72,622	99	65,019	88
SOUTH CAROLINA	274,150	97,090	35	61,388	56	-0-	0
SOUTH DAKOTA	145,360	58,200	40	25,800	44	-0-	0
TENNESSEE	361,900	98,195	27	91,959	93	98,195	100
TEXAS	830,350	339,965	41	329,065	97	11,700	3
UTAH	168,850	67,540	40	64,923	96	13,112	19
VERMONT	128,080	29,871	23	8,471	28	-0-	0
VIRGINIA	405,100	117,965	29	117,965	100	5,298	4
WASHINGTON	307,900	197,622	64	75,176	38	103,506	52
WEST VIRGINIA	220,960	89,395	40	76,641	86	1,800	2
WISCONSIN	382,150	216,260	57	193,425	89	40,600	19
WYOMING	121,195	21,316	18	21,316	100	9,867	46
Total	18,250,160	8,268,821	45	5,867,532	71	2,510,269	30

Table 5  
(Cont'd)

	Total Amount		Total Amount		Total Amount	
	Paid	%	Awarded	%	Paid	%
	to Individual	of	to Combinations	of	to Combinations	of
	Localities	C	of Local Units	B	of Local Units	C
ALABAMA	-0-	0	135,040	100	135,040	100
ALASKA	-0-	0	-0-	0	-0-	0
ARIZONA	-0-	0	83,960	100	83,960	100
ARKANSAS	71,873	100	-0-	0	-0-	0
CALIFORNIA	-0-	0	555,420	100	432,681	100
COLORADO	-0-	0	93,137	100	9,834	100
CONNECTICUT	55,940	61	36,183	33	36,183	39
DELAWARE	-0-	0	-0-	0	-0-	0
FLORIDA	-0-	0	382,844	100	320,518	100
GEORGIA	-0-	0	234,347	100	234,347	100
HAWAII	30,795	96	5,300	11	1,229	4
IDAHO	-0-	0	58,786	100	58,792	100
ILLINOIS	60,920	60	56,452	14	40,152	40
INDIANA	-0-	0	106,581	100	133,785	100
IOWA	98,460	96	4,500	4	4,500	4
KANSAS	41,278	62	54,259	54	25,044	38
KENTUCKY	-0-	0	125,860	100	125,860	100
LOUISIANA	-0-	1	138,280	100	138,280	100
MAINE	7,819	17	55,703	86	38,136	83
MARYLAND	85,100	100	-0-	0	-0-	0
MASSACHUSETTS	71,500	57	67,800	36	53,300	43
MICHIGAN	-0-	0	271,120	100	271,120	100
MINNESOTA	45,500	100	-0-	0	-0-	0
MISSISSIPPI	-0-	0	103,180	100	75,657	100
MISSOURI	9,000	6	164,506	95	150,432	94
MONTANA	-0-	0	27,451	100	27,451	100
NEBRASKA	-0-	0	91,405	100	91,405	100
NEVADA	6,300	26	17,946	74	16,146	67
NEW HAMPSHIRE	37,300	55	30,000	37	30,000	45
NEW JERSEY	199,619	100	-0-	0	-0-	0
NEW MEXICO	33,519	92	3,000	8	3,000	8
NEW YORK	65,034	90	165,500	18	7,034	10
NORTH CAROLINA	-0-	0	311,290	100	144,753	100
NORTH DAKOTA	4,628	11	43,730	90	35,730	89
OHIO	-0-	0	471,340	100	436,653	100
OKLAHOMA	39,550	26	114,750	74	114,750	74
OREGON	-0-	0	138,709	100	136,444	100
PENNSYLVANIA	-0-	0	352,600	100	352,660	100
RHODE ISLAND	65,091	90	8,170	12	7,602	10
SOUTH CAROLINA	-0-	0	97,090	100	61,388	100
SOUTH DAKOTA	-0-	0	58,200	100	25,800	100
TENNESSEE	91,959	100	-0-	0	-0-	0
TEXAS	11,700	4	328,265	97	317,365	96
UTAH	13,112	20	54,428	81	51,583	80
VERMONT	-0-	0	29,873	100	8,471	100
VIRGINIA	5,298	4	112,667	96	112,667	96
WASHINGTON	27,123	36	94,116	48	48,053	64
WEST VIRGINIA	1,800	2	87,595	98	74,841	98
WISCONSIN	29,145	15	175,660	81	164,279	85
WYOMING	9,867	46	11,449	54	11,449	54
Total	1,219,158	21	5,758,522	70	4,648,374	70

1 All planning grants to State

\*"Subgrantee" refers to any individual local jurisdiction or agency, or combination thereof, which receives an award of planning or action funds from the SPA.

SOURCE: U.S. DEPT. OF JUSTICE, Law Enforcement Assistance Administration, "Schedule of Appropriations for Local Planning Project Assistance" (OMB)

TABLE 9  
 ORGANIZATION AND FINANCING OF  
 CRIMINAL JUSTICE PLANNING REGIONS in 45 STATES  
 December 31, 1968

State	Regions	Eligibility for Funding		Basis for Funding			Regional Policy Boards Exist
		Only Regions Funded	Both Regions & Localities Funded	Population	Crime Index	Merit of Plan Application	
Alabama	7	x		x	x		x
Arizona	3	x		x			x
Arkansas	3	x		1			x
California	13		x	x	x		x
Colorado	14		x	x			x
Connecticut	7	x		x	x	x	x
Florida	7	x		x			x
Georgia	13		x	x	x		x
Hawaii	4	x		x			x
Idaho	3	x		x			.
Illinois	33	x		x	x	x	x
Indiana	8	x		x			.
Kansas	5	x		x	x		x
Kentucky	16	x			x		x
Louisiana	7	x		x			.
Maine	7	x		x			.
Maryland	5	x		x			x
Massachusetts	12		x	x	x		x

TABLE 9 (cont.)

State	Regions	Only Regions Funded	Both Regions & Localities Funded	Population	Crime Index	Merit of Plan Application	Regional Policy Boards Exist
Michigan	11		x	x	x		
Minnesota	7	x		x	x		x
Mississippi	11	x		x			x
Missouri	6		x	x			x
Montana	5	x		x			x
Nebraska	22		x	x	x		x
Nevada	3	x		x			x
New Hampshire	13		x	x	x		x
New Mexico	3	x		x			x
New York	15	x		x	x		x
North Carolina	22	x		x			x
Ohio	15	x		x			x
Oklahoma	14		x		x		x
Oregon	14		x	x			x
Pennsylvania	8		x	x			x
Rhode Island	9	x		x		x	x
South Carolina	10	x		x		x	x
South Dakota	7	x		x			x
Tennessee	8		x	x			x
Texas	22		x	x			x
Utah	9		x	x			x
Vermont	4	x				x	x
Virginia	13		x	x			x
Washington	4		x	x	x		x

TABLE 9 (cont.)

State	No. of Regions	Only Regions Funded	Both Regions & Localities Funded	Population	Crime Index	Merit of Plan Application	Regional Policy Boards Exist
West Virginia	2	x		x			
Wisconsin	12	x		x	x		x
Wyoming	7		x	x	x		x
TOTAL	452	29	16	41	17	5	41

<sup>1</sup> Each region receives 1/5 of local planning share

Source: U.S., Department of Justice, Law Enforcement Assistance Administration



Table 10  
 FUNCTIONS PERFORMED BY  
 STATE CRIMINAL JUSTICE PLANNING DISTRICTS  
 (41 Districted States Reporting)

February 28, 1970

FUNCTION	NO. OF STATES REPORTING
Performs planning for area of jurisdiction	42
Coordinates planning by units of local government	37
Makes planning subgrants to units of local government	11
Reviews applications from units of local government for action subgrants <u>before submission to the SPA</u>	32
Reviews applications from units of local government for action subgrants <u>upon referral by the SPA or after receiving an information copy directly from the applicant</u>	22
Makes action subgrants to units of local government	4
Expends action funds as ultimate grantee	16
Reviews Model Cities Program law enforcement plans	20
Reviews Highway Safety Act project proposals	11
Reviews Juvenile Delinquency Act project proposals	17

TABLE 11  
ACTION GRANT AWARDS TO SPAS  
BY PER CAPITA AMOUNT  
FY 1969 - FY 1970

STATES	FY 1969 Action Grant (including 307h)	Per * Capita (cents)	FY 1970 Action Grant	Per ** Capita (cents)	Total Crime Index 1968
Alabama	433,840	12.3	3,175,000	90.1	1,441.0
Alaska	100,000	36.9	249,000	90.2	2,183.8
Arizona	200,651	12.3	1,503,000	90.2	2,788.5
Arkansas	241,570	12.2	1,787,000	90.1	1,238.3
California	2,351,610	12.4	17,287,000	90.1	3,763.8
Colorado	242,556	12.1	1,863,000	90.0	2,401.3
Connecticut	359,890	12.3	2,669,000	90.1	2,076.7
Delaware	100,000	19.1	480,000	90.1	1,943.4
Florida	737,035	12.2	5,597,000	90.1	2,901.6
Georgia	554,625	12.4	4,127,000	90.1	1,560.6
Hawaii	100,000	13.2	699,000	90.2	2,750.8
Idaho	100,000	14.2	639,000	90.1	1,147.8
Illinois	1,338,495	12.3	9,877,000	90.1	2,024.6
Indiana	613,785	12.2	4,565,000	90.1	1,804.6
Iowa	337,705	12.2	2,501,000	90.1	1,138.4
Kansas	278,545	12.3	2,065,000	90.1	1,480.2
Kentucky	391,935	12.2	2,906,000	90.1	1,474.4
Louisiana	448,630	12.2	3,344,000	90.1	1,785.7
Maine	119,552	12.1	882,000	90.2	891.4
Maryland	451,095	12.3	3,349,000	90.1	3,293.6
Massachusetts	665,500	12.3	4,902,000	90.1	2,384.6
Michigan	1,055,020	12.2	7,817,000	90.1	2,697.8
Minnesota	438,770	12.1	3,308,000	90.3	1,869.1
Mississippi	288,405	12.3	2,117,000	90.1	711.5
Missouri	564,485	12.3	4,155,000	90.1	2,265.2

TABLE 11  
ACTION GRANT AWARDS TO SPAS  
BY PER CAPITA AMOUNT  
FY 1969 - FY 1970

STATES	FY 1969 Action Grant (including 307b)	Per* Capita (cents)	FY 1970 Action Grant	Per** Capita (cents)	Total Crime Index 1968
Montana	100,000	14.3	627,000	90.1	1,403.3
Nebraska	176,248	12.2	1,310,000	90.2	1,347.9
Nevada	100,000	22.9	405,000	90.2	3,020.8
New Hampshire	100,000	14.5	634,000	90.2	807.4
New Jersey	860,285	12.3	6,372,000	90.1	2,437.6
New Mexico	123,250	12.1	896,000	90.1	2,342.3
New York	2,250,545	12.5	16,392,000	90.1	3,544.6
North Carolina	618,715	12.2	4,625,000	90.1	1,345.7
North Dakota	100,000	15.9	562,000	90.1	634.1
Ohio	1,284,265	12.2	9,563,000	90.1	1,719.5
Oklahoma	305,660	12.1	2,291,000	90.1	1,608.7
Oregon	245,514	12.4	1,806,000	90.1	2,231.1
Pennsylvania	1,427,235	12.2	10,591,000	90.1	1,296.7
Rhode Island	110,432	12.3	819,000	90.2	2,639.3
South Carolina	317,985	12.1	2,406,000	90.1	1,393.6
South Dakota	100,000	14.9	599,000	90.1	979.1
Tennessee	478,210	12.2	3,562,000	90.1	1,598.0
Texas	1,333,565	12.3	9,926,000	90.1	2,064.3
Utah	125,715	12.3	929,000	90.1	1,816.2
Vermont	100,000	23.7	387,000	90.2	787.0
Virginia	557,090	12.3	4,150,000	90.1	1,626.0
Washington	379,610	11.9	2,971,000	90.1	2,373.1
West Virginia	220,864	12.2	1,640,000	90.2	786.5

TABLE 11  
ACTION GRANT AWARDS TO SPAS  
BY PER CAPITA AMOUNT  
FY 1969 - FY 1970

STATES	FY 1969 Action Grant (including 307b)	Per* Capita (cents)	FY 1970 Action Grant	Per** Capita (cents)	Total Crime Index 1968
Wisconsin	515,185	12.3	3,795,000	90.1	1,245.5
Wyoming	100,000	31.2	290,000	90.1	1,346.0
TOTAL	24,543,372	12.5	179,411,000	90.1	

\*Based on July 1, 1967 population estimate.

\*\*Based on July 1, 1968 population estimate.

Source: U.S. Department of Commerce, Bureau of the Census, State Government Finances in 1968 (Washington, D.C.: U.S. Government Printing Office, 1969), p. 50; U.S. Department of Justice, Law Enforcement Assistance Administration, 1st Annual Report of the Law Enforcement Assistance Administration (Washington, D.C.: U.S. Government Printing Office, 1969), pp. 33-34; U.S. Department of Justice, Law Enforcement Assistance Administration, Guide for Comprehensive Law Enforcement Planning and Action Grants: Fiscal Year 1970, (Washington, D.C.: U.S. Department of Justice, 1970) p.31, mimeo; U.S., Department of Justice, Uniform Crime Reports - 1968 (Washington, D.C.: U.S. Government Printing Office, 1969), pp. 60-5.

TABLE 12  
 SPA SUBGRANTS OF ACTION FUNDS TO  
 LOCAL UNITS  
 FEBRUARY 28, 1970  
 (48 States Reporting)

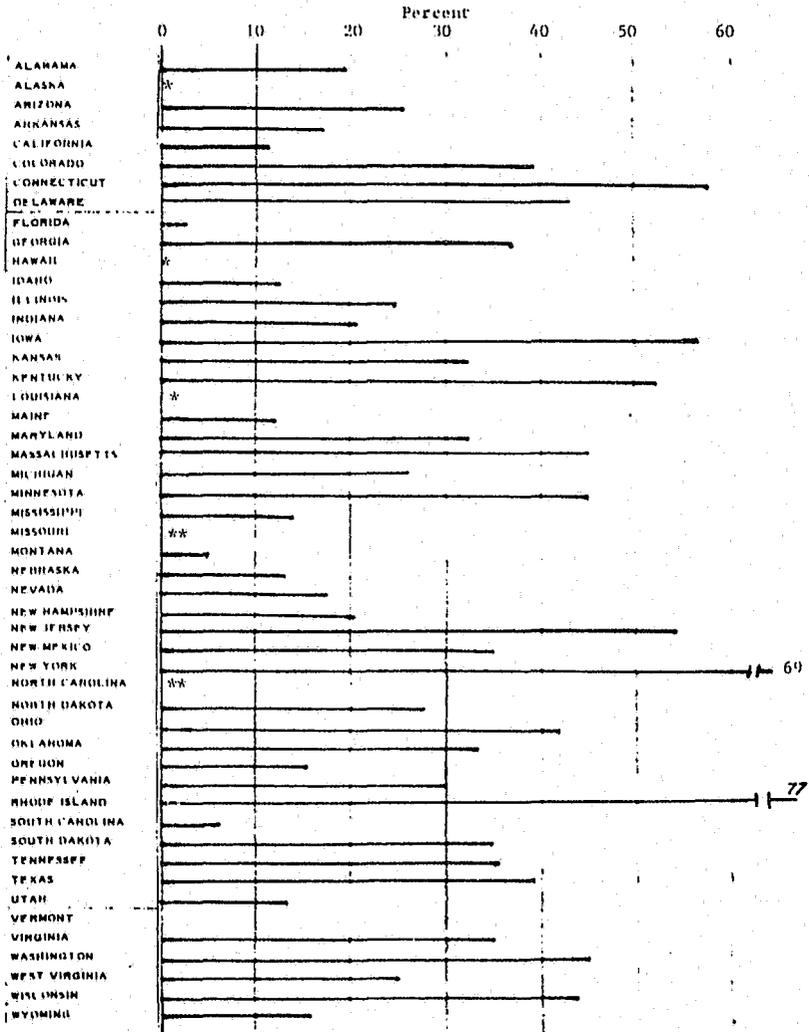
STATES	Total Amount of FY 1969 Action Grant (inc. 307b)	% made available to local units	Amount charged to local share retained at State level	% of Local Share	Amount charged to State share retained at State level	% of State Share
Alabama	433,840	75	-0-	-	27,950	25.7
Alaska	-	-	-	-	-	-
Arizona	200,651	90	84,405	56.0	-0-	-
Arkansas	241,570	75	-0-	-	-0-	-
California	2,351,610	75	-0-	-	37,092	6.3
Colorado *	242,556 (1969)	76	-0-	-	35,663	58.8
	1,861,000 (1970)	75	-	-	235,719	50.6
Connecticut	159,830	75	10,000	3.7	-0-	-
Delaware	100,000	75	-0-	-	-0-	-
Florida	717,035	75	-0-	-	-0-	-
Georgia *	554,625 (1969)	75	-0-	-	10,000	21.6
	4,127,000 (1970)	75	-	-	228,950	22.0
Illinois	100,000	92	-0-	-	8,050	32.2
Idaho	100,000	75	11,353	15.1	-0-	-
Illinois	1,338,495	91	-0-	-	25,917	7.7
Indiana	613,785	75	-0-	-	-0-	-
Iowa	337,705	76	-0-	-	58,146	68.9
Kansas	278,545	75	-0-	-	57,697	82.9
Kentucky	391,935	75	65,000	22.1	73,966	75.5
Louisiana	-	-	-	-	-	-
Maine	119,552	75	-0-	-	-0-	-
Maryland	351,000	75	-0-	-	12,750	12.1
Massachusetts	665,500	75	-0-	-	36,950	22.2
Michigan	1,055,020	75	104,000	13.1	25,000	9.4
Minnesota	518,770	76.4	-0-	-	103,593	94.4
Mississippi	288,405	75	18,000	8.3	5,000	6.9
Missouri	506,585	72.1	-0-	-	116,224	82.3
Montana	100,000	75	-0-	-	16,600	66.4
Nebraska	176,238	75.4	-0-	-	2,400	5.4

TABLE 12  
 SPA SUBGRANTS OF ACTION FUNDS TO  
 LOCAL UNITS  
 FEBRUARY 28, 1970  
 (48 States Reporting)

STATES	Total Amount of FY 1969 Action Grant (inc. 307b)	% made available to local units	Amount charged to local share retained at State level	% of local Share	Amount charged to State share retained at State level	% of State Share
Alvada	100,000	75	-0-	-	11,750	47.0
New Hampshire	100,000	75.1	13,800	18.4	21,700	86.8
New Jersey	860,285	89	-0-	-	-0-	-
New Mexico	123,500	75	-0-	-	-0-	-
New York	2,250,545	77	-0-	-	260,297	46.2
North Carolina*	618,715 (1969) 4,625,000 (1970)	75 75	-0- -0-	- -	-0- -0-	- -
North Dakota*	100,000 (1969) 562,000 (1970)	87 NA	-0- NA	-	5,500 NA	22.0
Ohio	1,284,265	85	106,500	11.0	-0-	-
Oklahoma	305,660	72.8	-0-	-	45,140	59.1
Oregon	245,514	75	-0-	-	42,180	68.7
Pennsylvania	1,427,235	82.6	-0-	-	100,000	28.0
Rhode Island	110,432	98	9,345	11.3	-0-	-
South Carolina	317,985	75	56,115	23.5	64,700	81.4
South Dakota	100,000	75	-0-	-	14,800	59.2
Tennessee	478,210	75	-0-	-	30,000	25.0
Texas	1,333,565	75	-0-	-	153,186	45.9
Utah	125,000	75	15,000	16	17,072	54.6
Vermont	100,000	75	64,686	86.2	-0-	-
Virginia	557,090	76	-0-	-	18,000	12.8
Washington	379,610	75	-0-	-	29,363	30.1
West Virginia	220,864	75	61,765	37.2	7,547	11.7
Wisconsin	515,000	76	-0-	-	73,000	56.6
Wyoming	100,000	85.4	-0-	-	11,603	46.4

\*1970 action grant included because SPA supervisory board had approved local project applications for 1970 funds and award notices had been issued by February 28, 1970

Figure 4  
 Five Largest Cities (at least 25,000 population) Share of  
 LEAA Action Funds, By State  
 February 28, 1970



\*Information not available.

\*\*All action subgrants made to multi-jurisdictional units.

TABLE 11  
SUBGRANT AWARDS TO CITIES AND COUNTIES

February 28, 1970

(48 States Reporting)

Population Group	Cities			Counties		
	Total Amount of Subgrant Awards	Total No. of Subgrantees	Average Award Per Subgrantee	Total Amount of Subgrant Awards	Total No. of Subgrantees	Average Award Per Subgrantee
Over 500,000	\$ 2,890,226	29	\$99,663	\$1,611,877	52	\$30,998
250,000-500,000	2,199,920	59	37,287	757,175	38	19,926
100,000-250,000	1,981,841	95	20,861	1,163,927	80	14,549
50,000-100,000	1,742,676	118	14,768	780,856	92	8,488
25,000-50,000	1,105,409	142	7,785	343,841	127	2,707
10,000-25,000	845,488	210	4,026	492,728	190	2,593
Under 10,000	829,074	645	1,285	461,556	200	2,308
TOTAL	11,594,634	1,298	8,933	5,611,960	779	7,204

Table 14

Five Largest Cities Share of State Crime Rate, State-Local Police Expenditures, Local Police Expenditures, and  
LEAA Action Funds  
February 28, 1970  
(45 States Reporting)

State	Five Largest Cities Share of:			
	Total Index Crime in State	Total State-Local Police Expenditures	Total Local Police Expenditures	Local "Pass Through" Safe Streets Act Fund
Alabama * (a)	51.0%	33.1%	40.4%	9.8%
Alaska	-	-	-	-
Arizona	73.0	26.3	34.6	26.2
Arkansas	42.0	23.0	30.3	17.5
California	37.7	27.2	32.2	12.0
Colorado	63.9	44.9	53.0	39.0*
Connecticut	44.9	30.1	36.1	57.6
Delaware (b)	37.0	31.5	55.5	42.0
Florida	34.4	21.0	24.0	2.7
Georgia	41.7	31.5	37.1	37.0*
Hawaii	NA	NA	NA	NA
Idaho (c)	12.1	8.9	11.5	12.4
Illinois	59.2	59.1	65.2	25.0
Indiana	47.1	30.8	38.1	20.7
Iowa	36.6	22.8	34.9	56.3
Kansas	52.9	30.6	38.2	32.4
Kentucky	53.3	32.1	44.3	52.4
Louisiana (d)	56.7	34.7	42.6	-
Maine (e)	16.3	8.9	13.7	12.2
Maryland (f)	54.2	44.5	51.2	32.2
Massachusetts	41.4	34.8	37.9	44.9
Michigan *	51.5	42.3	49.4	25.3

State	Five Largest Cities Share of:			
	Total Index Crime in State	Total State-Local Police Expenditures	Total Local Police Expenditures	Local "Pass Through" Safe Streets Act Fund
Minnesota	59.9%	35.1%	41.2	44.9%
Mississippi	44.6	22.9	34.2	14.3
Missouri	65.6	57.2	66.3	-0-**
Montana (g)	38.9	21.2	28.2	6.1
Nebraska (h)	68.6	36.9	47.5	13.3
Nevada (i)	53.6	46.0	54.1	18.4
New Hampshire (j)	34.6	30.9	41.3	20.4
New Jersey	31.9	21.9	25.2	53.9
New Mexico	64.0	35.2	50.0	34.6
New York	81.2	68.4	73.9	69.0
North Carolina	32.8	18.8	24.8	-0-**
North Dakota (k)	47.5	32.2	40.3	27.2*
Ohio	47.6	37.0	41.1	41.6
Oklahoma	59.5	34.5	43.1	33.2
Oregon	48.3	38.3	46.5	16.0
Pennsylvania	67.2	46.5	56.6	30.0
Rhode Island	68.1	55.6	63.4	76.5
South Carolina	30.6	19.3	28.0	6.1
South Dakota (l)	40.8	21.0	30.4	33.8
Tennessee (m)	67.1	47.6	58.1	35.3
Texas	52.2	34.8	40.9	39.0
Utah (n)	50.9	32.6	40.0	13.0
Vermont (o)	16.5	13.2	27.5	-0-
Virginia	40.4	27.3	37.0	34.7
Washington	48.1	40.4	49.2	45.3

State	Five Largest Cities Share of:			Local "Pass Through" Safe Streets Act %
	Total Index Crime in State	Total State-Local Police Expenditures	Total Local Police Expenditures	
West Virginia	43.4%	23.8%	33.2	24.8%
Wisconsin (p)	41.1	34.5	37.7	43.9
Wyoming (q)	33.5	21.5	29.2	15.9

- (a) Includes four cities: Birmingham, Mobile, Huntsville, Montgomery  
 (b) Includes one city: Wilmington.  
 (c) Includes one city: Boise.  
 (d) Includes four cities: New Orleans, Baton Rouge, Shreveport, Lake Charles, Lafayette.  
 (e) Includes one city: Portland.  
 (f) Includes one city: Baltimore.  
 (g) Includes four cities: Great Falls, Billings, Missoula, Butte.  
 (h) Includes three cities: Omaha, Lincoln, Grand Island.  
 (i) Includes three cities: Reno, Las Vegas, North Las Vegas.  
 (j) Includes four cities: Manchester, Nashua, Concord, Portsmouth.  
 (k) Includes four cities: Fargo, Grand Forks, Minot, Bismark.  
 (l) Includes three cities: Sioux Falls, Rapid City, Aberdeen.  
 (m) Includes four cities: Chattanooga, Nashville-Davidson, Memphis, Knoxville.  
 (n) Includes three cities: Salt Lake City, Ogden, Provo.  
 (o) Includes one city: Burlington.  
 (p) Includes four cities: Milwaukee, Madison, Green Bay, LaCrosse.  
 (q) Includes two cities: Cheyenne, Casper.

- \* Includes 1969 and 1970 action subgrants.  
 \*\* All action subgrants made to multijurisdictional units.

Source: U. S. Department of Justice, Uniform Crime Reports--1967, (Washington, D. C.: U. S. Government Printing Office, 1968), pp. 177-93; U.S. Department of Commerce, Bureau of the Census, Finances of Municipalities and Townships: 1967 Census of Governments, Vol. 4, No. 4, (Washington, D. C.: U. S. Government Printing Office, 1968), pp. 101-244; U.S. Department of Commerce, Bureau of the Census, Compendium of Government Finances: 1967 Census of Governments, Vol. 4, No. 5, (Washington, D. C.: U. S. Government Printing Office, 1968), pp. 76-126.

TOTAL AMOUNT OF ACTION SUBGRANTS  
TO 5 LARGEST CITIES AND 5 LARGEST COUNTIES  
AND PERCENT OF TOTAL LOCAL SHARE  
FEBRUARY 28, 1970

(46 States Reporting)

STATES	CITIES		COUNTIES	
	AMOUNT	% OF TOTAL LOCAL SHARE	AMOUNT	% OF TOTAL LOCAL SHARE
Alabama	36,248	11.1	34,464	10.5
Alaska	---	---	---	---
Arizona	39,536	26.2	6,880	4.5
Arkansas	31,742	17.5	13,193	7.2
California	221,271	12.0	340,683	19.0
Colorado *	630,958	39.0	449,237	28.0
Connecticut	155,521	57.6	NA	NA
Delaware	46,935	62.6	19,885	26.5
Florida	15,000	2.7	151,833	27.4
Georgia*	1,321,295	37.0	498,826	14.0
Hawaii	NA	NA	86,805	115.7
Idaho	13,468	18.0	10,553	14.1
Illinois	251,712	25.0	54,540	5.0
Indiana	95,361	20.7	13,313	2.8
Iowa	145,083	57.2	30,401	12.0
Kansas	67,774	32.4	53,265	25.4
Kentucky	154,313	52.4	-0-	-0-
Louisiana	---	---	---	---
Maine	25,509	28.4	31,453	35.1
Maryland	116,471	34.4	129,855**	38.3
Massachusetts	224,575	44.9	50,375	10.0
Michigan	207,544	26.2	163,924	20.7
Minnesota	148,060	4.9	106,691	32.4
Mississippi	31,139	14.3	-0-	-0-
Missouri	NA	NA	NA	NA
Montana	7,270	9.7	10,945	14.6
Nebraska	17,705	13.3	3,366	2.5
Nevada	29,291	39.1	28,239	37.7
New Hampshire	15,300	20.4	14,600	19.5

TABLE 15  
 TOTAL AMOUNT OF ACTION SUBGRANTS  
 TO 5 LARGEST CITIES AND 5 LARGEST COUNTIES  
 AND PERCENT OF TOTAL LOCAL SHARE  
 FEBRUARY 28, 1970

(46 States Reporting)

STATES	CITIES		COUNTIES	
	AMOUNT	% OF TOTAL LOCAL SHARE	AMOUNT	% OF TOTAL LOCAL SHARE
New Jersey	348,150	53.9	47,122	7.3
New Mexico	32,112	34.7	6,147	6.6
New York	1,173,056	69.0	284,954	16.0
North Carolina	NA	NA	NA	NA
North Dakota*	135,776	27.3	39,769	8.0
Ohio	400,962	41.6	58,988	6.1
Oklahoma	76,203	33.2	1,598	1.0
Oregon	29,632**	16.0	54,825**	29.7
Pennsylvania	323,707	30.0	127,919	11.0
Rhode Island	63,334	76.5	NA	NA
South Carolina	14,774	6.1	14,266	5.9
South Dakota	25,375	31.8	1,535	2.0
Tennessee	136,334	38.0	22,237	6.2
Texas	392,260	39.0	11,250	1.0
Utah	13,338	14.2	5,012	5.3
Vermont	-0-	-0-	6,182	8.2
Virginia	145,116	34.7	53,786	12.8
Washington	129,185	45.3	1,587	1.0
West Virginia	41,184	24.8	4,800	2.8
Wisconsin	173,171	44.8	47,642	12.3
Wyoming	18,817	25.1	5,881	7.8
Total	1,721,507		1,098,828	

\* Includes 1969 and 1970 action subgrant awards.

\*\* Data pro-rated by SPA.

TABLE 16  
 AMOUNT OF STATE CONTRIBUTION TO MATCH FEDERAL PLANNING  
 & ACTION GRANT AWARDS TO LOCAL JURISDICTIONS  
 February 28, 1970

STATE	Planning Programs		% of non-Federal share	Priority Programs		% of non-Federal share	Construction Programs		% of non-Federal share	Other Action Programs		% of non-Federal share
	in cash	in kind		in cash	in kind		in cash	in kind		in cash	in kind	
Arizona	-0-	16,000	100	5,000	8,000	30	-0-	-0-	-0-	53,300	11,700	41
Arkansas	12,871	-0-	100	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Colorado	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	6,600	-0-	100
Florida	-0-	15,300	51	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Hawaii	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	45,824	-0-	82
Illinois	-0-	-0-	--	-0-	-0-	-0-	-0-	-0-	-0-	88,190	-0-	
Kansas*	0	0	0	0	0	0	0	0	0	0	0	0
Kentucky	73,517	-0-	100	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Maine	5,570	4,503	60	-0-	-0-	-0-	-0-	-0-	-0-	7,820	30,000	58
Minnesota	-0-	50,571	100	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Mississippi	18,120	16,225	100	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Missouri	22,840	3,700	52	-0-	23,719	50	-0-	-0-	-0-	-0-	9,955	10
Nebraska	10,156	-0-	100	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
New Jersey	41,593	-0-	100		-0-		-0-	-0-	-0-	-0-	-0-	-0-
North Carolina	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	25,019	-0-	40
Oklahoma **	NA	NA	NA	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Pennsylvania **	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

TABLE 16  
 AMOUNT OF STATE CONTRIBUTION TO MATCH FEDERAL PLANNING  
 & ACTION GRANT AWARDS TO LOCAL JURISDICTIONS  
 February 28, 1970

STATE	Planning Programs			Priority Programs			Construction Programs			Other Action Programs			% of non-Federal share
	in cash	in kind	%	in cash	in kind	%	in cash	in kind	%	in cash	in kind	%	
Utah	19,358	-0-	100	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Virginia	-0-	11,220	100	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
West Virginia	14,731	-0-	60	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Wisconsin	98,000	-0-	100	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
Wyoming	7,504	-0-	100	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	324,260	117,519	-	5,000	31,719	-	-0-	-0-	-	226,753	51,655	-	-

\*\$20,000 given on project basis to help localities to meet matching requirements

\*\*Not able to be determined; in-kind contributions given on project basis to assist localities in matching requirements

Table 17

State Share of State-Local Police and Corrections Expenditure  
1967

State	Total State-Local Police Expenditure (000)	% State Share	Total State-Local Corrections Expenditure (000)	% State Share
Alabama	\$ 30,174	17.9	\$ 8,274	85.8
Alaska	4,661	47.0	3,114	100.0
Arizona	29,841	24.1	9,845	75.2
Arkansas	13,226	25.4	3,824	76.2
California	442,342	15.2	219,816	51.7
Colorado	26,772	22.8	12,452	75.3
Connecticut	48,092	16.5	13,547	100.0
Delaware	6,222	37.8	3,645	97.7
Florida	95,007	12.6	21,091	77.6
Georgia	43,246	15.3	19,810	75.4
Hawaii	14,821	0.3	4,726	88.3
Idaho	7,767	22.9	2,771	94.9
Illinois	186,324	9.4	48,482	80.1
Indiana	49,846	19.2	18,115	76.0
Iowa	29,795	34.6	11,329	88.4
Kansas	22,339	19.9	8,756	88.1
Kentucky	27,715	28.7	11,580	73.7
Louisiana	50,724	18.8	14,220	73.4
Maine	9,375	34.8	5,397	89.4
Maryland	66,764	13.1	32,639	81.3
Massachusetts	96,091	8.1	36,965	72.4

State	Total State-Local Police Expenditure (000)	% State Share	Total State-Local Corrections Expenditure (000)	% State Share
Michigan	5135,876	19.1	5 45,194	67.6
Minnesota	37,776	14.7	18,693	66.2
Mississippi	19,194	33.0	5,191	72.5
Missouri	66,646	13.8	15,924	59.5
Montana	6,861	28.6	3,625	82.6
Nebraska	14,012	22.3	5,447	35.0
Nevada	13,086	15.8	5,311	82.0
New Hampshire	7,429	25.2	1,997	83.4
New Jersey	144,117	13.3	48,229	63.5
New Mexico	11,882	30.0	5,672	79.4
New York	490,381	7.5	151,212	37.6
North Carolina	45,112	24.3	27,976	90.8
North Dakota	5,106	20.3	1,837	82.6
Ohio	125,379	9.9	44,753	70.5
Oklahoma	24,182	20.1	6,950	86.2
Oregon	28,806	17.6	12,621	72.5
Pennsylvania	156,510	17.8	62,952	44.4
Rhode Island	14,187	12.3	4,259	100.0
South Carolina	22,213	31.1	9,021	73.4
South Dakota	6,130	30.8	2,357	79.0
Tennessee	36,099	17.8	13,451	79.1
Texas	115,331	14.9	34,356	67.0
Utah	10,031	18.4	4,903	87.6
Vermont	3,825	52.0	2,797	98.9
Virginia	50,294	35.5	14,108	94.0
Washington	41,111	18.0	25,745	90.0

State	Total State-Local Police Expenditure (000)	% State Share	Total State-Local Corrections Expenditure (000)	% State Share
West Virginia	\$ 11,926	28.4	4,832	72.0
Wisconsin	64,862	8.6	24,653	78.6
Wyoming	4,547	26.5	1,868	96.4

Source: U. S. Department of Commerce, Bureau of the Census, Compendium of Public Finances, 1967 Census of Governments, Vol. 4, No. 5 (Washington, D. C.: U. S. Government Printing Office, 1968), Table 46. Also unpublished data from U. S. Bureau of the Census of State-local and local-State intergovernmental transactions in the police and corrections function.

Figure 5  
Percent of State Share of State-local Police Expenditure, 1967

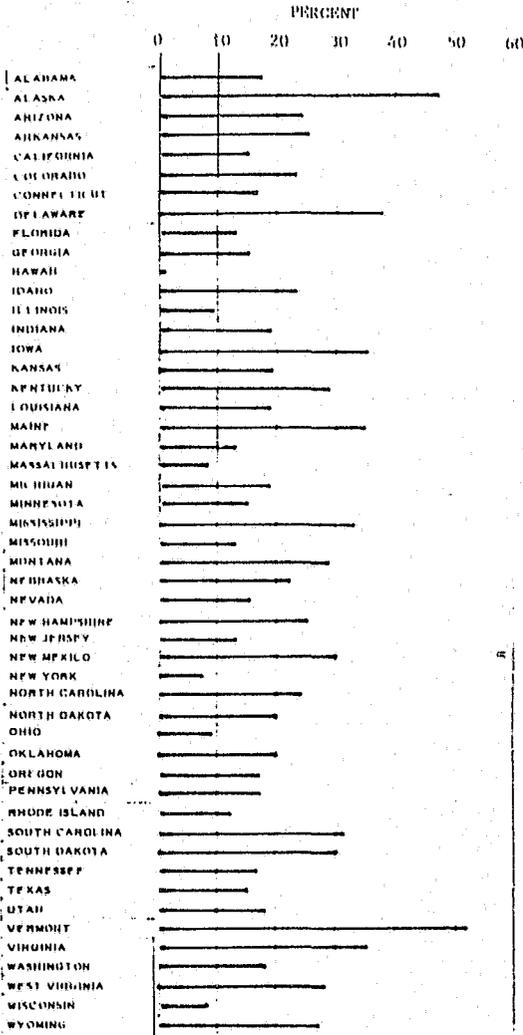


Figure 6  
Percent of State Share of State-Local Corrections Expenditure, 1967

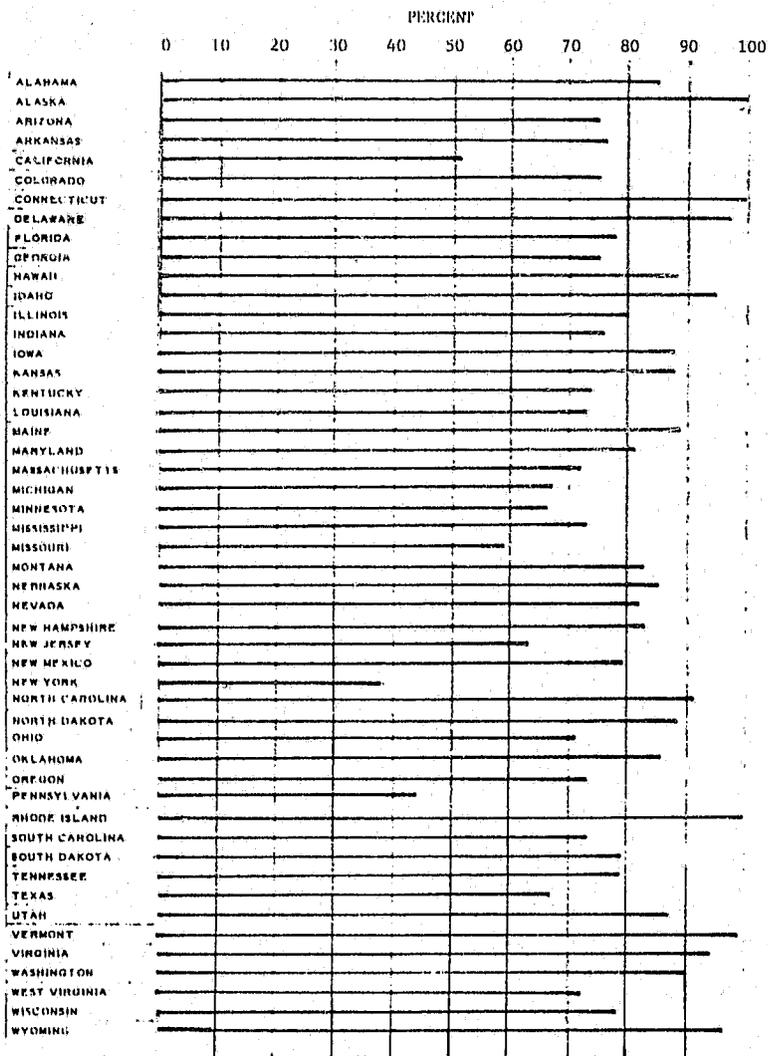


Table 18

Amount of Federal Share of Action Subgrant Awards to  
State and Local Jurisdictions,  
by Purpose of Expenditure  
February 28, 1970  
(48 States Reporting)

<u>Purpose</u>	<u>Amount of Federal Funds</u>	<u>% of Total</u>
Riots and civil disorders control (including 307(b))	\$ 4,002,173	14.4
Upgrading law enforcement (including training, salary increases, career development)	5,554,399	19.9
Detection and apprehension	5,790,748	20.8
Crime prevention (including public education)	1,180,771	4.2
Correction and rehabilitation (including probation and parole)	3,109,929	11.2
Juvenile delinquency prevention and control	2,448,344	8.8
Prosecution, court, and law reform	1,182,543	4.2
Community relations	1,518,001	5.4
Organized crime control	937,531	3.4
Research and development	808,708	2.9
Construction	505,511	1.8
Crime statistics and information	818,711	2.9
Total	27,857,369	100.0

Table 19

Amounts of Federal Funds Awarded as Subgrants to  
State and Local Jurisdictions, by  
Object of Expenditure and Type of Subgrantee  
February 28, 1970  
(48 States Reporting)

Object	Total Amount	State Agencies	Regional or Multijurisdictional Agencies	Individual Local Jurisdiction:
		%	%	%
Training of Law Enforcement Personnel	\$ 5,056,297	26.1	21.9	52.1
Communications Systems	\$ 5,854,445	12.6	21.2	66.1
Crime Laboratories	\$ 706,324	36.3	44.7	18.9
Other Equipment	\$ 4,179,303	10.8	23.0	66.2
TOTAL	\$15,796,369	17.5	22.9	59.5

APPENDIX B  
TABLE B-1

Action Funds Awarded and Disbursed  
and Availability to Cities of 50,000 Population or Over

December 31, 1969

State	Total 1969 Award by LEAA	SPA Subgrant Awards			Total Funds Disbursed by SPA
		Total	To Cities of 50,000 +	Percentage to Cities of 50,000 +	
Alabama	\$ 433,840	\$ 104,510	\$ -0-	\$ -0-	\$ 104,510
Alaska	100,000	-0-	-0-	-0-	-0-
Arizona	200,651	196,200	59,536	20.2	187,254
Arkansas	241,570	209,622	21,964	09.2	209,334
California	2,351,610	2,047,572	704,616	34.4	481,800
Colorado	242,556	236,549	95,440	40.3	197,227
Connecticut	359,890	340,617	215,617	63.3	63,207
Delaware	100,000	100,000	29,814	29.8	14,053
Florida	737,035	431,409	180,116	41.7	151,535
Georgia	554,625	554,625	161,519	29.1	154,036
Hawaii	100,000	38,865	38,865	100	24,165
Idaho	100,000	91,104	14,811	16.2	43,595
Illinois	1,338,495	707,320	479,536	67.7	391,264
Indiana	613,785	351,944	128,303	36.4	150,343
Iowa	337,705	334,305	187,599	56.1	162,323
Kansas	278,545	186,564	64,924	34.8	103,326
Kentucky	391,935	144,049	144,049	100	-0-
Louisiana	448,630	251,514	56,741	22.5	217,777
Maine	119,552	74,797	9,912	13.2	17,042

Table B-1 (cont.)

## SPA Subgrant Awards

State	Total 1969 Award by LEAA	Total	To Cities	Percentage to Cities	Total Funds Disbursed by SPA
Maryland	451,095	451,095	108,946	24.1	149,371
Massachusetts	665,500	632,565	398,400	62.9	85,670
Michigan	1,055,020	1,054,300	351,856	33.3	7,135
Minnesota	458,770	363,473	194,735	53.5	-0-
Mississippi	288,405	142,931	11,917	8.3	44,468
Missouri	564,485	529,153	360,181	68.0	140,294
Montana	100,000	68,499	1,112	1.6	49,311
Nebraska	176,248	176,248	38,201	21.6	96,224
Nevada	100,000	78,674	9,000	11.4	50,442
New Hampshire	100,000	52,977	14,100	26.6	38,877
New Jersey	860,285	854,669	475,076	55.5	229,420
New Mexico	123,250	87,869	6,045	06.8	87,869
New York	2,250,545	1,970,013	1,175,569	59.6	293,152
North Carolina	618,715	607,395	164,810	27.1	77,451
North Dakota	100,000	100,000	24,363	24.3	53,929
Ohio	1,284,265	731,782	365,172	49.9	398,589
Oklahoma	305,660	243,080	55,233	22.7	109,132
Oregon	245,514	96,085	17,388	18.0	21,085
Pennsylvania	1,427,235	959,809	549,244	57.2	240,524
Rhode Island	110,432	110,432	27,393	24.8	76,897
South Carolina	317,985	141,469	10,017	7.0	53,978

Table B-1 (cont.)

State	Total 1969 Award by LEAA	SPA Subgrant Awards			Total Funds Disbursed by SPA
		Total	To Cities	Percentage to Cities	
South Dakota	100,000	86,559	7,122	8.2	30,529
Tennessee	478,210	295,682	126,065	42.6	96,094
Texas	1,333,565	774,098	572,613	73.9	242,503
Utah	125,715	82,641	7,573	33.3	29,993
Vermont	100,000	50,172	-0-	-0-	21,857
Virginia	557,090	436,065	210,362	48.2	-0-
Washington	379,610	178,438	122,116	68.4	28,404
West Virginia	220,864	118,590	34,907	29.4	75,607
Wisconsin	515,185	408,977	147,156	35.9	256,699
Wyoming	100,000	100,000	-0-	-0-	53,675
TOTAL	24,544,072	18,385,306	8,180,039	44.4	5,811,920
	$\frac{x}{s} \frac{75\%}{18,408,054}$	$\frac{x}{s} \frac{75\%}{13,788,980}$	$\frac{8,180,039}{8,180,039}$	$\frac{59.3}{59.3}$	$\frac{5,811,920}{5,811,920}$
Percentage of subgrants to total award				<u>75</u>	
Percentage of funds disbursed to subgrant awards				<u>31.5</u>	

Source: U.S., Department of Justice, Law Enforcement Assistance Administration.

TABLE B-2

## CORE CITY STATISTICS OF 15 CITIES WITH HIGHEST CRIME RATE

March 1970

City (1)	Population		Crime		Actual Subgrant (6)	Amount of Subgrant According to Population (7)	Amount of Subgrant According to Crime (8)	Actual Amt. as a Percent of Amt. Based on Popula- tion (9)	Actual Amt. as a Percent of Amt. Based on Crime (10)
	Total (2)	Proportion of State Population (3)	Total Index (4)	Proportion of State Crime Index (5)					
Newark, N.J.	392,900	5.6%	34,660	20.0%	\$126,839	47,861	170,934	265.0%	74.2%
Baltimore, Md.	911,000	24.2	67,157	54.3	108,946	109,165	244,945	99.8	44.5
Oakland, Calif.	392,600	2.0	28,333	3.9	18,750	40,951	80,265	45.8	23.4
San Francisco, Calif.	715,000	3.7	47,108	6.5	20,000	75,760	133,092	26.4	15.0
District of Columbia	809,000	100.0	49,360	100.0	99,882	NA	NA	NA	NA
New York, N.Y.	8,072,700	44.6	482,990	75.2	777,786	878,626	1,481,450	88.5	52.5
Pittsburg, Pa.	548,400	4.7	32,230	21.2	52,186 <sup>1</sup>	45,111	203,480	115.7	25.6
Detroit, Mich.	1,602,000	18.3	94,590	40.1	247,438	192,940	422,774	128.2	58.5
Los Angeles, Calif.	2,850,000	14.8	163,162	22.6	564,840	303,041	462,751	186.4	122.1
Saint Louis, Mo.	690,200	14.9	39,054	37.3	208,178	78,844	197,374	264.0	105.5
Boston, Mass.	605,200	11.1	32,887	25.4	177,030	70,215	160,672	252.1	110.2
Denver, Col.	489,600	23.9	24,072	48.9	69,606	56,535	115,672	123.1	60.2
Saint Paul, Minn.	316,200	8.7	15,300	22.5	68,500	31,622	81,781	216.6	83.8
Minneapolis, Minn.	457,800	12.6	21,236	31.2	82,594	45,798	113,404	180.3	72.8
Louisville, Ky.	387,400	12.0	17,940	37.7	110,712	17,286	54,306	640.5	203.9
Total (excl. DC)	18,431,000	21.0%	1,100,719	44.9%	\$2,633,405	\$1,993,755	\$3,922,900	132.1%	67.1%

<sup>1</sup>Note Pennsylvania subgranted only 67% of its LEAA grant by the end of 1969. All the other States containing the 15 cities with the highest crime rate subgranted 87-100% of their respective grants.

Source: U.S. Department of Justice, Law Enforcement Assistance Administration.

## FEDERAL ROLE IN LAW ENFORCEMENT

## PREFACE

This study of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is one part of the Commission's comprehensive report on "Federalism and the Criminal Justice System," which is scheduled for completion in Fall 1970. The focus here is upon the major intergovernmental friction points which have developed to date in the operation of the Act. Consequently, the reader should bear in mind certain limitations on the scope of this study.

The causes of crime, its historical growth, and various recommendations for its prevention and control are not probed.

Specific problems facing the police, court, prosecution, and correctional functions are not treated.

The future needs of the law enforcement and criminal justice system are not projected.

The overall merits and drawbacks of the block grant device in comparison with "categorical" or "project" grants are not explored; they are treated only insofar as they relate specifically to the legislation under study.

Several dimensions of the approach taken in this report also should be mentioned. A large part of the empirical data relates to the status of the program as of February 28, 1970 or, in a few cases, December 31, 1969. In view of the fact that the Safe Streets Act was not passed until June 19, 1968, it could be argued that this examination is somewhat premature. While the Commission is keenly aware of this possibility in connection with certain features of the Act, it believes that sufficient experience has been gained in other important intergovernmental aspects of the program's operation to permit meaningful analysis and assessment. These issues are dealt with in Part II of the report. Moreover, it is noteworthy that Congress is currently considering substantive revisions in the Act, and in so doing is confronted with the same limitations of program experience.

In addition to time restrictions, the data are qualified by their incompleteness. With respect to the results of ACIR's Safe Streets Act questionnaire survey, as of June 12, 1970, 48 State law enforcement planning agency directors had responded. Even though the replies are quite sizeable and well distributed, the report still does not reflect each State's experience under the Act. A second problem relates to use of the crime rate index and police and correctional expenditure statistics as measures of State and local crime control need and effort. Reporting of these figures is far from accurate. Furthermore, reliable information regarding Federal-State-local court and prosecution related outlays is unavailable. The foregoing, then, underscore the need for cautious interpretation of some of the empirical data presented in this study.

Finally, it should be pointed out that usage of the abbreviated title of the omnibus measure—the Safe Streets Act—is done for convenience, and by no means implies a Commission interpretation that its coverage is or should be restricted to just "safe streets." Instead, it should be recognized that the Safe Streets Act is a comprehensive measure covering courts, prosecution, and corrections as well as police programs. As stated in the Congressional declaration of purpose:

It is the purpose of this title to (1) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement; and (3) encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals.

## FEDERAL ASSISTANCE TO LAW ENFORCEMENT

THURSDAY, JUNE 25, 1970

U.S. SENATE,  
SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES  
OF THE COMMITTEE ON THE JUDICIARY,  
Washington, D.C.

The subcommittee met, pursuant to recess, at 10:10 a.m., in room 2228, New Senate Office Building, Senator Roman L. Hruska, presiding.

Present: Senator Hruska.

Also present: G. Robert Blakey, chief counsel; Wallace H. Johnson, minority counsel; Russell M. Coombs, Max R. Parrish and James C. Wood, Jr., assistant counsel; and Mrs. Mabel A. Downey, clerk.

Senator HRUSKA. The subcommittee will come to order.

The first testimony this morning will be that of the attorney general of the State of Vermont, which will be presented by Mr. Frederick Parker, the deputy attorney general of that State.

Mr. Parker, you have furnished us with a copy of the statement. You may either read it or you may highlight it as you choose.

### STATEMENT OF HON. FREDERICK PARKER, DEPUTY ATTORNEY GENERAL OF THE STATE OF VERMONT

Mr. PARKER. Thank you, Mr. Chairman. I would prefer to simply highlight it and discuss it on my way through.

This statement is directed primarily to §. 3171, the major thrust of which is an amendment to the Safe Streets Act which would reduce the percentage of Federal funds going to the States as block grants from 85 to 50 percent. The remaining 50 percent would go as discretionary funding with the discretion in LEAA as to the allocation.

Now, the purpose of this amendment would appear to be from the introductory remarks to channel funds to localities where a high incidence of crime exists.

The attorney general of the State of Vermont and the Vermont Governor's Commission on Crime Control and Prevention are both opposed to this amendment for the following reasons:

First, there appears to be no assurance in this amendment that the discretionary funding would remain available for use in the State of Vermont. Since in our State there are no large metropolitan areas where there is a high incidence of crime, that is, in comparison with the rest of the State, it is likely that these funds could be diverted from Vermont to some other large metropolitan area.

Secondly, historically in the State of Vermont, the major funding for all law enforcement purposes comes from the State level. Con-

trary to the national average where 75 percent of law enforcement funds are raised by municipalities, or other local units of government, in Vermont 79 percent of the funding for law enforcement purposes comes from the State level, and this includes funding for a statewide corrections systems—there is no local corrections system—for a statewide court system, for States attorneys, sheriffs, State police, almost all of the law enforcement funding other than for local police departments comes from the State.

The block grant concept would permit a continuation of this kind of centralization of law enforcement facilities on the State level, with some reservations which I will discuss later.

Thirdly, we feel that the act as it presently exists has worked well and that at this early date when we have just now started with action funding, the law should not be amended in this regard until we see clearly where the problem areas lie.

Now, we note that the Judiciary Committee of the House of Representatives has recently acted on the concepts in S. 3171 and unanimously rejected them. There are some other amendments which the House Judiciary Committee has adopted in H.R. 17825.

Vermont generally concurs in these proposed amendments of 17825, and we only in passing highlight a couple of areas which might be problems in small States.

First, there is a provision in the House bill that 25 percent of all local non-Federal funding would come from the State.

Now, in view of the fact that in the State of Vermont, as in several other small States, the overwhelming majority of funding for law enforcement programs already comes from the State.

This additional requirement (assuming that the present provision that 75 percent of the funding has to be passed through to the localities is retained) and on top of that the State must also provide 25 percent of the funding for local projects, then we feel that this could be troublesome to fund in our legislature.

Now, our legislature has previously indicated its willingness to assist local communities in the law enforcement area. In fact, the major project which has been funded thus far with Safe Streets Act funds is a statewide communications system which is to be used by local municipalities. And in that instance the State legislature appropriated funds for use by the municipalities, but we feel that with the funding scheme, where most of our funds come from the State level, we should have flexibility and the State should not be required to provide this additional amount.

Second, there is a provision in the House bill which would require that 25 percent of the block grant funds be used for corrections.

Now, in the case of the State of Vermont, where we have a statewide corrections system, that 25 percent would represent all of the block-grant funds coming to the State, so that means that no other law enforcement program on the State level could be funded with State funds.

As a matter of fact, at present the corrections department in Vermont is quite strong, fairly well funded, and it might very well be that there are other law enforcement needs on the State level which should demand a higher priority.

The remarks I have made thus far are introductory, although they have taken some time. The remainder will be shorter. But this is perhaps the most important thrust of my remarks and they go to the provisions in 303, section 303, subsection 2 of the present act, which required that 75 percent of all Federal block-grant action moneys be available to units of general local government.

As I suggested earlier, the history of law enforcement funding in Vermont, and the history of law enforcement agencies in Vermont, is that much of law enforcement has been centralized on the State level. It is quite likely that because the State is a small one that the small population has permitted this. We find now that among local police departments, for instance, there are 293 full-time persons employed throughout the State, whereas on the State level in law enforcement there are 760 people employed on a full-time basis. Many of our local police departments are one-man departments. In fact, only 15 of our 42 police departments in the State employ more than five full-time persons.

So, it is obviously difficult for these small communities and these small units to provide the full range of law enforcement facilities, and as a result of this the State has moved in and filled the void.

For example, we have a statewide law enforcement training council which trains all local police officers throughout the State. We have a court system which is State-funded. Although it is a district and county court system, all of the funding comes from the State except for some of the building.

We have a statewide corrections system, as I mentioned before.

The State police provide the major amount of law enforcement protection throughout the State. The sheriffs and States' attorneys, who are county officers, are paid from State funds.

Vermont is one of the few States in which this situation exists, where most of the funding comes from the State level. But in our State and others that are similarly situated, the requirement that 75 percent of the block grant funds be passed through the local community gives us some difficulty.

It is ironic, I think, that the proposals of the National League of Cities and U.S. Conference of Mayors, which suggests S. 3171 be adopted, are designed to prevent fragmentation. In our State, in fact, that would have the opposite result. If it were necessary due to the requirements of the law, to fund a number of local projects with 75 percent of our funding, then, of course, we begin to fragment the programs that we now have on a statewide basis.

The only alternative to this that we have thus far found is a waiver system whereby each local community waives their funding and it passes back to the State; but this obviously is a circuitous and wasteful route to take.

Now, in view of these remarks, we would suggest that if the omnibus crime bill is to be amended at all, we would like to see in there provisions that the LEAA have the discretion to depart from this 75 percent pass-through requirement in those cases where the major part of the funds are coming from the State level as in our State.

There is language which appears in House bill H.R. 15947, which is designed to accomplish this very end, and we would recommend that language for the consideration of this committee.

In summary, I would say that the Attorney General's position is that we are disposed to resist any change in the present block grant concept which is now embodied in the crime control bill for 1968.

We would suggest, however, if there is to be a change made, that in the case of States where centralization has occurred and major funding has come from the State level, there should be ability in the administration to waive the 75 percent pass-through requirement.

Although the amount of Federal funds which have come to the State of Vermont in comparison to the amount of funds distributed throughout the country is small, it is an extremely significant amount to the State and is a much-needed amount from our point of view.

Senator HRUSKA. Thank you very much for your testimony.

Mr. Parker, we want to express our gratitude to you for your patience. You were scheduled to testify yesterday and thereby disrupted what ordinarily would be called protocol, I suppose. The mayor of a big American city is here and normally he would be called first, but I am sure he understands since you were scheduled for yesterday and the schedule of the Senate session prevented reaching you yesterday, we took you first this morning.

So, thank you for your patience and your willingness to cooperate by staying over.

Mr. PARKER. Thank you, Mr. Chairman.

Senator HRUSKA. You have outlined a problem which became apparent very shortly after the present act was passed and an effort was made to administer it. You have my sympathy.

I wonder how many other States, to your knowledge, find themselves in the same general situation as Vermont because of the fact that the bulk of the law enforcement effort and funding is done on a State rather than a local level?

Mr. PARKER. Mr. Chairman, I have read somewhere in the recent past that there are four States in this situation, but I can't recall which States they are.

Senator HRUSKA. Delaware is one of them, I believe.

Mr. PARKER. Yes; I recall it was.

Senator HRUSKA. Maine probably is another. There may be a fourth or fifth, I don't know. Perhaps Alaska, counsel tells me, might fit into this category.

Did you testify or did anyone testify on behalf of Vermont in the hearings in the House?

Mr. PARKER. No; we did not.

Senator HRUSKA. You did not. But you have examined the language that they use to modify section 303(2) and you suggest in your testimony that perhaps that will reach the problem that you have in Vermont; is that correct?

Mr. PARKER. No; I don't think so, Mr. Chairman. There is language in the House judiciary report which suggests that under the present section 303 of the act that the LEAA might have the power to do what we suggest is necessary; that is, to waive the pass-through requirement; but LEAA has been reluctant to act on that language. Their interpretation has been that what you would need to do is to have no applications for funding from the local level, then after you had gone through the time period where there would be applications, if the funds had not been applied for, at that time there could be a reallocation.

The House Judiciary Committee report suggests that this is not the case and that perhaps the interpretation could be less strict. That appears, if you have that report, on page 5 at the top of the page.

Senator HRUSKA. I was misled. The language in your statement or in the statement of your attorney general reads on the last page: "We understand that the House bill, designated H.R. 15947, provides specific language which is designed to accomplish the same end."

Mr. PARKER. I beg your pardon. I misunderstood your question. Yes; that House bill 15947 does provide language. That has not been acted upon by the Judiciary Committee, as far as I know.

Senator HRUSKA. I see. Very well. The language on page 5 in the report will be inserted at this point in the record. I am reading now:

In cases where the level of a State's law enforcement expenditure substantially exceeds the total expenditures of local government within the State, existing sections 203 (c) and 303 of the act will permit LEAA partially to relax the pass-through requirements.

Very well. Thank you for calling our attention to that and I want to assure you, and you may assure your attorney general, that we are aware of the problem and it will be thoroughly considered when we go into executive session. Otherwise it will certainly not be very advantageous for the four or five States involved to have an act of this kind.

Mr. PARKER. That is right, Mr. Chairman. I think that if this committee was not disposed to amend the act itself, it would be very helpful if similar language would appear in the committee report as appeared in the House committee report, as I think that perhaps creates a legislative intent that would be necessary for the interpretation along those lines.

Senator HRUSKA. How many police jurisdictions are there within your State?

Mr. PARKER. There are 42.

Senator HRUSKA. If we did away with the block grant system, or weakened it as is the proposal of some of these bills, it would mean that somebody in Washington would have to sift through 42 applications for aid, plus the aid for the State, and decide which should get assistance and how much.

Would that be a fair statement?

Mr. PARKER. I think that is correct; yes.

Senator HRUSKA. Is that good or bad?

Mr. PARKER. I think it is bad from two points of view. Both from the point of view of Washington, where if you extend this throughout the Nation, that it is a tremendous administrative load, but perhaps even more importantly, from the point of view of the local municipalities, they would have some fear in the small towns that if it were necessary for them to apply directly to Washington for funds, that the application might never be submitted.

It is difficult enough to provide the information to them and establish the rapport on the level between the State and the local municipalities in the small towns.

Senator HRUSKA. Well, thank you very much.

Mr. Counsel, have you any questions?

Mr. BLAKEY. No, sir.

Senator HRUSKA. Thank you again for appearing and helping us with our record on this particular problem.

Mr. PARKER. Thank you, Mr. Chairman.

(The statement in full of the attorney general of Vermont follows:)

STATEMENT TO THE CRIMINAL LAW AND PROCEDURE SUBCOMMITTEE OF THE SENATE JUDICIARY COMMITTEE MADE BY THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF VERMONT ON JUNE 24, 1970

S. 3171—91ST CONGRESS, 2ND SESSION

The major thrust of this proposed amendment to the Omnibus Crime Control and Safe Streets Act of 1968 is to reduce the percentage of federal funds to go to the states, as block grants, from eighty-five (85%) per cent to fifty (50%) per cent. Under the proposal the LEAA has discretionary jurisdiction over the remaining 50 per cent and may allocate the monies outside of the block grant formula.

The purpose of this amendment according to remarks made at the time of its introduction appears to be to channel funds to localities where a high incidence of crime exists. The Attorney General of the State of Vermont and the Vermont Governor's Commission on Crime Control and Prevention are opposed to this amendment for the following reasons.

First, there appears to be no assurance that the 50 per cent discretionary funds would be available for use in the State of Vermont. Since no large cities or metropolitan areas with high criminal incidence exist in the State of Vermont, it is quite likely that these funds would be diverted from Vermont to large metropolitan areas.

Secondly, the major funding for law enforcement programs historically comes from the state level in Vermont. Contrary to the national average where 75 per cent of the funding for fighting crime is raised by municipalities, counties or regional governmental units, in Vermont some 79 percent of the funding for all law enforcement programs, including corrections, state's attorneys, sheriffs, state police, law enforcement training, and courts comes from the state government. The block grant system permits a continuation of centralized use of funds (with reservations which will be expressed later) which is an express purpose of the original Omnibus Crime Control bill.

Thirdly, the Act as it presently exists has worked well (with some exceptions) and we do not feel that it should be changed at this early date until it is clear where the problem areas lie.

We note that the Judiciary Committee of the House of Representatives has recently unanimously rejected the concepts set out in S. 3171 and has passed some other amendments to the Omnibus Crime Control bill. The State of Vermont generally concurs in the proposed amendments now pending in the House and only highlights two areas which might present problems.

First, there is a provision in the House version that the State (rather than a local governmental agency) should provide 25 per cent of all local non-federal funding. In view of the fact that the State of Vermont presently provides on a state-wide basis the overwhelming majority of all funding for law enforcement programs, this additional requirement could be troublesome to fund in our legislature. Although the legislature has previously indicated its willingness to assist local communities in this kind of funding (this was done this year with a state-wide communications system which is to be used by municipalities), we feel that the absolute requirement of such funding in all instances deprives the state of necessary flexibility in its funding procedures.

Secondly, there is a provision in the House proposed amendment that 25 per cent of all appropriations should be used for corrections. If this 25 per cent figure is carried down to the states, then virtually all of the monies allocated to the State of Vermont would necessarily go to the Corrections Department which is a state-wide agency. (This is true because of the provision of Section 303 (2) which requires that 75 per cent of all federal funds will be available to units of general local government) If the requirement of Section 303, that the State receive only 25 per cent of the funds allocated, is retained then necessarily all funds coming to the State of Vermont must be used in the corrections area.

At present, in Vermont, the Corrections Department which is state-wide, is quite strong and has been reasonably well funded. To provide that all of the

state funds would go to the corrections system would determine that the State Police, for example, (which provide for the bulk of law enforcement in Vermont) would not even be eligible for a grant. These remarks are also applicable to all other state-wide or state funded law enforcement agencies.

The above remarks are introductory and bring me to the real thrust of this statement which is centered around the provisions of Section 303 (2) of the present Act. That section provides that 75 per cent of all federal funds provided as block grants must be available to units of general local government or combinations of such units. As was suggested earlier, the history of Vermont is such that much of the law enforcement role has been centralized.

It is quite likely that this has come about due to the relatively small size of this state which has a population less than that of many of the cities in this country. The total number of full time employees of all local police departments in this state is 293 people. The existing state law enforcement system employs more than 760 people on a full time basis.

Many of the local police departments in the state have only one full time employee and only 15 of the 42 existing local police departments have more than five full time employees, including clerical staffs.

Obviously it is difficult for these local units to provide the full range of facilities which are part of any law enforcement system.

The state has filled the void. In the area of law enforcement training there is a state-wide council which provides training to all local police department employees. The court system which was once organized on a municipal and county basis is now comprised of a district court system and a county court system, both of which are primarily funded with state funds. The Corrections Department as has previously been indicated is a state agency with state funding. The State Police provide the bulk of law enforcement protection throughout the state and the state's attorneys' and sheriffs' offices are county offices which are funded with state funds.

Vermont is one of the very few states which spends more money on the state level for law enforcement than is expended on the local level. Accordingly, the requirement that block grants be channeled through the state with 75 per cent of the monies to go to the local agencies is contrary to the historical make-up of Vermont law enforcement. It is part of the purpose of the Omnibus Crime Control bill to cause municipalities to organize together to coordinate their efforts and to centralize law enforcement facilities. Furthermore, the report of the National League of Cities and the U. S. Conference of Mayors suggests that S. 3171 be adopted in order that fragmentation is reduced and centralization occurs.

Ironically, in Vermont, the very provisions which are theoretically designed to promote centralization will, in fact, result in fragmentation. The necessity to channel 75 per cent of the federal funding to local communities is tantamount to a requirement that the bulk of federal monies coming to the state should be spread throughout numerous local projects. The only alternative which we have found is the use of a system of waivers whereby the local communities turn their funding back over to the state agency which provides them services. This is obviously a time consuming, circuitous and wasteful route requiring a good deal of paperwork and an extraordinary amount of patience to obtain the cooperation necessary.

In view of the above remarks we propose that the provisions of Section 303 (2) be amended to permit the Law Enforcement Assistance Administration discretion to depart from the requirement that 75 per cent of action funds be passed on by states to local governmentalities. This discretion should be exercised only in instances where it is clear from the circumstances that sufficient centralization of services has taken place that the state is already providing the bulk of the funding.

Accordingly, we would suggest that Section 303 of the present Act be amended by adding an additional sentence, stating that the Administration shall have the power in its discretion to reduce the percentage of federal funds which must be made available to units of general local government or combinations of such units for the development and implementation of programs and projects under subsection (2) of this section. Such discretion can only be exercised by the Administration if it is shown that a given state in the previous fiscal year expended a larger amount of funds on law enforcement programs than did all of the units of general local government or combinations of such units in the state. We understand that House Bill designated HR.15947 provides specific language which is

designed to accomplish the same end and would respectfully refer the Committee to that bill for its consideration.

In summary, we would state that the Attorney General of the State of Vermont and the Governor's Commission on Crime Control and Prevention is disposed to resist any change in the block grant concept embodied in the Omnibus Crime Control bill of 1968 insofar as such change would reduce the amount of money which could be granted on the state level. We would further suggest that in the case of states where centralization of law enforcement programs has occurred, the requirement of the distribution of 75 per cent of block grant funds to local units of government be permitted to be waived by Law Enforcement Assistance Administration.

Although the amount of federal funds which come to the State of Vermont in comparison to the funds which are distributed throughout the country is small, it is also an extremely significant and much needed amount from the point of view of our State.

(The following letters were subsequently received from Hon. Winston Prouty:)

U.S. SENATE,  
COMMITTEE ON LABOR AND PUBLIC WELFARE,  
Washington, D.C., July 27, 1970.

HON. JAMES O. EASTLAND,  
Chairman, Judiciary Committee,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On June twenty-fourth Mr. Fred I. Parker, Deputy Attorney General for the State of Vermont, testified before your Committee on Criminal Law and Procedure. Mr. Parker's testimony was on S. 3171 of the 91st Congress. Specifically, his testimony was directed to a portion of that bill which is of very great significance to the State of Vermont.

The bill, as presently worded, will reduce the percentage of federal funds which are channeled to the states as block grants, from 85 percent to 50 percent. The problem as I see it is that this reduction in block grants would direct considerably more money to local governments, which I assume would mean large municipalities, instead of to the states as the law now provides. Vermont's largest city is somewhat less than 50,000 population, so you can see our problem immediately.

The problem in Vermont arises from the fact that the size of the state and its relatively rural nature has dictated that the greatest portion of law enforcement is continued at the state level or through state financing. This situation is similar, as I understand it, to the funding of law enforcement agencies in a state like Maryland.

Mr. Parker's testimony very specifically points out the problem, and I heartily endorse his recommendation for language which will prevent this inequity from occurring with the adoption of S. 3171 as it now reads.

Mr. Parker, at my request, wrote me a letter on July tenth setting forth in specific detail the problems our state will have with S. 3171. Mr. Parker's July tenth letter is supplementary to his testimony at your committee hearings.

I hope very much, Mr. Chairman, that your committee will give very careful attention to the remarks and recommendations both in Mr. Parker's statement to your committee and to the content of his letter to me.

Sincerely yours,

WINSTON PROUTY.

STATE OF VERMONT,  
OFFICE OF THE ATTORNEY GENERAL,  
Montpelier, July 10, 1970.

HON. WINSTON L. PROUTY,  
U.S. Senator,  
Senate Office Building, Washington, D.C.

DEAR SENATOR PROUTY: Thank you for the courtesies extended to me on June 24 and 25 when I was in Washington. Since that time, I have been out of the office attending a conference and in trial, so this is my first opportunity to write you regarding the proposed amendments to the Omnibus Crime Bill.

The bill which was pending before the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary, about which we testified, was S. 3171. That bill would reduce the percentage of federal funds to go to the states as block grants from 85% to 50%. The remaining 50% could be allocated in the discretion of LEAA outside of the block-grant formula. The result could be that the discretionary funds would be channeled from Vermont into large municipalities which have a high incidence of crime. In fact, the purpose of the bill, according to those who introduced it, would be to accomplish just that. Since the State of Vermont has no large cities or metropolitan areas with high criminal incidence (compared to other large cities in the country), it is our fear that funding would be channeled from Vermont into other large cities.

Section 108 of S. 4021 (a copy of which you sent me in your letter of June 30th), is even worse from the point of view of Vermont. In that section, the block grant formula would be reduced from 85% to 40% and the remaining 60% of the funding would be discretionary. However, the discretion of LEAA could only be exercised in favor of grants to cities having a population of 200,000 or more, or cities above 75,000 with a high per capita incidence of crime. Obviously, there are no Vermont cities which could qualify for funding, so the effect of this provision would have to be that a large portion of the monies which would be channeled to Vermont under the present bill would go to large municipalities outside of this state.

We would very much appreciate any assistance you can give us in conveying to the Senate Judiciary Committee our feeling that the present block grant concept should be preserved and that the amendments proposed in S. 3171 or S. 4021 should not be accepted.

I am enclosing herewith a copy of my statement made before the Criminal Law Subcommittee which sets out specific facts which you may wish to refer to when communicating to Committee members.

You may have read that the League of Cities and Towns in Vermont attacked the Attorney General for the position he took in the statement which I delivered in Washington. We feel that those statements by the League have been pretty well refuted by others and intend to let that matter die. I have spoken with the Executive Director of the League of Cities and Towns and attempted to point out to him that the interests of the League nationwide are not necessarily compatible with the interests of communities in Vermont.

I would also like to direct your attention to the points made in pages 4 through 7 of my statement, which is enclosed. The House Bill, designated H.R. 15947, contains language which we would like to see adopted. In lieu thereof, we would hope that the Senate Committee report on any amendments of the Omnibus Crime Control Bill would contain language similar to that which appeared in the House of Representatives Report #91-1174 at the top of page 5.

We certainly appreciate any help which you could give us along these lines.

Very truly yours,

FRED I. PARKER,  
Deputy Attorney General.

Mr. PARKER. The committee has omitted two amendments proposed by the Department which would authorize LEAA to waive the pass-through provisions of the act. These provisions require that 40 percent of the planning funds and 75 percent of the action funds be distributed to units of general local government. As noted above, these requirements are intended generally to conform the distribution of block grant funds to the national pattern of criminal justice expenditures by the States and local governments, respectively. They were derived from the 1967 report of the President's Commission on Law Enforcement and Administration of Justice. These provisions are of critical importance to protect the interest of local governmental units under the block grant approach. In cases where the level of a State's law-enforcement expenditures substantially exceeds the total expenditures of local government within the State, existing sections 203(c) and 303 of the act will permit LEAA partially to relax the pass-through requirements.

Senator HRUSKA. Our next witness will be the Honorable Roman S. Gribbs, mayor of Detroit. I want to tell him this is the second time I have had present in the committee room a witness bearing the same first name as the acting chairman of this subcommittee.

**STATEMENT OF HON. ROMAN S. GRIBBS, MAYOR OF THE CITY OF DETROIT, MICH.; ACCOMPANIED BY PATRICK MURPHY, DON ALEXANDER, AND NORMAN MILLER**

Mr. GRIBBS. It is my pleasure and honor to be here. I would like to introduce on my right Police Commissioner Patrick Murphy of the city of Detroit, and Don Alexander from the National League of Cities, and Mr. Norman Miller, assistant to my office.

Senator HRUSKA. Mr. Murphy is an old hand in the Washington area and we have known him well and favorably for a long time. We are pleased to see you here.

Mr. GRIBBS. Thank you, Senator. It is nice to be here.

Senator HRUSKA. Mr. Mayor, you may proceed with your statement and testimony in whatever fashion you wish. If you wish to read it, that will be entirely satisfactory.

Mr. GRIBBS. If I may, Senator, I would like to read a summary statement of the more lengthy statement. With your permission, I would like to proceed with that.

I am Roman S. Gribbs, mayor of Detroit, Mich. I am appearing here today on behalf of the National League of Cities and U.S. Conference of Mayors in support of amendments to the Omnibus Crime Control and Safe Streets Act of 1968.

It is a particular personal pleasure for me to appear before this subcommittee which has a long and distinguished record of concern about the Nation's crime problems and of legislative action to solve them. I have personally been involved in law enforcement and criminal justice most of my adult life. I have served as an attorney, then as a public prosecutor and traffic court referee, later as sheriff of the third most populous county of the United States, and now as mayor and conservator of the peace for the city of Detroit.

I have been very close to the problems and the attempted solutions in law enforcement and criminal justice.

I have prepared a rather lengthy and definitive statement for my presentation today. With your permission I would like to submit that statement for the record and now orally present the highlights of it to you.

Senator HRUSKA. The statement will be received and placed in the record and you may proceed to highlight it.

(The statement in full of Mayor Gribbs follows:)

**STATEMENT BY ROMAN S. GRIBBS, MAYOR OF DETROIT, MICH.**

Gentlemen, I am Roman S. Gribbs, Mayor of Detroit, Michigan. I am appearing here today on behalf of the National League of Cities and U.S. Conference of Mayors in support of amendments to the Omnibus Crime Control and Safe Streets Act of 1968 to assure that Federal aid for crime control is spent more effectively in areas where it is needed most.

It is a particular personal pleasure for me to appear before this Subcommittee which has a long and distinguished record of concern about the nation's crime problems and of legislative action to solve them. I have personally been involved

in law enforcement and criminal justice most of my adult life. I have served as an attorney, then as a public prosecutor, and a traffic court referee, later as sheriff of the third most populous county of the United States, and now as Mayor and Conservator of the Peace for the City of Detroit. I have been very close to the problems and the attempted solutions in law enforcement and criminal justice.

As I am sure you are aware, crime is a matter of deep concern to the mayors of the nation's cities. Eighty-five percent of all reported crime occurs within city limits. Fifty-three percent of all FBI index crimes and 80 percent of all robberies occur within the nation's 154 cities over 100,000 population which contain only 28 percent of our total population. City officials—mayors, managers, police chiefs—must deal with crime on the streets every day. They have the greatest experience in crime control and the greatest desire to seek solutions to the crime problems.

The mayors of the nation greatly appreciate the commitment to aid local governments which the Congress, spearheaded by this Committee, made in enacting and funding the Omnibus Crime Control and Safe Streets Act of 1968. However, the manner in which many of the states are administering the program gives us at the local level cause for concern that the purpose of Congress which was to provide meaningful assistance in fighting crime is not being met. Early this year, the National League of Cities and U.S. Conference of Mayors conducted a comprehensive review of activities under the Safe Streets Act at a time when distribution of fiscal 1969 action funds had been substantially completed. That study noted a number of severe problems with state administration of the program. My discussions with many city officials during the first six months of this year indicate to me that the problems identified in that study are wide spread throughout the nation and apply to the Safe Streets program as it is being administered today. Just last week, the annual meeting of the U.S. Conference of Mayors in Denver passed a resolution indicating the deep concern of the nation's mayors in the present operation by the states of the Safe Streets Act and calling for major improvements to assure more effective use of federal assistance in the future. I would like to include a copy of that resolution at the end of my remarks.

My review of program operations in my own state, discussions with other city officials across the country, and study of several analyses of the operation of the Safe Streets Act which have been published indicate that there are several severe problem areas in state program operations. These are:

1. In too many instances funds are being dissipated shotgun style across the states in many small grants that are not likely to have any significant impact on the crime problem and do result in dollar allocation pattern that favors rural and suburban low crime areas. This distribution deprives high crime areas, such as core cities, of urgently needed assistance. My own city of Detroit which has 40 percent of the State's crime makes 30 percent of the total police expenditures in the state and contains 19 percent of the state's population received only 18 percent of the action funds plus 6 percent of the planning funds. Michigan's second largest city, Grand Rapids, received an inconsequential grant of only \$188 to purchase a three-fourths share of two Polaroid cameras and a fingerprint kit. Livonia, a city of 102,000 population, received nothing in the first year plan. However, rural Isabella County received \$18,000 for a basic radio system and Delta County with a widely spread population of 34,000 received \$15,000 to train volunteer probation aids.

Further, the regular action allocations in Michigan included 11 grants of less than \$1,000, including one of only \$135 to Midland County for the purchase of radio equipment.

These patterns have been repeated all across the country. In Pennsylvania, the City of Scranton with 115,000 population and annual police expenditures of approximately \$1 million received \$5,000 while a rural county with 16,400 population and annual police expenditures of a mere \$12,000 received \$22,236 for basic communications equipment. The May 1970 issue of the *Nebraska Municipal Review* contains a listing of Safe Streets grants in that state which includes one grant of only \$60.00, 16 grants of under \$500 and 59 grants of under \$1,000.

2. In many instances, state plans have overlooked individual needs of high crime areas, particularly major cities, in favor of a generalized approach to problem solving. These approaches have emphasized improvements in basic law enforcement equipment and training techniques for areas with low crime problems that have not, up to now, felt the need to use their own funds to upgrade the competence and sophistication of their crime fighting apparatus. For example, Michigan placed 23 grants in 22 communities to provide basic radio equipment. One

of the major goals of the Kentucky plan was to place radios in many police and sheriff's vehicles in low crime communities which, up to now, had not thought it necessary to reach into their own pockets to provide this basic equipment.

3. Instead of directing their efforts towards aiding cities and fighting crime in the streets, most states have concerned themselves with establishing and maintaining substantial, unwieldy and unnecessary bureaucracies to distribute Safe Streets dollars. In addition to the state agencies which have been established to maintain the program in all 50 states and which, by themselves, are not overly large, 45 states have established a total of 452 administrative districts to aid in planning, dollar distribution, and program administration. Most of these administrative districts are supported from the 40 percent of planning funds which is supposed to be used in development of local plans. Because this money has been used to support regions, in many states no funds have been available for planning on the local level. Presently cities are excluded from eligibility to receive the local share of planning funds in 29 states. Generally, these regional planning efforts do not adequately recognize the individual criminal justice planning problems of their various local units. They only identify and support solutions for problems common to all. They are established in the name of coordination but often perform no greater function than to assure that everybody gets something, effectively frustrating any efforts to pinpoint funds on solution of particular problems in individual communities within the region. In Michigan there are 11 of these regions, in Illinois 35, in Nebraska, North Carolina and Texas 22, in Georgia 18. Many are set up without regard to particular concentrations of crime or population.

4. The values of the block grant approach have generally not been realized in the application of the Safe Streets Act.

(a) Instead of avoiding a proliferation of paperwork and bureaucracy, the state channelled block grant approach has interposed two new and costly layers of bureaucracy between the source of funds (the federal government) and the location of most criminal activity (the cities).

(b) The block grant approach has increased the delay in getting funds to local projects. In January and February of 1970, a year and a half after the fiscal 1969 appropriation was approved, many states were still in the process of, or had just completed, allocation of fiscal 1969 action funds. Regional and state approval must precede federal program approvals, and regional and state decisions to release funds must follow federal decisions to release funds—compounding delay local governments face in filing applications and receiving determination of the funds they will receive.

(c) Though distribution of program responsibility down through the levels of government was a stated goal of the block grant approach, the direction of the program has been toward increased concentration of power at the state level at the expense of cities and counties—the levels of government closest to the people and to the problem. The local say in state planning for local programs can often be best described as tokenism. Many mayors have reported to me their frustration at the state's failure to consult them or their staffs in development of these Safe Streets plans which they consider vital to their local interests.

5. Finally, as the level of program funding is increasing, many cities will be experiencing great difficulty in raising the required local share in order to participate in this federal program. This difficulty is occurring because of the severe constraints on local financial capacity imposed by state revenue raising and spending restrictions. Cities across the nation, and Detroit is no exception, are caught in a severe financial crisis between state imposed restrictions preventing broadening of the local revenue base and increasing demands for service by local citizens.

Even a city completely committed to action to control crime may not be a free agent to collect and dedicate the necessary resources to achieve this purpose. Local revenue raising capability, and to some extent, local spending choices are severely restricted by state law:

States tell cities what taxes they may raise, and in some cases how high they may raise them.

States designate who may and who may not be taxed.

States set limits on how much debt may be incurred and what interest limits may be paid, and

States sometimes mandate services which must be performed and what people must be paid to perform them.

From local limited revenue bases—primarily the property tax—demands for the full variety of municipal services must be filled, and demands for increased commitments of local resources have never been greater. Local government is the government closest to the people, and it is local government towards which people turn first when they need help.

These are some of the problems which cities currently face in the administration of the Safe Streets Act. I would now like to make some comments on two specific areas: on the specific legislative proposals which are before you and some specific suggestions which we have to improve the operation of the Safe Streets Act.

First, I would note that because of the limited role LEAA has taken in supervising state planning activity and the questionable performance of many states in getting federal aid to where the crime is, the proposal in S. 3541 to allow LEAA to waive the 40 percent and 75 percent "pass through" requirements for planning and action programs respectively must be rejected. Making these requirements optional will strip the Act of any protection to ensure that some funds will be spent effectively to deal with urgent local crime problems. Expenditure breakdowns developed by state planning agencies must be recognized as self-serving and be closely questioned before they are accepted as fact.

Instead of limiting the capacity of cities to get Safe Streets funds, as proposed in S. 3541, I respectfully urge you to amend the Safe Streets Act by legislation such as S. 3171 or H.R. 17825, which was recently reported by the House Judiciary Committee. These bills and another introduced by Senator Hart would assure that more funds are available directly to cities to deal with urgent crime problems, that there is a greater concentration of funds on solving problems in areas of high crime incidence, and that states make a real commitment of resources to solving local crime problems if they are to maintain control of all federal funds.

Second, in addition to these changes in the substantive law, we urge this Committee to support authorization and appropriation of increased funding for the Act, once the substantive amendments insuring the effective use of funds have been adopted. Specifically:

1. We urge authorization of \$4 billion over the next three years to support state and local crime fighting efforts through the Safe Streets Act. The National Commission on the Causes and Prevention of Violence has recommended that expenditures for the criminal justice system be doubled from their present \$6 billion a year level if the war on crime is to be waged effectively. As law enforcement is a local responsibility, much of this expense increase will have to occur at the local level, but the severe limitations on local revenue raising capabilities will require that a substantial federal contribution be made to the local effort if the necessary upgrading of the law enforcement effort is to be achieved.

2. We urge that the states be required to contribute 50 percent of the non-federal costs of local programs supported under the Safe Streets Act, as long as the states are to maintain control of the federal dollar distributions. As I noted before, local governments face severe difficulty in providing their required matching share of costs under this program in large part because of state imposed revenue raising limitations. The requirement that states contribute 50 percent of the non-federal share of local program costs would ease this substantial burden on local government and by assuring a state resource commitment result in a substantially higher degree of state interest and involvement in local law enforcement programs. This requirement would also make states assume some responsibilities commensurate with the complete rule over local programs which the block grant approach gives them.

Crime is a problem which affects the cities 24 hours a day, 365 days a year. It is one we view with considerable urgency and one for which we desperately need help from the federal and state governments.

3. We urge that the discretionary fund available for direct grants to the cities under the Act be substantially increased from its present 15 percent limit. Such an increase is necessary to allow immediate federal action to support generally recognized needs for improvement at the local level without the delays incident to passing local applications for funds through state and regional grant approval structures. Many vital local problems are being overlooked by a generalized state planning process. The discretionary fund must be broadened to support these vital local needs, particularly central city needs for improvements to highly sophisticated criminal justice systems which are generally being ranked lower in state and regional planning structures that support for basic improve-

ments to criminal justice systems in lower crime suburban and rural areas. We also urge that the matching ratio for the discretionary fund be increased to 90-10 as provided in H.R. 17825 with a potential waiver of the 10 percent matching requirement where it is found that individual local jurisdictions cannot even pay this amount. Such an increase in the matching ratio is made necessary because of the severe financial constraints local governments currently face as I have already discussed.

4. We urge that the Act be amended to require LEAA, before it approves any state plan, to certify that states, in using federal funds, will allocate an adequate amount of these funds to deal with the problems in the high crime areas. Such an amendment is necessary to avoid the present problems under which substantial amounts of funds are being dissipated in small grants to low crime areas. It will give LEAA a statutory mandate to assure concentration of funds on most urgent crime control needs. Only through such an amendment will federal funds be concentrated in sufficiently large amounts and in sufficiently needy areas to have a significant impact on improving the criminal justice system.

5. Finally, we urge that the Act be amended to require states to distribute a substantial portion of the local share of planning funds for use in planning programs by individual cities and counties. Here again, I want to emphasize that cities in 29 states are not individually eligible to receive planning assistance under this Act.

Multi-jurisdictional efforts whose operation is mandated by the state should be supported from the substantial share of planning funds available to the states under this Act. The meager share of planning funds allocated to local governments should not be called upon to support these state administered districts, rather, they should be used to aid individual communities in developing comprehensive law enforcement programs appropriate to their particular needs.

We believe that with these amendments the Safe Streets Act can and will be an effective vehicle to create a positive federal-state-local action partnership to control crime.

I think you, Gentlemen, for your attention. I will be happy to answer any questions you may have to the extent of my ability.

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#### STREET CRIME AND THE SAFE STREETS ACT—WHAT IS THE IMPACT?

##### AN EXAMINATION OF STATE PLANNING AND DOLLAR DISTRIBUTION PRACTICES UNDER THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

(Prepared by: The National League of Cities and the U.S. Conference of Mayors)

Crime has always been a subject of public concern, but in recent years this concern has risen in some areas to a state of alarm with demands for action by all levels of government to restore a general feeling of safety to America's streets. In the past three years three separate Presidential Commissions have studied problems relating to crime and issued reports recommending substantial, and costly, courses of action to deal with crime and the social conditions which create it. Such close and continued coverage of a subject by Presidential Commissions is unprecedented in the history of America.

The most recent of these Presidential Commissions, the National Commission on the Causes and Prevention of Violence, reported in December of 1969: Violence in the United States has risen to alarmingly high levels. Whether one considers assassination, group violence or individual acts of violence, the decade of the 1960's was considerably more violent than the several decades preceding it and ranked among the most violent in our history.

Crime is primarily an urban problem. In 1968 approximately 3.8 million index crimes—85% of the national total—were committed within the nation's metropolitan area. There are over 2,800 crimes per hundred thousand population in metropolitan areas compared to less than 800 per hundred thousand population in rural areas. City officials are particularly concerned about crime problems, for it is upon them that prime responsibility for crime prevention and control rests and it is they from whom the people are demanding most immediate action to improve safety on the streets.

Enactment of the Omnibus Crime Control and Safe Streets Act of 1968 signaled the beginning of a major new federal grant effort to aid in solution of the urban

crime problem. Local officials particularly welcomed this development as a valuable source of support for improvement in their law enforcement systems above the improvements already being supported from heavily strained local revenue bases. Local officials were concerned at the time of the enactment of this legislation, however, with amendments to channel all funds through state agencies. While they were encouraged by assurances that states would use funds responsibly to deal with the most urgent crime problems, they were concerned that traditional state dollar distribution patterns would reappear in this program with the result that substantial portions of funds would be channelled away from the most urgent crime problems in the urban areas.

The Safe Streets Act establishes a program of planning and action grants to state and local governments for improvement of their criminal justice systems. All of the planning grants and 85% of the action grants must be channelled through states according to a formula established in the Act. Fifteen percent of the action grants may be allocated directly to state or local governments as determined by the Law Enforcement Assistance Administration.

Several provisions of the Act to seek to assure that local government will have a definitive role in planning and funding of the programs. Most important of these protections are sections which require that 40% of each state's planning funds and 75% of the state block grant of action funds be "available to units of general local government or combinations of such units" for local planning and action programs. The percentage for allocations of action funds between state and local governments was drawn from the breakdown of expenditures for the criminal justice system cited in the 1967 report of the President's Crime Commission. The Act also requires that local officials be represented on the state planning agencies and specifically directs the states to take into account "the needs and requests of the units of general local government" and to "encourage local initiative. . . ."

Because of the great needs of urban governments for assistance in upgrading their criminal justice systems and the concern of many city officials that funds appropriated under the Safe Streets Act be spent effectively, the National League of Cities and the U.S. Conference of Mayors have followed closely the progress of this program.

In March of 1969 the National League of Cities completed a preliminary examination of the program and issued a report which raised some very serious questions about the early directions the program appeared to be taking. In the fall of 1969, as the state allocation of action funds to local governments are getting under way, Patrick Healy, Executive Vice President of the National League of Cities and John Gunther, Executive Director of the U.S. Conference of Mayors directed three staff members of NLC and USCM to undertake a substantial review of the first year fund allocation processes developed by the states. This report is the product of that study. The findings are a matter of concern because, essentially, they confirm the patterns identified as developing a year ago.

The program, as presently administered by most states, will not have the necessary impact vitally needed to secure improvements in the criminal justice system. The states in distributing funds entrusted to them under the block grant formula of the Safe Streets Act have failed to focus these vital resources on the most critical urban crime problems. Instead, funds are being dissipated broadly across the states in many grants too small to have any significant impact to improve the criminal justice system and are being used in disproportionate amounts to support marginal improvements in low crime areas.

A few states are operating programs which give promise of success, among these are Arizona, Illinois, New York, North Carolina, Washington and Wisconsin. But generally despite the great urgency of the crime problem, states are not acting responsibly to allocate Federal resources, or their own, in a manner which will be most productive in preventing and controlling the urban crime which was the target of the Act. In light of the findings, the Safe Streets Act must be amended to insure effective use of funds in areas of greatest need by giving its dollar distribution pattern greater flexibility, permitting full support of state programs where state and local governments have formed a cooperative and effective partnership to fight crime, but preserving the option of dealing directly with the Federal government to those cities within states which have neither demonstrated a clear commitment to improve the criminal justice system nor used Federal funds entrusted to them most productively.

Specifically, the intensive analysis of state programs under the Omnibus Crime Control and Safe Streets Act concludes:

1. The planning process has not been effective in creating real, substantive state plans. Generally the state plans have focused on individual problems and solutions of varied and often unrelated impact without providing the guidance for coordinated improvements to the criminal justice system which is the most appropriate role of a state planning operation. Further, in many states there appears little relation between plans and actual distribution of funds for projects. The final result is that local governments are presented with generalized statements of problems and solutions which create only confusion among localities as to their immediate role in the program and give no indication of the future impact of system improvements at the local level. In addition to confusing statements of generalized goals, many state plans produced shopping lists of specific projects which frustrated any local attempts at comprehensive criminal justice improvements. Localities in such states were forced to split their programs into separate project categories fixed by the state and hope for funding of those parts of their program which related to the state lists on a hit-or-miss, project by project basis.

This conclusion of confusion in state planning processes is not held by NLC and USCM alone. Mr. James A. Spady, Executive Director of the New Jersey State Law Enforcement Planning Agency and President of the American Society of Criminal Justice Planners, in explaining the need for a good state plan, told a meeting of the New Jersey State League of Municipalities about some of the other state action plans:

If you had seen some of the confused, contradictory, and unimaginative plans of some other states that I have seen you would know what I mean. You would know how difficult it must be for local officials in those states to decide just what is available under the plan, just what has to be done to get it, and just where is the whole thing headed.

2. The states in their planning processes, have generally failed to take into account the specialized and critical crime problems of their major urban areas. This failure goes to the very heart of the state programs—a crime planning process which neglects to take special notice of problems in those areas where 85% of the crime is committed can be judged by no other mark than failure. Significantly, this is a general defect in the plans recognized by LEAA itself whose Police Operations Division, after reviewing the state plans, noted with concern: . . . "the failure of those states having large metropolitan areas where from 25% to 60% of the state's crime is committed, to give separate treatment to the law enforcement situation in those areas."

3. Despite general statements in plans advocating improvements, most states in the allocation of action dollars have neither demonstrated any real commitment to improve the criminal justice system, nor have they concentrated funds on programs in most critical need areas. Instead of need and seriousness of crime problems, emphasis in dollar allocation appears to have been placed on broad geographic distribution of funds. Some states have established formulas for distribution of planning and action funds among local units or through regional units established for fund distribution purposes. Others have simply allocated funds in many small grants to local units. Few, if any, states have attempted to make difficult decisions which would enable them to allocate sufficient amounts of dollars to have any impact on the most urgent problems. Though LEAA guidelines are reasonably explicit in urging concentration of funds on crime problem areas and in requiring local consent if the local share of funds allocated under the Act is to be used by other than local governments, LEAA has not been very active in enforcing these requirements. Nor does it appear that LEAA has been very demanding in requiring a certain level of quality in state plans.

4. Though better coordination and program comprehensiveness is a stated goal in most plans, and was a goal of Congress in enactment of the legislation, in practice state dollar distributions have frustrated chances for coordination. The many grants to low crime areas, often served by small departments may preserve the fragmentation of the criminal justice system and frustrate efforts to improve coordination. Some small departments which would otherwise be forced to consider coordination or even consolidation because of local financing constraints are now able to continue maintaining an independent existence because of the subsidy provided from Safe Streets funds. Also state programs often support separate regional training academics and development of new

independent communications systems when these facilities could be operated more economically and improve coordination if they were tied into the existing training or communications facilities of major cities in the area. In some states which allocate dollars to regional units, coordination is also frustrated because jurisdictional lines for law enforcement planning regions have been drawn differently from jurisdictional lines for other existing multi-jurisdictional planning efforts.

5. Assignment of planning responsibility to regional planning units has often frustrated the capacity of individual cities and counties to gain expression of critical needs in the state plan and action program. These regions have been established, in most cases, at the direction of the state planning agency, often without the consent of and sometimes with the actual opposition of the local units assigned to the regions. In most cases these state established regions are supported from the 40% local share of planning funds. Allocations to such regions have resulted in no Federal aid being available for necessary planning in individual localities. The regions impair the ability of LEAA to oversee the fairness of dollar distribution at the local level. In addition they increase administrative costs and oftentimes result in several duplicative studies of similar problems in different areas of the state. Regional units also restrict the ability of local governments to gain expression in the state level plans of their particular local needs and ideas for improvements of the criminal justice system, thus restricting local control over local programs. In many cases representation on the governing boards of regional planning units is not fairly apportioned among participating local units.

6. Finally, the values of the block grant approach stated at the time of enactment of the Safe Streets Act have generally not been realized in application.

(a) Instead of avoiding a proliferation of paperwork and bureaucracy the block grant approach has interposed two new and costly layers of bureaucracy between federal crime funds and their local application in most states, with a resulting confusion of planning boards, staffs, application timetables, guidelines, plan priorities, etc.

(b) The states have not filled their proposed role as agencies to coordinate programs and assure that funds are spent most effectively, rather state program directions have created much confusion for localities trying to define a role for themselves in the program and state dollar allocations have spread funds broadly across the state without regard to need.

(c) Delay in getting funds to local projects has increased, not reduced. A year and a half after the fiscal 1969 appropriation was approved, many states are still in the process of, or have just completed, allocation of fiscal 1969 action funds to their local governments. Regional and state approval must precede Federal program approvals and regional and state decisions to release funds must follow Federal decisions to release funds—compounding delay local governments face in filing applications and receiving determination on the funds they will receive.

(d) Though dispersal of program responsibility down through the levels of government was a stated goal of the block grant approach, the direction of the program has been toward increased concentration of power at the state level at the expense of cities and counties—the levels of government closest to the people and the problem. Many state programs are tending to limit the capacity of the local government and local citizens to affect their law enforcement systems, and the local say in state planning for local programs can often be best described as tokenism.

During the NIO and USCM examination of the Safe Streets program, LEAA officials have always been willing to discuss the issues of the Safe Streets program—its successes and failures—with an openness and candor which is refreshing. Though we have not always agreed with decisions made by LEAA, we believe that LEAA under the leadership of Administrator Charles H. Rogovin has been among the best of the Federal agencies administering grant-in-aid programs. The difficulties LEAA faces are primarily created by the restrictions imposed in the statute which limit LEAA's capacity to further stimulate expansion and improvement of programs in those states making a determined effort to upgrade state and local criminal justice programs, and deprive LEAA of sufficient flexibility to provide urgently needed assistance to cities in states which are failing to use Safe Streets funds responsibly to deal with their major crime problems.

Though review of the Safe Streets program indicates that serious problems

exist in many states, several states appear to be acting responsibly in partnership with their local governments to improve their criminal justice systems. Programs in these states stood certain key tests in the NLC and USCM review of the Safe Streets program; (1) NLC and USCM staff identified no major flaws in the state's action plan; (2) No criticism of the state program was received from the largest cities in the state or from the State municipal league; and (3) No major criticisms of the state program were received from small and medium sized cities in the state. The states identified as a result of these tests were: Arizona, Illinois, New York, North Carolina, Washington and Wisconsin.

Generally, however, the picture has not been good. The necessary change in legislation should not, however, reject a major role in the Safe Streets program for those few states which are administering the program responsibly.

Cities are ready, willing and able to work closely with state government where state government demonstrates that it is willing to seriously commit itself to aid in solution to urban problems. Most states have not demonstrated that commitment today. Some have, and the Safe Streets Act should be restructured and program administration practices changed to recognize these differences among states, giving incentives for greater state involvement while at the same time guaranteeing that the urgent needs of all urban governments will be met by direct Federal aid in those many states which have little demonstrated commitment to aiding the solution of urban problems.

The following specific program modifications are suggested:

1. In order that cities with serious crime problems will receive urgently needed assistance, the Safe Streets Act must be amended to assure that an adequate share of funds can be distributed directly to cities.

2. Concurrent with amendments allowing adequate amounts of grants to cities, the Safe Streets Act should be amended to give states incentives to deal responsibly with the crime problems of the major urban areas.

3. The LEAA must take a much more active role in overseeing state programs:

To demand that states give proper recognition to needs and priorities of urban governments in development of state plans.

To prevent states from using the local share of planning funds for what are essentially state purposes without first obtaining the consent of affected local governments.

To assure that states and their regional planning agencies in allocating planning and action funds concentrate support on improvement programs for areas with the most serious crime problems.

4. Once these basic substantive changes are made to assure more effective use of funds, the level of assistance available under the Safe Streets Act should be substantially increased and the program matching ratios reduced to allow comprehensive criminal justice improvement programs in all urban areas.

#### *Study background*

The NLC and USCM study of the first year state action plans covered a period of five months with a primary time commitment in January and February of 1970. The study included:

(a) A comprehensive analysis of 33 state action plans filed with LEAA and approved for funding during the summer of 1969. Action plans studied included those of: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington, and Wisconsin.

(b) Communications in person, over the telephone or by mail with local officials or state municipal leagues executives in 45 states. In this regard NLC and USCM wish to express particular appreciation to the city officials who composed two task force groups who met in Washington during January of 1970 to share their experiences and ideas relating to the Safe Streets program with NLC and USCM staff. A list of these officials is included in Appendix A.

(c) Discussions of problems relating to the Safe Streets Act with officials of the Law Enforcement Assistance Administration and several directors of state law enforcement planning agencies.

(d) A review of other studies of administration of the Safe Streets Act published during the last five months of 1969.

## THE PLANNING PROCESS

Congress, in writing the statute, clearly expressed its intent that there be substantial local involvement in planning by requiring that 40% of the planning funds be available to local governments, that the state planning agency be representative of local governments and that the state plan "adequately take into account the needs and requests of the units of local government." Many states had promised this participation in grant applications filed with LEAA. Despite general statements in grant applications about the high degree of local government involvement in the planning effort, examination of the 1969 plan development processes indicated that in many states the actual degree of local involvement in the planning process can best be described as tokenism.

*Local representation*

Mayors, county commissioners, and other local elected officials with general policy responsibilities have not been deeply involved in the planning process which is dominated by functional specialists in the various fields in criminal justice.

In September of 1969 the International City Management Association published a survey which showed that only 13% of the members of all state planning bodies were local policy making officials, that 15% were classed as "citizens" and the rest were either state officials or functional specialists in the various fields of law enforcement. At the regional planning level, functional specialists predominate to an even greater degree, with some states including Florida and Louisiana having regional boards made up almost entirely of local law enforcement officials. California has recently added several local policy making officials to its state board, and Pennsylvania has made a major effort to broaden the local policy making representation on regional boards. There has also been some expansion of local officials representation in other states, but generally representation of local policy making officials on state and regional planning boards remains inadequate.

Adequate representation of local policy making officials on state and regional boards is an absolute necessity as these officials provide an overall view of the problems and priority decisions facing local governments which can aid in structuring state and regional planning to assure that the programs develop from these planning efforts can be easily integrated into the overall local governmental processes. Adequate citizen representation on state and regional boards is also necessary to give state and local planning processes and resulting efforts to implement law enforcement plans a degree of legitimacy among those elements of the community who believe they will be most affected by improved law enforcement activity.

*Funds for local planning*

As NLC's 1969 study indicated, state practices in allocation of the 1969 planning funds severely limited local participation in the planning effort. The local share of planning funds was distributed in a manner which emphasized broad geographic coverage rather than the seriousness of local crime problems or the degree of need for planning assistance.

As a result, in many states a disproportionate share of the planning funds was allocated to benefit rural areas. Further, broad geographic distribution of funds resulted in many planning grants which were too small to have any significant impact in establishing and maintaining a competent local planning process. According to the ICMA survey, 24 states distributed the local share of their planning funds among local governments and regional planning units solely according to population while another 10 states made minimum allocations to regional planning units and then distributed the remainder of available funds to a formula basis.

Minimum allocations discriminate against heavily populated areas in distribution of funds. Superficially, such allocations can be justified as necessary to support a minimum planning competence. However, the manner in which most states drew the planning regions to receive the funds indicate that the regional dollar allocation structure may have been established to benefit the low density areas. Kentucky's plan notes that it has three major urban areas which account for 70% of the crime problems in the state, yet the state designated 16 law enforcement planning regions and allocated a \$5,000 base grant to each region. The result; rural regions received twice as much per capita in planning funds

as the Louisville area. Oregon has over half its population concentrated in two of its 14 law enforcement planning regions, yet each region received a base grant for both planning and action purposes. Colorado divided planning funds in \$2,000 base grants among 14 regions, though more than half the state's population and 70% of its index crime is concentrated in the one region including Denver. As law enforcement systems are similar in many rural regions of individual states, it would appear that these rural regions could have been combined with no significant reduction in effectiveness of the basic planning effort, freeing a substantial amount of the funds to concentrate on planning for solution of crime problems in areas of greater need.

#### *The impact of regionalization*

Involvement of individual cities and counties in the planning process has also been severely limited by state imposition of regional planning units to take charge of the local planning effort. In addition to the 50 state planning agencies required under the Safe Streets Act, approximately 40 states have designated regional planning agencies as a third level of bureaucratic activity for planning and the processing of local grant applications. There are currently between 350-400 of these regional law enforcement planning units in operation across the nation. Generally states have made the decision to establish these regional units, but most are supported by the 40% share of the planning funds which the Act requires be "available" to local units for their planning efforts.

Many of these state planning sub-units were developed specifically for the Safe Streets program, others had existed on paper without any source of support until Safe Streets funds were made available, and some of the regional planning agencies were already in operation when aid for the Safe Streets program became available. The ICMA survey indicated local councils of government were used in only 12 states as the agency for regional law enforcement planning. State planning districts were used in 7 states, and economic development districts in 11 states, with the remainder emphasizing mainly regional planning districts which may or may not represent the interest of their local government.

Where they exist, states place primary reliance on regional planning units for direction on what the needs and priorities of local government should be. This saves the state planning agency the trouble of dealing with many local units having differing needs and complicated law enforcement problems. However, it makes it very difficult for individual local problems to gain expression at the state level. The City of Norfolk, Virginia noted the problem it faced in this regard:

Localities cannot report to the state planning agencies, instead they must refer all priorities to a regional planning commission for approval and new priorities formed, which will then be forwarded to the state planning commission.

Though regions are theoretically established to represent local interests, the ICMA survey indicated 45% of its 637 reporting cities did not believe that regional planning operations would take city needs into account. The regional arrangements are particularly amicable and convenient for those states which control the staff and/or appointments to the regional boards. There the regional units first loyalty is to the state and not to the local governments it is designated to serve. Among the states in which local officials noted problems because the governor or another state agency controlled appointments to regional boards and staff were Alabama, Arkansas, Colorado, Georgia, Indiana, Kentucky, Oklahoma and South Carolina. One comment from South Carolina noted:

The state of South Carolina has been divided up into so called planning districts by the governor. The local legislative delegation from each county has appointed people to a "planning commission" to plan under this Act.

A Georgia official noted that regional boards are picked by "political philosophy rather than competence." In Florida regional board members are chosen by the police chiefs and sheriffs of the particular regions. The governor then selects a board member as chairman. However, broadening of board membership to include local police officials, private citizens, etc., has been foreclosed by the state decision that regions should be controlled by law enforcement professionals.

As a result of this emphasis on sub-state regions in planning dollar allocation, local governments have been unable to obtain their fair share of planning dollars for necessary local level planning. Cities in those states where all of the local planning funds are retained at the regional level have a much more difficult time to gaining adequate expression of their needs, particularly since there is

no assurance that a commitment of substantial local resources to a locally funded planning effort will result in an action grant from the state agency. St. Paul, Minnesota, pinpointed these problems in its comments about the Safe Streets program:

Under the Minnesota plan no monies are forwarded to the cities of St. Paul or Minneapolis for planning purposes. In lieu of that the state has designated a Metropolitan Planning Council as the recipient of the funds. We recognize that there is a need for area-wide planning. However, the development of a data base suggests the need for input of the local units of government. Yet, these local units of government will be required to donate time to the state agency which is fully funded. In view of the financial distress of the cities it seems somewhat unrealistic.

Pennsylvania controls the regional boards but pays the board from state funds, freeing the local share of planning funds for expenditures in developing plans for individual local units. All local applications must filter through the regional planning boards, but the availability of planning funds to local units allows them to better analyze their needs and develop a more comprehensive case for assistance to submit to the regional board.

Some states have recognized the problems regional units create and are backing away from them. Kansas abandoned a regional structure which relied on state Congressional districts because of difficulties in establishing the regions and the projected inconsistency of the regional effort with local planning goals. New Jersey modified an initial planning program which emphasized regions to allow direct grants to aid local planning efforts in major cities of the state.

There has been some confusion over the role of LEAA in supporting regional planning structures. In discussion with NLC and USCM staff, several state planning directors have indicated much the same view as expressed by the Utah State Planning Director when he told a January 1970 meeting of executive directors of western leagues of municipalities that LEAA is urging states to establish regional structures for local planning. A publication of the Indiana Criminal Justice Planning Agency indicated regions were established "as requested by LEAA."

The Act says that state plans should: "encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment." When complaints about regional structures are presented to LEAA, it takes the position, consistent with the statute, that while multi-jurisdictional arrangements should be encouraged, LEAA is not urging regionalization upon law enforcement planning systems.

NLC and USCM agree that multi-jurisdictional arrangements would be of great benefit to many areas to secure improvements in the criminal justice system, provided means are preserved for expression of individual local needs and problems. However, review of the Safe Streets program operations indicates that regional planning structures are essentially grant review and approval mechanisms which provide little positive leadership in efforts to secure coordination of law enforcement and criminal justice systems.

In a number of cases imposition of regions is actually frustrating local coordination efforts already in effect. The cities which are the focus of the three leading city-county consolidation efforts, Indianapolis, Indiana; Jacksonville, Florida; and Nashville, Tennessee were placed in regions with a number of other independent local jurisdictions. The planner in charge of the law enforcement planning region including Jacksonville, Florida did not know of the existence of the Jacksonville-Duval County Planning Board in the early stages of the development of the Jacksonville region law enforcement council. Further, officials in Jacksonville are concerned that the law enforcement planning council is proceeding completely independently of all other planning activities done in the community and acting without regard to capital budgets, community improvement schedules and other factors essential to successful operation of local government.

#### *Limited local participation*

The final result of these difficulties in the state planning process is that local governments are effectively excluded from any meaningful participation in the planning process for their state. An NLC and USCM official attending a February, 1970 meeting with mayors, managers and selectmen from 40 communities in Vermont discovered with surprise that none of the attending officials had been contacted by the state regarding the Safe Streets program. Officials of the cities of Savannah, Georgia and Dallas, Texas indicated that their cities were not

consulted in the development of the 1970 action plan which their regional planning agencies were submitting to the state. In Dallas' case the officials stated that this lack of consultation really made no difference since the plan was so general it could accommodate anything Dallas wished to do within the program. (This being the case, the question arises: If the plan was so general that it could accommodate anything proposed by a city what was the purpose of the whole regional and state planning process?). North Carolina designated 22 units to do criminal justice planning, but 14 of them had not received any funding when the state plan was submitted to LEAA. Likewise in Pennsylvania, funds were not distributed to regional planning agencies until June, 1969, after the state plan had been filed. The Alabama state plan was submitted to LEAA before the regional committees ever approved the regional plans which were to provide the local element of the state plan. Kansas used the questionnaire approach in developing information for its plan, but drew up and filed the state plan at a time when only 47% of the needs and priorities questionnaires had been returned.

Besides Kansas, Idaho, Illinois, Indiana, Montana and Ohio placed some reliance on questionnaires in developing fiscal 1969 needs and priorities. Questionnaires are valuable to gain data, but the danger of the questionnaire approach is that in adding up all of the votes, general needs, particularly needs of more numerous low crime communities, tend to be emphasized while specialized problems and situations peculiar to one or a few communities are relegated to positions of lesser importance. For example, in March 1969, Ohio requested a letter from each community stating its needs and made a compilation of those letters the basis of the local element of its first year plan. In response to a complaint that major city problems had been overlooked in the Ohio plan, the Ohio planning director justified placing primary emphasis in allocation of action funds on basic training because "the vast majority" of localities had expressed a need for training and that, "one of the basic lessons we learned . . . is that there is a great need for funds to support a minimum standard of law enforcement in the state."

In some states, the time constraints imposed on the local planning process belied the possibility of development of any real local input. The sub-regional board to take responsibility for planning in the Los Angeles area was not established until two weeks before the March 15, 1969 deadline when the comprehensive criminal justice plan for the Los Angeles area was to be filed with the state for inclusion of the state plan. One local official from North Carolina made this observation regarding the time constraints faced in his state: "We are rushing too fast to take advantage of the funds available—for fear they will be lost—without adequate planning and without establishment of proper priorities." Rockville, Maryland was given only two days from original notice to filing deadline to prepare a project application for submission to its regional planning body. Grand Rapids, Michigan had three days to prepare and file its application, then waited nine months for a response from the state.

#### PLAN RESULTS

##### *Priority structure and program impact*

The allocation of action funds resulting from the first year planning process has created much dissatisfaction among the nation's cities. Even those few major cities relatively satisfied with their first year allocation are concerned at the structure of the program for they recognize that next year their particular projects aimed at satisfying most urgent needs may be sacrificed to appease some of the more strident critics in other cities. These conflicts have developed because of a difference between needs and priorities perceived by cities and state governments. In a paper presented to the annual convention of the American Political Science Association, Douglas Harman, Professor of Urban Affairs at American University pinpointed the basic problem of the Safe Streets Act: "There is a significant conflict between the goals of fighting immediate urban crime problems and a grant-in-aid system dominated by state governments."

Few of the city officials with whom NLC and USOM have discussed the Safe Streets program believe that the needs and priorities identified in the plans of their states adequately deal with the most urgent law enforcement needs of the major urban areas. One Texas official noted bluntly his belief that, "the state plan mainly aimed at solving problems in rural and suburban areas," while he recognized that there were needs in these areas, he said that the program emphasis was misdirected. He noted further that to get what they wanted most under the need categories set out in their state plan, cities had to play "phony games with words."

Often the plan results reflected state dominance and limited recognition of local needs in the planning process by emphasizing programs which created much concern among local officials. The Tennessee plan placed major emphasis on programs to establish general minimum standards for personnel, and uniform statewide systems in personnel, crime reporting and computer information, though local officials expressed concern at cost implications and other aspects of these programs and urged greater allocation of resources to deal with critical problems in individual jurisdictions. Local officials in Vermont believe that their greatest needs are for improved training and equipment. The Vermont League of Cities and Towns, reflecting these views, protested a proposal to put major emphasis on a statewide communications system and were told in defense of the communications system: "But, that's what the governor wants." Kansas planned to retain \$30,000 from the local share of action funds to establish a training academy though the League of Kansas Municipalities objected that localities had not been consulted about the projected use of local funds.

The city of Toledo, Ohio had four top priority needs in fiscal 1969: (1) modernization of its communications systems, (2) laboratory equipment to handle drug addiction, (3) improvement of a police training facility, and (4) an improved detention facility including a rehabilitation program. None of these were included in the priorities of the state plan. The only projects for which Toledo could apply for assistance under the first 1969 plan were a closed circuit TV system, a mobile riot unit, or portable TV sets. Because the city had made complaints about the state planning process, it was encouraged to file an application. It did so, but the application was turned down because it was not in one of the three project areas set for assistance. Thus, Toledo did not receive a dime under the regular allocation of 1969 action monies, though it had received \$21,000 for a community relations unit as part of the allocation of riot funds made available in August of 1968.

Another city noting problems with the state priority determination was Norfolk, Virginia: The states number one priority deals with law enforcement training, which we feel is not a critical priority in the larger metropolitan areas.

Denver, Colorado relating their dissatisfaction with program allocations stated: The action program for Colorado reflected emphasis on the Colorado Law Enforcement Training Academy over the Denver Police Academy, riot equipment funds for the State Police and the State Penitentiary over the Denver Police Department needs, funds for numerous state juvenile facilities and none for Denver, funds for community relations for cities other than Denver, etc.

Boulder, Colorado—the fifth largest city in the state—did not fair much better: Boulder's program request centered around crucial police-community relations and organized crime particularly in drug traffic . . . these program requests were rewarded with evaluations of priority 5 and priority 6. From a rating scale that ranges from 1 to 6, it is obvious that our program requests did very poorly . . . in view of this determination, the city of Boulder, is likely to receive no funding under the Omnibus Crime Control Bill in 1970.

#### *Where did all the money go?*

Difficulties a city faces in getting needs recognized at state level are compounded when it is placed under a regional planning structure with many other units of government with widely differing levels of needs and varying law enforcement capabilities. Los Angeles, California has been placed in a sub-region of a region which extends all the way to the Nevada border and includes part of the Mojave Desert. Grand Rapids, Michigan, a city of 200,000 population, placed in a rural dominated law enforcement planning region has received only \$188 of over \$54,000 allocated to its region under the program. Grand Rapids city officials contributed time worth substantially more than the grant received to developing local action program applications and participating in the regional planning body.

Two of the nation's largest cities have been placed in regions with vote allocation patterns designed to shift power away from them. Cleveland, Ohio was placed in a seven county region in which the two urban counties get five votes each, and five rural counties get three votes each, result: urban interests and urban priorities outvoted 15 to 10. To avoid this structure Cleveland is attempting to establish a direct relationship with the state through a cooperative planning venture with Cuyahoga County. Houston, Texas contains two-thirds of the population in the council of governments which was responsible for developing its law enforcement plan, but it has only one-twelfth of the vote on the COG board.

When time came for allocation of action dollars, Houston received a grant for \$126,000 to tie in all suburban jurisdictions to Houston's computer. Superficially, this was a grant to Houston, but the suburban communities were the principal beneficiaries. Houston's operating costs may be increased because of the expanded maintenance requirements on its computer operations.

Though the plans generally did not deal adequately with the special crime problems of major urban areas, almost all plans reviewed by NLC and USCM placed major emphasis on providing basic training and equipment. Such programs will primarily benefit low crime areas serviced by small departments. In addition, many plans stressed broad geographic coverage as a goal to be achieved in allocating funds.

The Kentucky plan, for example, emphasizes that 75.65% of the state's action funds will be distributed among local governments on a "balanced geographical basis."

The Indiana plan often used the phrase: "appropriate geographic coverage will be stressed" in explaining how dollars would be distributed, and the Washington plan in aiming for broad geographic distribution stated: "certain other programs were chosen partly because of their suitability to rural areas."

States which have allocated funds among regions on a formula basis to assure that each region gets something and broad geographic coverage is achieved include: Colorado, Florida, Georgia, Michigan, Oregon, Pennsylvania, and Texas. California has taken a more hard-nosed approach at the state level, judging each local application on its merits with the result that, as of January 30, 1970 no projects in three of its predominantly rural regions had been funded.

The net effect of these two policies, emphasizing geographic coverage and basic standards, has been dissipation of millions of Safe Streets dollars in small grants to provide basic training and equipment for police operations in low crime areas. While the need for upgrading such police services cannot be questioned, its priority in most state Safe Streets plans, in face of the urgency of the urban crime crisis, pinpoints again the basic conflict between urban needs and traditional state dollar allocation practices.

State programs which emphasize improvement of basic services discriminate against communities which, because they face major crime problems, already have committed resources to acquire basic equipment but badly need more sophisticated equipment and training techniques to deal with their crime problems.

As a Lancaster, Pennsylvania official noted: Under the present system, dominated in rural interests, those of us in the cities who have made substantial financial commitments on our own in the fight against crime will be subverted to the interests of those who have made little or no commitment and are using Safe Streets money as a substitute for local funds.

Essentially the same problem was recognized by Boulder, Colorado: Those agencies who do nothing to improve the most basic enforcement tools seem inevitably to benefit most by grant programs.

Spreading funds around the state in many small grants prevents concentration of a sufficient amount of funds in any one area to have any significant impact in improving the criminal justice system.

A communication from San Jose, California stated: Money allocated to the states for local use is being spread so thin as to make its effectiveness useless. This action ignores the mandate of the Act that priority should go to high crime areas: urban centers.

A representative of another California city asked: "What can you do with four or six thousand dollar grants?" And the City of Minneapolis indicated that though in total it has received a fairly substantial share of funds, the separate programs to which these funds were assigned by the state chopped them up into so many small pieces that their potential impact was minimized.

Commitment of large sums of money to support basic law enforcement services in low crime areas also contributes to continued fragmentation of the criminal justice system by providing a Federal subsidy for the continued independent operation of smaller agencies, which, without Federal support, would be forced by the economic pressures of rising costs to consider coordination or consolidation with agencies in neighboring jurisdictions. One Pennsylvania official stated that in several instances in his state grants had been made to establish independent county communications networks when combination with the communications system of the central city of the county would have been more economical and promoted coordination of law enforcement efforts.

Opportunities to foster interjurisdictional cooperation have also overlooked in establishment of many basic training programs. Funds have been allocated in 26 of the 50 states for regional training facilities to provide basic training for law enforcement officers. A large number of these regional facilities will be established for the first time under the Safe Streets Act. Local officials from Alabama, Georgia, Ohio and Texas noted that in their states it would have been much more economical if the state, instead of using the local share of action funds to establish new regional training facilities, had supported expansion of existing training facilities operated by the central city of the region.

Local efforts to coordinate criminal justice systems were also frustrated in many states by the structuring of state plans which presented localities long shopping lists of projects from which the localities had to pick and choose without any particular relation to the priorities at the local level. While these shopping lists often gave the state plans a superficial appearance of comprehensiveness, their net effect was to frustrate comprehensive planning and structure local programs and application processes on an individual project by project basis. A city must split its project applications into the separate categories suggested in the state plan and file separate applications for each with the state. Some of these projects may then receive funds, others may not. The final result is approval of bits and pieces of the local program with each separate part approved having various degrees of relevance to the needs of the local government. The city only knows what it will receive at the end of a long process of formal and informal negotiations.

As noted before, Toledo, Ohio's inability to reconcile its locally developed priorities with the list of projects presented by the state prevented that city from receiving any assistance under Ohio's regular allocation of action funds. The Massachusetts plan presented localities a list of 27 projects for which they could apply to receive federal assistance. The list of projects covered the whole field of criminal justice and gave the Massachusetts plan an aura of comprehensiveness. However, the city of Boston noted that any development of comprehensive local programs was frustrated because separate applications were required for each of the separate items listed in the plan, and the application process was further complicated because different deadlines were assigned for applying for various items on the state list. The 1969 Colorado plan presented a list of 31 projects. Of these, only 6 were to provide more than \$10,000 in federal assistance, and 16 provided under \$4,000 with one providing \$450 and another \$555 in federal aid. Eighteen of the twenty-nine projects listed in the Maryland plan called for federal aid of less than \$10,000. The Maryland plan particularly gave the appearance that federal aid fund allocations had been spread around among many projects to give the appearance of comprehensiveness. In a number of cases the share of project costs provided from the federal assistance was well below the level required by the Act. The total Maryland plan called for expenditures of \$1,321,348 of which only \$457,528 was to come from the federal government. Considerable bookkeeping costs may have been saved without any reduction in the effectiveness of Maryland's plan if the federal assistance could have been concentrated on a few projects rather than spread over many to comply with the comprehensiveness requirement.

#### *Fund allocation patterns*

Following are some examples of state priority systems and grant allocations patterns illustrating the defects discussed above:

Major goals stated in the Arkansas plan were:

Improving patrol equipment by replacing obsolete and private vehicles presently in use (These vehicles were mainly in smaller communities).

Improving training through use of mobile equipment and regional training centers, and

Development of a system of minimum standards for jails.

The Kentucky plan noted that there were 90 police and sheriff's vehicles in Kentucky without radios and consigned up to \$25,000 in federal aid for use in providing basic equipment such as car radios and teletype hookups. The Kentucky plan also noted that ten smaller agencies would receive grants from \$500 to \$1000 to procure services of management consultants.

The Massachusetts and Nebraska plans both indicated a major effort would be made to expand coverage of state teletype networks by installing teletype terminals in many smaller communities.

Idaho planned to split \$23,035 in federal aid into 32 subgrants ranging from \$395 to \$2,500 to provide basic communications equipment.

Alabama planned to use \$64,167 to establish seven regional training centers to provide basic training and proposed to divide another \$94,000 among 60 to 80 communities for police operations improvements.

Pennsylvania allocated at least 8 grants totaling \$186,611 for broadening the basic coverage of several local communications systems.

Michigan placed 23 grants in 22 communities to provide radio equipment. Of these grants, 8 were in amounts of less than \$750.

In Michigan, the city of Grand Rapids, with 200,000 population, and annual police expenditures of over \$2,900,000, received \$188 for a 75% share of two Polaroid cameras and a fingerprint kit while one community of 7,500 population received \$1,650 for an infra-red Varoscanner with accessories, \$1,275 for a surveillance camera, and \$2,400 for basic radio equipment. A rural county with a population of 83,600 and total police expenditure of \$197,000 was granted \$18,000 for basic radio equipment, and another rural county of 33,300 population won \$15,100 for a probation services program.

In Oregon, \$45,000 was allocated in \$5,000 base grants to 9 rural regions. A two county rural area with 31,300 population and an annual police budget of \$213,000 received a base grant of \$5,000 in action funds, while the four county region including Portland, with 833,500 population and combined annual police expenditures of well over \$13,000,000 received only \$89,358.

In Pennsylvania, the city of Scranton with 111,143 population and annual police expenditures of approximately \$1,000,000 received \$5,000 while a rural county with 16,483 population and annual police expenditures of \$12,000 received \$22,236 for a basic communications system. The city of Philadelphia was allocated \$207,536. To receive a comparable per capita allocation to that of the rural county, Philadelphia would have had to receive approximately \$2,800,000. To receive a comparable share of its annual police budget, Philadelphia would have had to receive approximately \$120,000,000.

There is every indication that allocation patterns which do not focus on areas of greatest need will continue in 1970. Pennsylvania has developed a complicated allocation formula involving crime index, defendants processed, incarcerated inmates and probationers, all related to population. Philadelphia is a region with itself and is assured of receiving one-third of the local share of action funds, or about \$2.6 million in fiscal 1970. However, as the allocations across the state are still directed to regions there is no guarantee that regional boards will divide the funds to focus on the most pressing crime problems.

Florida and Georgia are planning to allocate fiscal 1970 funds among regions on a population formula as they did in fiscal 1969. Within its region Savannah, Georgia with 150,000 population and an annual police budget of \$1,500,000 will receive \$132,000 while a rural community of 7,000 population and annual police expenditures of \$24,000 will receive \$8,400 for basic communications equipment and an additional \$5,000 for hiring a juvenile officer.

For fiscal 1970, Denver, Colorado has been told it will receive \$350,000 out of the state's total allocation of \$1,800,000. This is about 20% of the funds though the city contains 30% of the population and must deal with 70% of the crime in the state. In fiscal 1969, Denver and the 8 counties in its state designated region received 23.6% of the state crime funds.

#### *Red tape and delay*

The state and regional bureaucracies imposed between federal dollars and their application at the local level have also added a substantial element of delay and costly confusion in distribution of funds. Though all the states had received their action grants by June 30, 1969, funds did not begin to filter down to the local level until late fall. As 1970 began a substantial portion of the 1969 action funds remained to be distributed. Alabama did not begin allocating its fiscal 1969 action funds until the end of January 1970. Over \$500,000 remained to be allocated in sub-grants from the local share of the state of California's \$2.35 million action grant as of January 27, 1970. As of January 12, 1970 the state law enforcement planning region including Jacksonville, Florida had received only \$13,500 out of its \$34,500 allocation of fiscal 1969 action monies. Pennsylvania did not announce grant awards from its allocation of action funds until December 19, 1969.

The city of Boston had indicated they expect the following schedule to apply with respect to allocation of the 1970 action funds: (a) The state plan is submitted to LEAA in April; (b) Money is expected to be received from LEAA around the first of June. Until the state receives money from LEAA, cities will get no comprehensive guidelines on how to go about getting federal funds; (c)

After the money is received and cities get the guidelines, they will have approximately two months to develop project applications which will have to be filed with the state sometime in early August; (d) The state will then approve local project application by comparing it with the programs listed in the state plan. Grant awards to cities are expected to be announced sometime in September.

Much confusion and delay has been added to state programs because of a high rate of staff turnover and uncertainties of funding for necessary state staff services. In the nine months from November 1969 when planning processes began in earnest in most states to August of 1969 when allocation of fiscal 1969 funds was completed, responsibility for program direction changed hands in 30 of the 50 states. Between August 1969 and January 1970 as states were gearing up for the second year planning process, responsibility for program direction changed hands in 18 states. One observer in New Mexico noted: "In thirteen months we have had three state directors of the program and we are working with an acting director at the present. All of this, plus insufficient staff, has put the entire state process way behind."

A number of states including Indiana, Maine, Nebraska and Nevada faced major difficulties because state legislatures were slow to authorize funds for staff to perform even the most essential state planning functions. In Indiana, the first planning agency director quit in frustration after eight months because of continuing inability to get staff under state cutback orders.

Several cities noted that difficulties attendant to direct federal-local financing were compounded when localities had to try to develop programs with regard not only to federal appropriations, application deadlines, and approval processes but also to these processes duplicated, often in a different time frame, at the state level. Following a request for assistance through the many levels involved in a block grant program can be an arduous task. One Southern California city in a sub-regional and regional structure noted:

A unit of government interested in applying for an action grant must submit a request at the local level, and the request must receive approval from a regional task force, the sub-regional advisory board, a regional advisory board, a state task force operations committee, and finally, by the California Council on Criminal Justice before it may receive the money. In each case there is a possibility the action grants will be denied.

In addition to possibilities of denial, at each level the risk increases that the priority attached to a city's specific problem will become lost in more general consideration and that the end result will be grant allocations which favor only generally appreciated needs.

#### *Administrative costs*

Some has to pay for all the checkpoints in the grant process. To the extent that Safe Streets funds are being used to pay for program administration they cannot be used in action programs to combat crime.

Bookkeeping costs for this program appear to be substantially higher than in programs involving a direct relationship between the federal government and localities. Houston, Texas indicated there were four separate levels of paperwork in administration of its grant program: program substance and financial reporting requirements required by LEAA; another, and different set of requirements imposed by the state; paperwork involved with the regional planning unit, and entirely separate accounting requirements in effect at the local levels. Another Texas city noted that it did not believe that any grant under the Safe Streets program in an amount of less than \$15,000 which was worth the effort. The City of Boston decided to turn down one grant of nearly \$10,000 which had been offered to it because of the heavy bookkeeping and reporting requirement attached by the state. In addition, the state of Massachusetts has been withholding \$21,830 out of the city of Boston's \$31,830 allocation from under the special civil disorders program announced in August of 1968 because of the city has been unable to comply with reporting requirements imposed by the state. The following quotation from a letter sent to the city of Boston by the state indicates the information required:

The following information is needed before further funds can be released. When are the police-school seminars to be held, who is to be involved, what is the program format to be, and what expenditures are to be involved? With respect to the tactical patrol force training program we require:

1. A schedule of classes to be conducted including time, place and subject;
2. Lesson plan outlines for all classes to be conducted; and
3. Qualifications summaries of all instructors to be utilized.

With respect to the equipment purchases, we need to know what equipment has been ordered, when, from whom, and when delivery is expected.

Many of the reporting requirements imposed by the state appear to be almost impossible to comply with before Boston received funds and began implementation of the project.

The question of bookkeeping costs is of particular concern with respect to the myriad of very small grants being given out by state agencies. If a locality must prepare an application and follow it through the approval processes of the region and the state, and then prepare reports satisfactory to LEAA, the state and regional agency and the regular accounting and reporting procedures at the local level, it does not appear that grants of only a few hundred can add much value to a city's operation. Many state plans indicated small grants were planned. The Idaho plan noted that grants as small as \$75 were contemplated. The state of Indiana allocated the city of Evansville two very small grants, one of \$112 for drug abuse education and another \$89 for drug detection kits. While many small grants such as these may satisfy the state goal of broad geographic distribution of funds, it is unlikely that such grants can be of any significant impact on the criminal justice system, and in many cases the heavy cost of bookkeeping may more than outweigh the value of the grant to the community.

#### *Duplication of effort*

Several consultants retained by LEAA noted with concern that a substantial amount of federal funds were being committed toward repetitive studies because of lack of coordination among individual states.

Professor Harry I. Subin, of the New York University School of Law, after reviewing the state plans at the request of LEAA noted with concern: "... the heavy emphasis in many of the state 'action' grants proposals on 'study'." Professor Subin continued "... It would appear that, in view of the urgency—and age—of many of the problems facing the criminal justice system, the emphasis upon 'comprehensive studies' contained in the plans is misplaced."

A review for LEAA by the National Council on Crime and Delinquency noted that regarding state training programs: Unless national direction and leadership is given to all these training activities, there may be needless duplication of effort and standard instruction and a training in self-defeating setting.

#### *Loss of local control*

Over the past year there has been developing a new protocol of federalism, strongly supported by many governors, which rests on a theory that direct federal-local contacts should be minimized and that all expressions of local needs and all federal actions to meet these needs should be channelled through the middle man in the state house. Mayors and other local officials are concerned at the growing acceptance of this protocol in the Administration because many believe, as this and other recent studies point out, that generally state government is not willing to respond to the most crucial urban problems and that lines of communication to Washington must be preserved as the only channel through which vital assistance can be gained. Reduced contacts between federal and local officials will make it more difficult for federal officials to understand local problems and gear federal programs to aid in solving these problems in a manner which makes most productive use of the taxpayers' dollar.

Attempts to limit the lines of access between the federal government and cities reached what the *New York Times* described as an "almost comic peak" in April of 1969 after President Nixon invited eleven mayors to the White House to discuss urban problems. Within a week a meeting of governors passed a resolution criticizing this meeting and urging the President to do his talking with governors, not mayors, when he wanted to learn about urban problems.

State House insensitivity to direct federal contacts has been particularly marked in the Safe Streets program. After LEAA announced grants from its 15% discretionary funds to eleven major cities in May of 1969, a strong criticism of these direct grants was filed by the National Governors Conference through their designated spokesman on urban crime matters, Utah Governor Calvin Rampton. Governor Rampton's telegram to LEAA asserted that governors, "expressed concern about your proposal to grant discretionary funds directly to the nation's ten largest cities. We questioned the wisdom of population as sole criteria of need and confinement of funds to artificial city boundaries. Of greater

importance is the departure from your commitment to deal through the state agency."

The point about population allocation of funds according to artificial boundaries is particularly interesting as this is precisely the allocation method which governors supported in amending the Act to provide a block grant approach, and it is an allocation method adopted by many states, including Utah, for allocation of part or all of the Safe Streets funds. In closing, Governor Rampton urged that all future discretionary funds be granted through state agencies, despite the legislative history of the discretionary grant section recently confirmed by a ruling of the General Accounting Office which clearly establishes that discretionary grants may be made directly to units of local government.

Although their authority to make discretionary grants directly to local governments is clear, LEAA is requiring that local application to receive discretionary grants from fiscal 1970 appropriations receive a state certification of approval before the application is filed and that funds for the local governments under the discretionary grant program be channelled from LEAA through the state agencies to local governments.

This new attitude of federalism has created particular problems for some cities which have tried to communicate with the federal government about problems they saw developing with the program in their state. Mayor George Seibels of Birmingham, Alabama was severely criticized by Alabama state officials after he attempted to gain information about the program by meeting with LEAA officials in Washington. Mayor Seibels had previously been unsuccessful in attempts to obtain adequate information from state officials about ways Birmingham could participate in the program and had appealed to Washington because Birmingham, in the midst of a major effort to upgrade its law enforcement systems, needed indications of the type and level of federal assistance that could be expected. Because of his initiative in this matter, Mayor Seibels, in addition to being criticized, was excluded from membership on the regional board assigned to do local planning for the Birmingham area although Birmingham comprises two-thirds of the population of the region.

In Maine, the Director of the State Law Enforcement Planning and Assistance Agency, facing numerous complaints from local officials about a new plan for allocating the local share of planning funds, sent a strongly worded letter to directors of regional planning agencies claiming for the state ultimate and complete decision making authority on matters relating to interpretation and administration of the Safe Streets Act as it applies to local governments. The letter noted: "I cannot emphasize enough to you regional planners that it is the state agency that is administering this Act and it is the state agency that interprets whether there is need for waivers and everything else having to do with this particular legislation."

This trend for the state to assume for itself a greater share of power over planning and operation of criminal justice programs at the expense of local government is surfacing in many states. The Tennessee plan called for the state to establish mandatory minimum standards for the qualifications and training of police officers and proposed that the state set a basic scale for police salaries and benefits for all local governments. But the plan contemplated no state support for the substantial costs which would be required of local governments to meet the standards. The Tennessee Municipal League indicated that implementation of the plan would mean almost complete transfer of local police personnel administration authority to the state while cost responsibility would have been left with the local governments. The result of such transfer would be severe limitations of local government capacity to control its police and growth of police forces unresponsive to the needs and problems of local citizens. Observing the standards proposed for state imposition, the Executive Director of the Tennessee Municipal League warned:

Once an assumption is made that municipal governments do not have self-governing capabilities in such areas as personnel administration, then there is really no stopping point except a complete transfer of authority to the state.

In addition to Tennessee, plans of at least four other states, Delaware, Mississippi, Missouri and Wisconsin proposed that substantial new mandatory standards be imposed on local police departments, and several other states suggested that existing controls be broadened.

States also assumed substantial direct and indirect control over local criminal justice planning operations in a number of instances. A Boston, Massachusetts official noted that the state kept the city planning process "off balance" through use of guidelines, grant conditions, deadlines, reporting requirements and heavy demands for detail. The end result for Boston was that, "at every level of the program the state is putting on so many conditions that it is becoming more their program than ours."

The potential for over-concentration of power at the state level was noted with concern in a review of the state plans conducted for LEAA under sponsorship of the National Sheriffs Association.

There seems to be a district trend to a centralized rather than a local approach to most of the programs in the studied categories. Without adequate justification, study and careful planning for this approach, it might be claimed that a number of state "monuments" were being built.

The centralization of power at the state level under the Safe Streets program at the expense of local governments is at cross purposes with goals recently stated by the President and Congressional leaders to establish a flow of power and responsibility back to citizens at the local level. If the trend established by the Safe Streets program towards concentration of power at the state level continues, the capacity of local citizens to control those government operations which most directly affect their daily lives may be seriously compromised.

#### *The role of LEAA*

The Law Enforcement Assistance Administration, to date, has not assumed any major responsibility to require that states deal fairly with local governments and concentrate crime control dollars in a manner which will be most effective. In large part, this is due to the mandate of the Safe Streets Act itself which directs that LEAA have only limited oversight functions regarding state use of funds. As Mr. James Spady, Executive Director of the State Law Enforcement Planning Agency in New Jersey related to a meeting of the New Jersey State League of Municipalities: "No matter how good or how bad your plan is (as long as it gets a "passing" grade) you get your population percentage share." In the first year plans, the passing grade required by LEAA was not very high. Further, LEAA has not been very forceful in following up on those actions it did initiate to protect the interests of local government and assure more effective use of crime control funds.

On April 5, 1969, soon after the National League of Cities had issued its critical report on allocation of planning funds under the Safe Streets Act, LEAA sent a directive to the state planning agencies urging that local governments be allowed greater involvement in decision making regarding law enforcement planning effecting them and that major urban areas receive a greater priority in allocation of funds. In June of 1969, LEAA administrator Charles H. Rogovin, told the annual meeting of the U. S. Conference of Mayors: "We have made it clear—and will continue to do so—that special attention must be given by the states to areas with high crime incidence." Apparently the states did not listen to LEAA's directives. By August of 1969, LEAA in reviewing the state plan was forced to conclude that most of the plans had not taken into account the special conditions and problems of the major urban high crime areas. More recently, local officials meeting with NLC and USCM staff in Washington generally agreed that the memo of April 5, 1969, has been completely ignored by the state planning agencies. And there has been some indication that the memo is even being ignored by LEAA itself. At one point in discussing regional planning units, the memo states "It is particularly important, where new regions have been established by states or where pre-existing regions constituted for federal aid programs not directly related to crime control have been used as local grantees, that efforts be made to obtain and document acceptability by the local governments concerned." Despite this statement, LEAA on January 15, 1970, approved a regional planning structure established by the state of Maine in disregard of the stated preference of many localities and the state organizations representing mayors, town and city managers, police chiefs and county sheriffs for an alternative planning structure and the strong opposition of many municipalities and the Maine Municipal Association to the planning structure being imposed by the state.

It is also a matter of concern to NLC and USCM that despite LEAA's recognition that the 1969 state plans generally did not take into account the special problems of major urban high crime areas, LEAA, on February 2, 1970, approved allocation to the states of 1/2 of their share of fiscal funds to be spent according to the 1969 plans deemed inadequate by LEAA.

#### *Funding problems*

In addition to difficulties created by state administration, problems incident to raising the local share of program costs were also noted at a number of points. The Arkansas plan stated that local government capacity to put up necessary matching funds for the program was a "bold presumption."

Some cities lost funds because they were unable to provide the local matching share from their budgets at the time that state funds were made available. The city of Salisbury, Maryland noted: "Our only offer was received in June just prior to the end of the fiscal year and, therefore, we were unable to consider the offer as the city funds had already been obligated for fiscal year 69 and it was impossible to purchase capital equipment."

The city of Arvada, Colorado noted a similar problem: "Many of the cities and counties can take advantage of the planning funds whereas the action funds generally require a higher percentage of funds which have not been available to the jurisdictions under the present budget."

A predicament faced by many communities was cited by Indianapolis, Indiana, where the city council makes appropriations for each year in August, but the city was unable to determine the funds it would receive and thus the matching share required at that time. With the small amount of money available from fiscal 1969 funds, Indianapolis was able to scrap together sufficient dollars to provide its share of matching costs. However, problems were anticipated for fiscal 1970 and future years when a larger amount of dollars will be available and a larger matching contribution required.

Many local officials have expressed concern that some localities will face great difficulties in providing the 40% matching funds required by the Act as larger amounts of assistance become available. This concern is particularly marked among officials of larger cities which have placed severe strains on local resources to substantially increase police budgets in recent years. The Philadelphia police budget, for example, jumped from \$30 million in 1960 to \$70 million in 1970. The cities over 100,000 population are currently paying nearly \$1.5 million for police services, better than 55% of the costs of police protection paid by all local governments. These cities hope to receive substantial assistance under the Safe Streets Act, but may have difficulty participating if they must come up with 40% of project costs in addition to maintaining the heavy expenditure increases for police services they have budgeted in recent years.

Several city officials noted that because salaries comprise from 80% to 90% of local law enforcement budgets, the provisions in the Act which limit the amount of assistance that may be provided for salaries impede local capacity to plan realistic improvements and result in overemphasis on equipment in law enforcement plans.

Kansas City, Kansas stated: While we agree that the program must encourage new approaches and cannot be merely a means by which cities increase salaries of their existing force, we have found in attempting to develop applications that the one-third limitation is completely unrealistic.

#### APPENDIX A

Participants in NLC and USCM task force reviews of the Safe Streets Act January 20 and 22, 1970:

John Craig, Inspector, Philadelphia Police Department, Philadelphia, Pennsylvania.

E. H. Denton, Assistant City Manager, Dallas, Texas.

Richard Devine, Administrative Assistant to the Mayor, Chicago, Illinois.

Raymond Duncan, Administrative Assistant to the Mayor, Jacksonville, Florida.

W. F. Dyson, Chief of Police, Dallas, Texas.

Richard E. Eckfield, Washington Assistant to the City Manager, Dayton,

## Ohio.

Winston E. Folkers, Director of Community Development, Toledo, Ohio.  
Picot Floyd, City Manager, Savannah, Georgia.

Ken Gregor, Assistant to the Mayor, Atlanta, Georgia.

Thom Hargedon, Assistant to the Mayor, Boston, Massachusetts.

William B. Harral, Assistant Director, Pennsylvania League of Cities.

Mark Helper, Administrative Assistant to the Mayor, Houston, Texas.

James C. Herron, Inspector, Philadelphia Police Department, Philadelphia, Pennsylvania.

Louis A. Heyd, Criminal Sheriff, New Orleans, Louisiana.

Robert M. Igleburger, Chief of Police, Dayton, Ohio.

Alan Kimball, Director, Department of Public Safety, Indianapolis, Indiana.

John C. Martin, Assistant to the City Manager, Rockville, Maryland.

Richard G. McKean, Acting Public Safety Director, Cleveland, Ohio.

Frank E. Nolan, Chief Inspector, Philadelphia Police Department, Philadelphia, Pennsylvania.

James C. Parsons, Captain, Birmingham Police Department, Birmingham, Alabama.

Frank J. Vaccarella, Federal Programs Coordinator, New Orleans, Louisiana.

David Wallerstein, Federal Legislative Representative, Los Angeles, California.

Herbert C. Yost, Director of Public Safety, Lancaster, Pennsylvania.

## MEMORANDUM

Subject: Implications of the "buying in" requirement.

1. The block grant approach gives states a large degree of control over the planning and implementation of programs funded under the Safe Streets Act. With the power which this control gives them, the states should also be willing to assume important responsibilities including providing assistance to their local governments to aid them in crime fighting efforts. In fiscal 1968, state governments allocated only 2.7 percent of their total expenditures to the criminal justice system while the local governments which face most difficult crime problems, the nation's 43 largest cities and 55 largest counties respectively allocated 12.5 percent and 11.9 percent of their total general expenditures to the criminal justice system.

2. The fact that the states are required to make a contribution to local programs is also likely to substantially increase state interest in and concern for the operation of local police, courts, and corrections systems particularly in urban areas where, up to now, state involvement in and concern for the criminal justice system has been often limited. Such a relationship, with the state legislatures and administrators assuming some duty to see that state funds are productively spent, will result in a much more effective state-local partnership than that which exists presently where the states have much control but little responsibility with regard to distribution of Federal aid.

3. The "buying in" requirement will give governors a valuable piece of leverage with their state legislatures in their efforts to seek higher funding for criminal justice programs. Once state legislatures are forced to make a decision on this issue, they may act to approve programs supporting state and local criminal justice systems at levels considerably above that required in the Act, but without the "buying in" provision no such leverage will be provided to start the discussion.

4. In addition to improving state-local cooperation, the "buying in" requirement will reduce the extreme cost pressures which many local governments currently face in assembling the resources to pay the required local share of matching funds for participation in the program. These difficulties develop because of state imposed restrictions on the local revenue base. They will increase with the new higher funding levels which are expected for the Safe Streets program. Unless relief is provided from state governments, many localities may be excluded from benefiting from the higher level of Federal assistance which is to be made available.

5. Opponents of the "buying in" approach are arguing that it is an unfair requirement because state legislatures will not have time to appropriate funds to comply with the "buying in" requirement before it becomes effective. In this connection, two points can be made:

(a) What those who put forward this argument are saying in effect is that not only will state legislatures be unable to appropriate the funds for the "buying in" requirement, but also they will be unable to appropriate matching funds for the states' participation in the program at any level higher than that proposed in the President's budget which may have already been appropriated in anticipation by the state. The argument also says, in effect, that states may be unable to support any participation in new Federal programs or existing Federal programs funded at higher than expected levels for a year or more after a new program or new funding level is approved. Such a contention should give supporters of the state channelled block grant approach cause for concern as to its viability if these are the facts.

(b) According to the *Book of the States 1970-71*, published by the Council of State Governments, the states' own research and management information organization, legislatures in only two states, Kentucky and Virginia, are not scheduled to meet in 1971. A report just published by the National Governors Conference states that Virginia has already approved \$804,120 to aid the local matching share in fiscal 1971. In addition, legislatures in four other states: Colorado, New Mexico, Utah and West Virginia, consider budget and fiscal matters primarily in the even years. Thus, a maximum of six states may have difficulty in appropriating the required "buying in" funds through regular legislative activity. However, most states, including these, have a contingency fund provision for needs which become recognized between times when the legislature is in session to act on budgetary and fiscal matters. A copy of this chart is attached.

6. The Advisory Commission on Intergovernmental Relations recently published the following restatement of its "buying in" recommendation originally made in 1964.

"The Commission has proposed that Federal funds for urban purposes flow through the state where, and only where, two basic conditions are met: The state provides adequate administrative machinery and supplies from state general revenues at least half the non-Federal share of required funds. If the state chooses not to meet these two conditions, a Federal-local relationship should obtain with respect to the particular program."

*Urban America and the Federal System*, published by ACIR, October, 1969, p. 6.

7. The potential of the "buying in" principle to improve coordination of state and local criminal justice activities has also been recognized by an official of LEAA in the Council of State Governments *Book of the States 1970-71*:

"... In the initial year of program activity, most States saw fit to pass on matching burdens totally to local government, despite the opportunity to solidify state leadership by providing some financial support to local units hard pressed to meet required matching contributions. This does not mean that the option is or should be closed. State subsidies, alongside of federal subsidies, may be a "must" to maintain the forward momentum of law enforcement improvement in face of the mounting financial crisis in the cities."

Council of State Governments, *Book of the States 1970-71*, p. 417, article "State Implementation of the Omnibus Crime Control Act" by Mr. Daniel L. Skoler, Director, Office of Law Enforcement Programs, Law Enforcement Assistance Administration.

LEGISLATIVE SESSIONS

[Abbreviations: L—legislative days; C—calendar days]

State or other jurisdiction	Years in which sessions are held	Sessions convene		Limitations on length of sessions		Special sessions	Legislature may determine subject
		Month	Day	Regular	Special		
Alabama	Odd	May	1st Tuesday <sup>1</sup>	36 L	36 L	No	2/3 vote those present
Alaska	Annual	January	2d Monday	None	30 C	2/3 of membership	Yes. <sup>2</sup>
Arizona	do	do	do	do	None	Petition 2/3 members	Yes. <sup>3</sup>
Arkansas	Odd	do	do	60 C <sup>4</sup>	15 C <sup>5</sup>	No	(3)
California	Annual	do	Monday after Jan. 1	None <sup>6</sup>	None	No	No.
Colorado	do <sup>7</sup>	do	Wednesday after 1st Tuesday	do. <sup>8</sup>	do. <sup>8</sup>	No	No.
Connecticut	Odd	do	Wednesday after 1st Monday	150 C <sup>9</sup>	do. <sup>10</sup>	Yes	Yes.
Delaware	Annual	do	2d Tuesday	(4)	do	Yes <sup>12</sup>	Yes.
Florida	do	April	Tuesday after 1st Monday	60 C <sup>13</sup>	20 C <sup>13</sup>	Yes <sup>12</sup>	Yes.
Georgia	do	January	Odd-2d Monday <sup>14</sup>	45 C	(13)	Petition 2/3 members <sup>15</sup>	Yes. <sup>3</sup>
	do	do	Even-2d Monday	40 C			
Hawaii	do	do	3d Wednesday	60 L <sup>16</sup>	30 L <sup>16</sup>	Petition 2/3 members <sup>17</sup>	Yes. <sup>17</sup>
Idaho	do	do	2d Monday	60 C <sup>8</sup>	20 C	No	No.
Illinois	Odd <sup>18</sup>	do	Wednesday after 1st Monday	None	None	No	No.
Indiana	do	do	Thursday after 1st Monday	61 C	40 C	No	Yes.
Iowa	Annual	do	2d Monday	None	None	No	Yes. <sup>18</sup>
Kansas	do	do	Odd-2d Tuesday	do. <sup>8</sup>	30 C <sup>8</sup>	No	Yes.
	do	do	Even-2d Tuesday	60 C <sup>4</sup>			
Kentucky	Even	do	Tuesday after 1st Monday	60 L	None	No	No.
Louisiana	Annual <sup>7</sup>	May	Even-2d Monday	60 C	30 C	Petition 2/3 elected members	No. <sup>20</sup>
	do	do	Odd-2d Monday	30 C		each house	
Maine	Odd	January	1st Wednesday	None	None	No	Yes.
Maryland	Annual	do	3d Wednesday	70 C	30 C	No	Yes.
Massachusetts	do	do	1st Wednesday	None	None	Yes	Yes.
Michigan	do	do	2d Wednesday	do	do	No	No.
Minnesota	Odd	do	Tuesday after 1st Monday	120 L	do	No	Yes.
Mississippi	Annual	do	do	(21)	do	No	No.
Missouri	Odd	do	Wednesday after Jan. 1	195 C <sup>9</sup>	60 C	No	No.
Montana	do	do	1st Monday	60 C	60 C	No	No.
Nebraska	do	do	1st Tuesday	None	None	Petition 2/3 members	No.
Nevada	do	do	3d Monday	do. <sup>8</sup>	do. <sup>8</sup>	No	No.
New Hampshire	do	do	1st Wednesday	July 1 <sup>8</sup>	15 L <sup>8</sup>	Yes	Yes.
New Jersey	Annual	do	2d Tuesday	None	None	(22)	Yes.
New Mexico	do <sup>7</sup>	do	Odd-3d Tuesday	60 C	30 C <sup>23</sup>	Yes <sup>23</sup>	Yes. <sup>23</sup>
	do	do	Even-3d Tuesday	30 C			
New York	do	do	Wednesday after 1st Monday	None	None	No	No.

North Carolina	Odd	do	Wednesday after 2d Monday	do	do	No	Yes
North Dakota	do	do	Tuesday after 1st Monday	60 L	do	No	Yes
Ohio	do <sup>8</sup>	do	1st Monday	None	do	No	No
Oklahoma	Annual	do	Tuesday after 1st Monday	90 L	do	No	No
Oregon	Odd	do	2d Monday	None	do	No	Yes
Pennsylvania	Annual	do	1st Tuesday	do	do	Petition of majority of members	No
Rhode Island	do	do	do	60 L <sup>9</sup>	do	No	No
South Carolina	do	do	2d Tuesday	None	40 L <sup>9</sup>	No	Yes
South Dakota	do	do	Odd-Tuesday after 3d Monday	45 L	None	No	Yes
Tennessee	Odd	February	Even-Tuesday after 1st Monday	30 L	do	do	do
Texas	do	January	4th Tuesday <sup>11</sup>	90 L <sup>8 15</sup>	30 L <sup>8</sup>	Petition $\frac{2}{3}$ members	Yes
Utah	Annual <sup>7</sup>	do	2d Tuesday	140 C	30 C	No	No
Vermont	do	do	Odd-2d Monday	60 C	30 C	Petition $\frac{2}{3}$ members	Yes
Virginia	Even	do	Even-2d Monday	20 C	do	do	do
Washington	Odd <sup>18</sup>	do	Wednesday after 1st Monday	None <sup>24</sup>	None <sup>24</sup>	No	Yes
West Virginia	Annual <sup>7</sup>	do	2d Wednesday	60 C <sup>8 25</sup>	30 C <sup>8 25</sup>	Petition $\frac{2}{3}$ members	Yes
Wisconsin	( <sup>27</sup> )	do	2d Monday	60 C	None	No	Yes
Wyoming	Odd	do	Odd-2d Wednesday	60 C <sup>28</sup>	do	Petition $\frac{2}{3}$ members	Yes
Puerto Rico	Annual	do	Even-2d Wednesday	30 C <sup>28</sup>	do	do	do
Virgin Islands	do	do	1st Tuesday after Jan. 15	None	None	No	No
			2d Tuesday	40 C	do	No	Yes
			2d Monday	111 C <sup>9 28</sup>	20	No	No
			do	75 L	None	No	No

<sup>1</sup> Convenes quadrennially on 2d Tuesday in January after election to organize.

<sup>2</sup> Unless Governor calls and limits.

<sup>3</sup> If legislature convenes itself.

<sup>4</sup> May be extended by  $\frac{2}{3}$  vote of members in both houses for indefinite time. In Kansas, session limited to 60 calendar days unless extended by  $\frac{2}{3}$  vote of both houses.

<sup>5</sup> Governor may convene general assembly for specific purpose. After that business is completed, a  $\frac{2}{3}$  vote of members in both houses may extend session up to 15 days.

<sup>6</sup> Reconvenes for limit of 5 days on the Monday after a 30-day recess to reconsider vetoed measures.

<sup>7</sup> Even year session (odd year in Louisiana) is basically limited to budget and fiscal matters.

<sup>8</sup> Indirect restriction since legislators' pay, per diem, or daily allowance stops but session may continue. Colorado: 160-day limit is for regular legislative biennium, no limit on special session. In 1971 the limit will be 180 days for regular sessions and 20 days for special sessions; Kansas: pay in odd numbered year limited to 90 days; Nevada: 60 calendar days for a regular session and 20 calendar days for a special session, no limitation on allowances.

<sup>9</sup> Approximate length. Connecticut session must adjourn by 1st Wednesday after 1st Monday in June, Missouri session by July 15 and Puerto Rico session by Apr. 30.

<sup>10</sup> Special session for reconsideration of bills vetoed by the Governor after close of regular session limited to 3 days.

<sup>11</sup> Last day of June.

<sup>12</sup> Legislature may be called into special session in Delaware by mutual call of both presiding officers and in Florida by joint proclamation by the president of the senate and the speaker of the house, which is duly filed with the secretary of state.

<sup>13</sup> Unless extended beyond such limit by a  $\frac{2}{3}$  vote of each house.

<sup>14</sup> Convenes for 12 days to organize, recesses and convenes on 2d Monday in February for limit of 33 calendar days. In Tennessee the legislature convenes on 1st Tuesday in January for 15 days to organize and introduce bills.

<sup>15</sup> Limited to 70 days if called by Governor and 30 days if called by Governor at petition of legislature, except for impeachment proceedings.

<sup>16</sup> Extension of 15 days granted by presiding officers of both houses at the written request of  $\frac{3}{4}$  of the membership or granted by the Governor.

<sup>17</sup> If Governor notifies legislature he plans to return bills which were submitted to him less than 10 days before adjournment (with objections), a special session to reconsider such bills may be convened without call on 45th day after adjournment.

<sup>18</sup> Legislature may divide session by recess to meet in even year also.

<sup>19</sup> Constitution requires Governor to tell legislature the purpose for convening.

<sup>20</sup> Unless legislature petitions for special session. However, no special session may be called during the 30 days before or 30 days after the regular fiscal sessions in the odd years without the consent of  $\frac{3}{4}$  of the elected members of each house. Legislature may convene in special session on 31st day after sine die adjournment to act on all bills vetoed by the Governor if a simple majority of each house desires to reconsider at least one vetoed bill.

<sup>21</sup> Regular 1972 session limited to 125 calendar days and every 4th year thereafter; 90 calendar days for every other regular session thereafter. By concurrent resolution and by  $\frac{2}{3}$  vote of those present and voting in each house, session may be extended for 30 days with no limit on number of extensions.

<sup>22</sup> Petition by majority of members of each house to Governor, who then "shall" call special session.

<sup>23</sup> Limitation does not apply if impeachment trial is pending or in process. Legislature may call 30-day "extraordinary" session if Governor refuses to call session when requested by  $\frac{2}{3}$  of legislature.

<sup>24</sup> Salary limitation only.

<sup>25</sup> May be extended for 30 days by  $\frac{2}{3}$  vote in both houses, however, without pay.

<sup>26</sup> Governor must extend until general appropriation is passed; may be extended by  $\frac{2}{3}$  vote of legislature.

<sup>27</sup> The voters adopted a constitutional amendment deleting the provision prohibiting the legislature from meeting more often than once every 2 years. It did not specifically establish an annual legislative session. Enabling legislation will be necessary.

<sup>28</sup> May be extended by joint resolution.

## RESOLUTION OF THE U.S. CONFERENCE OF MAYORS

Whereas crime and criminal activity continue to grow at an accelerated pace; and

Whereas with the passage of the Omnibus Crime Control and Safe Streets Act of 1968, the federal government committed itself to aiding in the solution of critical local crime problems; and

Whereas the most difficult crime problems and the highest crime rates are concentrated in the cities; and

Whereas the American cities must be made safe and secure for all to enjoy in all places and at all times; and

Whereas under the Safe Streets Act as administered to date by the states, a disproportionate share of Federal funds have been allocated to low crime areas; and

Whereas the states have failed to contribute their own or available federal resources to aiding in solution of the crime problems of cities; and

Whereas there is a great need to commit more resources in solving urban crime problems by correcting the imbalance in the allocation of federal anti-crime funds, and thus assuring the most efficient and productive use of these funds, Now, therefore, be it

*Resolved*, That the United States Conference of Mayors urges Congress to amend the Omnibus Crime Control and Safe Streets Act to require distribution of greater share of funds for expenditures by cities to deal with their critical crime problems, and be it further

*Resolved*, That the Administration and the Congress appropriate no less than \$4 billion over the next 3 years to the fight against crime, and be it further

*Resolved*, That the U.S. Conference of Mayors calls the attention of the Administration and the Congress to state government's systematic denial of adequate funds for the nation's cities and urges the rejection of future attempts to cede to the states control of programs to solve urban problems, because some states have consistently demonstrated no past expertise, experience or interest; and be it further

*Resolved*, That the allocation of anti-crime funds be determined on the basis of crime statistics as reported by the FBI in their Uniform Crime Index; and be it further

*Resolved*, That the U.S. Conference of Mayors urges Congress to amend the Safe Streets Act to require states to demonstrate their commitment to solving crime problems by contributing at least 50% share of the non-federal costs of local crime control programs supported by the Safe Streets Act if the States are to maintain control over Safe Streets funds; and be it further

*Resolved*, That the U.S. Conference of Mayors urges the Congress to amend the Safe Streets Act to apply one-third limitation on personnel compensation to police officers only; and be it further

*Resolved*, That the U.S. Conference of Mayors urges that the current fifteen percent discretionary fund available for direct grants to cities be increased to at least forty percent; and be it further

*Resolved*, That the U.S. Conference of Mayors support the principle of the Police Assistance Act providing direct, unrestricted federal grants for police services to cities and counties at a level of \$500 million per year.

Mr. GRIBBS. As I am sure you are aware, crime is a matter of deep concern to the mayors of the Nation's cities. Eighty-five percent of all reported crime occurs within city limits. The mayors of the Nation greatly appreciate the commitment to aid local governments which the Congress, spearheaded by this committee, made in enacting and funding the Safe Streets Act. However, the manner in which many of the States are administering the program gives us, at the local level, cause for serious concern that the purpose of Congress, which was to provide meaningful assistance in fighting crime, is not being met.

Early this year, the National League of Cities and U.S. Conference of Mayors conducted a comprehensive review of activities under the Safe Streets Act at a time when distribution of fiscal 1969 action funds had been substantially completed.

My discussions with many city officials during the first 6 months of this year indicate to me that the problems identified in that study are widespread throughout the Nation and apply to the safe streets program as it is being administered today.

Just last week, the annual meeting of the U.S. Conference of Mayors in Denver passed a resolution indicating the deep concern of the Nation's mayors in the present operation by the States of the Safe Streets Act and calling for major improvements to assure more effective use of Federal assistance in the future. I would like to include a copy of that resolution at the end of my remarks.

My review of program operations indicate that there are several problem areas in the State program operations. These are:

1. In too many instances funds are being dissipated shotgun style across the States in many small grants that are not likely to have any significant impact on the crime problem and do result in a dollar allocation pattern that favors rural and suburban low crime areas. This distribution deprives high crime areas, such as core cities, of the urgently needed assistance.

2. In many instances, State plans have overlooked individual needs of high crime areas, again particularly major cities, in favor of a generalized approach to problem solving. These approaches have emphasized improvements in basic law enforcement equipment and training techniques for areas with low crime problems that have not, up to now, felt the need to use their own funds to upgrade the competence and sophistication of their crime fighting apparatus.

3. Instead of directing their efforts toward aiding cities and fighting crime in the streets, most States have concerned themselves with establishing and maintaining substantial, sometimes unnecessary bureaucracies to distribute safe streets dollars.

4. The values of the block grant approach have not been realized in the application of the Safe Streets Act.

(A) Instead of avoiding a proliferation of paperwork and bureaucracy, the State-channeled block grant approach has interposed two new and costly layers of bureaucracy between the source of the funds (the Federal Government) and the location of most criminal activity (the cities).

(B) The block grant approach has increased the delay in getting funds to local projects.

(C) Though distribution of program responsibility down through the levels of government was a stated goal of the block grant approach, the direction of the program has been toward increased concentration of power at the State level at the expense of the cities and counties . . . the levels of government closest to the people and to the problem.

5. Finally, as the level of program funding is increasing many cities will be experiencing great difficulty in raising the required local share in order to participate in this Federal program. This difficulty is occurring because of the severe constraints on local financial capacity imposed by State revenue raising and State spending restrictions.

These are some of the problems which the cities currently face in the administration of the Safe Streets Act. I would now like to

make some comments in two specific areas: on the specific legislative proposals which are before you, and some specific suggestions which we have to improve the operation of the Safe Streets Act.

First, the proposal in S. 3541 to allow the LEAA to waive the 40 and 75 percent "pass-through" requirements for planning and action programs respectively must be rejected. Making these requirements optional will strip the act of any protection to insure that some funds will be spent effectively to deal with urgent local crime problems.

Instead of limiting the capacity of cities to get safe streets funds, as proposed in S. 3541, I respectfully urge you to amend the Safe Streets Act by legislation such as S. 3171 or H.R. 17825, which was recently reported by the House Judiciary Committee. These bills and another introduced by Senator Hart would assure that more funds are available directly to the cities to deal with the urgent crime problem.

Second, in addition to these changes in the substantive law, we urge this committee to support authorization and appropriation of increased funding for the act once the substantive amendments insuring the effective use of the funds have been adopted.

Specifically:

(a) We urge authorization of \$4 billion over the next 3 years to support State and local crime fighting efforts through the Safe Streets Act.

(b) We urge that the States be required to contribute 50 percent of the non-Federal costs of local programs supported under the Safe Streets Act as long as the States are to maintain control of the Federal dollar distribution.

(c) We urge that the discretionary fund, available for direct grants to the cities under the act, be substantially increased from its present 15-percent limit. We also urge that the matching ratio for the discretionary fund be increased to 90-10, as provided in H.R. 17825, with a potential waiver of the 10-percent matching requirement where it is found that individual local jurisdictions cannot even pay this amount.

(d) We urge that the act be amended to require LEAA, before it approves any State plan, to certify that States, in using Federal funds, will allocate an adequate amount of these funds to deal with the problems in the high crime areas.

(e) Finally, we urge that the act be amended to require States to distribute a substantial portion of the local share of planning funds for use in planning programs by individual cities and counties. Multi-jurisdictional efforts, whose operation is mandated by the State, should be supported from the substantial share of planning funds available to the States under this act. The meager share of planning funds allocated to local governments should not be called upon to support these State administrative districts.

We believe that with these amendments the Safe Streets Act can and will be an effective vehicle to create a positive Federal-State-local action partnership to control crime. I thank you gentlemen for your attention. I will be happy to answer any questions you may have to the extent of my ability.

Senator HRUSKA. Mr. Mayor, how much money did the State of Michigan get in fiscal 1969, the first year of operation?

Mr. GRIBBS. Just a little over \$1½ million. Something like \$1.7 million, I believe to be the accurate figure.

Senator HRUSKA. Was that action money as well as planning money?

Mr. GRIBBS. Yes.

Senator HRUSKA. That was a combination of the two?

Mr. GRIBBS. Yes, sir.

Senator HRUSKA. In fiscal 1969, the total allowed for all LEAA activities by the Congress was \$63 million and Michigan got a little over \$1½ million?

Mr. GRIBBS. Yes, sir.

Senator HRUSKA. Do you know of the examples you gave here of \$188 to purchase a three-fourth share of two Polaroid cameras and a fingerprint kit—that was in Grand Rapids?

Mr. GRIBBS. Yes, sir.

Senator HRUSKA. A fingerprint kit. Do you know whether that was action funds, or was it by way of discretionary funds?

Mr. GRIBBS. I think it is action money. It went through the grant process, as I recall, through the State machinery.

Senator HRUSKA. There are other very spectacular examples here. First item: Do you think they are very fair, considering that this was the opening year, with only \$63 million to be spread among 50 States for the purpose primarily of planning? It was a program which a year later had some \$280 million. It will be \$400 or more million this coming year. It will approach \$1 billion in the following year. That is the problem with picking out isolated examples from this program.

The second item is this: This is the first step in trying to improve the administration of law enforcement all over America, a system which now spends \$6 billion. Obviously you have to start someplace.

When attention is called, as has been in your report showing \$188 for a camera; nothing in one county; Isabella County \$18,000; Delta County \$15,000, and all the city of Detroit got was 18 percent of the action funding, do you think that is a very fair basis of criticism of a plan that is just starting out on such a great venture?

Mr. GRIBBS. Senator, those are the facts. The summary report was compiled, I am sure, as an evaluation process, and I think it indicates the serious problems of the existing bill and the administration of the existing bill.

Let's go to a broader problem, if I may, the one with which I am concerned, and the citizens of Detroit are concerned.

Of the crime that occurs in Michigan, just about 40 percent occurs in the city of Detroit. We didn't get anywhere near 40 percent of the money. It was something like 18 percent, and a fraction over 18 percent.

This is a problem; and this is something that we feel if it continues will not meet the spirit or the intent of the act, and that is to fight crime where it is.

It is primarily in major cities, of course, and, as mayor of Detroit, I am very concerned about solving the problems and seeking the aid of Congress in getting help that we feel can come to Detroit to help solve that problem.

Mr. BLAKEY. May I ask a few questions at this point?

Does Michigan have a statewide corrections system?

Mr. GRIBBS. Yes, sir.

Mr. BLAKEY. How is that funded?

Mr. GRIBBS. Statewide through State funds, although the county of Wayne and the city of Detroit each have, if you will, penal institutions. We have a Detroit House of Corrections to which citizens can be sentenced for up to a year. The county of Wayne has a county jail where misdemeanants can serve their sentence and that is where inmates are held pending trial.

Mr. BLAKEY. On a statewide basis, what component of your corrections system carries the major cost, the State system or local system?

Mr. GRIBBS. Just corrections? I would presume it is the State. Here are figures: the State \$31 million and the local \$13.9 million in round figures.

Mr. BLAKEY. Does your State have a statewide court system?

Mr. GRIBBS. Yes, sir.

Mr. BLAKEY. And how is that funded in Michigan?

Mr. GRIBBS. The lower level of the courts is a combination of local contributions by counties and cities, but the State courts, such as the Court of Appeals and the Michigan Supreme Court are funded by the State.

Mr. BLAKEY. On an overall basis, who carries the heavier load in the funding of the court system, the State or the localities?

Mr. GRIBBS. I don't know that we have that figure.

Mr. BLAKEY. Could you secure it and supply it for the record?

Mr. GRIBBS. I would be glad to.

(The following information was subsequently received:)

NATIONAL LEAGUE OF CITIES—U.S. CONFERENCE OF MAYORS,

Washington, D.C., July 1, 1970.

Hon. JOHN L. McCLELLAN,

Chairman, Subcommittee on Criminal Laws and Procedures,  
Senate Office Building, Washington, D.C. 20510.

DEAR SENATOR McCLELLAN: In response to the request of your Committee counsel for information on the state-local breakdown of court expenditures in Michigan, I am pleased to provide the following information.

In fiscal 1968, the State of Michigan spent \$4,897,000 for court programs. In that same time period the City of Detroit and Wayne County have combined expenditures totalling \$13,380,000 for court programs.\* Thus localities carry by far the heavier burden of support for court programs in Michigan.

Sincerely,

ROMAN S. GRIBBS, *Mayor of Detroit.*

Mr. BLAKEY. Does your State have a statewide prosecution system?

Mr. GRIBBS. Yes, sir. There is the attorney general. He is the official State attorney. The counties pay for the prosecution system and we have county prosecutors elected and their staffs are paid for by county funds.

Mr. BLAKEY. Rather than city funds?

Mr. GRIBBS. Yes. We do have city attorneys that enforce in the criminal field city ordinances. So, there are both.

\*Staff note: Wayne County, \$10,579; City of Detroit, \$2,801. See House hearings at 807, 878.

Mr. BLAKEY. Do you have a statewide police force?

Mr. GRIBBS. Yes, sir.

Mr. BLAKEY. Is it primarily traffic or does it also include crime control functions?

Mr. GRIBBS. Both. If I may, to give you an idea of the interrelationship there in terms of numbers, the Michigan State Police number something like 1,700. The city of Detroit alone has over 5,000 police officers and with budget expectations we will be approaching 5,800. We have budgeted another 777 police personnel starting July 1.

Mr. BLAKEY. Do you have any figures that would compare the relative cost division of Michigan law enforcement statewide—and by that I mean not just police—I include police, prosecution, courts and correction?

I am troubled by your statement that we ought to spend the money "where the crime is."

Don't we respond to the crime problem with a system of criminal justice that is more than local police, that also includes prosecution, courts and corrections?

I wonder if you could supply for the record the division of cost between State and localities in the support of the entire criminal justice system in Michigan?

Mr. GRIBBS. We have it for the police and corrections. We do not have it for the courts. If I may, I will give you these figures.

The total for the State for police and corrections is: \$50.6 million, and local: \$130.34 million.

Mr. BLAKEY. Could you develop it for us so that we could look at the whole system?

Mr. GRIBBS. I would be happy to.

Mr. BLAKEY. And compare the relative burdens?

Mr. GRIBBS. Yes, sir.

Mr. BLAKEY. I wonder if you would comment in that context on the data—I believe the figure you gave of the 18 percent which actually went to Detroit.

How much of the cost of the whole system of criminal justice that operates in Detroit did Detroit actually have to pick up the tab for?

Mr. GRIBBS. I didn't follow your question; I am sorry.

Mr. BLAKEY. I wonder if you would supply for the record in the context of the comment that Detroit got 18 percent of the action grants, how much of the criminal justice system that operated in Detroit did Detroit pick up the tab for?

I take it that you have a statewide corrections system, that you have a statewide court system, and that you have at least a county prosecution system. Detroit did not have to pick up the cost of prosecution, courts, and corrections.

Should not those figures be examined in evaluating how fair 18 percent is in examining the cost of the response of the criminal justice system to Detroit's crime problem?

Mr. GRIBBS. Part of the total effort.

Mr. BLAKEY. And I wonder if you could compare that total effort against the cost borne by Detroit?

Mr. GRIBBS. I don't have them readily available. Let me say this: do not exclude the consideration, if you will, that Detroit has a cor-

rections system. We have a Detroit House of Corrections also. That is to be included and it is part of the total criminal justice effort. I am an attorney and I understand the approach.

But the matter that concerns me is that the vehicle as it has been operating now, the procedure as it has been operating does not put the money where the crime is.

Mr. BLAKEY. But is the problem "where the crime is?" Isn't it rather what kind of system are we designing to respond to the crime problem and who has the responsibility for the operation of that system, and who carries the cost of that system, and if that system is an interrelationship of components composed of police, courts, corrections—including, too, the enactment of the State penal code—shouldn't the emphasis be on the whole system and not just the physical place where the crime is committed?

Mr. GRIBBS. Yes; the emphasis should be as a whole in order to be comprehensive, but the question is where does the emphasis go? I feel the emphasis is what we are talking about here and the emphasis should be in the metropolitan areas where the crime rate is the highest, and that is the problem.

Again, if I may call your attention, the city of Detroit has its own court system. It is a city court, a recorder's court.

Mr. BLAKEY. Let me ask you the same question this way: would spending money on the statewide corrections system that takes prisoners from the city of Detroit, be spending money on Detroit's crime problem?

Mr. GRIBBS. In part, of course. Some of them come from Detroit.

Mr. BLAKEY. Is it a fair criticism of spending money on a statewide corrections system to say that it is not spending money where the crime problem is because it is not spending it in Detroit?

Mr. GRIBBS. Depending upon the total effect of that.

Mr. BLAKEY. Shouldn't we be looking at the problem from the point of view of its total effect and not simply physically where the crime is?

Mr. GRIBBS. That has not been excluded from our consideration, let me assure you. I would point out that our prime criticism has not been directed at what the State did with its share of the money, but rather we have complained that far too high a proportion of the local share of funds has gone to support projects in low crime areas.

Mr. BLAKEY. I wish you would say that instead of suggesting so simply that money should be spent "where the crime is." Thank you, sir.

Senator HRUSKA. Mr. Mayor, along the same line that I was taking a little bit ago, these examples that you have given of different cities and counties, you suggested that you are giving the facts, and I am sure that you are. But, are you giving us all the facts? That is what we would like to know?

We did have testimony in the other body, in the House, from Attorney General Mitchell that the Nation's 411 cities of 50,000 or more population, with 63 percent of the Nation's reported crime, got 60 percent of the first year's funds. Although there may have been a few cities which received somewhat less than this figure, and some that received more, on a national average, would you agree this is a pretty good division of the very meager funds available that first year?

Mr. GRIBBS. Well, I am not conversant with all of the components. I understand that included in that were funds for regional activity.

Senator HRUSKA. Well, that was the testimony. The point I tried to make a little earlier is that law enforcement in America has total annual expenditures of approximately \$6 billion. The amount available for fiscal 1969 for LEAA was \$24 million for block grants. That won't make much of a dent no matter how you divided it, would it?

Mr. GRIBBS. That is correct.

Senator HRUSKA. Furthermore, isn't it true, Mr. Mayor, that this allocation in 1969 were not made pursuant to the State crime plans, which had not been formulated?

Mr. GRIBBS. In Michigan it was. The crime commission operated and administered the entire fund.

Senator HRUSKA. I don't believe they started accepting the filing of State plans for approval until after the first of January 1969.

Mr. GRIBBS. I didn't understand your question. I thought the question was whether or not the State crime commission administered the funds.

Senator HRUSKA. No. The question was whether the funds which were allowed to the State of Michigan were allowed under the approved State crime plan that was filed with the LEAA?

Mr. GRIBBS. Yes; my understanding is that that is the case.

Senator HRUSKA. If 60 percent of the funds were given to those localities where 62 percent of the crime existed, then shouldn't we take that into consideration in evaluations of this program?

Mr. GRIBBS. That was an overall, depending upon what base you use, Senator, obviously it is the fact. But still I would ask you not to ignore the fact that the major cities, the major crime areas, under this pattern throughout have not been getting their share—I think the ratio has been more according to population. That is the case in Michigan. The distribution of funds has been according to population but not according to crime records, and this is, I think, what should be done to reach the goal. That is the purpose of the act. And if that is accomplished by whichever vehicles are suggested here in the legislation, I think that we will have and readily see a great deal more success than we are seeing now.

I appreciate the fact that the last year was a small funding year. This year it will be much bigger and it is planned to increase. But if we don't put those increased dollars, if you will, sir, in the place where the crime is, then we will not accomplish the purpose of the act, which we all agree, you and I, and all of the citizens, because it is a major problem.

Senator HRUSKA. Wasn't that distribution made pursuant to your State plan?

Mr. GRIBBS. Yes, sir.

Senator HRUSKA. And you think this State plan is not satisfactory, then?

Mr. GRIBBS. That is correct.

Senator HRUSKA. Did you remonstrate; did you make a showing to the LEAA with regard to the State plan and try to point out its shortcomings? They have a procedure, you know, available to you if you want to use it.

Mr. GRIBBS. Yes. But that is a very laborious procedure, as I am sure you understand. By the time you go through the States and up through LEAA, I appreciate the fact that it is there. I personally did not use it. I have been mayor 5 months now.

Senator HRUSKA. I understand that.

Mr. GRIBBS. You are talking about the appellate procedure to review and overrule.

Senator HRUSKA. Yes.

Mr. GRIBBS. I am informed that the LEAA testified in the House that cities cannot appeal; cities cannot appeal to LEAA to circumvent or to turn around some State action.

Senator HRUSKA. Well, the city of Detroit has a representative on the State commission, does it not?

Mr. GRIBBS. Yes, sir.

Senator HRUSKA. If you cannot make your voice heard within your own State crime commission, how would you be able to make your voice heard in Washington if you were competing with all jurisdictions which wanted funds? It was to avoid this massive competition that we adopted the block grant procedure.

If we are going to substitute individual treatment for large cities at the hands of an agency you are going to be at an even greater disadvantage. If you cannot make your voice heard in the formulation of your State plan, how are you going to do it here in Washington?

Mr. GRIBBS. It is a question, I suppose, of where the interest and the concern and the background of the individuals that make the judgment rests that leads to that decision.

In our State commission we have one person out of 33 on the State crime commission, so that is one vote out of 33. When we get down to cutting up the pie, there are a lot of general discussions. The Commission members come from throughout the State, it may be that they do not appreciate, and this is many times the case, the great problems of a major metropolitan area and the basis for seeking more than a population distribution.

Now, I think the LEAA is entrusted particularly with the guidelines and the spirit of the act to help control where it is most prevalent, help it all over, but particularly fight it where it exists. They would be more attuned to the cities' needs and hopefully would direct more funds to the cities where the crime is.

Senator HRUSKA. Yes. Would this language help? The House-reported bill amends section 303 by inserting after the first sentence thereof this language:

No State plan shall be approved unless the administration finds that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence.

Mr. GRIBBS. Yes; that would help.

Senator HRUSKA. What part of Wayne County does Detroit cover?

Mr. GRIBBS. Detroit is a portion of Wayne County. Wayne County is beyond Detroit.

Senator HRUSKA. Are there other municipalities around Detroit?

Mr. GRIBBS. Yes, sir.

Senator HRUSKA. Within Wayne County, how many police jurisdictions are there?

Mr. GRIBBS. Approximately 54 plus the county sheriff who has jurisdiction throughout the whole county, including Detroit.

Senator HRUSKA. And the various municipalities have their police forces and their chiefs of police?

Mr. GRIBBS. That is correct.

Senator HRUSKA. Is it going to be kind of hard for 54 men to find their way into the law enforcement assistance administration?

Mr. GRIBBS. I am not totally discarding a regional coordinated pre-planning effort, sir, which is a fine, which is a good purpose of the act. It is operating, I think, to bring together some cohesive action as far as law enforcement. It is the final judgment of where the funding is that we are concerned about.

As sheriff of Wayne County I found two, I think, extreme positions. Some police departments were totally independent and operated totally independent, unless it was absolutely essential to work with others, and yet there were many others that were by and large cooperative working together even long before regional planning as such brought them together to review regional needs, be they police training facilities beyond the city of Detroit with other police departments, be it a countywide corrections facility or countywide task force, police task force-type operation.

I think it is a correct conclusion that police departments work together very well, and I think that they would have no problem getting together on a regional basis, to develop a plan that would be acceptable in Washington like the one they are trying to have accepted in the State crime commission in Lansing.

But what I am saying, I do not think they would find it any greater burden dealing with Washington than it is now.

Senator HRUSKA. Of course, the matter of fragmentation in the field of law enforcement is one of the chief objections that was raised in the Commission on Crime and Administration of Justice. There are many thousands of police jurisdictions presently. And it was that fragmentation that made it so difficult to make progress along modern lines. Criminals and those that violate the law don't hesitate to step from one municipality to another.

Isn't that one of the trends in the country? Is not the population leaving the large cities and going into suburbs thereby adding rather than subtracting from that problem of fragmentation?

Mr. GRIBBS. That is correct. As cities grow and become cities from townships, they pull together all of the municipal services and then they provide, among other things, their own police departments.

Senator HRUSKA. Now, this LEAA and your State Commission require that every city applicant document its local matching funds, because the funds that do find their way out of LEAA to the cities do require matching.

Is that a fair requirement?

Mr. GRIBBS. Yes; but, there are some cities, sir, that cannot afford the matching, and that is why we urge in those areas where they cannot afford, aside from reducing the amount of matching, percentage-wise, that LEAA be allowed authority to waive it, when cities can't afford it.

If I may just restate in another fashion Detroit's present problem. We are in a fiscal bind, Senator, right now. Next year's budget I pro-

pose, and the council has approved, the addition of 777 police personnel, on top of the 5,000 and some-odd officers we have now. But to pay for that we need authority from Lansing to tax ourselves. We need enabling legislation.

At this moment we have exhausted all tax revenue possibilities that we can legally assess. We have reached the limit of our revenue-raising ability as a city. And this day, one of several bills are being considered by the legislature. I hope that they give us the enabling legislation which will then allow myself and the council to authorize collection of added revenues to finance the added police officers and other needs, truck programs, and hospital needs in the city of Detroit. And very frankly, it is a budget for next year, the budget for next year is a tight budget. We have just added personnel in these critical areas.

We need the added revenues to maintain existing services, because if we do not get authority for added revenue we will have to cut back, not even add the officer, but cut back in some areas of the city budget services that we provide now.

What I am really saying is that Detroit, like many municipalities is limited by law as to the kinds of revenue they can generate. Therefore, their ability to raise the matching funds is limited, you see, and they may not, and some of them cannot take advantage of the plan and the Federal funds for lack of matching funds.

So that I would make a change in law that would be very beneficial, reducing the amount of matching funds and then granting authority to waive the matching requirement for the municipalities or whatever local government cannot raise the matching funds.

Senator HRUSKA. What standards would you suggest for those waivers? What should be the requirement or the showing necessary in order to secure a waiver of matching funds from the LEAA?

Mr. GRIBBS. Well, certainly I haven't developed them, sir, but we will be glad to submit some guidelines along that line.

If Detroit does not receive enabling legislation from the State, you can see readily that no matter what we did Detroit could not provide matching funds of \$1 million or \$2 million.

Without establishing terminology, Detroit is in that position of being unable to match unless we get some enabling legislation.

Senator HRUSKA. Wouldn't you think that the same situation would apply to most States and most large cities?

Mr. GRIBBS. I think most large cities.

Senator HRUSKA. Is it a general condition that prevails in America?

Mr. GRIBBS. Yes, sir; but the States, you see, can raise their taxes. They have the authority to increase; we do not.

Senator HRUSKA. Not in my State they don't. They have a limit set by the State legislature.

Mr. GRIBBS. But the State legislature can then increase it.

Senator HRUSKA. Yes; but can not the cities themselves?

Mr. GRIBBS. But the legislative body of the city of Detroit cannot. Not the council nor I. We do not have the legal authority, if we wanted, but the Lansing State government of Michigan can tax themselves and increase the taxation. It is just a question of whether they will. We cannot.

Senator HRUSKA. If it is a general condition, and I have an idea it is, maybe we would receive requests for waivers for all of the cities and then not have any matching. Wouldn't that be the logical outcome?

Mr. GRIBBS. Not necessarily, sir. I think if you have, as you just suggested, guidelines to determine whether or not they are financially able, the need could be established.

Senator HRUSKA. If everybody meets those guidelines, we are right back where we started. We would have no matching requirements.

Mr. GRIBBS. Depending upon the guidelines, of course.

Senator HRUSKA. Depending upon the guidelines; yes.

Of course, we are only at the start of this program. If there is going to be difficulty in matching your city's share of the \$280 million, how are you going to match when it gets up to \$500 million or \$900 million?

Mr. GRIBBS. That is a problem. That is why we are asking that if States are going to continue to control, that they buy in, contribute to the local share of costs. One proposal is one-fourth of the non-Federal and we are urging that States pay 50 percent of the non-Federal. That would help.

Or direct grants or waivers or reduction of the contributions. Now, of course, the matching ratio depends upon what section of the program is applied for. It is 25 percent. Generally it is 60-40. If it went to 90-10, it would be of substantial assistance.

Senator HRUSKA. Of course, this legislation was not enacted for the purpose of supplanting law enforcement agencies of the Nation. The primary job of law enforcement is still with the locality and with the State. It has to be under our system of government. And if there is fault with the legislatures, then perhaps we should require that there be a sufficient amount of money available to the cities. If that requires State legislation to increase the tax base, maybe it should be made one of the requirements.

It will have to be, won't it?

Mr. GRIBBS. Yes, sir.

Senator HRUSKA. I take a dim view of the Federal Government undertaking to finance the entire law enforcement operation of this Nation when the primary duty is on the States and its political subdivisions.

Mr. GRIBBS. I couldn't agree with you more, sir, on the statement you just made, and that is why we urge this provision, so-called buying in, that States contribute to non-Federal shares.

Senator HRUSKA. Have you analyzed the bill as it was reported by the House of Representatives to the floor?

Mr. GRIBBS. Yes; the staff has, sir.

Senator HRUSKA. Have you any further comments on it?

Mr. GRIBBS. I think not, sir, except we would urge an increase in the funding.

Senator HRUSKA. Very well. Mr. Counsel, have you any questions?

Mr. BLAKEY. No.

Senator HRUSKA. Mr. Johnson?

Mr. JOHNSON. No.

Senator HRUSKA. Thank you very much for coming to testify for us, Mr. Mayor.

Mr. GRIBBS. Senator, it has been a great pleasure. You may recall we met briefly, very briefly when you spoke before the LEAA regional discussion on organized crime about a year ago. I was sheriff of Wayne County at that time. I was one of the participants and you spoke very well, as you usually do, and it has been a great pleasure to talk to you.

Senator HRUSKA. Well, thank you for recalling that occasion. (Subsequently the following communication was received from Hon. William G. Milliken, Governor of Michigan.)

STATE OF MICHIGAN,  
Executive Office,  
Lansing, July 14, 1970.

HON. JOHN MCCLELLAN,  
U.S. Senate, Chairman, Subcommittee on Criminal Laws of the Senate Judiciary Committee, Washington, D.C.

MY DEAR SENATOR MCCLELLAN: I have just reviewed a transcript of the recently completed hearings of the Senate Judiciary Subcommittee on Criminal Law and Procedure at which amendments to the Omnibus Crime Control and Safe Streets Act were under consideration. As Administrator of Michigan's Office of Criminal Justice Programs, I wish to provide clarification to portions of the testimony received at those hearings. In addition, I would like to submit my views on some of the amendments under consideration.

The award of \$188 for a camera and fingerprint kit to the City of Grand Rapids has been the focus of unwarranted attention. This award was made under the provisions of Section 307(B) of the Act, thus preceding the adoption of Michigan's 1969 Comprehensive Law Enforcement Plan. Other applications from Grand Rapids could not be approved because they did not fall within the funded categories of the 1969 plan. This city has since applied for and, on May 21, 1970, was awarded a grant of \$66,200 to establish a forensic sciences facility (crime laboratory). Other promising applications from this locality are currently under review.

The testimony regarding the amount of funds received by the City of Detroit also needs clarification. Five grants were awarded directly to the Detroit Police Department for a total of \$184,438, or 23% of the action money made available to local units of government in Michigan. The remaining action monies (25%) provided support for participation by state and private organizations in the program. In Michigan, this meant that the Department of State Police, the Department of Public Health (which shares a significant responsibility for crime lab services), the Department of Mental Health (which conducts drug abuse programs) and the Department of Corrections must share 25% of the action funds awarded to Michigan. Further inroads on this portion of funds result from grants awarded to the Supreme Court Administrator's Office, which supervises the administration of all courts in the state. This is not to quarrel with the philosophy of the 75-25 apportionment, but rather to provide a review of state agencies (with annual budgets in excess of \$282,000,000 last fiscal year) which offer services of direct application to crime control and law enforcement improvements at the local level. For example, in the City of Detroit, a grant of \$200,000 to the Supreme Court Administrator's Office funded a Detroit Recorder's Court Crash Program to reduce the serious backlog of criminal cases in that system. This has resulted in a 48% reduction in pending cases even while the court was experiencing a 15% increase in new arraignments.

It may seem very appealing to award funds only to the core city of a metropolitan area, but comprehensive planning demands concurrent improvements in prosecution, court administration and rehabilitation agencies whose jurisdictions transcend individual municipal boundaries. In conjunction with this, it should be clear that the difficult and elusive problems of crime control cannot be solved by simply channeling funds to cities in proportion to their rates of reported crime.

Criticism directed against the philosophy of bloc grants to states is not, in my opinion, well founded. Whether financial assistance for law enforcement is administered directly by a federal agency or by states through bloc grants, it seems apparent that similar staffing patterns would have to be provided in order to administer this burgeoning program. Direct grants would involve similar safeguards (paperwork) in the administration of funds. But to local units of government, direct grants could well mean the loss of representation from state and regional policy-making bodies.

By the same reasoning, I am opposed to the amendment which would establish a lower minimum match requirement for L.E.A.A. discretionary funds than for state bloc grant funds. This can only lead to a wholesale bypassing of the local autonomy offered by state planning processes. Although I favor a lowering of matching requirements, this should be accomplished across the board and not only with regard to the direct federal grant portion of this program.

Sometimes overlooked is the fact that grants, whether from the state or directly from the federal government, are based on an application process which ultimately requires the commitment of considerable energy, initiative and resources. Local and state government leaders are finding it increasingly difficult to commit 25, 40 and sometimes 50% of the additional funds required to secure a grant award. Therefore, the minimum match requirement should be 10% of the grant award or at least not more than 25% in order to assure vigorous participation by critical law enforcement agencies both at the state and local levels.

Another desirable change in the Omnibus Crime Control and Safe Streets Act of 1968 would be the removal or raising of the 33% bloc grant limitation on the amount which may be spent for compensation of personnel. Perhaps our greatest need is to increase and upgrade the personnel across the spectrum of the criminal justice system.

The proposed amendment to require states to contribute 25% of all match would have serious consequences for the program. As noted earlier, state governments are facing the same revenue raising problems as the local units of government. Also, state budget preparations begin 18 months in advance of the fiscal year. If Congress were to enact this requirement, the program would come to a halt as states reviewed their financial postures and attempted to qualify. More importantly, in the long run this requirement could result in legislative action being taken on each application before state funds would be available, thus neutralizing the efforts under comprehensive planning and action process. The rationale underlying this amendment is well taken. States must and should make a financial commitment to this effort, but this commitment should be allowed to vary from state to state based upon individual budgetary processes and financial abilities.

In a relatively short period of time state plans have been formulated to translate problem identification into annual action programs. I submit that this process is proving to be an effective one. Law enforcement representatives play a key role in the Michigan program in planning agencies at the state and regional level. Michigan's planning process has been and will continue to be well represented by public officials and concerned citizens from high crime areas.

In summary, it cannot be overemphasized that the State of Michigan is highly responsive to the crises faced by its urban centers. Governor William G. Milliken has charged me, as Administrator of the Safe Streets Programs in Michigan, with the responsibility to ensure that this program is truly comprehensive and that the greatest benefit is derived from the monies available. As a former police executive in the City of Detroit with personal knowledge of urban problems and concerns, I am confident that our urban centers will be well served by the bloc grant program in Michigan.

If requested, I would welcome the opportunity to appear at any future hearings of your honorable subcommittee or any other committee hearings on this matter.

Sincerely,

BERNARD G. WINCKOSKI,  
*Administrator, Office of Criminal Justice Programs.*

The committee will take a short recess to await the arrival of another witness who is en route.

(Short recess.)

Senator HRUSKA. The subcommittee will come to order. The next witness will be John D. Spellman, county executive of King County, Wash. I understand, Mr. Spellman, that you speak on behalf of the National Association of Counties. You have submitted a statement. Do you wish to read it?

**STATEMENT OF JOHN D. SPELLMAN, COUNTY EXECUTIVE, KING COUNTY, WASH.; ACCOMPANIED BY JOSEPH MCGAVICK, MISS MARGARET SEELEY, AND RICHARD H. SLAVIN**

Mr. SPELLMAN. I would like to highlight it if I may.

Senator HRUSKA. The statement will be received and placed in the record at this point.

STATEMENT OF JOHN D. SPELLMAN, COUNTY EXECUTIVE, KING COUNTY, WASH.  
IN BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES

Good morning, gentlemen. It is a pleasure for me to be here today. Senator Hrnska, I'm particularly glad to see you again after your excellent remarks on the Safe Streets program at the Legislative Conference of the National Association of Counties last March. My name is John D. Spellman and I am the County Executive of King County, Washington, where the city of Seattle is located. As the representative of King County, I serve on the Washington State Committee on Law and Justice and the Puget Sound Governmental Conference, our local Council of Governments. It is in behalf of the National Association of Counties that I appear here today. Within this association representing the interests of 3,000 county governments, I am Chairman of the Crime and Public Safety Steering Committee which created our national policy on the Amendments to the Omnibus Crime Control and Safe Streets Act of 1968 as embodied in H.R. 17825.

Let me introduce the individuals who are accompanying me. Mr. Joshep L. McGavick, on my right, is my Administrative Assistant and is well-versed with the LEAA grant program as it operates in King County. Miss Margaret S. Seeley is Legislative Assistant for the National Association of Counties. We will all be available to answer any questions the Subcommittee members or staff may have.

I think that it is the interest of this Subcommittee that I comment only on the amendments to the Safe Streets Act which were passed by the House Judiciary Committee recently.

#### APPROPRIATIONS

The National Association of Counties endorses the three-year \$3.15 billion dollar appropriations authorization schedule for fiscal years 1971 and 1973. The increase in funds over the three-year period will accommodate the growth of the Law Enforcement Assistance Administration's program and will lend some security to the block grant approach, which has not had an adequate opportunity to reflect its merits or disadvantages in the 18 months of program operation.

#### ADMINISTRATION

The current "troika" arrangement was originally conceived to provide the Law Enforcement Assistance Administration with a non-partisan head. As you know, this three-headed, two-party administration has suffered by its very design and there is probably consensus by all on the need to change this. In a critique session conducted by the Advisory Commission on Intergovernmental Relations, the National Association of Counties suggested that the transition of three administrators to a single administrator assisted by two deputies be expedient so as not to interrupt the grant program, and that this single administrator be appointed by the President with the consent of the Senate. It is felt that this approach will meet with at least as much success as the selection of other department heads.

#### CORRECTIONAL FACILITIES AND PROGRAMS

Mr. Chairman, the amendments for committing a greater share of federal funds in the field of construction, acquisition and improvement of correctional and rehabilitative facilities, is one of the most significant aspects of this legislation. I need not reiterate the statistics that here exists more than 1500 county jails in the United States and that one-third of them were built 75 years ago and have had no substantive rehabilitation or modernization since that time. The field of corrections improvements, programs as well as facilities, has long been neglected, necessitating the suggestion that 25 percent of all federal funds be spent here and that federal grants providing 75 percent of the matching funds can now be awarded specifically for construction and modernization of jails and courts. I might mention that this amendment is consistent with the recommendations of the President's Commission on Criminal Justice.

To indicate the good faith of counties, let me say that one-third of the total municipal budget of King County, except for public works, is spent on courts, corrections and general law enforcement. This accounts for an annual expenditure of more than \$12 million dollars for a population that slightly exceeds 1,000,000, a per capita expenditure of approximately \$12.00. I feel that the mandatory expenditure of 25 percent of all federal funds in the field of corrections

is necessary and may also serve to correct the finding of the Advisory Commission on Intergovernmental Relations—that of the 44 states answering ACIR's inquiry, only 14% of LEAA funds granted by February 28, 1970, were used for corrections, rehabilitation and courts. This amendment would tend to put counties on an equal basis for receiving funds with other local governments.

#### COUNTY RESPONSIBILITIES IN LAW ENFORCEMENT

Let me cite some examples of county responsibilities for crime prevention and law enforcement. Although I mention the experience of King County, Washington, it serves to represent most other large urban counties. On our county payroll are the following individuals: Director of Public Safety (Sheriff) appointed by myself but an elected office in many other counties; forty Judges and thirty Prosecutors; Policemen; Medical Examiner (Coroner); Superintendent of Corrections and staff (Jails); Probation Officers (Parole personnel are paid by the state but this is an exception in many counties); Attorney for Public Defense; Ombudsman; Juvenile Counselors; and a special Tactical Squad. In St. Louis County, my counterpart has the additional responsibility of training and certifying all his county law enforcement officers. The county, in its capacity as a sub-unit of state government hires, supervises and pays these individuals. The National Association of Counties would therefore recommend that the limitation that no more than one-third of grant funds be spent on personnel compensation be abolished particularly in the field of police training and community relations.

As I mentioned, 33 percent of my municipal budget is spent on law enforcement. However the national picture in 1967, indicated that 12 percent of the budget of the 55 largest counties (with population of more than 500,000) was spent on police and corrections. In the same year, the 43 largest cities (with populations of more than 300,000) also spent 12 percent of their budget on law enforcement. (The following table is offered for the record.)

1967 LAW ENFORCEMENT EXPENDITURES

	Counties <sup>1</sup>		Cities <sup>2</sup>	
	Amount	Percent	Amount	Percent
Police protection.....	\$194,000,000	4.4	\$1,000,000,000	10.5
Judicial functions.....	167,000,000	3.7	118,000,000	1.2
Corrections.....	174,000,000	3.9	128,000,000	1.3
Total.....	535,000,000	12.0	1,246,000,000	13.0

<sup>1</sup> 55 largest counties (population 500,000).

<sup>2</sup> 43 largest cities (population 300,000).

Large counties, like large cities do administer programs, staff and money for purposes of law enforcement and should be recognized for their performance. The Committee on Urban Growth on which the National Association of Counties participated, published in *The New City* the fact that today 85 percent of the growth in the United States is occurring in suburban areas, outside the core cities in the county jurisdiction. It is not surprising that statistics indicate that crime in the suburbs is rising at the same rate as crime in the city. Why? Because the population base is relocating to the suburbs—the so-called urban sprawl. For instance, in King County, 54 percent of our residents live outside the city limits of Seattle.

Although the needs and desires of densely-populated urban and suburban areas are advertised daily in the news media, the states are still guilty of not distributing funds to these cities and counties where most crimes occur. I quote from the ACIR report: "Although most States were quick to establish a State level and sub-State administrative apparatus, it is contended that these agencies have turned into unresponsive and unwieldy State and regional bureaucracies which have slowed processing of city and county grant applications, delayed the receipt of funds at the local level, and siphoned off planning and action monies which should have been allocated to local governments . . . basically confirming the charge that most States are unconcerned with the crime reduction needs and problems of urban areas, especially big cities," and big counties.

Mayor Roman Gribbs illustrated this point by mentioning that the city of Detroit has 19 percent of the state population and 40 percent of the crime. Yet the State Law Enforcement Agency forwarded only 6 percent of total planning funds and 18 percent of total action funds to Detroit. This incident was not singular, and was in fact, duplicate to the experience of Wayne County, Michigan, Detroit's Metropolitan Area, which provides law enforcement functions for 43 municipalities. This is why the National Association of Counties can offer its full support to the requirement that LEAA determine that state law enforcement plans reflect the needs of high crime areas before approving the plans. I would further suggest that LEAA determine criteria to measure accurately the incidence of crime in counties.

The House Judiciary Committee made this statement: "Experience under the act (Safe Streets) thus far demonstrates that there is a substantial gap between the amount of funds actually distributed by the States to cities and counties, and the amount of funds that such localities would have received if the State allocation had been based on the proportion of crime in the locality to the total State crime committed." Although NACO acknowledges the flexibility in the current waiver possibility of the state passing through 40 percent of planning funds and 75 percent of action funds in certain cases, we would encourage the Law Enforcement Assistance Administration to urge states to distribute a minimum of 40 percent and 75 percent respectively of the federal funds received to the localities.

#### MATCHING FUNDS

Matching federal funds is difficult for some cities and counties, and for that reason, NACO believes that the states should be encouraged to provide at least half of the non-federal share of matching funds. We are reviewing the difficulties faced by counties in coming up with sufficient matching funds for greatly increased federal appropriations and would suggest more in-kind opportunities for local contributions. To this avail, the increase of the federal share of discretionary grants to 90 percent will certainly be helpful.

#### LOCAL COORDINATION

NACO recognizes that one of the major deficiencies confronting local efforts at crime control is a lack of cooperation and coordination among general purpose local governments. One of the purposes of this law was to correct this deficiency. Yet, there are no specific provisions in this Act giving priority in the awarding of grants to applications submitted by combinations of local governments or for interlocal agreements. Therefore, we urge the Department of Justice and the states to implement the purposes of the law by providing that grant applications submitted by combinations of local governments and covering no less than one county receive priority consideration.

#### BLOCK GRANTS

In the area of law enforcement assistance, the block grant approach should continue but must recognize that the bulk of crime control and prevention is the responsibility of local government, and that planning and programs must be tailored to meet problems which vary from community to community. Therefore, any legislation which provides for an increased role for the states should not, at the same time, subjugate local governments' abilities and capacities. At the same time, the National Association of Counties agrees that it is desirable to increase state involvement in crime control and prevention in support of this basic local responsibility. Thus, NACO supports state activities in such areas as leadership in the development of a comprehensive state-wide plan, technical assistance to local governments, state-wide training programs, coordination of appropriate local activities, and serve as a focal point to prevent duplication of efforts by local governments. To achieve this local sense, we urge that at least 50 percent of the membership of the Regional Law Enforcement Commissions and State Planning Agencies be local elected officials or their designated representatives.

#### CONSOLIDATION OF MUNICIPAL SERVICES WITHIN THE COUNTY

NACO's Executive Director, Bernard Hillenbrand, once stated: "There certainly is resistance on the part of the citizens to any idea of consolidating police

departments. There are, however, a great number of things short of consolidation that can be done to help correct the problems of fragmented police effort in urban and rural areas." King County offers the opportunity for the 30 municipalities within its jurisdiction to consolidate and receive mutual benefits from each other in the law enforcement field.

The wider use of authority would permit counties to establish a central communications system, central training facility, common record keeping, central personnel, uniform central crime laboratory, and even such specialized services as metropolitan detective squads and similar multi-jurisdictional programs. A central computer crime information system serving all 30 cities in King County can identify criminals and stolen cars within 15 seconds. A California county using this system maintains that it has reduced police deaths due to high-speed chases by a ratio of 15 to 1. The criminal record system of Spokane County and the city of Spokane has been consolidated realizing an 80 percent duplication of statistics. And, soon training programs for city and county police officers will be conducted jointly by the city of Seattle and King County.

Mr. Chairman, my remarks are concluded. Thank you very much for this opportunity to testify in behalf of King County and the National Association of Counties and for your attention.

Miss Seeley, Mr. McGavick and I will be glad to answer any questions.

Senator HRUSKA. That will be fine. You may proceed.

Mr. SPELLMAN. I want to thank you for giving me the opportunity to speak both on behalf of NACO and on behalf of King County, Wash.

Certainly we recall your appearance at our spring meeting where we had an opportunity to get into some depth regarding the Safe Streets Act.

Senator HRUSKA. It is a most estimable organization. I was a dues-paying member for a number of years, as you know.

Mr. SPELLMAN. I think it should be pointed out that in addition to being the county executive of King County, where the city of Seattle is located, that I serve on the Washington State Committee on Law and Justice, which handles the omnibus crime bill, and also on the Puget Sound Governmental Conference, which is our regional conference of governments.

Senator HRUSKA. Would you put the microphone a little closer to you.

Mr. SPELLMAN. I would be delighted to.

I would like to introduce the individuals who are here with me. Joseph McGavick on my right, administrative assistant of King County, and on my left is Miss Margaret Seeley, who is the legislative aide for the National Association of Counties, and in the ecumenical spirit of the far left the representative of the State of Washington, department of planning and community affairs that administers this program.

I would say parenthetically before making my remarks, in the State of Washington there is, indeed, a good cooperative spirit between the State, county, and city governments, and I think there is a good balance. Perhaps some of my written remarks might imply that we feel that our State has been negligent insofar as crime programs and disbursements of funds. That is not so in the State of Washington.

I think there are many States and many counties such as my own that believe that the strength of this program remains in its Federal approach and in the proper role of Federal Government and State and local government. If I give any other impression in my written remarks, I wish to retract them at this point.

I will comment only on the amendments to the Crime and Safe Streets Act reported by the House Judiciary Committee.

The National Association of Counties, with regard to the appropriations in this bill, endorses the 3-year \$3.15 billion budget. The program, as you know, Senator, is only 18 months old. It hasn't really had a chance to prove itself or to be shaken down, but certainly it is important that it have this initial appropriation sufficient to get the job done.

I think that the proposed amendment regarding LEAA administration gets to the heart of the matter. Having been a member of a three-man board of county commissioners at one time, before we got our new government in King County, I feel the troika is, indeed, a cumbersome vehicle and I think the amendment doing away with the troika is well in order.

As a matter of fact, I would hope that perhaps somewhere along the line even the amendment could be somewhat modified to do away with the necessity of approval by the associate administrators. But, at any rate, it is a vast improvement.

The correctional facilities portion of the amended bill, I believe, is perhaps one of the most important. The amendment committing a greater share of the Federal funds in the field of construction, acquisition, and improvement of correctional and rehabilitative facilities is one of the most significant aspects of this legislation.

I don't think I have to reiterate the fact, Senator, that there are more than 1,500 county jails throughout the United States and that by far the vast majority of prisoners in jail today are in local jails. And by far the vast majority of local jails are old in comparison to State or Federal penal institutions. Both the physical facilities and the methods used are out of date. We note that one-third were built over 75 years ago, and this is true in my county, where the county jail is perhaps one of the oldest facilities. It has been remodeled and remodeled, but it is still not a proper facility.

And the other point, of course, is that almost all people who come into conflict with the law, who are offenders for the first time, come into contact with the local jail system and local court system. And as that system is decrepit and old, I think it starts people on the recidivism pattern, which we are all paying for so dearly.

We feel that this particular program, which embraces not merely building jails, but embraces rehabilitation, halfway houses, work release programs, such as we have in our county, the alcoholic treatment centers, the whole package of rehabilitation and correction, to reduce recidivism, I think is most important and one we feel most strongly about.

And the requirement that 25 percent of all Federal funds be spent in this field, I think is a reasonable one.

Also, I believe it is reasonable that the 75 percent of matching funds now can be spent for construction of these facilities.

One-third of the total municipal budget in our county outside of public works is spent for this field of courts, corrections, and law enforcement. I think this is generally true throughout the United States. Local government has a heavy stake in law enforcement, corrections, and rehabilitation.

Unfortunately, however, they need these supplementary funds to have new training programs, to get the capital facilities and to reach out to correct what is perhaps the weakest part of our law enforcement system, and that is corrections at the local level.

We favor the mandatory expenditure of 25 percent of all Federal funds in the field of corrections.

At the present time my records indicate that approximately 14 percent is being spent by counties in that field. I think as the new Chief Justice of the Supreme Court has pointed out, this area is the most neglected in the criminal justice field today. We prosecute diligently, we apprehend diligently, and forget all about them, and frequently that is more costly.

The county has heavy—all counties have heavy law enforcement responsibility in crime prevention and law enforcement. And although I have just mentioned King County, it serves to represent most of the large urban counties.

On our county payroll there are the following individuals. We have a director of public safety, which under the old county system would have been a sheriff. He is appointed by me. We also have 40 county judges, 30 prosecuting attorneys, policemen, a medical examiner, a superintendent of corrections, probation officers, parole personnel, a public defender, an ombudsman, juvenile counselors, and a special tactical squad. A full range of correction and law enforcement personnel.

In St. Louis County, to point out the role of the county in law enforcement, they go one step further in the county. They certify all of the law enforcement officials at all levels of government within that area.

Senator HRUSKA. I noticed that listing does not include courts. Did you mean to leave that out or is that under State jurisdiction?

Mr. SPELLMAN. No; they are under our jurisdiction. There are some 40 judges, Senator, and indeed they are important and an expensive part of the system.

Senator HRUSKA. Are they municipal judges or county judges?

Mr. SPELLMAN. They are both. They are district courts which are comparable to municipal or a justice court judge, and there are superior court judges.

Senator HRUSKA. So that when you say you spent 33 percent, is that what you spent of your one-third?

Mr. SPELLMAN. One-third aside from public works. Including public works, we run concurrent with the rest of county governments. Public works, are, of course, the vast bond issues, but outside of that one-third of our general fund budget is spent on law enforcement.

Senator HRUSKA. So it would be one-third of your budget spent on law enforcement?

Mr. SPELLMAN. Yes.

Senator HRUSKA. Would that include the courts?

Mr. SPELLMAN. Yes, it would.

We think, Senator, the national association would strongly recommend that the limitation that no more than one-third of grant funding to personnel be abolished in specific areas. Certainly in the area of police training and in the area of community relations.

There are already personnel funds that can be used in research and development programs, but we think specific training is so important and so neglected because the criminal becomes more sophisticated and the law-enforcement officer does not have the expertise and the sophistication to cope with him.

We strongly recommend that the freeze on funds for personnel not apply to the training field.

Senator HRUSKA. Before you leave that point, Mr. Spellman, the thinking of those who were instrumental in writing and getting it enacted, was that one of the basic purposes of this LEAA was to see if there could be an upgrading and an improving and modernizing of the law-enforcement processes. If the moneys here would be devoted to regular payrolls, it would not accomplish that purpose.

We were willing to go part way and it was a compromise because there were some who didn't want to get into salaries at all because it would be too large a figure and dissipate the entire funds, robbing the effort in those areas that would call for training, education, and improved police techniques.

Do you see any merit to that approach?

Mr. SPELLMAN. I do, indeed, Senator. I can see the reason for the bill. I think we are really talking about the same thing.

The salary of the average man on the beat probably should not be paid for from LEAA funds, but I think training specifically is such an important area and one where there is such neglect because of the fact you have demands from unions and other groups for salaries that Federal input to the training is most important. So, I don't think we are in conflict at all.

Senator HRUSKA. The reason I raised the point is that you make a recommendation that the limitation on one-third be eliminated.

Mr. SPELLMAN. I think we qualify that there be an exemption in the area of police training and community relations. Our recommendation is to eliminate the personnel requirement only in those two additional areas as for the research and development personnel which presently exists.

Senator HRUSKA. All right.

Mr. SPELLMAN. I think that is important, Senator. It has been my experience that when you put the specific money into organized crime, or you put it into riot control, what you do is, have a seminar and have people come together and all talk about the problem. There is nothing practical that happens.

I think it would be much more important to put the money into training.

Senator HRUSKA. Of course, there is a similar proposed amendment in the House bill, and in S. 3541, which I introduced, that would say that that limitation would not apply to compensation of personnel engaged in research development, demonstration or other short-term programs.

Would that meet a good deal of your recommendation?

Mr. SPELLMAN. A good deal. I would hope, too, that the words "the training of personnel," could be added. I think that would cover it.

Senator HRUSKA. The training of personnel?

Mr. SPELLMAN. Yes, sir. I think this is a real area of neglect.

Senator HRUSKA. Isn't that already covered? I thought there was an express provision in the present law.

In subsection D of section 301 the last sentence states that not more than one-third of any grant made under this part may be expended for the compensation of personnel. The last sentence in that section reads:

The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs.

Mr. SPELLMAN. I think, you know, you can buy training films and related items, but as far as actually training personnel, you can't do it without special funds.

I would point out, Senator, that the growth in the country today is primarily in the suburban area.

The New City points out that 85 percent of the growth in the United States is in the suburban areas, outside of the core cities and I don't think it is at all surprising that the crime rate is increasing more rapidly or at least as rapidly in the suburban area as it is in the central cities.

That is certainly the case in our own county where the city of Seattle is diminishing in size somewhat this year as indicated in the census, while the suburban areas are increasing in population. The crime rate follows that pattern.

Now, I would like to move on, Senator, to the point that NACO recommends, that we set up priorities for the areas that have the highest incidence of crime and the most dense population, that we set up criteria for the counties in addition to the cities. There are no existing criteria for qualification of urban counties and this is a major problem.

Senator, we have pointed out here the matching funds—this is the policy of NACO—at least one-half should be provided by the State government, that is the local matching funds.

I personally have some grave doubts about that for fear that a good many programs might not otherwise proceed in the event that the State did not have half local matching funds.

Certainly the real point to be made is that local governments in general are short of matching funds for good programing and whether the diminution of the amount of the local share comes by increased State requirements, as the case here, or through a change in the Federal program, I think really is not too important.

If we are putting a strict interpretation on requiring the State to give at least 50 percent of the local sharing, it seems to me in some cases that could hamper a good program. So, I personally have some doubts about putting too high of a requirement, too rigid a requirement on the State.

Senator HRUSKA. That would be very desirable; it would be a little awkward for the National Government, however, to say to the State: "Tax yourself more for the benefit of the cities."

We kind of like to feel that is a family dispute that should be decided within each State.

But, of course, this whole program entails the idea that the primary responsibility for law enforcement rests with the State and local

governments. They must increase their share of taxes for purposes of expanding and improving their law enforcement assistance. That is part of it.

Mr. SPELLMAN. No question about it.

Senator HRUSKA. The Federal Government cannot move into the picture as a substitute. It can encourage, it can help, it can guide, but we cannot take the place of the State or local enforcement agency. That idea should constantly be borne in mind.

Mr. SPELLMAN. I don't think there is any question about that. I know this year, for instance, we went to the Legislature, the State legislature, and asked for authority to impose for the first time in the history of the county, a sales tax on top of the State sales tax, which is really specifically for the purpose of paying for the law enforcement costs that are paramount in a fast-growing metropolitan area of our State, primarily our county. The local option was given to the counties and all of the metropolitan counties enacted this additional tax.

Although nobody likes taxes for the specific purpose of paying for this, I think the local government is trying to carry its share and should because it is a local responsibility.

NACO recognizes one of the major deficiencies confronting local efforts at crime control is lack of coordination and cooperation among general purpose local governments.

I want to emphasize general purpose local governments. We believe that some priority should be made for applications which are submitted by combinations of local governments covering no less than one county.

Now, when I speak of combinations of local governments, I personally am speaking of governments elected by the people, governments responsible to the people, acting by intergovernmental contract to achieve a result that no one of them could.

Generally I am not speaking of some outside agency. I do think, however, there should be an incentive—there should be priority for regional programs worked out between general purpose governments.

I would like to conclude. I won't read every part of this, Senator, if that is all right.

I would like to conclude my general statement by talking a minute about the consolidation of municipal services regarding law enforcement.

I think Executive Director Bernard Hillenbrand once stated:

There certainly is resistance on the part of the citizens to any idea of consolidating police departments. There are, however, a great number of things short of consolidation that can be done to help correct the problems of fragmented police effort in urban and rural areas.

King County offers the opportunity for the 30 municipalities within its jurisdiction to consolidate and receive mutual benefits from each other in the law enforcement field, and we offer the opportunity although this has not happened yet. The idea is to bring about this cooperation.

The wider use of authority would permit counties to establish a central communications system, center training facility, common recordkeeping, central personnel, uniform crime laboratory, and all of the programs that must be on a regional basis.

At the present time we have set up a central computer crime information center in King County that is capable of serving all 30 cities and counties in the areas, and it is paid for in part by the county—and I am sure you, Senator, are familiar with the crime information system. It has been a great boon to our community in allowing the officer in the field within a matter of 15 seconds to get back information which is life or death information in his own case and vital in the apprehension of criminals.

At the present time we have a joint training program between the county and the cities within the county, which has just been instituted and proposes to be very successful.

We have an embryo of a joint crime laboratory for all of the municipalities in the county. Unfortunately, too often in the past, in our county and elsewhere, there were 30 separate police departments where 30 separate cities were located. There were 30 crime labs or lack of crime labs. There were that many different approaches to training and a great deal of money was not being efficiently used.

I think the new counties, and that is the theme of county government today, the new counties are concentrating on providing the regional services to the cities within the area, and certainly a very logical area is that of law enforcement—the communications, the training, some uniformity of performance and quality within this large regional area, which is the county.

Senator HRUSKA. How many police jurisdictions are there in your county?

Mr. SPELLMAN. There were 30. And this is a county of population over 1 million and 1.

Senator HRUSKA. Why do you say "there were?"

Mr. SPELLMAN. Some of them have now contracted with the county to provide their police service for them.

Senator HRUSKA. On a contract basis?

Mr. SPELLMAN. Yes, sir; we have worked out numerous joint programs with the city of Seattle at the present time. We have been advocating and working toward a consolidation of many of the police functions, overall detectives, narcotics, overall training, overall communications, while allowing the local people at the local level who desire some identification, to control traffic, parole for instance, or men, patrolmen in the individual areas. This is an approach we have been encouraging.

The city of Seattle has indicated a willingness to pursue this approach and some of the smaller cities have a contract. This is true in the large metropolitan counties throughout the United States. I think this is a trend and I think it should be encouraged by this program, the more efficient expenditure of funds.

Senator HRUSKA. Of course that is the modern trend, isn't it?

Mr. SPELLMAN. Yes, sir.

Senator HRUSKA. Ambulance service, hospitals, the antipollution efforts? Even in the education field they tend to go beyond municipalities with their school districts.

Mr. SPELLMAN. I think, Senator, that is why I emphasize the general purpose of an elected government. We do have the vehicle, I believe, at the local level, and that is the county, which by its nature is a regional area.

Senator HRUSKA. You have convinced me.

Mr. SPELLMAN. Thank you.

Senator HRUSKA. That is one of the saving graces, however, of the States. They are organized into counties as political subdivisions.

Mr. SPELLMAN. Yes, sir. That completes my testimony, Senator.

Senator HRUSKA. Well, thank you very much, Mr. Spellman.

Now there is difficulty meeting the matching requirements. We have heard that right along. I asked the mayor of Detroit earlier today, and the other witnesses, if there is difficulty with matching their part of \$268 million, what are they going to do when the fund gets to be in the range of \$1 billion a year? Do you know what the answer is?

Mr. SPELLMAN. No; I don't think any of us do. But I do know we have to take that problem to the people at the local level.

We had just a month ago an issue of a regional corrections center brought before the people in our county. It passed with something over 51 percent. Unfortunately, we need 60 percent to pass a bond issue. That will pass.

We have had a very poor economic climate in our area and that was the front runner on the ballot, 51 percent of the 10 bond issues. It will pass, I think. The people at the local level as well as the Federal level will be sold on the need for corrections and rehabilitation.

We have got a majority now. If we get 60 percent we can match any Federal funds contributed.

Senator HRUSKA. Well, I hope that attitude will be sponsored everywhere. It is far more constructive than saying "I am not going to advocate an increase of taxes on my people; I will go to Washington and get some free money." There are some of us here in the Congress who take a dim view of that because, again, we return to the proposition that this primarily is a local responsibility.

Mr. SPELLMAN. One of the most inspirational things I have seen in the last several months is not even local government, it is local people. There is a private corporation set up in Seattle to establish a halfway house, and they bought the house; they equipped it; they staffed it; and the State parole board allows people to come out of the State penitentiary who used to be given \$40 and a suit of clothes. These people are sent up from Walla Walla to Seattle and most of the money is spent by the time they got to Seattle. It was a question of whether they would get a job or be back in the crime cycle within a few days.

Now they are released 6 months ahead of time and at the State penitentiary they are able to be directed and go to the facility run by the private corporation and live there and get a job and get their feet on the ground and get some money before they are released to society.

It is local government; it is local people, and this program will be successful if the Federal Government can pull it off. I don't think that anyone of us can do it locally.

Senator HRUSKA. Your National Association of Counties had a resolution did it not, on the block grant program?

Mr. SPELLMAN. Yes; it did.

Senator HRUSKA. May we have a copy of it for our record?

Mr. SPELLMAN. Yes, sir.

Senator HRUSKA. Supply it, if you don't have it with you.

(The document referred to follows:)

## BLOCK GRANTS

In the area of law enforcement assistance, the block grant approach should continue but must recognize that the bulk of crime control and prevention is the responsibility of local government, and that planning and programs must be tailored to meet problems which vary from community to community. Therefore, any legislation which provides for an increased role for the states should not, at the same time, subjugate local governments' abilities and capacities. At the same time, the National Association of Counties agrees that it is desirable to increase state involvement in crime control and prevention in support of this basic local responsibility. Thus, NACO supports state activities in such areas as leadership in the development of a comprehensive state-wide plan, technical assistance to local governments, state-wide training programs, coordination of appropriate local activities, and service as a focal point to prevent duplication of efforts by local governments. To achieve this local sense, we urge that at least 50 percent of the membership of the Regional Law Enforcement Commissions and State Planning Agencies be local elected officials or their designated representatives.

Senator HROSKA. Now, then, in regard to the troika arrangement, you made one statement that I can't quite agree with totally. That is, it is probably the consensus of all that we change this from a troika to a one-man job. The rationale of the three-man body was to get away from a single person who would make the decision of approving State plans and also disbursing these discretionary funds.

Item 1: we are not blind to the realities of the situation—this Senator certainly isn't. With a single policymaker there is room for personal favoritism, for political maneuvering and for a lot of things that are not wholesome or desirable.

Is there a single individual who can do a better job than three people, each drawn from a different segment of the law enforcement picture? If it was only a police department that would be easy. If it was only a sheriff's department, that would be easy—but considering the vast, broad spectrum of law enforcement ranging all the way from corrections, on the one side, to arrest on the other, with the trial in between—isn't there some justification for saying that you will get a more balanced picture, more diverse points of view, in judging the merits of a State plan or the disbursement of moneys of a discretionary fund from a three-man board? Wouldn't you get a better-balanced picture?

Certainly if we are going to draw a man from Vermont, for example, and make him the sole arbitrator, will he have any conception of what King County, Tex. is like, or King County, Wash., to a sufficient degree to get a job done? And the same way with Nebraska. We think we have some mighty fine people in Nebraska, but we don't have a monopoly on wisdom.

What would you say as to that general approach?

Mr. SPELMAN. I first say you make a very persuasive argument and I have the highest regard for your opinion in this particular field.

When it comes down to administration, I likewise think your points are cogent.

I have been in the unfortunate position, however, as I pointed out, of having been a part of a three-man, all-purpose body that both administered and set policy, and I hope I never go through the experience again. It is a most frustrating experience. It does not produce a balance of deliberation; it produces very little deliberation and a great deal of buckpassing.

I do think, however, Senator, the goals you seek to achieve must be achieved in some manner. I don't think setting up a three-man board with equal powers achieves that goal. I think there must be someone in charge; there should be someone who has advisory policymaking and review powers, in addition to that. So, I think your point is well taken. I don't think a three-man troika system can do that.

Miss SEELY. Senator, I believe there is quite a bit of merit to equal representation among three different professionals in the law-enforcement field. I think that this recommendation came about purely because of the difficulty that was experienced in the first troika arrangement. If it had been more successful and had received more positive coverage, perhaps the general public would feel slightly different. NACO's recommendation was in response to the situation at hand.

Senator HRUSKA. Isn't this true, without engaging in personalities. I question that all administrative decisions must be made except unanimously. Doesn't that indicate something wrong with the interpretation of the troika?

Mr. SPELLMAN. I should think so.

Senator HRUSKA. Here we had powers vested in the Congress as a Congress. We never conceived of the idea of requiring a unanimous decision. The same thing is true in the Supreme Court, down the street there. Why was there invented this difficult, cumbersome, impractical requirement that when housekeeping duties are assigned to the administration in the LEAA bill, it requires unanimous consent?

But let me point to the example of the counties. The county boards in our State consist of anywhere from three to seven members, and if they are supervisors, more than that. We have a dual system at the option of the counties and they get along fine. They have their housekeeping, their housekeeping functions that are taken care of by other people and their delegation of powers for the employment of personnel, for example.

The chairman usually names the committees on finance and on public works and so on, but when they decide polices, when they pass on the budgets of the various departments they meet and they have their debate and they have their vote.

Now, why it can work in 3,053 counties and not work in LEAA is beyond me. We are going to try to find out. And if it is a lack of good faith and good will among the three people who are there, maybe there can be a change of personnel. And maybe if that is part of it, maybe the bipartisan part of the board should be dispensed with. It was thought it would be better to make it that way. But maybe if that is going to make it unworkable, and a Democrat won't get along with two Republicans, and vice versa, maybe we can make them all Democrats or all Republicans—preferably all Republicans.

Do you have any comment on that general thing without reference to personalities? I assure you I am not engaging in personalities but there is something wrong with the situation.

Mr. SPELLMAN. What has been described, it seems, is not a troika, but a one-wheeled troika. The unanimous vote is an impossible situation.

Senator HRUSKA. Of course it is. The only other body that does it is the United Nations, and they don't get along very well. They have a veto power there.

MR. SPELLMAN. In answer to your question a minute ago about the necessity for local government assuming its part of the responsibility, and I mentioned the bond issues, I think I should mention that actually the Federal funds in many of these areas are seed money to facilitate talking to the people at the local level in the Federal Government. We believe this is an important program and I think we should put some money in it and proceed further with it and I think it is very important as a psychological thing, seed money.

Certainly the primary responsibilities will remain with the local government.

Senator HRUSKA. Mr. Counsel, have you any questions?

Mr. BLAKEY. No, sir.

Senator HRUSKA. Mr. Johnson?

Mr. JOHNSON. I have one question, Senator.

Based on your administrative experience, Mr. Spellman, would you feel it feasible to modify either through language in the report or by some statutory change the three-man administrative board, so that one was designated as chief administrator to perform the ministerial duties necessary in running an agency of this size, and have the policy questions decided by the three-man administration, with possibly two of the three speaking for the administration?

Would that satisfy your objections to the troika arrangement as it now exists?

MR. SPELLMAN. Yes; I think that is very close to what exists in the amended bill. Very close to a single administrator and two associates. I think if their roles were spelled out, it would be acceptable.

My experience makes me somewhat leery of the whole thing. But, I believe administratively speaking, one Administrator and two associates would be a step in the right direction and might work well.

Senator HRUSKA. In that connection, would one of the policy decisions be the determination of the adequacy of the State crime programs that are submitted? Wouldn't that be a major policy decision?

MR. SPELLMAN. Indeed it would be.

Senator HRUSKA. Very well. We thank you very much for coming such a long way to testify before our committee.

MR. SPELLMAN. I was delighted.

Senator HRUSKA. It is going to be very helpful to have the opinion of your part of the political subdivisions of the States on the subject at hand.

MR. SPELLMAN. Thank you, sir.

Senator HRUSKA. The meeting is adjourned, subject to the call of the Chair.

(Whereupon, at 12:10 p.m. the meeting was adjourned, subject to the call of the Chair).

# ASSISTANCE TO FEDERAL LAW ENFORCEMENT

TUESDAY, JULY 7, 1970

U.S. SENATE,  
SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES  
OF THE COMMITTEE ON THE JUDICIARY,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10 a.m., in room 2228, New Senate Office Building, Senator John L. McClellan (chairman of the subcommittee) presiding.

Present: Senators McClellan (presiding), Kennedy, Hruska, and Thurmond.

Also present: G. Robert Blakey, chief counsel; Wallace H. Johnson, minority counsel; Russell M. Coombs and Max R. Parrish, assistant counsels; and Mrs. Mabel A. Downey, clerk.

Senator McCLELLAN. The committee will come to order.

I will make a very brief statement.

Today, the Subcommittee on Criminal Laws and Procedures resumes hearings on proposed legislation on the general question of Federal aid to law enforcement. These hearings were begun on June 24 and 25. The committee now has before it some 16 separate bills. Since our last hearing, Senator Hart has introduced S. 4021, and it has been referred to this subcommittee. In addition, on June 30, the House passed H.R. 17825, and it has also now been formally referred to this subcommittee.

Without objection, each of these bills will be printed along with the others at the beginning of the hearings.

(Bills S. 4021 and H.R. 17825 appear on pp. 141, 160.)

Senator McCLELLAN. I am also in receipt of the First Annual Report of the Law Enforcement Assistance Administration for the fiscal year ending June 30, 1969. Without objection, pertinent parts of this report will be printed in the record.

Counsel, go over it and let the pertinent parts be printed in the record.

(The record referred to follows:)

EXCERPTS FROM FIRST ANNUAL REPORT OF THE LAW ENFORCEMENT ASSISTANCE  
ADMINISTRATION

FISCAL YEAR 1969—U.S. DEPARTMENT OF JUSTICE

CHAPTER 1—A SUMMARY OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
PROGRAM

GRANT

The first comprehensive national crime control program enacted by Congress formally began operations on October 21, 1968. By June 30, 1969, plans for criminal justice reforms had been submitted by 50 states, Washington, D.C.,

(379)

Puerto Rico, the Virgin Islands, and Guam—and they had received action grants totaling more than \$25 million to carry out the plans.

The plans varied, since states set their own priorities for use of the federal funds, but all included programs to improve police, corrections, and courts. Here are examples of the diversity of state projects supported by action funds:

Alabama will modernize police departments and conduct juvenile delinquency prevention projects.

Alaska will create a state-wide criminal justice teletype network.

Arizona is using one-third of its funds for police training.

Arkansas will expand police research, begin public education in crime control, and purchase new police equipment.

California is allocating more than \$800,000 to improve prevention and control of civil disorders.

Colorado will obtain new communications equipment to serve a number of police jurisdictions.

Connecticut will create crime prevention programs and community homes for delinquents.

Delaware will develop community relations units and conduct corrections research.

Florida is using \$312,000 of its \$867,100 grant to build a criminal justice information system.

Georgia will begin a pilot program of work release for inmates of correctional institutions.

Hawaii will support crime laboratory facilities.

Idaho will conduct training seminars for judges and develop a procedures manual for magistrates.

Illinois will study approaches to controlling organized crime and conduct drug abuse education.

Indiana will work to reduce racial tensions, strengthen narcotics control, and support defense of indigents.

Iowa's largest budget item is for prevention and control of juvenile delinquency.

Kansas will strengthen corrections programs.

Kentucky is stressing crime prevention and police research and training.

Louisiana will develop a uniform court records system.

Maine will use half of its funds to improve police selection and training.

Maryland will work to reduce recidivism by former inmates.

Massachusetts will improve management and operations of criminal justice agencies.

Michigan will spend one-tenth of its \$1 million grant to train juvenile court staffs and probation aides.

Minnesota will enhance police education and training and create a riot-readiness program.

Mississippi will improve training standards for police and corrections personnel and develop a uniform crime reports program.

Missouri will strengthen prosecutors' offices and create a criminal justice information system.

Montana is developing a program of public education, crime prevention, and community involvement.

Nebraska will improve law enforcement communications systems.

New Hampshire will expand rehabilitation programs for adult offenders and combat drug abuse.

Nevada will improve police communications and equipment.

New Jersey will strengthen crime prevention and control through a project to reduce police response time.

New Mexico is spending 20 percent of its funds to improve corrections.

New York will improve police patrol, and combat organized crime.

North Carolina will revise its criminal code and improve case preparation, court sentencing and scheduling, and rehabilitation of offenders.

North Dakota will work to control alcoholism and crime.

Ohio will enhance police training and equipment and develop a criminal justice information system.

Oklahoma is expanding both its probation-parole services and police-community relations programs.

Oregon will create ways to improve apprehension and prosecution of offenders.

Pennsylvania is expanding juvenile delinquency and courts-prosecution-defense programs.

Rhode Island is consolidating police support services in the Western part of the state and improving the police communications system in Providence.

South Carolina will expand police training and re-codify its criminal code.

South Dakota will create a juvenile court center and strengthen narcotics control.

Tennessee will intensify training for corrections and police personnel and unify the court system.

Texas projects will improve communications and information systems for police and community relations programs.

Utah will enlarge police operations and revise the criminal code.

Vermont will improve police training and communications and develop a law enforcement manual.

Virginia will create regional crime laboratories and study its court system.

Washington State is beginning a variety of delinquency and youth projects.

West Virginia will improve prosecution programs, conduct anti-burglary projects, and survey organized crime.

Wisconsin is giving priority to improve police training, purchase of emergency communications equipment, and strengthening community relations.

Wyoming will develop a police communications system covering all counties in the State.

#### PROGRAM BACKGROUND

The Omnibus Crime Control and Safe Streets Act was signed into law on June 19, 1968 after being approved by the Senate on May 23 and the House of Representatives on June 6. Title I, creating the Law Enforcement Assistance Administration (LEAA), began with this statement:

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

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

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

This first annual report by LEAA to the President and to Congress contains details of the program and describes how the general objectives of Title I have been met. The report is for fiscal 1969—July 1, 1968 to June 30, 1969—though LEAA operations were compressed into a shorter time period, as these dates indicate: August 9, when Congress approved a \$63 million budget; and October 21, when LEAA's first administrators took office. With the exception of riot prevention and control funds awarded in August and selective continuation awards for projects approved under the Law Enforcement Assistance Act of 1965, grants could be made only by the Administrators.

The preface to Title I said one program objective was to encourage state and local governments to prepare plans for comprehensive law enforcement improvements and this was accomplished. Each state created a planning agency and drafted plans for criminal justice system improvements, as did Washington, D.C., Puerto Rico, the Virgin Islands, and Guam.

Another objective called for award of grants to state and local governments for improvement programs, and this also was done. Planning grants to the states totaled almost \$19 million. Action grants totaling more than \$25 million were given later to carry out the plans. LEAA also awarded \$4.35 million under its discretionary authority to aid cities and states and to finance numerous criminal justice projects.

The Act stressed research in crime control and prevention, and this, too began. The National Institute of Law Enforcement and Criminal Justice, the research

body of LEAA, awarded grants for a variety of programs and began studying development of new police equipment.

Prior to the Act, no comprehensive national program existed to improve the criminal justice systems of the states, but every state during the year became deeply involved, with city and county governments, in intensive planning. Each state then took the critical second step—initiation of action programs to improve law enforcement.

The federal partnership role recognized the important components of the criminal justice system:

Police departments need more manpower, more equipment, better training, greater public support if they are to apprehend more criminals and prevent more crime;

Courts need assistance to help eliminate large backlogs of cases that exist in many parts of the country;

Corrections systems need more resources to reduce the high rate of recidivism, since rehabilitation is crime prevention.

Those are the major areas of concern of LEAA. Though approaches often vary since states set their own priorities, every important aspect of the nation's crime problem is being reviewed, whether it ranges from civil disorders to organized crime, street attacks to burglaries, juvenile delinquency to drug control.

#### THE GRANT PROCESS

Aid given by LEAA is reflected in a breakdown of its \$63 million budget: \$19 million for planning grants, \$29 million for action grants, \$3 million for research and development, \$6.5 million for academic assistance, \$2.5 million for administration, \$3 million for FBI programs—which the FBI administers itself.

For planning grants, each state received a basic \$100,000 and an additional amount based upon population. Totals ranged from \$118,225 for Alaska to \$1,387,900 for California. All planning funds went to the states in block grants, and they proceeded to make at least 40 percent available to local governments.

Action grants first were allocated solely on population, ranging from \$33,278 for Alaska to \$2,351,610 for California, but an additional \$350,000 in discretionary funds later was awarded to provide 11 low population states and Washington, D.C. with a minimum of \$100,000. Eighty-five percent of the total action funds were given to states in block grants—\$25 million of \$29 million—and the states will make at least 75 percent available to local governments. LEAA used \$4 million for discretionary awards.

Since most states had no planning agencies when the program began, 20 percent advances on planning funds—totaling \$3.2 million—were made to 48 states in the fall of 1968 to begin Title I operations. Full planning awards were made in January.

The states then began preparing comprehensive law enforcement improvement programs, and the procedures involved large numbers of persons, including professional staff planners and supervisory boards of public officials and private citizens. To help states meet the deadline for submitting action plans, LEAA in March simplified first-year application requirements. The states originally were required to submit detailed 5-year plans, plus detailed descriptions of administrative procedures. The new process required only the first-year program in detail.

The first action plan submitted was from California on April 10, containing 5,896 pages in 26 volumes. The planning had a broad base—with some 1,500 persons participating. Other plans soon arrived and were studied closely by the LEAA staff to make certain they were as comprehensive as possible and otherwise met statutory requirements. Some states broadened and expanded portions of their plans after consultation with LEAA. The first action grant was to California on May 22. Awards to other states followed quickly, and every plan was approved by June 30. Not all improvement funds are federal. For most action projects, the federal share is 60 percent, the state-local share 40 percent. The federal share is 75 percent for organized crime and civil disorders programs. For construction projects, the federal share is 50 percent, the state-local share 50 percent. The federal share is 90 percent for planning programs.

#### DISCRETIONARY GRANTS

Planning and action grants to the states comprised the bulk of LEAA financial assistance, but there also were other important grants. Part of the \$4 million in

action funds available for award at the agency's discretion was used to help meet urgent needs of a number of cities and states.

In May, LEAA made available \$1.1 million to the nation's 11 largest cities—up to \$100,000 each—for special crime prevention and control projects: New York, Chicago, Los Angeles, Philadelphia, Detroit, Houston, Baltimore, Dallas, Cleveland, San Francisco, and Milwaukee. All received funds by June 30. Projects were varied: Philadelphia, a program to prevent violence by youth gangs; New York, a highspeed system to transmit finger prints; Chicago and Houston, rehabilitation of chronic alcoholics; Baltimore, anti-crime patrols by helicopter.

A \$600,000 discretionary grant was awarded in June to Arizona, California, Maryland, Michigan, Minnesota, and New York to help develop the prototype of a computerized criminal justice statistics system. The project will develop standardized offender records, and may serve as a forerunner for a national system to collect statistics for every important aspect of criminal justice.

Since no minimum was set for action grants, 11 states and Washington, D.C. would have received less than \$100,000 each. To make up for this, \$350,000 in discretionary funds was awarded in April to all 12. Though the amounts varied—Alaska got \$72,000 more, Hawaii \$10,000—in most cases they were enough to provide a more meaningful start on programs.

An \$80,717 grant to the International Association of Chiefs of Police (IACP) financed conferences on such problems as civil and campus disorders for police chiefs of 150 major cities. A \$230,000 grant to 64 state and local law enforcement agencies helped finance participation in the FBI's National Crime Information Center.

#### Other grants included:

\$150,000 to help develop a computerized intelligence system for organized crime that could serve as a prototype for the states.

Some \$1.3 million to continue projects begun by the old Office of Law Enforcement Assistance, including research and demonstration programs of general application.

Nearly \$100,000 each to the American Correctional Association for state conferences on how to improve corrections systems and to WGBH Educational Foundation in Boston for police training programs televised throughout New England.

#### OTHER ASSISTANCE

The LEAA Division with basic responsibility for processing state block grants and discretionary funds is the Office of Law Enforcement Programs (OLEP), the biggest section of the agency. Its four regional desks gave assistance to states in drafting their programs, and their personnel made hundreds of trips throughout the 50 states. Other planning aid included a detailed *Guide for State Planning Agency Grants*, containing step-by-step instructions on the grant application process, guidelines on state planning agencies, makeup of supervisory boards. LEAA also sponsored a number of meetings for state planners.

OLEP contains the agency's program divisions, and two—organized crime and corrections—began operations to assist the states in planning preparation, serve as consultants for specific action programs, and conduct personnel training. The Organized Crime Division designed a series of regional conferences, to begin early in fiscal 1970, for selected policemen and prosecutors on how to create more effective enforcement programs. The Division also was involved in development of a computerized intelligence system and began writing manuals for police and prosecutors.

The Corrections Division's assistance ranged from consultation on the corrections components of state plans to advising states on specific improvements in education and vocational training programs and design and renovation of institutions. It also helped process discretionary grants, supported preparation of a handbook on prevention and control of prison disturbances, and gave grants for personnel training. Program divisions for police, courts, and riots and civil disorders began.

#### RESEARCH

Criminal justice research is the responsibility of the National Institute of Law Enforcement and Criminal Justice, and its centers cover Crime Prevention and Rehabilitation, Criminal Justice Operations and Management, Law and Justice, and Demonstrations and Professional Services. The Institute conducts research with its staff members and awards grants to scientists, universities, research groups, and other government agencies.

The Institute began work on development of two items of equipment a national survey indicated are most needed by police. One is a personalized miniature radio transceiver that would enable a foot patrolman to keep in touch with headquarters. The other is a night vision device for police patrols in dimly-lighted sections of urban areas. The Institute is working with the Department of Defense to adapt a similar military device for police use.

The Institute began development of a study on ways to measure conditions indicating when riots are about to erupt, and worked with the Federal Communications Commission to initiate a system for police to use military radio frequencies during riots. Another project involved study of the causes of a variety of violent crimes—and ways to prevent them. A \$150,000 grant went to the National Commission on the Causes and Prevention of Violence. Another grant was for a study of the penetration of legitimate business by organized crime. Police programs included ways to: speed arrival time of officers at a crime scene, enhance personnel selection and training, prevent more crime through better anti-burglary and theft devices, predict where robberies are most likely to occur, and better utilize police patrols.

#### ACADEMIC ASSISTANCE

The third major part of LEAA, the Office of Academic Assistance, provides funds for college degree studies by law enforcement and corrections personnel and promising students preparing for careers in those fields. A total of \$6.5 million was given to 485 colleges and universities, which administer all grants and loans, in time for use in the second half of the 1968-69 academic year. Approved courses included those offering degrees or certificates in police science, criminology, criminalistics, police administration, law enforcement, technology, criminal justice, public safety administration, corrections, penology, and correctional administration. Work also could be done in such related fields as psychology, sociology, and computer technology. Loans of up to \$1,800 per academic year were available for full-time study. Grants of up to \$200 per quarter or \$300 per semester could be used for full- or part-time study. More than 23,000 students received financial aid in the second half of the 1968-69 academic year and in the following summer session.

#### STAFF SIZE

At the end of the fiscal year, the LEAA staff totaled 121 persons. Slightly less than half were professionals, the rest clerical. When the LEAA program began, there were 15 professional and 10 clerical employees.

This opening chapter has been designed to give a general view of the program. Following chapters will discuss it in greater detail. The appendices contain grant lists and related material.

### CHAPTER 2—OFFICE OF LAW ENFORCEMENT PROGRAMS

#### TYPES OF GRANTS

The Office of Law Enforcement Programs (OLEP) processed the bulk of the grants awarded in fiscal 1969, and they fell into five major categories defined by the Act:

Section 202, planning grants to states.

Section 301, action grants to states to carry out law enforcement plans.

Section 306, grants to state and local governments at LEAA's discretion.

Section 307(b), special grants to states for prevention, detection, and control of civil disorders.

Section 405, grants to continue projects initiated by the Office of Law Enforcement Assistance under prior legislation.

#### PLANNING FUNDS

Fifty-five eligible governments—50 states, District of Columbia, Puerto Rico, American Samoa, Guam, Virgin Islands—were awarded \$18.8 million in planning funds.

The Act's allocation formula provided each with \$100,000 (a total of \$5.5 million) plus a share of the balance of planning funds (\$13.5 million), based on the State's population. LEAA used Bureau of the Census estimates as of July 1, 1967. Allocations ranged from \$101,890 for American Samoa to \$1,387,900 for

California. The states were eligible to receive early in the year advances of up to 20 percent of their planning funds to hire staffs and develop other resources to inaugurate program activities. These included preparation of a detailed application for full planning funds. The first advances were awarded October 21, 1968, and eventually totaled \$3,202,128 to 48 states, Washington, D.C., and the Virgin Islands—all jurisdictions that applied.

On January 14, the first 21 states received their full planning grants; and by January 24, awards were approved for the others.

Planning grants supported preparation of the state law enforcement plans required by the Act, and creation of broad planning machinery. Block grants went to the states, and they in turn undertook to make funds available to units of local government. This meant that each state had to develop, in addition to planning capacity, a granting agency with the ability to conduct the on-going program and financial management and audit responsibilities.

The Act specifies that responsibility for administering the law enforcement improvement program in each state rests with a State Planning Agency (SPA), created by the governor as part of the executive branch. These agencies, the Act said, must be "representative of law enforcement agencies of the state and of the units of general local government within the state."

The SPA's also must be permanent decisionmaking and executive bodies, since no purely advisory group could make the necessary surveys, prepare the detailed plans, establish the action priorities, and oversee the expenditure of large amounts of federal aid.

State planning agencies consist of two elements: a permanent professional staff and a supervisory board. LEAA guidelines prescribe that the following interests must be represented on the boards: State government generally; local government generally; State and local law enforcement representatives (including police; courts, prosecution, and defense; corrections, probation, and parole; juvenile delinquency); and citizen for community interests. In addition, board membership must be drawn from many geographic areas.

Planning grants could not exceed 90 percent of the cost of establishing and operating state planning agencies created in response to the Act. The same formula applied to local planning efforts financed from grant funds. Consequently, to match the federal investment of \$18.8 million, state and local governments are contributing an additional \$2.1 million to planning projects.

States must make a minimum of 40 percent of planning grants available to units of local government or combinations of units to encourage and support anti-crime planning below the state level. Most states sought to enhance the benefit of planning grants by using a combination of regional support and direct funding for the major urban areas where law enforcement problems are often greatest. Despite tight first-year deadlines, most plans reflected local evaluation of law enforcement problems faced by local governments.

#### ACTION FUNDS

The largest single category of aid under the Act was for state action projects—42 percent of available grant funds.

The action grants also were allocated on a population basis, and by the end of the fiscal year, action funds totaling \$25.1 million had been awarded to 50 states, Washington, D.C., Puerto Rico, the Virgin Islands, and Guam.

Action grants were made for seven purposes specified in the Act:

- Public protection.
- Recruiting law enforcement personnel.
- Public education.
- Construction of law enforcement facilities.
- Organized crime prevention and control.
- Riot prevention and control.
- Recruiting and training community service officers.

As defined in Section 301(b), they were broad enough to encompass all law enforcement programs which states might develop.

The basic action program works this way: A state desiring aid submits a plan; if LEAA determines the plan is suitably comprehensive, it is approved; the state requests a block grant for the federal share of the program cost; and LEAA completes the process by awarding the grant.

Developing a state-wide law enforcement improvement plan is a complex matter. Basic data required for planning must be collected, along with developing

alternative approaches to law enforcement improvement. There had to be careful selection from alternative approaches because funds were not available to initiate the full range of promising alternatives. Time pressures also were great, for the state plans had to be finished and approved by the end of the fiscal year so that a prompt start could be made on crime control programs.

The states met these challenges, and all submitted action plans that were approved.

In administering action grants, LEAA defined plan requirements for states in November in its *Guide for State Planning Agency Grants*:

A comprehensive plan will focus on the problems of crime: how much there is, what causes it, how it can be prevented, how it can be controlled, how people who commit crimes should be handled, and how justice can be expedited and improved. It will examine the physical and human factors that produce crime and how these are conditioned by local circumstances. It will look at the needs of the police, prosecution and defense attorneys, the courts, correctional agencies, and the criminal himself.

The relation of causes to effects; the inter-relation of all parts of the law enforcement system; the improvement of all parts—these were considered essential.

#### THE DEADLINE

The common deadline facing both the states and LEAA was June 30, 1969—the end of the first fiscal year of program activity. Action grant funds had to be awarded by that time or they would have lapsed. Technically, states had 6 months from the date of approval of their full planning grants to prepare and submit their action plans. However, since the first administrators were appointed only in October 1968, full planning funds were not awarded until January 1969. This meant the process had to be accelerated if plans were to be received and all LEAA review completed in time for the action awards to be made by June 30. In late February, LEAA announced it was simplifying procedures that had been set forth in its planning guide for the states earlier in the fiscal year.

The original outline required states to develop a 5-year program of law enforcement improvement using such techniques as programming—planning—budgeting (PPB). The states were to describe in detail how they would administer action funds to assure program completion, comply with statutory limitations on amount of grants for local government, use funds for compensation of personnel.

The simplified procedures recognized that within the states there was general agreement on immediate law enforcement needs. Identification of needs and problems thus could largely be accepted as a given fact, rather than an item for study, and energy could be devoted at once to priority programs. Receipt of the first state plans in April gave the LEAA staff an opportunity to evaluate the material in accordance with the accelerated procedures. One result was modification of the procedure and improvement of review processes. Another was the decision to give the states copies of the checklist used by the LEAA staff to make certain it examined all elements in determining whether a plan was complete. This information in the hands of the states prior to plan submission enabled them to fill information gaps and speeded the review process.

Review consisted of two elements. OLEP program divisions focused on the specific proposals in the component areas of the law enforcement system, measured them against the needs and problems which had been identified in the state, and against national knowledge, approaches, and standards. Judgments also were made concerning the probability of success of programs and the adequacy of resources being applied to problems.

The regional desk staff reviewed plans from a somewhat different perspective. Familiar with resources available to the planning agency from many contacts, the desks assessed the plan as a totality against what might reasonably be expected as a product of those resources. Plans were checked to assure compliance with all statutory requisites and interpretative requirements. Quality and comprehensiveness also were assessed. The results of the substantive reviews were brought together to give the top LEAA staff the composite view necessary to decide whether to make the grant awards.

Any deficiencies identified during the review were, if possible, adjusted prior to plan approval. When time or other factors prevented use of this approach, some plans were approved subject to the condition that the States would remedy shortcomings within a brief period of time or by August 31, 1969 at the latest.

The 54-governments which developed plans—all but American Samoa—were uniformly successful in securing Administration approval and action grants by June 30. All received full allocations, making end-of-year action grants total \$20,798,042. An additional \$412,074 also was awarded to the 14 smallest recipients for action projects, swelling the total action awards to \$21,210,116. And counting the special \$3,844,266 awarded in August to 42 states for riot prevention and control which was charged to action grant funds, the grand total was \$25,054,382 for action projects.

A preliminary analysis, as of July 2, indicated these funds will be used as follows:

Purpose:	Percentage
Upgrading law enforcement (including training, salary increases, career development)-----	18.5
Prevention of crime (including public education)-----	10.5
Prevention and control of juvenile delinquency-----	7.0
Detection and apprehension-----	11.2
Prosecution, court, and law reform-----	5.5
Correction and rehabilitation (including probation and parole)-----	8.4
Organized crime-----	3.9
Community relations-----	4.1
Riots and civil disorders (including 307(b))-----	22.5
Construction-----	2.9
Research and development-----	3.5
Crime statistics and information-----	2.0

The Act requires that at least 75 percent of a state's action grant must be made available to units of general local government or their combinations to implement law enforcement improvements. The Act also limits federal participation in total program cost to a maximum of 75 percent. However, the federal share is 60 percent for most types of programs. Substantial state and local resources thus are being applied to reducing crime, and preliminary estimates show they are contributing \$18 million to their action programs.

#### STATE PROJECTS

Here are summaries for all the states of the improvement programs to be supported by 1969 federal action funds. The total action grant is listed first. The amount in parentheses is the special grant, if any, awarded in August 1968 for riot prevention and control. In some instances, the funds shown for a specific project may constitute a joint federal-state share.

*Alabama.*—\$433,840 (\$76,560). Programs—campus disorders, \$7,080; civil disorder units, \$76,560; expansion of police-community relations program, \$10,000; evaluation, research and innovative development, \$2,200; juvenile delinquency prevention, \$24,500; police modernization (organization and administration), \$94,000; court modernization (organization and administration), \$20,000; pilot corrections center, \$23,000; public relations, \$3,000; basic police personnel training, \$38,500; court personnel training \$5,500; basic correctional training, \$24,000; advanced law enforcement training academy, \$16,000; other specific law enforcement training programs, \$3,500; central computerized criminal information system, \$35,000; public education, \$11,000; expansion of existing state crime laboratory facilities, \$22,000; organized crime units, \$15,000; reduction and prevention of organized crime, \$3,000.

*Alaska.*—\$100,000. Programs—installation of a statewide criminal justice teletype network, \$75,000; volunteer probation officers, \$15,000; training seminars for new district attorneys, \$2,000; microfilm file system, \$6,000; police training by videotape, \$2,000.

*Arizona.*—\$200,651 (\$35,409). Programs—law enforcement training, \$50,000; police research, \$7,500; criminal justice information-communications, \$30,000; improved police equipment, \$30,000; organized crime, \$10,000; improved rehabilitation program in corrections, \$25,000; community services and public education, \$8,000; improvements in courts, prosecutions, and defense attorney systems, \$5,000.

*Arkansas.*—\$241,570. Programs—upgrading law enforcement personnel, \$33,000; crime prevention (including public education), \$12,178; juvenile delinquency prevention and control, \$14,000; improvement of detection and apprehension of criminals (better communications and equipment), \$95,000; prosecution and

court improvements, \$10,000; increasing the effectiveness of corrections and rehabilitation, \$30,000; prevention and control of civil disorders, \$20,000; police-community relations, \$5,000; research and development, \$17,392; improvement of facilities, \$5,000.

*California.*—\$2,351,610 (\$414,989). Programs—Law enforcement, including crime control projects and the community's role in crime prevention, \$300,000; education and training for criminal justice personnel, \$200,000; judicial process, including a thorough examination of the entire court system, \$100,000; corrections, including plans to improve present facilities and draft new types of programs, \$151,610; juvenile delinquency, including prevention projects, \$200,000; civil disorders prevention-control, \$400,000; narcotics, drugs, and alcohol abuse (enforcement and prevention), \$200,000; organized crime (research on scope of problem in the state and programs to eradicate organized crime), \$100,000; special projects, \$300,000.

*Colorado.*—\$242,556 (\$42,804). Programs—regional study of organized crime, \$3,750; citizen involvement in law enforcement, \$3,120; correctional rehabilitation for offenders, \$1,056; presentence psychological services, \$4,320; mobile work camp for adult probation prospects, \$4,800; criminal alcoholics rehabilitation, \$3,180; correctional institution riot control, \$1,098; corrections work release, \$3,800; probation manual, \$4,320; upgrading institutional security, \$4,800; girls' pre-release center, \$3,000; State group homes for juveniles, \$2,961; juvenile specialist, \$1,500; youth services bureaus, \$4,850; community treatment facilities, \$6,000; regional dissemination action, \$3,750; multi-jurisdiction communication, \$31,930; Colorado Bureau of Investigation, \$4,500; equipment acquisition, \$11,505; Costilla-San Luis Program, \$10,000; State district attorneys workshop, \$3,000; State court study, \$6,000; delinquency training center, \$3,983; Colorado Law Enforcement Training Academy programs, \$5,640; local police training, \$39,066; police community relations institute, \$5,150; police community action, \$13,250; State patrol riot control, \$450; local riot control, \$40,409; local group homes for juveniles, \$3,600; dangerous drugs education, \$555.

*Connecticut.*—\$359,890 (\$63,510). Programs—upgrading police personnel, \$94,000; improving police detection and apprehension capabilities, \$66,000; preventing crime through police action, \$47,000; community group homes for delinquent youths, \$30,000; vocational training (State Correctional School), \$16,000; development of community resources for noncriminal disposition of offenders, \$9,600; improvement of court management, \$6,000; professional development of prosecutors and public defenders, \$6,000; expansion of defender services, \$3,000; judicial institutes, \$1,200; correctional management training, \$7,200; correctional orientation and in-service training, \$10,320.

*Delaware.*—\$100,000 (\$11,253). Programs—police manpower allocation studies, \$7,200; point-to-point radio system, \$12,000; upgrading of police and equipment, \$18,000; expansion of intelligence operations, \$11,250; establishment of community relations units, \$12,000; prevention and detection of civil disorders, \$13,250; research department-corrections, \$15,000.

*Florida.*—\$737,035 (\$130,065). Programs—upgrading law enforcement personnel, \$15,000; crime prevention and public education, \$16,915; juvenile delinquency prevention and control, \$19,662; improving detection and apprehension of criminals, \$7,370; increasing effectiveness of correction and rehabilitation, \$43,460; organized crime control, \$45,000; civil disorders prevention and control, \$130,065; criminal justice information system and other research and development, \$312,156; general projects for local units of government, \$147,407.

*Georgia.*—\$554,625 (\$97,875). Programs—training of law enforcement personnel, \$133,732; training of new police chiefs and sheriffs, \$5,000; regional training facility, \$20,000; conversion of video tapes to films, \$20,100; specialized training for special units, \$3,232; Junior Deputy Sheriffs League, \$10,000; prevention and control of juvenile delinquency, including psychiatric care and group homes, \$74,736; detection and apprehension equipment, \$55,872; part time court service workers, \$3,000; inmate work release pilot program, \$54,000; parole and probation improvement, \$11,536; study for organized crime squad, \$1,200; riot control equipment, \$31,890; police-community relations, \$13,112; research and development, \$14,340.

*Hawaii.*—\$100,000. Programs—national and statewide Computer Information Exchange (including tie-in with National Crime Information Center), \$18,240; interchange of police personnel (cooperative, multi-jurisdictional program), \$12,832; multipurpose community center for potential violators and offenders, \$19,035;

juvenile counseling, \$17,253; community relations, \$12,015; crime lab and police training, \$10,691; intern program for juvenile counseling, \$8,050; training for prosecuting attorneys' staffs, \$1,884.

*Idaho.*—\$100,000 (\$15,138). Programs—law enforcement training, \$37,553; law enforcement communications, \$28,635; crime laboratory survey, \$2,900; police equipment, \$3,636; training seminars for judges, \$1,000; procedures manual for magistrates, \$3,500; testing and guidance for inmates, \$7,638.

*Illinois.*—\$1,338,495 (\$286,202). Programs—development of police training programs, \$120,000; model study of civilians in police department, \$30,000; Career Ladder Project, \$48,000; school therapeutic intervention, \$48,542; Community Team Project, \$12,000; drug abuse education, \$30,000; juvenile half-way houses, \$68,400; model social service officer, \$24,000; management studies—local police departments, \$180,000; Call Box Project, \$15,888; speedy trials for felony defendants, \$18,000; court reporter training, \$12,000; court services study, \$62,724; high risk probation workload study, \$60,000; Model Correction Code, \$30,000; probation officer training, \$12,000; study of approaches to control organized crime \$350,000; minority group recruitment, \$112,500; riot control-state plan, \$37,500; East St. Louis Recreation Plan, \$120,000; model community relations units, \$60,000; Closed Circuit TV-Model Project, \$45,000.

*Indiana.*—\$613,785 (\$103,200). Programs—expanding training, \$86,000; police recruiting, \$34,000; police legal advisors, \$30,000; crime prevention, \$30,000; narcotics and dangerous drug control, \$40,000; public education, \$30,000; acquisition of technological equipment, \$50,000; Indiana trial courts systems, \$24,120.50; revision of State substantive and procedural criminal law, \$15,000; defense of indigents in Indiana, \$12,000; improvement of bail procedures, \$18,000; training for parole, probation and custodial personnel, \$36,464.50; expansion of work release, \$30,000; study of corrections, probation and parole records requirements, \$6,000; establishment of intelligence files on organized crime, \$60,000; riot and crowd control equipment, \$52,162; training officers in riot prevention and control and community relations, \$14,223; reducing racial and community tensions, \$28,985; improving identification and appropriate response to potential riot situations, \$7,830; development of data bank, \$9,000.

*Iowa.*—\$337,705 (\$51,875). Programs—training for law enforcement personnel, \$47,720; prevention and control of juvenile delinquency, \$67,820; improvement of detection and apprehension of criminals, \$50,803.75; improvement of prosecution and court activity and law reform, \$57,426.25; increasing the effectiveness of correction and rehabilitation, \$21,000; reduction of organized crime, \$3,000; prevention and control of riots and civil disorders, \$36,675; improvement of community relations, \$50,460; research and development, \$2,400.

*Kansas.*—\$278,545 (\$39,906). Programs—police training, \$62,414; increased police salaries, \$15,000; police recruitment and standards, \$2,700; prevention of juvenile delinquency, \$30,784; juvenile facilities and youth services bureaus, \$13,000; crime prevention education, \$6,000; statewide public education, \$5,926; police-community relations (including staffing), \$9,500; data collection, \$2,250; police equipment, \$39,906; corrections, \$55,710; parole officers, \$25,855; criminal justice personnel training, \$2,000; control of organized crime, \$7,500.

*Kentucky.*—\$391,935. Programs—police training, \$72,000; police education, \$25,000; police crime prevention, \$30,000; police management and research, \$15,000; police riot prevention, \$25,000; police communications, records and laboratories, \$37,555; community prevention of juvenile delinquency, \$91,980; improvement of misdemeanor corrections, \$25,700; correctional staff training, \$15,000; community correctional facilities, \$25,000; public education, \$18,000; sentencing institute for judges, \$5,700; prosecutors' manual, \$6,000.

*Louisiana.*—\$448,630 (\$79,170). Programs—expansion of law enforcement training facilities, \$12,287; police managers training, \$51,000; law enforcement personnel training; \$50,000; development of organized crime investigation unit, \$31,173; police operations equipment, \$100,000; uniform court records system development, \$10,000; local corrections rehabilitation program development, \$50,000; riot control operations plan development, \$60,000; police-community relations, \$5,000; mobile riot control unit, \$79,170.

*Maine.*—\$119,552. Programs—improving selection, training, and education of personnel, \$55,980; public education and community relations, \$12,000; improving personnel effectiveness (including creation of a criminal information system), \$18,000; improving agency effectiveness and efficiency, \$33,572.

*Maryland.*—\$451,095. Programs—juvenile narcotics abuse prevention, \$11,000; juvenile court counseling, \$28,104; community service officer corps, \$4,103; juvenile narcotics offender rehabilitation, \$8,607; volunteer probation sponsors, \$4,910; work release expansion, \$3,730; narcotics usage testing, \$7,750; recidivism reduction, \$6,000; police riot equipment, \$7,350; legal investigation, \$9,540; legal interns, \$4,908; organized crime investigation units, \$16,785; police crime laboratory, \$72,290; regional detention center, \$20,227; police headquarters, \$9,884; State's attorney's office management study, \$6,714; police communications \$46,625; telephone recording of police reports, \$2,611; computer terminal installation, \$1,566; basic police equipment, \$6,600; corrections mobile communications, \$5,567; Maryland Interagency Law Enforcement System, \$56,000; National Guard, \$7,500; police riot training, \$8,244; police in-service training, \$38,953; police crime laboratory training \$28,578; correctional personnel in-service training, \$17,949; juvenile services personnel in-service training, \$6,000; State police in-service training, \$3,000.

*Massachusetts.*—\$54,050 (\$117,450). Programs—crime prevention and deterrents, \$64,945; apprehension of offenders, \$68,080; prosecution and appropriate disposition of criminals, \$33,635; rehabilitation of offenders, \$82,330; upgrading the quality of criminal justice personnel, \$69,330; crime and delinquency information, \$22,500 improving the organization, management and; operations of criminal justice agencies, \$175,230 increasing the pooling and sharing of critically needed resources, \$32,000.

*Michigan.*—\$1,055,020 (\$186,180). Programs—in-service training for juvenile court staff and probation aides, \$104,000; police recruitment, selection, and training, \$101,000; new and innovative training techniques, \$8,000; police officer training in youth affairs, \$39,000; police cadet program community service officer and paraprofessional services, \$15,000; training for jailers, \$44,850; training for paraprofessional juvenile and adult correctional specialists, \$10,000; subprofessional employment of youth in police departments, \$15,000; analysis and prediction of crime, \$60,190.

Improved communications network, \$60,000; court administration study, \$30,000; pretrial release, \$18,000; appellate defenders, \$75,000; prosecutors' coordinator, \$27,000; development of community residential treatment centers, \$11,760; special correctional personnel programs, \$24,000; small correctional construction, \$20,000; equipment purchase, \$5,040; centralized data system for organized crime, \$18,000; improvement of capabilities of local police in organized crime control, \$40,000; training for riot control and civil disorder, \$32,000; community relations training for police, \$26,900; community relations units and projects, \$30,000; interdepartmental relationships, \$9,000; criminal information systems, \$45,000.

*Minnesota.*—\$488,770 (\$75,000). Programs—law enforcement training, \$74,299; recruitment and education, \$40,000; law enforcement professionalism (including improved salaries), \$27,000; system; system coordination, \$5,000; expansion of educational curricula to include crime prevention and understanding law enforcement, \$47,565; police coordination and cooperation, \$36,000; court organization and procedure study, \$17,112; regional and local detention and treatment, \$65,755; control (organized crime), \$6,000; riot readiness, \$75,000; law enforcement-community relations, \$30,039; law enforcement systems analysis, research and development, \$20,070.

*Mississippi.*—\$288,405. Programs—training standards for police, \$92,405; training standards for corrections, \$12,000; selection standards for police, \$15,000; selection standards for corrections, \$15,000; establishment of consultative services, \$21,000; regionalization of jails, \$20,000; improvement of processing evidence, \$18,000; standard procedures-corrections, \$6,000; State inspection of jails, \$6,000; increased investigative capability, \$12,000; statewide communication network, \$12,000; comprehensive rehabilitation program, \$20,000; research capability for law enforcement agencies, \$3,000; standardized records systems, \$6,000; uniform crime reporting, \$12,000; criminal justice information system, \$18,000.

*Missouri.*—\$504,485 (\$99,590). Programs—law enforcement training and education, \$117,275; public education in law enforcement-community relations, \$18,306; community group homes, \$43,300; criminal justice information system, \$61,095; crime laboratories and additional equipment, \$45,732; prosecuting attorneys' liaison department, \$18,500; Regional Prosecutors' Council, \$10,000; computerized docket control system, \$9,024; corrections-rehabilitation, prisoner

training, probation services, \$103,592.54; civil disorders control, \$99,590.46; research and development, \$7,470; law enforcement facilities, \$30,000.

*Montana.*—\$100,000. Programs—Montana Police Officer Standards and Training (post), \$4,800; Montana law enforcement education and training, \$35,700; recruitment and training of state custodial personnel, \$8,400; public education, prevention of crime, and community involvement, \$6,000; Montana law enforcement communications and information system, \$32,000; equipment, \$6,000; Montana parole officers training, \$3,600; law enforcement resources, \$3,500.

*Nebraska.*—\$176,248 (\$31,102). Programs—law enforcement communications, \$108,866; law enforcement officer training, \$36,289.

*Nevada.*—\$100,000. Programs—improvement of law enforcement training, \$18,000; improvement of police equipment-communications, \$48,250; combating organized crime, \$12,000; riot and civil disorders control, \$18,750; improvements in correctional rehabilitation, \$3,000.

*New Hampshire.*—\$100,000 (\$14,877). Programs—training for probation officers, \$3,351; Hillsborough County law enforcement training, \$3,400; police-prosecutor substantive law training, \$14,880; offender reintegration-sentencing alternatives, \$13,200; county corrections/state prison in-service training, \$11,018; expansion of county rehabilitation program for adults, \$3,000; law enforcement personnel handbook, \$6,600; bail reform, \$7,800; drug abuse program including counselling and data collection, \$9,000; two-way communications equipment for municipalities, \$5,875; state police (riot and civil disorders control equipment and training), \$14,877.

*New Jersey.*—\$860,285 (\$151,814). Programs—"Project Alert" (civil disorders), \$151,814; public education for crime prevention, \$43,014; community participation in delinquency prevention and community-based corrections, \$190,130; improvement of police-juvenile relationships, \$95,065; specialized equipment for local police to improve the detection and apprehension of criminals, \$95,065; increased crime prevention and control through reduction of police response time, \$95,065; establishment and training of police-community relations units, \$95,065; and expanded investigation of organized crime, \$95,067.

*New Mexico.*—\$123,250 (\$21,750). Programs—modernization of physical law enforcement needs, \$21,573; corrections equipment, \$3,508; riot control equipment (local), \$10,000; State police training, \$8,000; criminal justice training for police agencies, \$16,200; correction training (local), \$4,050; acquisition and retention of personnel, \$15,000; development of a police-community relations project involving private business, government, and the educational community, \$6,000; State police equipment, \$2,043; State corrections, \$15,126.

*New York.*—\$2,250,545 (\$397,154). Programs—public education concerning organized crime, \$48,000; public education concerning prevention of predatory crime, \$42,000; development of crime preventive techniques, \$120,000; increasing the effectiveness of patrol, \$420,000; coordination of policing activities, \$120,000; multi-county and statewide training of prosecutors and assigned defense counsel, \$135,000; coordination for prosecution activities and for defense activities, \$36,000; reduction of court congestion, \$60,000; legal aid for indigent prisoners, \$18,000; improvement of detention services, \$48,000; monthly digest for correction and detention of personnel, \$50,000; statewide training for correction and detention personnel, \$48,000; participation in the Federal-State Racket Squad, \$70,000; organization and training of law enforcement units to combat organized crime, \$168,750; prevention of civil disturbances, \$120,000; coordination for control of riots and civil disturbances, \$105,000; improved police-community relations, \$150,000; evaluation of crime control activities, \$94,641.

*North Carolina.*—\$618,715 (\$77,000). Programs—criminal law revision, \$30,000; police information network, \$16,000; and for the following demonstration projects: to improve training, \$75,000; to improve case preparation, \$31,000; to improve sentencing, \$21,000; to reduce recidivism, \$64,000; to improve public willingness to report offenses and testify, \$25,000; to improve court scheduling, \$36,000; to improve records and information, \$51,000; to improve communications, \$72,000; to improve public regard for criminal justice system, \$25,000; to improve investigation and apprehension, \$67,000; other demonstration projects, \$28,715.

*North Dakota.*—\$100,000. Programs—police education and training, \$25,100; law enforcement communications, \$28,400; corrections, \$8,500; prevention and control of alcoholism and crime, \$10,000; juvenile probation, \$10,000; courts, \$5,500; and evaluation of projects and contracts, \$12,500.

*Ohio.*—\$1,284,265 (\$226,634). Programs—training personnel and equipment, \$485,000; countywide common radio network, \$28,200; comprehensive criminal justice information system, \$114,000; district crime lab, \$106,500; portable TV-closed circuit/video taping, \$20,000; specialized training for institutional (correction) personnel, \$70,000; district detention facility, \$18,000; mobile riot control supply unit, \$149,250; experimental neighborhood-oriented police auxiliary, \$31,050; police-community relations unit, \$36,000.

*Oklahoma.*—\$305,660 (\$53,175). Programs—regional law enforcement training, \$75,600; law enforcement information center, \$6,000; equipment improvement, \$100,000; legal assistance for indigents, \$15,000; sentencing seminar, \$3,000; probation and parole services, \$30,00; police-community relations, \$22,885.

*Oregon.*—\$245,514 (\$43,326). Programs—training and education, \$2,618; public education and information, \$22,498; detection, records and communications improvement, \$100,127; improvement of prosecution and apprehension of criminals, \$3,630; corrections facilities and services, \$49,071; prevention and control of riots and civil disorders, \$54,075; law enforcement-community relations, \$12,000; feasibility and design, \$1,500.

*Pennsylvania.*—\$1,427,235 (\$240,524). Programs—organized crime units staffing, equipping, \$37,000; organized crime public information, \$3,000; police-community relations, \$62,000; police quality, \$150,000; police organization-operation, \$300,000; coordination-consolidation of police services, \$90,000; civil disorders, \$20,000; correctional personnel training, \$45,000; rehabilitation, \$45,000; correctional plant and facilities, \$81,000; probation services, \$50,000; public defenders, \$15,000; prosecution, \$20,000; court administration, \$80,000; revision of criminal code, \$5,000; juvenile delinquency prevention, \$30,000; juvenile delinquency training, \$30,000; juvenile delinquency facilities, \$20,000; juvenile delinquency rehabilitation, \$31,000; alcohol and narcotics offenses (prevention and control), \$40,000; criminal justice statistics, \$11,000; evaluative research, \$21,000.

*Rhode Island.*—\$110,432 (\$18,897). Programs—civil disorders prevention and control training, \$18,897; consolidation of police support services in western Rhode Island, \$32,000; community service program in Providence Police Department, \$12,000; Providence police communications system, \$35,000; law enforcement training, \$4,535; community service program in East Providence Police Department, \$3,000.

*South Carolina.*—\$317,985 (\$56,115). Programs—South Carolina Law Enforcement Division (SLED) Academy and local training schools, \$66,000; educational TV police training program, \$25,000; improving SLED Academy, \$6,000; public educational TV program, \$15,485; juvenile police officer training, \$12,000; equipment and ordinance for local law enforcement agencies, \$40,000; collection of criminal data, \$28,800; re-codification of criminal code, \$9,900; Model Solicitor's Office Project, \$10,500; pilot workshops for correctional officers, \$5,400; pilot workshops for probation and parole officers, \$5,400; riot control equipment, \$37,385.

*South Dakota.*—\$100,000 (\$14,244). Programs—officer training, \$33,550; equipment, \$21,956; public education and community relations, \$8,250; juvenile court center (model home and curriculum program), \$3,250; education and in-service training for law enforcement personnel, \$3,750; statewide assessment of organized crime, \$2,500; narcotics control, \$6,500; research, \$3,750; civil disorders control, \$2,250.

*Tennessee.*—\$478,210 (\$84,390). Programs—training for State and local police officers, \$90,000; training for State and local correctional and custodial personnel, \$18,000; establishment of minimum police selection and employment standards, \$15,000; establishment of minimum selection and employment standards for correction, probation and parole officers, \$15,000; unification of Tennessee court system, \$12,000; consultative services to law enforcement components, \$21,000; regional consolidation of jails, \$25,000; facilities, equipment and procedures for the processing of physical evidence, \$24,000; judicial research program, \$12,000; standardization of correctional operational and management procedures, \$6,000; State inspection of correctional facilities, \$6,000;

Establishment of procedures to insure speedy trial of dangerous defendants, \$3,000; criminal investigation, \$12,000; design, construction and maintenance of state-wide communications network, \$12,000; programs to test effectiveness of placing probation personnel under control of local courts, \$15,000; institutional

corrections rehabilitation, \$30,000; research capability for state level law enforcement agencies, \$30,000; merit system for law enforcement employees, \$12,000; standardized records system for police agencies, \$6,000; state-wide uniform crime reporting system, \$15,000; state-wide computer-based criminal justice information system, \$24,000; revision of State juvenile code, \$600; human relations courses in police education and training programs, \$6,000; upgrading educational attainments of law enforcement personnel, \$11,220.

*Texas.*—\$1,333,565 (\$235,344). Programs—professional college education for police, \$35,000; peace officer training, \$203,093; workshop institute for juvenile court judges, \$6,500; workshop institute for prosecutors, \$6,500; workshop for inter-agency law enforcement personnel, \$6,500; exchange program for district and county attorneys, \$4,500; Center for Continuing Education, \$67,714; prevention and control of juvenile delinquency, \$75,000; technical equipment acquisition, \$116,370; computerization of police resource allocation, \$500,000; police-community relations, equipment and assistance, \$19,758; National systems, \$300,000; discretionary programs in all categories, \$103,053.

*Utah.*—\$125,715 (\$22,185). Programs—in-service and specialized training, \$25,000; police operations, equipment and assistance, \$19,758; National Crime Information Center tie-in, \$3,072; data collection and information systems, \$28,700; criminal code revision, \$10,000; community-based corrections, \$10,000; research and development, \$4,000; riot control equipment, \$3,000.

*Vermont.*—\$100,000 (\$9,048). Programs—training for law enforcement, \$25,000; youth-police relations, \$6,182; communications, \$42,213; law enforcement manual, \$5,400; corrections-research division, \$12,157.

*Virginia.*—\$557,090. Programs—law enforcement training, \$207,115; drug abuse control information, \$8,355; juvenile delinquency prevention, \$23,400; improvement of police communications, \$150,000; establishment of regional crime labs, \$28,275; review of criminal code, \$9,750; court organization study, \$18,100; guidance handbook for law enforcement officials, \$3,450; diagnostic treatment and training center (primarily for drug abuse), \$40,135; work release program, \$11,140; organized crime control, \$19,495; crime control public information, \$10,025; civil disorder control, \$16,710; and community relations, \$11,140.

*Washington.*—\$379,610 (\$62,325). Programs—interdisciplinary workshops for criminal justice system personnel, \$15,000; specialized training programs for law enforcement officers, \$5,000; seminars and workshops for limited-jurisdiction court judges, \$5,000; training seminars and workshops for corrections personnel, \$5,000; improving public knowledge and understanding of the criminal justice system, \$17,250; police-elementary school education, \$15,000; youth program to prevent civil disorders and delinquency, \$50,000; identification and treatment of deviant elementary school youth, \$60,000; private care of dependent youth, \$18,000; improvement of police communications in rural and semi-rural areas, \$25,285; establishment and improvement of services and facilities for local and regional detention and corrections, \$50,000; intensive probation service for delinquent youth, \$18,000; mobile communications and command vehicle for a metropolitan area, \$33,750.

*West Virginia.*—\$220,864 (\$38,976). Programs—basic recruit and in-service training, \$36,936; incentive pay, \$10,000; burglary prevention and physical security, \$8,396; suicide prevention, \$2,353; review of the criminal justice system, \$2,454; interim information system development for rural communities, \$20,000; interim information system development for a Class II city, \$12,000; improvement of prosecution, court activities and law reforms, \$32,376; correctional staff re-training \$16,500; inmate training an education, \$4,100; detection and control of organized crime, \$7,125; riot control, \$2,500; police community-relations officers, \$15,448; research studies in West Virginia's criminal behavior patterns, \$10,200; criminal justice curricula development for secondary schools, \$1,500.

*Wisconsin.*—\$515,185 (\$90,100). Programs—assistance to local law enforcement in basic recruit training, \$60,000; assistance to local law enforcement for in-service training, \$20,000; assistance to local law enforcement for police executive training, \$20,000; local juvenile delinquency prevention, \$54,000; private agency juvenile delinquency prevention, \$35,000; emergency communications equipment, \$60,000; equipment for local law enforcement detection and apprehension capabilities, \$50,000; court management information systems pilot project, \$14,000; research, planning and program evaluation unit in the Wisconsin Division of Corrections, \$12,000; reduction of organized crime, \$29,796; local community relations, \$70,289.

*Wyoming*.—\$100,000 (\$6,289). Programs—communications, \$51,900; training and education, \$16,500; equipment, \$24,772.

#### DISCRETIONARY FUNDS

To provide additional flexibility for the program, the Act authorized LEAA to determine itself how 15 percent of the total action grant appropriation should be used. For fiscal 1969 these discretionary funds totaled \$4.35 million. They were used this way:

\$412,074 to supplement the smallest action grant allocations. Application of the formula contained in Section 306 provided less action than planning funds for 11 states, District of Columbia, and the territories. To correct this, LEAA in April allotted funds to raise the allocations to \$100,000 for those states and Washington, D.C., and to \$40,000 for two territories. This enabled expansion of planned action projects.

\$1,048,935 in direct grants to the 11 largest cities for individually designed and urgently needed action projects, consistent with comprehensive state plans, for which funds would otherwise not have been available. Each was eligible to receive up to \$100,000. The actual amounts awarded were: Baltimore, \$100,000; Chicago, \$70,574; Cleveland, \$100,000; Dallas, \$100,000; Detroit, \$100,000; Houston, \$99,815; Los Angeles, \$100,000; Milwaukee, \$79,950; New York, \$98,596; Philadelphia, \$100,000; and San Francisco, \$100,000. The cities contribute to the cost of their projects in accordance with the matching ratios specified in the Act. In cooperation with the state planning agencies concerned, the cities developed a variety of planned programs—including efforts to reduce street crime, improve police community relations, improve police communications systems, combat crime by youth gangs, improve police training, and rehabilitate chronic alcoholics. The funds represented one-fourth of the total available for discretionary allocation.

\$600,000 was awarded to 6 States—Arizona, California, Maryland, Michigan, Minnesota, and New York—to cooperatively develop and test the prototype of a computerized criminal justice data and statistics system. They will create a standardized system for recording data on arrests, trials, dispositions, and subsequent encounters with the criminal justice system of individual offenders. Actual data will be stored in computers for use by each State and for exchange of information with the other States. The States will also work to speed the availability of aggregate statistics on such important law enforcement data as arrest rates and recidivism. Four other States are directly participating in the joint effort although they received no Federal funds—Connecticut, Florida, Texas, and Washington. Total project cost is in excess of \$1 million, with the project participants contributing the balance. The demonstration of the prototype system is expected to be conducted in August, 1970. During the course of the project, additional States may receive grants and join the project group. All States will be kept advised of progress by California, the grantee-selected coordinator for the effort. The grantee and other participating States were selected on the basis of their current computer capability, the sophistication of their existing law enforcement records systems, and their ability to mandate changes in records-keeping practices at the local level.

\$274,272 for two major organized crime programs. The Massachusetts Committee on Law Enforcement and Administration of Justice was awarded \$174,176 to develop—with Connecticut, New York, Pennsylvania, Illinois, and California—the prototype of a computerized system for the storage and retrieval of organized crime intelligence data. The Organized Crime and Racketeering Section of the Criminal Division of the Department of Justice will furnish technical assistance throughout the project. When completed, the system design will be made available to all other States, pursuant to agreements worked out by them, to exchange or share the available information on organized crime activities and personalities. The Florida Department of Law Enforcement received \$100,096 to initiate a multistate communications system for the transfer of organized crime intelligence data. Florida will share information with Puerto Rico and the Virgin Islands in an effort to combat growing organized crime activity in the area. The project will be expanded as quickly as possible to include Latin American and Caribbean nations, thus providing a comprehensive data base to analyze and to plan strategies.

\$152,946 was awarded for three individually-designed projects. The Department of Institutions of Washington State received \$61,396 to provide special

training for State correctional personnel in the ghetto area of Seattle and rural poverty areas of eastern Washington. Directed primarily to probation and parole personnel, the program will familiarize trainees with conditions in these areas and how they influence adult and youthful offenders. It has potential as a model for effective correctional treatment work in disadvantaged inner-city neighborhoods.

Arizona, Colorado, New Mexico, and Utah received \$80,000 to establish the Four Corners Indian Law Enforcement Planning Commission to develop a comprehensive law enforcement improvement program for the reservation Indian population in these states. Although the Indian population of the concerned states is substantial, and individual state plans address special problems of the Indians, the project was designed to fully recognize the serious problems which exist and plan specifically for them.

The South Carolina Governor's Office of Planning and Grants received \$11,550 to prepare a manual on controlling riots and disorders in correctional institutions.

An additional \$39,916 in discretionary funds grants is discussed in a later section of this chapter. This helped meet the critical need to train comprehensive law enforcement planners. A later section on grants for continuation of projects initially funded by the Office of Law Enforcement Assistance, cites use of \$1,471,607 in discretionary funds for that purpose.

#### CIVIL DISORDERS

The Act stipulated that LEAA and each state planning agency should give "special emphasis" to projects dealing with the prevention, detection, and control of riots and other violent civil disorders. Congress also provided special granting authority to advance by nearly a year the date when Federal assistance for projects in this area could be available to state and local governments. To provide a financial incentive, state and local governments had to contribute only 25 percent of the cost of disorders projects. The balance could be Federal funds. By contrast, for most action activities authorized under the Act, the State and local share of cost is 40 percent.

Section 307(b) of the Act waived the requirement that no action grant could be made unless the applicant State had an LEAA-approved comprehensive law enforcement plan. It authorized the award of action funds for riot control to all States which would file applications "describing in detail the programs, projects, and costs of the items for which the grants will be used, and the relationship of the programs and projects to the applicant's general program for the improvement of law enforcement."

The LEAA appropriation became available on August 9, and on August 13 all Governors were wired the eligibility requirements and application procedures. By the August 31 deadline, 40 States, the District of Columbia, and Puerto Rico—all that applied—received \$3,951,450. The smallest grant was made to Wyoming for \$6,829 and the largest grant (\$414,989), was received by California. Funds were for a variety of activities—including training, planning, special riot control units, equipment, community relations programs, and public education. The amount received under Section 307(b) by a State was applied to reduce the amount of action grants which the State could later receive from its allocation. Of the total funds, about 35 percent was budgeted for community relations efforts and training; some 42 percent was for communications; and about 23 percent for equipment.

#### CONTINUATION GRANTS

LEAA was created before conclusion of several projects initiated under the superseded Office of Law Enforcement Assistance. To accommodate grantees who had undertaken multiyear efforts with an initial grant covering only a portion of total estimated costs, Congress authorized LEAA to use available funds to continue efforts which were making satisfactory progress to an appropriate termination point. Some \$1.5 million of discretionary funds were thus used to make continuation grants in these categories:

\$12,500 to Governors' Planning Committees in Criminal Administration in Kentucky (\$6,250) and West Virginia (\$6,250) to continue prior law enforcement planning efforts and phase into operations under the new Act.

\$64,453 to four universities (Loyola of New Orleans, \$20,000; Wisconsin State at Platteville, \$20,000; Wisconsin at Milwaukee, \$9,453; and Guam, \$15,000) for first year operation of new police science programs.

\$49,695 to two States to continue program development by police officers standards and training councils. West Virginia received \$14,740; California \$34,955.

Demonstration planning and research units in two small city police departments: Fargo, North Dakota received \$10,000; Peoria, Illinois \$9,991.

\$276,033 for activation in 12 states of statewide programs to train correctional personnel.

The balance of continuation aid was to complete more than a dozen individually-designed projects. Grants ranged from \$250,000 shared by 64 State and local law enforcement agencies participating in the National Crime Information Center to \$18,316 for the Denver County Court volunteer probation officer program. Also included were training programs for police, prosecutors, and corrections personnel and a demonstration of a community corrections project.

The preceding continuation grants were the last projects of many in the several funding categories supported under the Law Enforcement Assistance Act of 1965. These awards completed nearly all continuation commitments under that Act.

#### DESKS AND DIVISIONS

The Office of Law Enforcement Programs contains four regional desks and five program divisions.

The regional desks have a daily contact with State law enforcement planners, serving as consultants and furnishing information and assistance. In fiscal 1970, the four desks will expand to seven and field offices will be opened. Desk personnel are specialists from the different areas of law enforcement, and have experience in management of grants and program administration.

Desk responsibilities include explaining requirements for planning and action grants and providing information on the National Institute and academic assistance programs. In fiscal 1969, hundreds of visits and thousands of telephone conversations to help States develop programs were made by the desks. The desks also conducted the initial review for grant applications and monitored grant programs.

The program divisions are in the areas of police, courts, corrections, organized crime, and disorders. Each is responsible, on a nationwide basis, for determining and disseminating standards for improvement, and work closely with State and local agencies.

Two divisions began substantial operations during fiscal 1969. The Corrections Division develops LEAA policy for probation, parole, community programs, jails, prisons, and juvenile corrections. It also helps develop improvements in treatment of offenders. These functions are fulfilled through review of State plans, direction of discretionary funds for correctional programs, coordination with LEAA research and with the academic assistance program, and through the technical assistance program with State and local governments.

One priority is improved probation and community corrections programs designed to reduce institutional populations and costs and to rehabilitate more offenders.

The Corrections Division began on May 1, and its major activity through the end of the fiscal year was review of State plans. This provided regional desks with a substantive evaluation of the correctional components of all State plans.

A technical assistance program also was initiated, to aid States in planning corrections components (of the State plans), vocational training, staff education, and prison industries. Although the time was short, the Division was able to furnish such technical assistance to Alabama, Oklahoma, Arkansas, Maine, and the Virgin Islands before the end of the fiscal year.

A comprehensive review of all Federal aid programs offering potential assistance for correctional improvement also was undertaken and will be made available to all States and their correctional agencies.

#### ORGANIZED CRIME

The Act described organized crime enforcement as a priority for the LEAA, and the Organized Crime Division began programs to help local and State enforcement and prosecution agencies develop more effective programs.

The Division offered financial support and technical assistance to States with a significant organized crime problem to establish intelligence units, combine investigatory and prosecutorial offices and develop community action programs

and training conferences. States without a significant organized crime problem were offered assistance to develop prevention programs.

In its 6 months of operations in fiscal 1969, the Division offered technical assistance to these States:

Arizona	Massachusetts
California	Michigan
Colorado	Missouri
Connecticut	New Jersey
Florida	New York
Illinois	Pennsylvania
Iowa	Rhode Island
Kansas	Virginia
Kentucky	Wisconsin
Louisiana	

The Division also coordinated and developed training programs for State and local police and prosecutors, with a series of national conferences scheduled for fiscal 1970. The division reviewed every State plan, evaluating and suggesting programs directly related to organized crime. It also made available to States those organized crime programs developed by others that have particular merit.

The Division began preparing manuals for police and prosecutors and an intelligence manual that will diagram the composition of an organized crime intelligence unit. Another manual will supply prosecutors of some 20 States with significant organized crime problems a compendium of their own laws which can effectively be used in organized crime cases. It will also contain model statutes relating to electronic surveillance, immunity, contempt and perjury.

Substantial work also was carried out by the Police Operations Division. It provided technical assistance to State planning agencies and to individual police departments, and was an important component of the review of law enforcement improvement plans submitted by the States. The Division assisted in the national conferences—sponsored by an LEAA grant—for police chiefs of 150 major cities on civil disorders, campus disorders, and other law enforcement problems. It later began developing proposals for a new series of meetings for police executives for comprehensive discussion of common problems and the exchange of enforcement information and experiences.

A variety of other technical assistance also has been provided by LEAA.

#### TRAINING CONFERENCES

Five regional training conferences for State planning agencies were financed with the aid of \$20,490 in LEAA grants. Sponsors of the meetings, which covered the SPA staffs of virtually all States, were Maryland, Florida, Illinois, California, and Texas.

A \$92,987 grant was awarded to the American Correctional Association to conduct four regional conferences for State officials on the design of the corrections components of State plans. The meetings were held in Norman, Oklahoma; Hyannis Port, Massachusetts; Wichita, Kansas; and College Park, Md. More than 200 SPA planners and correctional administrators from all States participated in these meetings. Two planning documents, *Correctional Planning and Resource Guide* and *Corrections and the LEAA*, also were prepared to aid the States.

In June 1969, a series of four conferences began to provide information to fiscal and administrative personnel of State planning agencies on record keeping, cost allowability, and financial reporting requirements. States also were consulted in development of the rules prior to issuance of LEAA's *Financial Guide* in May—as they were in promulgation of the basic, November *Guide* and the February simplified first-year plan guidelines.

During fiscal 1969, three national meetings were held in Washington, D.C. for all SPA staff directors (two with the assistance of the Council of State Governments) to explain the Act's requirements, LEAA guidelines, and problems related to grant applications and preparation of comprehensive plans. In addition, more than a half dozen field meetings were conducted by LEAA area desks for SPA staffs in all four regions to review technical questions, exchange data, and discuss grant applications and procedures.

At the end of fiscal 1969, planning began for a meeting between State planning agency directors and LEAA for an across-the-board review of first-year

operations and plans for the second year. LEAA also initiated evaluations of the first-year plans which it will share with the States and all others interested in the program. LEAA will engage expert law enforcement consultants to review State goals and programs against accepted professional standards. The studies are designed to advance law enforcement improvement efforts as quickly as possible.

#### FINANCE—AUDIT

Financial guidance is another form of technical assistance. LEAA has defined policies for financial management and grant administration by State planning agencies in the *Guide for State Planning Agency Grants* and the *Financial Guide*. The latter contains details on accounting systems, cost principles, records keeping, grantee matching shares, financial reports, and related matters. LEAA worked closely with State planning agencies, other State fiscal experts, and public interest groups to achieve rules meeting both federal and State-local needs. For example, the *Financial Guide* was reviewed by all State planning agencies, the National Governors Conference, National Association of State Budget Officers, National League of Cities, budget directors of three States, the U.S. Bureau of the Budget, and the National Association of Municipal Finance Officers. The earlier *Guide* was reviewed and commented on by such organizations as the National Governors Conference, National Association of Counties, U.S. Conference of Mayors, International Association of Chiefs of Police, American Correctional Association, National District Attorneys Associations, U.S. Bureau of the Budget, Advisory Commission on Intergovernmental Relations and representatives of such Federal aid programs as the HEW Juvenile Delinquency Act Program, the HUD Model Cities Program, and the HUD Urban Management Assistance Program.

Audit services for LEAA are furnished by the Office of Management Inspection and Audit (OMIA) of the Administrative Division of the Department of Justice. Audits will conform to Bureau of the Budget Circular A-73, which indicates that Federal agencies should accept State-performed audits when it is determined that the State fiscal control system and audit program are adequate to assure proper protection of the federal interest. Surveys of State systems were begun in fiscal 1969. Pending their completion, OMIA will perform the detailed audits necessary to provide assurance that there is sound financial management. It will, of course, continually audit financial management systems for Title I grantees.

#### COORDINATION WITH OTHER FEDERAL PROGRAMS

A clear need developed in the fiscal year to better coordinate several Federal aid programs dealing with crime and delinquency control. LEAA took a leadership role in developing joint policy statements on cooperative activities with the Juvenile Delinquency Act Program of the Department of Health, Education, and Welfare, and the Model Cities Program of the Department of Housing and Urban Development.

In February, the Attorney General and the Secretary of HEW sent a joint letter urging States to establish common or single planning agencies for the juvenile delinquency components of LEAA and HEW programs. Joint standards for the composition and structure of such agencies also were established. At the end of the fiscal year, arrangements for joint funding and common plan formats also were being explored.

The Attorney General and the Secretary of HUD were preparing at the end of the fiscal year, for issuance early in fiscal 1970, a joint letter to governors and mayors urging greater coordination between the LEAA and Model Cities programs. The directive also proposed consideration of Model Cities projects by State planning agencies set up under the LEAA program, appointment of Model Cities representatives to LEAA State and local planning boards, exchange of program plans by the two agencies, and cooperative or joint funding of certain projects.

Other LEAA coordinated efforts included:

Cooperation with national security agencies, the Organized Crime and Racketeering Section of the Criminal Division of the Department of Justice, and with the States in development of an automated organized crime intelligence system design.

Negotiations with the Federal Highway Administration to coordinate relevant parts of the Highway Safety Act with state plans under the LEAA program.

Cooperation with the Bureau of Indian Affairs of the Department of the Interior on problem definition and development of programs to combat Indian law enforcement problems.

LEAA also has worked with other parts of the Department of Justice:

The Organized Crime and Racketeering Section is furnishing technical assistance to an LEAA grantee for development of the organized crime intelligence system, advises on State program quality, and participates in identifying organized crime problem areas.

The Federal Bureau of Investigation is assisting a consortium of six LEAA grantees in the development of a prototype criminal justice information and statistics system.

The Community Relations Service offers advice and assistance in planning disorders prevention and control programs. Additionally, it will review plan components in this area as part of the over-all evaluation effort.

The Bureau of Prisons also is participating in the evaluation program, and it has made personnel available on a reimbursable basis to provide technical assistance to individual States.

#### ORGANIZATION OF OLEP

When LEAA began, the agency's 25 employees—15 professional, 10 clerical—were assigned to the Office of Law Enforcement Programs. Some later transferred to new LEAA divisions that were formed. At the end of fiscal 1969, OLEP had 52 employees—34 professional, 18 clerical. The professionals included 19 on the regional desks and 10 in the program divisions.

OLEP was headed by a director, who reported directly to the Administrators. Beneath him in the organization structure were the deputy director and the operational support staff. Next came the program divisions—Disorders Control, Organized Crime Control, Police Operations, Corrections, Courts, and Special Programs. Four regional desks—scheduled to be expanded into seven regional field offices in fiscal 1970—completed the structure.

The LEAA staff was augmented in fiscal 1969 by some 51 consultants. Most were hired for specific short-range projects though some became full-time employees. There were 12 consultants at the end of fiscal 1969.

During the year, 39 consultants worked for OLEP. They included a team of 23 specialists—policemen, corrections administrators, a sheriff, a city manager—which discussed the LEAA program with law enforcement groups in 34 major cities in 21 States. In addition, they took part in meetings of State planning agencies, and assisted in planning and program development. A 12-man consultant team helped develop the simplified first-year guidelines for the States. Consultants also were used by the Organized Crime and Corrections divisions in their technical assistance projects.

#### CHAPTER 3—NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

##### REASONS FOR RESEARCH

Only through research can our society explore in depth the vast unknowns about crime, crime prevention, and the criminal justice system. This Nation has expended billions of dollars in research for defense, health, space exploration, and other matters of concern but research activities have never addressed crime problems on any broad scale. Funds for action programs will be expended wisely only if research needs are met on a continuing, comprehensive basis.

The National Institute of Law Enforcement and Criminal Justice is the research arm of the Law Enforcement Assistance Administration. The Institute makes research grants and contracts with individuals, public agencies, institutions of higher education, industry, and private organizations. The research activity focuses upon priority problems in the incidence of crime and society's response to criminal activity. Because of this broad mandate, the Institute staff includes experts in many fields: law, electronics, operations research, political science, sociology, management sciences, clinical psychology, criminology, corrections, prosecution, legal defense, and police science.

## RESEARCH CENTERS

The Institute organization reflects an attempt to explore these priority problems from several vantage points and through cooperative work by various disciplines. There are five research centers:

The Center for Crime Prevention and Rehabilitation conducts and sponsors research and development in identifying the conditions underlying criminal behavior and in developing knowledge and programs for crime prevention, correction, and the rehabilitation of criminal offenders.

The Center for Criminal Justice Operations and Management sponsors and conducts research to identify ways in which the efficiency, structure, and tactics of the various kinds of law enforcement agencies can be improved. This Center will also sponsor development of new kinds of devices, equipment, and facilities for the increased effectiveness of law enforcement missions.

The Center for Law and Justice is concerned with the appropriateness, fairness, and effectiveness of our criminal laws and the procedures through which the laws are enforced. These concerns relate principally to courts, prosecution, and defense, but police and correction procedures also fall within the Center's mandate. Finally, criminal law revision and the nature of society's substantive law response to antisocial conduct is a prime area of study here.

The Center for Special Projects administers a variety of programs, including a graduate fellowship award competition and a small grants competition for research endeavors directly connected with crime, crime prevention, and criminal justice.

The Center for Demonstration and Professional Services addresses the difficult problems of technology transfer and the process of acceptance of research findings within the criminal justice agencies, the various levels of government, and the community at large. Independent and staff research will be conducted to analyze and develop appropriate methods for introduction of change within our institutions. Related to this is the proposed design and implementation of a reference service that will respond to the specific needs of agencies, administrators, researchers, and scientists.

Planning, evaluation, and coordination are secured at staff level in the Institute through special units established to assure the development of a cohesive approach among the five research centers. Special project managers develop programs for matters of current great concern, such as violence and organized crime.

## PROGRAM

History must have certainly taught us that there are no short, easy answers to the crime problem. A responsible research program must analyze basic problems in depth. But such a program can also pursue short-term responses at the same time that long-range, comprehensive solutions are under study. Subject matter can range, for example, from improved efficiency of criminal justice operations up through an examination of basic roles and goals. The Institute can help develop a personalized police radio transceiver at the same time the entire scope of police communications and control of operations is under examination. Short-form presentence reports and the development of sentencing guidelines for high-volume court systems can be developed while further research explores the complex problem of predicting the future behavior of individuals charged with, or convicted of, serious crimes. In corrections, new methods of community treatment must be devised along with a longer-range goal of isolating those factors that might ensure effective reintegration of an offender within his neighborhood. The Institute is charting these parallel courses with a focus upon synthesizing the criminal justice process and relating its work to the social, moral, and economic conditions from which an offender enters the system and to which he must eventually return.

During this first year, as with any new agency, the Institute consumed much time and effort in the initial problems of organization, staffing, definition of program, and establishment of relationships with other organizations and agencies. A modest budget of \$2.9 million was available and the authorized positions of 35 professional personnel and 15 clerical employees permitted sufficient leeway for

the assembling of the various disciplines. The grants and contracts during the first fiscal year encompass several key areas of inquiry.

#### BASIC POLICE ACTIVITY

Most of the funding in this area is related to research that will assist police in the solution of crime and the apprehension of offenders. The program was devoted largely to improvement in police response time, police communications, criminalistics, and efficiency of operations. Specific projects involved:

1. *Automatic Surveillance/Alarm Systems*, including measurement of the impact of a low-cost automatic burglary and robbery alarm system, development of a mobile closed circuit television system for police surveillance operations, and requirements analysis for automatic vehicle locator systems.

2. *Communications Systems*, including development of model tactical communications systems for a medium-sized police department, development of a model communications system for a major metropolitan area, evaluation of mobile digital communications equipment, development of a semiautomatic command/control system for a large police department, and requirements analysis for a police personal-portable communications system.

3. *Improved Management of Law Enforcement*, including study of middle-management in police departments, analysis of use of census data in police planning, and development of a model records and reporting system for small police departments.

4. *Mobility Systems*, including human factors analysis for police automobiles.

5. *Criminalistics*, including studies of new micro-analysis techniques such as neutron activation analysis, analysis of the potential impact of criminalistics on the crime problem, analysis of the most efficient methods to provide maximum criminalistics support to criminal justice agencies, and examination of the validity of voiceprint identification.

6. *Nonlethal weapons*, including a survey of the state-of-art for nonlethal chemical weapons, and evaluation of such available weapons for civil disturbance control.

Other projects involve questions that may lead to more fundamental change in policing. These include an evaluation of pre-employment psychological tests established to predict the future patrolman performance of police department applicants; the employment of special police family-crisis intervention patrols with policemen specially trained in psychology and mental health subjects applicable to dealing with the family disputes that form so large a part of calls to the police and are responsible for many police deaths and injuries; experiments with the team policing concept that holds a certain number of police personnel responsible to deal with all crime in a given geographical area and affords a flexibility of function and allocation unknown to present police structures; an ethnographic study of the socialization of the policeman as he proceeds through his career and the effects of the environment within which he works upon his attitudes, performance, and values.

#### PREVENTION AND REHABILITATION

Research programs directed to rehabilitation measures focus largely upon treatment and services for offenders on probation and parole. Recent studies have shown that these offenders represent about 70 percent of the correctional population. In order to develop and test various community treatment techniques, the Institute is exploring the feasibility of a community correctional laboratory in one or more counties in the Nation. Research staffs will work with criminal justice, local government and private organizations in developing this program. The resulting flexibility and individualized treatment will test the rehabilitative potential of new ideas and previously untested assumptions. Community treatment for drug addicts will be evaluated through Institute funds in New York City. This project will test the crime-reduction potential of a large-scale, fully ambulatory methadone program. Also in New York City, the Institute is supporting with judicial cooperation an evaluation and refinement of sentencing guidelines and short-form presentence reports to improve the quality and individuality of sentencing in a high-volume, misdemeanor court.

Education and employment are key factors in assuring proper reintegration of an offender back into his community. The Institute provided support for evaluating and expanding the use of unique learning environments with a system of rewards for continual raising of the educational level of the individual offender. Employment programs for offenders received initial attention through a grant to assess the correctional industries programs of seven Midwestern States and to ascertain the views and potential participation of business and labor in more relevant employment training and placement.

In the various areas and levels of crime prevention, the Institute focused largely in this first year upon the juvenile and youth population that commits a major part of the offenses included within the FBI crime index. An assessment of past activity is a necessary foundation for building future programs. The Institute is supporting evaluative studies that will assess the impact of the multiple and diverse youth involvement projects funded by private and public sources in the past 5 years. Research programs range from an exploration of inexpensive ways to build a physical environment that will attract youth into constructive pursuits as an alternative to crime, to the building of a model for examining the collective impact on juvenile offenders of treatment received in the schools, the criminal justice agencies, and the various community service agencies. The latter project studies the total agency impact, whether it be law enforcement or service oriented, upon those deemed to be "troublemakers" and constant law violators. Another project is exploring the many conflict situations among youth and between youth and adult in the school and colleges.

In conjunction with the National Institute of Mental Health, this Institute will be developing its role in research into the physiological aspects of crime causation. A small project will assess the present state of knowledge as to the relationship between the XYY chromosomal configuration and the propensity to commit violence. This project is conceived as a base of knowledge for use in adjudicating the increasing attempts to raise chromosomal abnormality as a complete defense to criminal violence.

#### MANAGEMENT AND ORGANIZATION

The rationale, organization, and management of the structures established to deal with crime have developed historically on the basis of conditions and assumptions no longer applicable in modern society.

The fractionalized geography of police departments, courts, and corrections, the isolation of these agencies from one another and from the larger community, the ad hoc responses to current conditions—all are examples of these paths of tradition. Statistical analyses, operations research, management studies, and role analysis must be brought to many of these age-old problems. The Institute has made some initial steps in this direction.

The backlogs and long delays in the trial and sentencing process may contribute to loss of the deterrent function and the hurried exercise of discretionary powers on the basis of too little information about an offender. The Institute is supporting a management systems study of the Federal District Court in the District of Columbia with the purpose of developing more efficient case processing, court organization, and scheduling. Also initiated was a study of the bail-setting function in order to develop criteria that will lead towards a more accurate determination of an accused person's future behavior.

Management decisions become more rational only when based upon accurate knowledge of workload, work flow and types of decisions made. Institute funding is being made available to develop models of the criminal justice system flow at the State and city level. This would ultimately permit managers, administrators, and policymakers to know for the first time the exact nature of offender processing from arrest through release or confinement. For the most part, planning and operations decisions at present are based upon guesses and agencies' estimates. Present knowledge in this area is appallingly slight.

In crime analysis, Institute grants support studies as to differences in police classification of criminal activity. Our society and its enforcement agencies must know more fully the seriousness of the different kinds of criminal activity occurring in various neighborhoods. Also important is the ability to predict future crime trends and the relationship between crime and economic patterns. One study seeks to determine the relationship between the rates of property crime in various

geographical areas and the labor market conditions. The study concentrates upon youth offenders and introduces other variables such as the intensity of law enforcement efforts. The analysis produced by this research should help predict future crime trends that will assist planners in local government and in criminal justice.

Another study will apply operations research techniques to the prediction of robberies and the best use of police beats to respond to those predictions. This effort will make use of previous empirical work and provide a more basic rationale for the prediction of criminal activity in real situations as the first step in improving the operational effectiveness of law enforcement activity.

Some work has commenced in terms of role definition. The offices of the State attorneys general are being canvassed to determine their present, expected, and optimum role in law enforcement. Future coordination and direction of law enforcement activity depends upon further centralization of many functions. A second study in this area looks at the organization and effectiveness of rural law enforcement and is exploring the feasibility of various cooperative and regional services for rural policing.

#### SPECIAL PROGRAMS

One prime purpose of the Institute is to foster greater research in the criminal justice area by all concerned disciplines. The current small number of qualified and interested persons must be widely expanded in the coming decade. As a beginning in this regard, the Institute initiated several programs.

*Exercise Acorn* was a small grants program (up to \$5,000) to provide starter funds for new work in this field. Fifty award recipients were selected from over 500 applicants and the resultant research activity is occurring in 25 States. The fields of endeavor include corrections, police, court processing, defense and prosecution, organized crime, violence, and community services related to prevention. An encouraging aspect of this program is the number of grants in which universities will be working directly in conjunction with various criminal justice agencies.

*Graduate Fellowships* were awarded to 20 of 82 applicants seeking an advanced degree in a discipline closely related to criminal justice. This program seeks to augment the number of professionals teaching and doing research in the criminal justice field.

*Manuscript Support* benefited more than 40 young persons who had researched and written crime-related materials but did not have funds sufficient to put their materials in publishable form. Again, the subject matter of these studies covered a broad area of crime, crime prevention, and criminal justice.

*Visiting Fellows* will be spending a year at the Institute to continue research in their fields and gain additional educational benefit by continuous sharing of ideas with the Institute staff. The fellows are chosen from law enforcement agencies, the teaching profession, and those pursuing graduate studies.

*Coordination with other Federal agencies* is one of the most important Institute functions. Conferences were held with most Federal departments and independent agencies, generally at the level of assistant secretary for research and development. These meetings identified areas for cooperative research, resources that could be available to the Institute and program for continuous exchange of information. A list of the agencies and some of the topics discussed appears in the appendices.

#### FOUNDATION FOR THE FUTURE

The fiscal year 1969 activity is only a small beginning in addressing the potential of the National Institute of Law Enforcement and Criminal Justice. The Institute is the primary research arm of an action program that affords hundreds of millions of dollars to States, counties, and cities, and it shares a great part of the responsibility in ensuring that action money is expended wisely.

During the coming fiscal year, the Institute will develop a more refined priority list of research activity. In-house research capabilities will be expanded and additional staff will permit close monitoring of funded, out-of-house research. Too often in the past, research has proceeded with no relation to a basic, broad context. The Institute can assist the entire field in building upon past findings and achiev-

ing research programs that lead in a progressive manner toward agreed goals. Several possibilities exist in this regard:

*Continuing Evaluation* of past and present activity is required. Pursuant to the mandate of the authorizing statute, the Institute has funded an evaluation of the predecessor program of the Office of Law Enforcement Assistance. In addition, the Institute can become a major part of the continuing evaluation of the LEAA program. Constant monitoring and assessment of research activity inside and outside government is also a part of this evaluative process. The Institute must continually consult and bring together appropriate experts and organizations for this purpose.

*Inducement for Change* is a basic part of government research activity in crime-related fields. Too often, promising findings lie fallow in a library or on a manager's desk. Tradition dominates much of the activity in law enforcement, courts, and corrections—and resistance to change is a continuing problem as in other fields. The Institute cannot stop with the development of new ideas. The process of change must be pushed along in many ways. Close cooperation will exist between Institute staff and the other component parts of LEAA. In addition, the Institute will build a continuing line of mutual assistance with each of the State Planning Agencies. The States and cities must begin to develop their own research capabilities, and the Institute through funds and technical assistance can assist in this most important endeavor.

A prime effort has commenced to locate certain "laboratory" communities that will agree to accept various new programs for implementation, study, and evaluation. This effort is related not only to specific program changes but also to study and research of the process of change itself. Where does the resistance lie? What were the specific difficulties encountered in various agencies? Why was change accepted or why did others fail? How can change be sustained? This will be a continuous learning and research process that will be of valuable assistance in inducing change nationwide.

*Establishment and testing of standards* for law enforcement equipment would serve many needs in the various agencies. There is no central source at present to research and test product capabilities and set up minimum and optimum standards for police and other use. This would help overcome the fragmentation problem that besets industry in its dealings with law enforcement agencies. This also would result in lower cost by reason of the availability of larger markets for standardized equipment. Finally, such a service would build towards increasingly effective products and equipment, and additionally benefit the community through adherence to rigid safety standards.

*Developments in criminal justice education* can be fostered by the Institute in cooperation with the Office of Academic Assistance. One grant is already assessing the curriculum needs in institutions offering degrees for police and correction officials. In addition, the graduate fellowships will increase the complement of those needed to teach and guide persons receiving tuition assistance in these institutions.

*Technical information* is sought after by all agencies and disciplines working in this field. Various services have existed for several years in education and in the hard sciences. One possible function for the Institute is the design and implementation of a criminal justice service to serve the needs of these professionals. This would be a long-range project but one that, if implemented, could serve scientists, engineers, administrators, and researchers on a comprehensive basis.

In all these roles, the Institute must look far beyond the problems of the moment and build a foundation for the future. At this early juncture, no one can assert which directions will succeed and which will fail. Even with the advanced technology that seemingly is available for adaptation to law enforcement purposes, the problems of crime must be seen in the broad context of human beings preying upon other human beings and society endeavoring to respond with accurate, just, and informed criminal justice decisions. The role of criminal law and its relationship with social justice in controlling individual and group conflict need fundamental examination. Mutual trust and understanding within our diffuse society depend a great deal upon the ways the Nation establishes to cope with increasing crime.

With adequate funding, the Institute can become a major force for change and a principal participant in meeting the crime problem. There are no easy

answers and marked improvement will come slowly. Obvious needs can be met now with action funding; but only with the expansion of knowledge can our society adequately address the fundamental requirements of lower crime rates and higher standards of fairness and individualized processing and treatment of criminal offenders. The National Institute of Law Enforcement and Criminal Justice is one way of coping with these fundamental problems. Insofar as violence and fear beset our Nation, democracy fails. Insofar as society's response interferes with our ideals, democracy also fails. Criminal law, criminal justice, and the citizenry must carve a careful path that assures success in both regards. Without a divergent program to develop wider knowledge and understanding of these problems, our Nation's efforts tragically will fall short.

#### CHAPTER 4—OFFICE OF ACADEMIC ASSISTANCE

##### DEGREE STUDIES

The purpose of the Law Enforcement Education Program is to help fully professionalize the law enforcement and corrections staffs of State and local governments in every part of the country. Its role is the administration of a program of grants and loans to finance college degree studies by criminal justice personnel and promising students preparing for careers in that field. Statistics compiled in several recent surveys reflect part of this compelling need. The National Crime Commission said in 1967 that a study of 6,200 policemen showed that only 7.3 percent had a college degree. In 1969, the International Association of Chiefs of Police (IACP), one of the Nation's most respected professional law enforcement organizations, polled 4,672 policemen in the Midwest and found that 2,042 had completed some college work and 372 others had a college degree. The Joint Commission on Correctional Manpower and Training reported in 1968 that only 3 percent of the guards in correctional institutions had a degree.

Several years ago, another IACP study contained this comment on how college training could significantly enhance the quality of police work: "It is nonsense to state or to assume that the enforcement of the law is so simple that it can be done best by those unencumbered by a study of the liberal arts. The man who goes into our streets in hopes of regulating, directing, or controlling human behavior must be armed with more than a gun and the ability to perform mechanical movements in response to a situation. Such men as these engage in the difficult, complex, and important business of human behavior. Their intellectual armament—so long restricted to the minimum—must be no less than their physical prowess and protection."

##### PROMPT RESPONSE

The response to the Law Enforcement Education Program was prompt, and the interest was high. Funds were made available in time for the start of the second half of the 1968-69 academic year, and more than 500 colleges and universities applied to participate in the program. Financial assistance went to a total of more than 23,000 students—a far higher number than had been originally forecast for the initial round.

A June survey showed that in the second half of the academic year there were 2,573 persons receiving aid who were enrolled for full-time studies and 15,492 persons enrolled in part-time studies. In addition, 5,366 persons were enrolled for summer session courses. There were estimates earlier in the fiscal year that some 14,000 persons would take advantage of the program.

The total enrollment of 23,431 reflects some duplication. There were, for instance, some 344 students who received both grants and loans. And it was estimated that about 3,000 persons were given assistance for both the second half of the academic year and the summer session. A precise figure must await a detailed survey in fiscal 1970, but preliminary estimates thus far show that about 20,000 individuals were granted funds. Of this number, a remarkably large proportion—some 2,356 persons—were studying at the graduate level.

The overwhelming majority of grant recipients were policemen, according to preliminary figures.

A total of \$6.5 million was available in fiscal 1969 for the Academic Assistance program. The full amount was awarded early in January to 485 colleges and universities, which in turn administer the loans and grants. (Fifty-three percent were 4-year institutions, the others 2-year colleges.) The schools themselves decide the amounts of the individual awards and who will receive them. Schools were encouraged to spread their awards over the entire 1969 calendar year. A total of \$3,332,649 was awarded to students for the second half of the academic year and the 1969 summer session. This included \$2,253,055 in grants and \$1,079,594 in grants. The remainder of the \$6.5 million—some \$3.2 million—will be carried over for use in the first half of the academic year beginning in the fall of 1969.

#### COURSES OF STUDY

The major academic emphasis in the program is on courses of study directly related to law enforcement. Such courses include: introduction to law enforcement, administration of justice, police administration and organization, criminal investigation, criminal evidence and procedure, criminal law, criminal behavior, traffic control and accident investigation, police-community relations, collective behavior and riot control, criminology, juvenile delinquency, deviant behavior, probation and parole, administration of correctional institutions, case analysis in prevention programs, correctional treatment and custody, correctional counselling, psychological tests in corrections, criminalistics, court administration.

However, to provide as broad and meaningful a background as possible, courses also may be taken which are related—though not directly—to law enforcement work. Such subject matter includes: business administration, accounting, psychology, sociology, government, economics, political science, computer science, urban planning, and public administration.

Even before passage of the Omnibus Crime Control and Safe Streets Act, a Department of Justice committee began drafting the format of the Law Enforcement Education Program. However, at the time Congress approved the appropriation for LEAA on August 9, the Academic Assistance program had no full-time staff, and neither program guidelines nor loan-grant forms existed. The first full-time employee began work on October 1, so the first year's program actually was compressed into a 9-month period. The pace of work then increased rapidly. On November 4, 2,200 packets containing application forms, terms of agreement forms, and preliminary guidelines were mailed to all accredited institutions of higher education in the Nation. By December 26, 515 applications from the institutions had been reviewed and processed. All but 30 of the applications were approved, and the announcement of the \$6.5 million award to the schools was made on January 2. At that time, the Academic Assistance staff totaled six professionals and four clerks, plus three part-time employees. The full-time staff was 12 at the end of the fiscal year.

In addition to their other work, the Academic Assistance staff disseminated 30,000 copies of the program's preliminary guidelines and 18,000 copies of the grant award list. A complete 100-page guide on the program, *Law Enforcement Education Manual: 1969*, was published in May, and more than 20,000 copies were distributed. To give further information assistance, program officials attended 35 meetings around the country held by college and other professional groups. More than 5,000 letters seeking details on the program were received and answered by Academic Assistance.

#### GRANTS AND LOANS

The Education Program provides two types of financial aid: a maximum loan of \$1,800 per academic year for full-time study for a certificate or degree directly related to law enforcement; up to \$300 per semester or \$200 an academic quarter in grants for full- or part-time study of courses related to law enforcement. Grants are limited to police, corrections, and court personnel. Loans are available to both criminal justice personnel and preservice students preparing for criminal justice careers.

Participating colleges were told in January that they should give priority on loans to law enforcement officers, and that no more than 20 percent of their total funds could be used for loans to students preparing for criminal justice careers. Later in the fiscal year, after appointment of a National Advisory Committee, certain guidelines were changed—to be effective in fiscal 1970. The program was broadened to include a number of Federal law enforcement personnel, but priority on loans still must be given to criminal justice personnel in State and local service. Not more than 70 percent of the loan funds can go to law enforcement personnel. At least 30 percent must be made available to preservice students. The extra funds for this latter category are designed to make it possible to attract additional promising students into criminal justice careers. Loan applications are no longer required to show financial need to be eligible for financial assistance. The remaining important change increased from 3 to 7 percent the interest rate charged on any repayment of loans or grants.

No repayment of a loan is required if the recipient spends 4 years in law enforcement work following completion of his degree program—the amount is cancelled at the rate of 25 percent for each year of service. An in-service grantee does not have to repay if he spends the next 2 years with his criminal justice agency, but he must repay the full amount at 7 percent interest if he defaults on the service requirements.

The members of the National Advisory Committee are: David Craig, Former Public Safety Director, Pittsburgh; Frank Dickey, Executive Director, Federation of Regional Accrediting Commissions of Higher Education, Washington, D.C.; Superintendent Joseph I. Giarrusso, Police Department, New Orleans; Patrick F. Healy, Executive Director, National District Attorneys Association, Chicago; Dr. Stephen Horn, Dean of Graduate School, American University Washington, D.C.; Gaylon L. Kuchel, Chairman, Law Enforcement Department, University of Omaha; Charles V. Matthews, Director, Center for the Study of Crime, Delinquency, and Corrections, Southern Illinois University; William Mooney, Supervisor in Charge, Planning and Research Unit, Training Division, Federal Bureau of Investigation; Vincent O'Leary, Professor, School of Criminal Justice, State University of New York, Albany; Alan Purdy, Student Financial Aid Officer, University of Missouri, Columbus, Mo., and President of the National Association of Student Financial Aid; George Trubow, Executive Director, Maryland State Planning Agency, Baltimore.

#### COOPERATION

The Office of Academic Assistance has established broad contacts to aid the administration of the program, especially with the U.S. Office of Education and other agencies of the Department of Health, Education, and Welfare. It also has worked with the Bureau of Indian Affairs, the Department of Labor, and the Model Cities Administration of the Department of Housing and Urban Development. The shortage of time available to get the program underway in fiscal 1969 did not permit coordination of the education grants with the law enforcement planning agencies of the 50 States. However, all colleges participating in the fiscal 1970 program have been urged to discuss their grant applications with their respective State planning bodies. The agencies themselves will be urged to play an active role to help stimulate interest and develop better coordination among colleges. In addition, the agencies have an important role to play in developing, with the aid of State departments of education, more comprehensive law enforcement curriculum standards.

Research into the field of law enforcement education also was begun during the fiscal year following a recommendation from the National Advisory Committee. The Massachusetts Governor's Public Safety Committee received a \$15,000 grant to conduct a national survey of law enforcement education programs and to recommend a plan to give universities financial aid in developing such courses.

COMPLETE LIST OF FISCAL 1969 AWARDS MADE BY THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION  
 TABLE 1.—PLANNING AND ACTION GRANTS TO THE STATES (INCLUDING AWARDS MADE UNDER SEC. 307(B) FOR  
 PREVENTION AND CONTROL OF CIVIL DISORDER

State	Planning		Action		Total	
	Initial	Total planning allocation	307(b)	Action grant	Total action allocation	Planning and action
Alabama.....	\$57,066	\$337,600.00	\$76,560	\$357,280	\$433,840	\$771,440.00
Alaska.....	23,000	118,000.00		100,000	100,000	218,000.00
American Samoa.....	10,000	10,000.00				10,000.00
Arizona.....	41,978	209,890.00	35,409	165,242	200,651	410,541.00
Arkansas.....	46,460	232,300.00		241,570	241,570	473,870.00
California.....	200,000	1,387,900.00	414,989	1,936,621	2,531,610	3,739,510.00
Colorado.....	46,568	232,840.00	42,804	199,752	242,556	475,396.00
Connecticut.....	59,420	297,100.00	63,510	296,380	359,890	656,990.00
Delaware.....	27,047	135,235.00	11,353	88,647	100,000	235,235.00
District of Columbia.....	30,881	154,405.00	17,531	82,469	100,000	254,405.00
Florida.....	100,409	503,650.00	130,065	606,970	737,035	1,240,685.00
Georgia.....	80,000	403,750.00	97,875	456,750	554,625	958,375.00
Guam.....	20,000	41,742.90		40,000	40,000	81,742.90
Hawaii.....	29,936	149,680.00		100,000	100,000	249,680.00
Idaho.....	29,396	146,980.00	15,138	84,262	100,000	246,980.00
Illinois.....	166,610	833,050.00	236,202	1,102,293	1,338,495	2,171,545.00
Indiana.....	87,330	436,150.00	103,200	510,585	613,785	1,049,935.00
Iowa.....	56,870	284,950.00	51,875	285,830	337,705	662,655.00
Kansas.....	50,510	252,550.00	39,906	233,639	278,545	531,095.00
Kentucky.....	62,930	314,650.00		391,935	391,935	706,585.00
Louisiana.....	69,140	345,700.00	79,170	369,460	448,630	794,330.00
Maine.....	33,000	165,475.00		451,095	451,095	785,027.00
Maryland.....	69,400	347,050.00		451,095	451,095	798,145.00
Massachusetts.....	92,000	464,500.00	117,450	548,050	665,500	1,130,000.00
Michigan.....		677,800.00	186,180	868,840	1,055,020	1,732,820.00
Minnesota.....	68,000	340,300.00	75,000	363,770	438,770	779,070.00
Mississippi.....	51,590	257,950.00		288,405	288,405	546,355.00
Missouri.....	81,830	409,150.00	99,590	464,895	564,485	973,635.00
Montana.....	29,423	147,115.00		100,000	100,000	247,115.00
Nebraska.....	39,305	196,625.00	31,102	145,146	176,248	372,773.00
Nevada.....	20,000	129,835.00		100,000	100,000	229,835.00
New Hampshire.....	20,000	146,170.00	14,877	85,123	100,000	246,170.00
New Jersey.....	114,230	571,150.00	151,814	708,471	860,285	1,431,435.00
New Mexico.....	33,500	167,500.00		21,750	123,250	290,750.00
New York.....		1,332,550.00	397,154	1,853,391	2,250,545	3,583,095.00
North Carolina.....	87,770	438,850.00	77,000	541,715	618,715	1,57,565.00
North Dakota.....	28,586	142,930.00		100,000	100,000	242,930.00
Ohio.....	160,670	803,350.00	226,634	1,057,631	1,284,265	2,087,615.00
Oklahoma.....	53,480	267,400.00	53,175	252,485	305,660	573,060.00
Oregon.....	46,892	234,460.00	43,326	202,188	245,514	479,974.00
Pennsylvania.....	176,330	881,650.00	240,524	1,186,711	1,427,235	2,308,885.00
Puerto Rico.....	56,180	280,900.00	54,650	275,660	330,310	611,210.00
Rhode Island.....	32,096	160,480.00	18,897	91,535	110,432	270,912.00
South Carolina.....	54,830	274,150.00	56,115	261,870	317,985	592,135.00
South Dakota.....	29,072	145,360.00	14,244	85,756	100,000	245,360.00
Tennessee.....	65,000	361,900.00	84,390	393,820	478,210	840,110.00
Texas.....	138,000	830,350.00	235,344	1,098,221	1,333,565	2,163,915.00
Utah.....	33,770	168,850.00	22,185	103,530	125,715	294,565.00
Vermont.....	25,616	128,080.00	9,048	90,952	100,000	228,080.00
Virginia.....	81,020	405,100.00		557,090	557,090	962,190.00
Virgin Islands.....	20,756	103,500.00		40,000	40,000	143,500.00
Washington.....	60,000	307,900.00	62,325	317,285	379,610	687,510.00
West Virginia.....	44,192	220,960.00	38,976	181,888	220,864	441,824.00
Wisconsin.....	60,000	382,150.00	90,100	425,085	515,185	897,335.00
Wyoming.....	24,239	121,195.00	6,829	93,171	100,000	221,195.00
Total.....	3,232,228	18,840,707.90	3,844,266	21,210,116	25,054,382	43,895,089.90

## APPENDIX A—STATE LAW ENFORCEMENT PLANNING AGENCIES

## ALABAMA

Kenneth Moore, Administrator, Alabama Law Enforcement Planning Agency,  
 Public Safety Building, Montgomery, Alabama 36102, 205/263-1450.

## ALASKA

Richard B. Lauber, Executive Director, Governor's Planning Council on the Ad-  
 ministration of Criminal Justice, Office of the Governor, Pouch AJ, Juneau,  
 Alaska 99801, 907/586-5386—Thru Seattle FTS.

## ARIZONA

Albert N. Brown, Executive Director, Arizona State Justice Planning Agency, 2980 Grand Avenue, Phoenix, Arizona 85107, 602/271-5467.

## ARKANSAS

John H. Hickey, Director, Commission on Crime and Law Enforcement, 1009 University Tower Building, 12th at University, Little Rock, Arkansas 72204, 501/371-1305.

## CALIFORNIA

Kai R. Martensen, Executive Director, California Council on Criminal Justice, 1108 14th Street, Sacramento, California 95814, 916/445-9156.

## COLORADO

John C. MacIver, Executive Director, Colorado Law Enforcement Assistance Administration, 600 Columbine Building, 1845 Sherman, Denver, Colorado, 303/892-3331.

## CONNECTICUT

Wayne R. Mucci, Executive Director, Governor's Planning Committee on Criminal Administration, 75 Elm Street, Hartford, Connecticut 06115, 203/566-3020 or 246-2349.

## DELAWARE

Samuel R. Russell, Executive Director, Delaware Agency to Reduce Crime, 1208 King Street, Wilmington, Delaware 19801, 302/654-2411.

## DISTRICT OF COLUMBIA

Eugene Rhoden, Director, Criminal Justice Planning Agency, Room 1200, 711 14th Street, N.W., Washington, D.C. 20005, 202/629-5063.

## FLORIDA

Norman Kassoff, Executive Director, Florida Inter-Agency Law Enforcement Planning Council, Tallahassee Bank and Trust Building, 315 South Calhoun, Suite 608, Tallahassee, Florida 32301, 904/224-9871.

## GEORGIA

H. Oliver Welch, State Planning Officer, State Planning and Programming Bureau, 270 Washington Street, S.W., Atlanta, Georgia 30334, 404/524-1521.

## GUAM

Frank G. Lujan, Attorney General, P.O. Box 86, Agana, Guam 96910.

## HAWAII

Dr. Irwin Tanaka, Administrator, Law Enforcement and Juvenile Delinquency Planning Agency, 412 Kamamalu Building, Honolulu, Hawaii 96813, (Ask Overseas Operator for 530-1991 in Honolulu).

## IDAHO

David J. Dehlin, Acting Director, Law Enforcement Planning Commission, Statehouse, 7th and Washington Streets, Boise, Idaho 83707, 208/344-5811, Ext. 134.

## ILLINOIS

John F. X. Irving, Director, Illinois Law Enforcement Commission, Room 204, 134 North LaSalle Street, Chicago, Illinois 60601, 312/236-8431.

## INDIANA

Arthur K. Ratz, Executive Director, Indiana State Criminal Justice Planning Agency, State House, Indianapolis, Indiana 46204, 317/633-5325.

## IOWA

May M. Mills, Executive Director, Office for Planning and Programming, State Capitol, Des Moines, Iowa 50319, 515/281-5974.

## KANSAS

Thomas Regan, Acting Director, Governor's Committee on Criminal Administration, State House, Topeka, Kansas 66603, 913/296-3389.

## KENTUCKY

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## WASHINGTON

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## WEST VIRGINIA

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## WISCONSIN

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## WYOMING

James N. Wolfe, Administrator, Governor's Committee on Criminal Administration, Post Office Box 1042, Cheyenne, Wyoming 82001, 307/777-7716.

## AMERICAN SAMOA

Wilbur W. Larson, Management Analysis Officer, Government of American Samoa, Pago Pago, American Samoa 96902.

Senator McCLELLAN. Our first witness this morning is the Honorable Richard B. Ogilvie, Governor of the State of Illinois, who is appearing, I understand, on behalf of the National Governors'

Conference. We are also glad to welcome this morning our distinguished colleague, Senator Smith, from the great State of Illinois.

We will be glad, Senator Smith, to have you present the Governor, and make any statement you choose to make at this time.

**STATEMENT OF HON. RALPH T. SMITH, A U.S. SENATOR FROM  
THE STATE OF ILLINOIS**

Senator SMITH. Thank you, Mr. Chairman and members of the committee. I think Illinois has demonstrated, in the last few years particularly, its intention to provide some leadership among the several States in this very serious problem of law enforcement which faces us all over the Nation. Certainly very important in the leadership that has been provided in Illinois is that which has been provided by our Governor, Richard Ogilvie. I am very pleased this morning, in the absence of my colleague, the senior Senator from Illinois, who is out of the country, to present to you this morning the Honorable Richard B. Ogilvie, who is Governor of Illinois as well as my friend. And that, of course, makes this more pleasurable for me. The Governor is here to testify in regard to the matters before you.

Senator McCLELLAN. Governor, the committee welcomes you here this morning. We are very glad to have you appear and present your views and those of the Governors' Conference whom you represent here today. This law enforcement problem is of such magnitude and I believe of such gravity that no one seems to have all the answers here. It is going to take the collective wisdom and courage of America, in my judgment, to try to stem this tide of violence and lawlessness which is sweeping our country. We are glad to let the views of all interested persons and organizations, especially those in official positions who have the direct responsibility in connection with law enforcement.

So we welcome you, Governor. I notice you have a prepared statement. Would you like to read it?

**STATEMENT OF HON. RICHARD B. OGILVIE, GOVERNOR OF THE  
STATE OF ILLINOIS, ON BEHALF OF THE NATIONAL GOVERNORS'  
CONFERENCE; ACCOMPANIED BY ARTHUR J. BILEK, CHAIRMAN,  
ILLINOIS LAW ENFORCEMENT COMMISSION**

Governor OGILVIE. Thank you, Senator McClellan, members of the committee, and my good friend, Ralph Smith.

I do have a prepared statement. I think, though, in the interests of brevity and perhaps to afford more time for questions and answers if that be your pleasure, I am going to skip over the first four pages of this prepared statement, which is filed with your committee.

Senator McCLELLAN. Before you proceed, I notice you have an associate with you. Would you introduce him for the record, please?

Governor OGILVIE. Yes, I was about to do that. The gentleman on my left is Mr. Arthur Bilek, who is presently chairman of the Illinois Law Enforcement Commission. This is a full-time position. He is a former member of the Chicago Police Department. During the 4 years I served as sheriff of Cook County, he was Chief of the Cook County

Police Department. At the end of the 4-year term there, he went on to the University of Illinois. He is now on leave as a full professor from the University of Illinois and was director of the police curriculum at our great State university. At my request, he had given up his academic career for the time being to spearhead what I regard, and I share your view, sir, as one of the most important things Illinois or any other State can be involved in; that is, trying to control this problem of crime.

The Crime Control Act has brought the many people in the criminal justice system together in Illinois rather quickly and I think very effectively.

Senator McCLELLAN. You are not going to read your statement?

Governor OGILVIE. I have skipped, sir; to the top of page 5.

Senator McCLELLAN. Let all of this statement be printed in the record. You may read or refer to any part you like, but let it all appear in the record.

Governor OGILVIE. Thank you, sir.

These many people in the criminal justice system are joining together as members of State planning agencies and regional planning boards to develop coordinated, long-range solutions to their common problems. Our State, working under a rather antiquated constitution, has more than 700 police and other law enforcement entities, and I think it's fair to say that our departments, sheriffs, and police chiefs are now talking to each other much more frequently and more perceptively than ever before. I attribute this to inspiration of the Omnibus Crime Act.

They are also working together more closely. By means of a grant from our State planning agency, backed by Federal and State funds, we are equipping all 3,700 police cars in Illinois with an additional radio. This new statewide police emergency radio network will enable all Illinois policemen to work across municipal and county lines to deal with natural disasters, fleeing criminal suspects and civil disorders or other major law enforcement problems.

The Federal act has also stimulated new financial commitments by the States and local governments. The Illinois Legislature has already appropriated more than \$13 million for our State planning agency, and in the agency's grant to date—totaling some \$10 million—there has been more State money than Federal. In addition, we have created one very successful, special category of grants funded entirely by State money. This leadership, in my opinion, fully supports the act and its purposes. The key to the act—the fundamental reason why it has taken hold so rapidly—is the concept of block grants combined with comprehensive planning at the State level. No basic difficulty or problem has developed in this new approach to Government action. It is sound, and promises great benefits in years to come.

I would like to submit to the committee some informative material relating to the progress of the State planning agency in Illinois, which we call the Illinois Law Enforcement Commission.

Senator McCLELLAN. Very well, it may be received and made an exhibit in your testimony. (Exhibit in subcommittee files.)

Governor OGILVIE. Thank you.

The other Governors and I deem it not merely desirable but absolutely essential, that this program be continued and that block grants and comprehensive State planning be retained as the essential foundation stone. There is simply no other way as effective for us to tackle the immense problems of crime control and law enforcement confronting us today.

We strongly agree with the June 18 recommendation of the Advisory Commission on Intergovernmental Relations that the block grant concept should be retained.

Because of our faith in block grants and comprehensive planning, and because of the substantial commitments we have already made at the State and local levels to support this approach, we are concerned about some provisions of the existing law and about several amendments approved by the House in H.R. 17825.

These provisions, both existing and proposed, in our opinion will restrict and limit the scope of comprehensive planning at the state and local levels.

The act puts its faith in State and local planning, and we feel we have justified that faith. Yet the act initially imposed certain restrictions—and more are now contemplated—that undermine State and local planning.

Regardless of local situations, regardless of efforts we are making through State and local agencies, these provisions require the allocation of Federal money in certain ways, or bar certain uses entirely.

Mr. Chairman, I submit that the word "comprehensive" has only one meaning. It is all-inclusive or it is not. If the Federal Government imposes more and more guidelines, restrictions, and percentage allocations, comprehensive planning will be destroyed. State planning agencies will become mere message-carriers, and the State and local enthusiasm now pouring into the program will be lost.

Three provisions of the existing law undermine the fundamental concept of comprehensive planning: the 75-percent pass-through requirements for local governments, the one-third limitation on funds for personnel, and the discretionary funding through grants made directly from the Federal Law Enforcement Assistance Administration.

The present requirement obligating State planning agencies to pass through to local governments 75 percent of all nonplanning funds has created complex problems in many of our States. Although we can appreciate the underlying purpose for the pass-through requirement, in specific instances it has proven to be impractical.

For example, in a number of States including Vermont, New Hampshire, Connecticut, Rhode Island, Montana, Alaska, and Hawaii, the State government bears the principal financial burden of the criminal justice system. Generally, more than 70 percent of all correctional personnel are State employees. In some States, almost all local police are carried on the State payroll. Under such circumstances, it obviously works a hardship to require that 75 percent of all Federal action money be directed to local governments.

Another unfortunate aspect of the present pass-through requirement is the fact that projects which directly aid local criminal justice operations in the form of personnel and equipment are not even counted in the 75-percent allocation. For instance, our State planning

agency, the Illinois Law Enforcement Commission, has provided a total of \$3 million in grants to programs which have a direct impact on local communities. Yet these programs are specifically excluded from the 75-percent allocation. This includes grants to the State's public defenders' association, and also to the Illinois State Police for the emergency radio network which I described a minute or so ago.

We believe that the LEAA should be given explicit statutory authority to waive the 75-percent pass-through requirement whenever local conditions warrant it. It should be clearly stated, and in this regard we support the waiver provision embodied within Senate bill 3541, sponsored by Senator Hruska.

We recognize that the House committee considered and rejected amendments to this effect, and concluded that sections 203(c) and 303 of the act permit LEAA partially to relax the pass-through requirements. However, the authority for such a partial relaxation is ambiguous at best. It is our feeling the authority should be explicit in its language and purport.

The one-third limitation on use of Federal funds for personnel has also proved unworkable, and the House recognized this by relaxing the restriction somewhat. However, it has become clear that one of the principal areas in improving criminal justice involves the use of more and better personnel. If we truly want to combat crime more effectively, the arbitrary one-third personnel ceiling should be removed entirely.

Discretionary funding—grants given directly by LEAA to a State or local agency or organization—weakens the comprehensive planning concept in another way. The State planning agency is in the best position to judge the need for a particular grant application. The agency can determine whether the proposal fits into statewide and regional plans, whether there is a real need, and whether local personnel are qualified to carry out the proposal. This applies to all grant applications, so it is unreasonable to expect that LEAA can make a better judgment on any of them. Providing an opportunity for grant applicants to bypass the State planning agency creates an untenable situation in which no State can really plan comprehensively.

Although these discretionary grants are intended to meet national priorities, it would be in keeping with comprehensive planning to inform the State planning agencies of these priorities and withhold approval of State comprehensive plans proposing insufficient efforts to meet the priorities.

The House amendments, providing for 90-percent Federal funding in discretionary grants and even 100 percent in some cases, simply make matters worse. If the Federal Government will provide a greater share of funds to a grant applicant through the discretionary route than is available through the State planning agency, still more applications for funds will tend to flow directly to Washington, further undermining the block grant and comprehensive planning concept.

We feel the discretionary grants should be limited to multistate, regional or national programs—those obviously beyond the scope of any individual State planning agency. If this cannot be agreed upon, then discretionary funding should require approval, or at the very least, consultation with the State planning agency and approval from it to carry out the State's comprehensive plan.

Of the amendments contained in H.R. 17825 itself, we are particularly concerned about the requirement that the States provide one-quarter of the non-Federal funding of local action programs. We view this requirement as a direct erosion of the basic block grant and comprehensive planning principles embodied within the act.

In taking this position, we do so in full recognition that in order to make the concept of new federalism both a viable and functional reality, it is imperative that the States join with Washington in making financial resources available to our local governments.

In Illinois we have made a major effort to address ourselves to the financial problems of local government. First, we have specifically provided that one-twelfth of all revenues collected out of the State's newly enacted income tax be directly returned to our municipalities and counties on a no-strings-attached basis. This amounts to approximately \$85 million a year. As a further supplement to this basic revenue-sharing program, we have increased the percentage of the State's sales tax which is returned directly to local governments, which will get nearly \$230 million as their total share per year. Further, the spring session of our State legislature, authorized an \$8 million fund supported by State revenues to stabilize property tax revenues in those areas where losses are being incurred on a local level through some of our tax reforms.

I mention our massive revenue-sharing program only to demonstrate that the question of State assistance to local governments should not be viewed within the confines of the act itself, but in the broader perspective of the State's fiscal interrelationship with its own local governments.

Under the act itself, Illinois has already allocated from its own revenues \$13 million to meet the needs of local and State units of government at a ratio which outpaces the present percentage requirement within the act, and which is substantially more than the 25 percent required by the proposed House amendment.

Speaking specifically to H.R. 17825, we find that each State would be compelled to provide not less than one-quarter of the non-Federal funds with respect to any such program or project. This limits severely the opportunity of the States to deal appropriately with every type of request from every type of applicant.

It would be unreasonable to assume that each applicant is equal in its ability to provide matching funds. Illinois recognizes this problem very clearly and has provided State funds up to 100 percent for high priority areas or to assist applicants which are economically unable to develop the proper matching share. The mandated requirements in the amendment would preclude the State's present elective opportunity to identify urgent priority needs and assist financially distressed applicants.

The concept of allocating a fixed percentage of the State's resources to the non-Federal share is in itself inconsistent with two other portions of H.R. 17825. Under the proposed bill, section 303 is specifically amended to require that no State plan be approved unless the administration finds that the plan provides for an adequate share of assistance for areas of high crime incidence. No percentage is mentioned—there is no hard and fast requirement—but the intent is clear: The money should go where the need is the greatest. All that we ask is the same flexibility in the allocation of our State resources.

Second, it is worth noting that under part E, providing an entirely new program of grants for correction institutions and facilities, the 25-percent matching requirement is specifically excluded. Yet in many States, such as Illinois, the most deteriorating correctional facilities are jails under the jurisdiction of county governments.

In fairness to the States, we believe that the record demonstrates that effective action of allocating State money for local governments has been taken in the short period of administration under this act.

To the extent that the record demonstrates deficiencies on the part of some States, we ask that you give recognition to the fact that 1969 Federal action funds were not awarded until the end of June 1969 and that Congress appropriated fiscal 1970 funds only last December, with the first 1970 action money received last month.

The program is new and it is experiencing pains of growth. We ask that we be given the benefit of additional time and experience in administering the act before Congress further considers the enactment of a specific mandate on the use of State money for matching the non-Federal share of local government action programs.

Lastly, on behalf of our State, I would like to add our support for the new corrections section offered in the proposed amendment to the Omnibus Act.

In Illinois we have recently created a new Department of Corrections. We have increased basic salaries 20 percent and authorized 398 additional employees, mostly counselors, teachers, psychiatrists, and other professionals—the largest personnel increase of any State department for the fiscal year just begun. We have not had significant Federal money to assist us with this task, yet we welcome the new opportunities which this grant program will provide Illinois.

In extending our support, we do so, however, with the understanding—as Congressman Clark MacGregor has stated—that the appropriation section requires that at least 25 percent of all funds appropriated to LEAA be used for correctional purposes and not that each and every State utilize at least 25 percent of its bloc grant funds for correctional programs.

In effect, it is our belief that the amendment would permit freedom and flexibility from State to State so long as the nationwide average is a minimum of 25 percent of the appropriated amounts. In our view, any other interpretation would be inconsistent with the basic block grant principle and only work at cross-purposes with our own comprehensive planning efforts.

Mr. Chairman, the 64th annual meeting of the National Association of Attorneys General passed a resolution at their meeting, which ended on July 1, 1970, which supports the block grant program and is opposed to the one-quarter share amendments on corrections in State matching funds.

Senator McCLELLAN. Was that resolution adopted unanimously?

Governor OGILVIE. I don't know whether it was adopted unanimously, sir. We have a copy of it and we will provide the information for you.

Senator McCLELLAN. Let a copy of the resolution be printed in the record and I would like you to supply the information as to the support for it.

Governor OGILVIE. All right, sir.

(The resolution and information referred to follows:)

64TH ANNUAL MEETING NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

OMNIBUS CRIME CONTROL ACT

The National Association of Attorneys General reaffirms its commitment to vigorous action to control crime in our states and reiterates support for the intergovernmental attack on crime embodied in the Omnibus Crime Control Act of 1968. The Association strongly endorses the bloc grant concept of this program which encourages states to mount innovative and comprehensive crime control programs by granting states flexibility in establishing spending priorities for program funds. Encouraged by state achievements under this program and the funding of projects at a higher rate than required, the Association opposes proposed amendments to the Act which would require states to provide one quarter of all local matching funds. Several states currently exceed this proposed requirement, and such a mandate would be detrimental to present and future statewide projects and would thereby weaken state participation in the program. The Association opposes a further proposed amendment which would require  $\frac{1}{4}$  of each state's program funds received from the Federal government to be spent for corrections (sic). A majority of states presently maintain crime administrative and fiscal responsibility in the correctional area, and the proposed mandatory spending requirement would greatly decrease state spending flexibility under the program and thereby dissipate the comprehensive character of the Crime Control Act.

Governor OGILVIE. The Governors believe in the Omnibus Act and its implementation. We want to strengthen it, to improve it and to continue it. And I thank you for the opportunity of testifying today, and making myself available for your questions.

(The prepared statement of Gov. Ogilvie follows:)

TESTIMONY OF RICHARD B. OGILVIE, GOVERNOR OF ILLINOIS

Mr. Chairman and distinguished senators:

Your gracious permission for my appearance today is deeply appreciated. I am here, first, representing the views of the National Governors' Conference as to amendments proposed for the Omnibus Crime Control and Safe Streets Act of 1968.

Second, speaking as governor of Illinois, I am pleased to be able to mention briefly some of the innovations and actions of our Illinois Law Enforcement Commission, which I feel is doing work that is outstanding among all the states. My own interest in the work of the commission is best illustrated by the fact that it was created by the first executive order I issued after taking office in January of 1969.

We have made a massive state financial commitment in Illinois to attack crime through all levels of government, and I believe our efforts to date very amply carry out both the intent and the requirements of the Act.

Rather than describe our program fully today, I will make available to the committee considerable backup material which I hope you and your staffs may find useful in your discussions.

Last month marked the second anniversary of the signing of the Act. Seldom has a program of such short duration been the object of such controversy and scrutiny. There are at least two reasons for the interest in the program. The first is the great public concern about crime, and the other is the innovative bloc grant approach which I believe is the cornerstone of this program.

The Act was designed to improve the entire criminal justice system at all levels of government. During the debate on this legislation in the Congress, the key role which state government plays in the entire criminal justice system quickly became apparent. States control the courts and correctional institutions. They operate systems of prosecution and also systems for public defenders. They control and operate probation and parole systems. The criminal law that is being enforced by local police departments is the state criminal code. States operate crime laboratories, information systems and investigation units which assist local police in their crime control efforts.

With this broad authority and responsibility, the states, in my opinion, are best able to coordinate the various aspects of the criminal justice system. State, local, and federal officials believe—with some degree of unanimity—that the block grant approach has been working well in furtherance of the purposes of the Act.

The major administrative goals of the block grant include: 1. Comprehensive planning and program development; 2. State government authority to establish program priorities and allocate federal funds according to community needs and priorities.

Since the beginning of the program, significant progress toward these goals has been made. One local Council of Governments in the southwestern United States has said (quote) that "from its inception, helpful and cooperative working relationships have existed between state, regional and local officials. We at the local level have had a very real input into the content of the state plan and workable approaches have been developed to the problem of allocations of funds on the basis of need." (End of quotation)

The state law enforcement planning agencies are providing demonstrated leadership and are assisting local governments to improve their law enforcement agencies. And for the first time, local elected officials, local law enforcement officials and private citizens are guiding and influencing the states' program as members of state law enforcement advisory boards.

Of a total of approximately 1,061 members of state planning agency boards in all 50 states, 489 are from local government, 394 are from state government, and 170 are private citizens. This is a graphic illustration of an entirely new kind of local participation in state programs.

In 45 states, regions have been established for local law enforcement planning. Since the growth of crime has not been limited to city or county boundaries, this regional approach to crime fighting is most vital. It is well to note that the 212 metropolitan areas of the United States which contain most of the crime problem, have a total of 4,457 police departments. Their effectiveness, obviously suffers from overlap, inadequate communications, and insufficient cooperation. These problems of duplication of effort are being solved in many places and are at least being studied and discussed in most areas as a result of the inter-governmental dialog required under this new program.

Comments have been made about whether our big cities with high crime rates are receiving their fair share of the funds under this act. The recent survey of the Advisory Commission on Intergovernmental Relations showed that more than 75 per cent of the Fiscal Year 1969 action funds were distributed to cities and counties with population of 50,000 or more.

There is also developing a clear pattern of the states giving to local governments more than the percentage of money required in the basic law. For instance, as of March, 1970, 20 states had passed through to their local governments more than the 40 percent of planning money required in the Act. Another 16 states had allocated more than the required 75 percent of action funds to their local governments.

With your permission, Mr. Chairman, I would like to submit to the committee a recently issued report from the National Governors' Conference on the first two years of this program. This report contains the very latest data on state allocation of funds to local governments. The report also shows the outstanding record of states providing much of their own state money to supplement the federal grants. In addition, the report outlines many of the new and innovative projects being undertaken by states under this program. We would like to submit this report for the record, to be considered as a part of your hearings.

Though the program is still new and highly innovative, it has already brought about significant achievements—achievements that would never have occurred without this imaginative leadership from the federal level, and concurrent leadership from the states.

One example in Illinois of success under this program relates to the great problem of fragmentation in our criminal justice system. We have federal, state, county and municipal levels. We have police, courts, prisons, probation and parole, youth programs—all operating independently of each other. We have concurrent jurisdictions and overlapping jurisdictions, and in the past, we have sorely lacked coordination of all these elements.

The Crime Control Act has brought these people together in Illinois, rather quickly and very effectively. They are joining together as members of state planning agencies and regional planning boards to develop coordinated, long-range solutions to their common problems. Our state has more than 700 police and other law enforcement entities, and I think it's fair to say that our departments, sheriffs and police chiefs are now talking to each other much more frequently and more perceptively than ever before.

They are also working together more closely. By means of a grant from our state planning agency, backed by federal and state funds, we are equipping all 3,700 police cars in Illinois with an additional radio. This new statewide police emergency radio network will enable all Illinois policemen to work across municipal and county lines and deal with natural disasters, fleeing criminal suspects and civil disorders or other major law enforcement problems.

The federal act has also stimulated new financial commitments by the states and local governments. The Illinois Legislature has already appropriated more than \$13 million for our state planning agency, and in the agency's grants to date—totaling some \$10 million—there has been more state money than federal. In addition, we have created one very successful, special category of grants funded entirely by state money. This leadership, in my opinion, fully supports the Act and its purposes. The key to the act—the fundamental reason why it has taken hold so rapidly—is the concept of block grants combined with comprehensive planning at the state level. No basic difficulty or problem has developed in this new approach to government action. It is sound, and promises great benefits in years to come.

At all levels of government today, we are striving to improve our delivery of services, to bring government closer to the people. This new law enforcement and criminal justice program is working well right from the start. I believe this is so because it combines substantial financing with instant proximity to the people through existing state and local agencies, which are deeply involved through the block grant-comprehensive planning concept.

The other governors and I deem it not merely desirable, but absolutely essential, that this program be continued and that block grants and comprehensive state planning be retained as the essential foundation stone. There is simply no other way as effective for us to tackle the immense problems of crime control and law enforcement confronting us today.

We strongly agree with the June 18 recommendation of the Advisory Commission on Intergovernmental Relations that the block grant concept should be retained.

Because of our faith in block grants and comprehensive planning, and because of the substantial commitments we have already made at the state and local levels to support this approach, we are concerned about some provisions of the existing law and about several amendments approved by the House in H.R. 17825.

These provisions, both existing and proposed, in our opinion will restrict and limit the scope of comprehensive planning at the state and local levels.

The Act puts its faith in state and local planning, and we feel we have justified that faith. Yet the Act initially imposed certain restrictions—and more are now contemplated—that undermine state and local planning.

Regardless of local situations, regardless of efforts we are making through state and local agencies, these provisions require the allocation of federal money in certain ways, or bar certain uses entirely.

Mr. Chairman, I submit that the word "comprehensive" has only one meaning. It is all-inclusive or it is not. If the federal government imposes more and more guidelines, restrictions, and percentage allocations, comprehensive planning will be destroyed. State planning agencies will become mere message-carriers, and the state and local enthusiasm now pouring into this program will be lost.

Three provisions of the existing law undermine the fundamental concept of comprehensive planning: the 75 percent pass-through requirements for local governments, the one-third limitation on funds for personnel, and the discretionary funding through grants made directly from the federal Law Enforcement Assistance Administration.

The present requirement obligating state planning agencies to pass through to local governments 75 percent of all non-planning funds has created complex problems in many of our states. Although we can appreciate the underlying purpose for the pass-through requirement, in specific instances it has proven to be impractical.

For example, in a number of states including Vermont, New Hampshire, Connecticut, Rhode Island, Montana, Alaska and Hawaii, the state government bears the principal financial burden of the criminal justice system. Generally, more than 70 percent of all correctional personnel are state employees. In some states, almost all local police are carried on the state payroll. Under such circumstances, it obviously works a hardship to require that 75 percent of all federal action money be directed to local governments.

Another unfortunate aspect of the present pass-through requirement is the fact that projects which directly aid local criminal justice operations in the form of personnel and equipment are not even counted in the 75 per cent allocation. For instance, our state planning agency, the Illinois Law Enforcement Commission, has provided a total of \$3 million in grants to programs which have a direct impact on local communities. Yet these programs are specifically excluded from the 75 per cent allocation. This includes grants to the state's public defenders association, and also to the Illinois State Police for the emergency radio network which I described earlier.

We believe that the LEAA should be given explicit statutory authority to waive the 75 per cent pass-through requirement whenever local conditions warrant it. It should be clearly stated, and in this regard we support the waiver provision embodied within Senate bill 3541 sponsored by Senator Hruska.

We recognize that the House committee considered and rejected amendments to this effect, and concluded that sections 203 (c) and 303 of the Act permit LEAA partially to relax the pass-through requirements. However, the authority for such a partial relaxation is ambiguous at best. It is our feeling the authority should be explicit in its language and purport.

The one-third limitation on use of federal funds for personnel has also proved unworkable, and the House recognized this by relaxing the restriction somewhat. However, it has become clear that one of the principal areas in improving criminal justice involves the use of more and better personnel. If we truly want to combat crime more effectively, the arbitrary one-third personnel ceiling should be removed entirely.

Discretionary funding—grants given directly by LEAA to a state or local agency or organization—weakens the comprehensive planning concept in another way. The state planning agency is in the best position to judge the need for a particular grant application. The agency can determine whether the proposal fits into statewide and regional plans, whether there is a real need, and whether local personnel are qualified to carry out the proposal. This applies to all grant applications, so it is unreasonable to expect that LEAA can make a better judgment on any of them. Providing an opportunity for grant applicants to by-pass the state planning agency creates an untenable situation in which no state can readily plan comprehensively.

Although these discretionary grants are intended to meet national priorities, it would be in keeping with comprehensive planning to inform the state planning agencies of these priorities and withhold approval of state comprehensive plans proposing insufficient efforts to meet the priorities.

The House amendments, providing for 90 per cent federal funding in discretionary grants and even 100 per cent in some cases, simply make matters worse. If the federal government will provide a greater share of funds to a grant applicant through the discretionary route than is available through the state planning agency, still more applications for funds will tend to flow directly to Washington, further undermining the block grant and comprehensive planning concept.

We feel the discretionary grants should be limited to multi-state, regional or national programs—those obviously beyond the scope of any individual state planning agency. If this cannot be agreed upon, then discretionary funding should require approval, or at the very least, consultation with the state planning agency and approval from it to carry out the state's comprehensive plan.

Of the amendments contained in HR 17825 itself, we are particularly concerned about the requirement that the state provide one-quarter of the non-federal funding of local action programs. We view this requirement as a direct erosion of the basic block grant and comprehensive planning principles embodied within the Act.

In taking this position, we do so in full recognition that in order to make the concept of new federalism both a viable and functional reality, it is imperative that the states join with Washington in making financial resources available to our local governments.

In Illinois we have made a major effort to address ourselves to the financial problems of local government. First, we have specifically provided that one-twelfth of *all* revenues collected out of the state's newly enacted income tax be directly returned to our municipalities and counties on a no-strings-attached basis. This amounts to approximately \$85 million a year. As a further supplement to this basic revenue-sharing program, we have increased the percentage of the state's sales tax which is returned directly to local governments, which will get nearly \$230 million as their total share per year. Further, the spring session of our state legislature, authorized an \$8 million fund supported by state revenues to stabilize property tax revenues in those areas where losses are being incurred on a local level through tax reforms.

I mention our massive revenue-sharing program only to demonstrate that the question of state assistance to local governments should not be viewed within the confines of the Act itself, but in the broader perspective of the state's fiscal interrelationship with its own local governments.

Under the Act itself, Illinois has already allocated from its own revenues \$13 million to meet the needs of local and state units of government at a ratio which outpaces the present percentage requirement within the Act, and which is substantially more than the 25 per cent required by the proposed House amendment.

Speaking specifically to HR 17825, we find that each state would be compelled to provide not less than one-quarter of the non-federal funds with respect to "any such program or project." This limits severely the opportunity of the states to deal appropriately with every type of request from every type of applicant.

It would be unreasonable to assume that each applicant is equal in its ability to provide matching funds. Illinois recognizes this problem very clearly and has provided state funds up to 100 per cent for high-priority areas or to assist applicants which are economically unable to develop the proper matching share. The mandated requirements in the amendment would preclude the state's present elective opportunity to identify urgent priority needs and assist financially distressed applicants.

The concept of allocating a fixed percentage of the state's resources to the non-federal share is in itself inconsistent with two other portions of HR 17825. Under the proposed bill, Section 303 is specifically amended to require that no state plan be approved unless the administration finds that the plan provides for an adequate share of assistance for areas of high-crime incidence. No percentage is mentioned—there is no hard and fast requirement—but the intent is clear: The money should go where the need is the greatest. All that we ask is the same flexibility in the allocation of our state resources.

Secondly, it is worth noting that under part D, providing an entirely new program of grants for correction institutions and facilities, the 25 per cent matching requirement is specifically excluded. Yet in many states, such as Illinois, the most deteriorating correctional facilities are jails under the jurisdiction of county governments.

In fairness to the states, we believe that the record demonstrates that effective action of allocating state money for local governments has been taken in the short period of administration under this Act.

To the extent that the record demonstrates deficiencies on the part of some states, we ask that you give recognition to the fact that 1969 federal action funds were not awarded until the end of June 1969 and that Congress appropriated fiscal 1970 funds only last December, with the first 1970 action money received last month.

The program is new and it is experiencing pains of growth. We ask that we be given the benefit of additional time and experience in administering the Act before Congress further considers the enactment of a specific mandate on the use of state money for matching the non-federal share of local government action programs.

Lastly, on behalf of our state, I would like to add our support for the new corrections section offered in the proposed amendment to the Omnibus Act.

In Illinois we have created a new Department of Corrections. We have increased basic salaries 20 per cent and authorized 398 additional employes, mostly counsellors, teachers, psychiatrists and other professionals—the largest personnel increase of any state department for the fiscal year just begun. We have not had significant federal money to assist us with this task, yet we welcome the new opportunities which this grant program will provide Illinois.

In extending our support, we do so, however, with the understanding—as Congressman Clark MacGregor has stated—that the appropriation section requires that at least 25 per cent of all funds appropriated to LEAA be used for correctional purposes and not that each and every state utilize at least 25 per cent of its block grant funds for correctional programs.

In effect, it is our belief that the amendment would permit freedom and flexibility from state to state so long as the nationwide average is a minimum of 25 per cent of the appropriated amounts. In our view, any other interpretation would be inconsistent with the basic block grant principle and only work at cross-purposes with our own comprehensive planning efforts.

Mr. Chairman, the governors believe in the Omnibus Act and its implementation. We want to strengthen it, to improve it and to continue it. And I thank you for the opportunity of testifying today, and making myself available for your questions.

## STATE SHARE OF STATE-LOCAL POLICE AND CORRECTIONS EXPENDITURE, 1967

[Dollar amount in thousands]

State	Total State-local police expenditure	Percent of State share	Total State-local corrections expenditure	Percent of State share
Alabama.....	\$30,174	17.9	\$8,274	85.8
Alaska.....	4,661	47.0	3,114	100.0
Arizona.....	29,841	24.1	9,845	75.2
Arkansas.....	13,226	25.4	3,824	76.2
California.....	442,342	15.2	219,816	51.7
Colorado.....	26,772	22.8	12,452	75.3
Connecticut.....	48,092	16.5	13,547	100.0
Delaware.....	6,222	37.8	3,645	97.7
Florida.....	95,007	12.6	21,091	77.6
Georgia.....	43,246	15.3	19,810	75.4
Hawaii.....	14,821	.3	4,726	88.3
Idaho.....	7,767	22.9	2,771	94.9
Illinois.....	186,324	9.4	48,482	80.1
Indiana.....	49,846	19.2	18,115	76.0
Iowa.....	29,795	34.6	11,329	88.4
Kansas.....	22,339	19.9	8,756	88.1
Kentucky.....	27,715	28.7	11,580	73.7
Louisiana.....	50,724	18.8	14,220	73.4
Maine.....	9,375	34.8	5,397	89.4
Maryland.....	66,764	13.1	32,639	81.3
Massachusetts.....	96,091	8.1	36,965	72.4
Michigan.....	135,876	19.1	45,194	67.6
Minnesota.....	37,776	14.7	18,693	66.2
Mississippi.....	19,194	33.0	5,191	72.5
Missouri.....	66,646	13.8	15,924	59.5
Montana.....	6,861	28.6	3,625	82.6
Nebraska.....	14,012	22.3	5,447	85.0
Nevada.....	13,086	15.8	5,311	82.0
New Hampshire.....	7,429	25.2	1,997	83.4
New Jersey.....	144,117	13.3	49,229	63.5
New Mexico.....	11,882	30.0	5,672	79.4
New York.....	490,381	7.5	151,212	37.6
North Carolina.....	45,112	24.3	27,976	80.8
North Dakota.....	5,106	20.3	1,837	88.6
Ohio.....	125,379	9.9	44,753	70.5
Oklahoma.....	24,182	20.1	6,950	86.2
Oregon.....	28,806	17.6	12,621	72.5
Pennsylvania.....	156,510	17.8	62,952	44.4
Rhode Island.....	14,187	12.3	4,259	100.0
South Carolina.....	22,213	31.1	9,021	73.4
South Dakota.....	6,130	30.8	2,357	79.0
Tennessee.....	36,099	17.8	13,451	79.1
Texas.....	115,331	14.9	34,356	67.0
Utah.....	10,031	18.4	4,903	87.6
Vermont.....	3,825	52.0	2,797	98.9
Virginia.....	50,294	35.5	14,108	94.0
Washington.....	41,111	18.0	25,745	90.0
West Virginia.....	11,926	28.4	4,832	72.0
Wisconsin.....	64,862	8.6	24,653	78.6
Wyoming.....	4,547	26.5	1,868	96.4

Source: U.S. Department of Commerce, Bureau of the Census, "Compendium of Public Finances, 1967 Census of Governments," vol. 4, No. 5 (Washington, D.C.: U.S. Government Printing Office, 1968), table 46. Also unpublished data from U.S. Bureau of the Census of State-local and local-State intergovernmental transactions in the police and corrections function.

Figure 5  
Percent of State Share of State-Local Police Expenditure, 1967

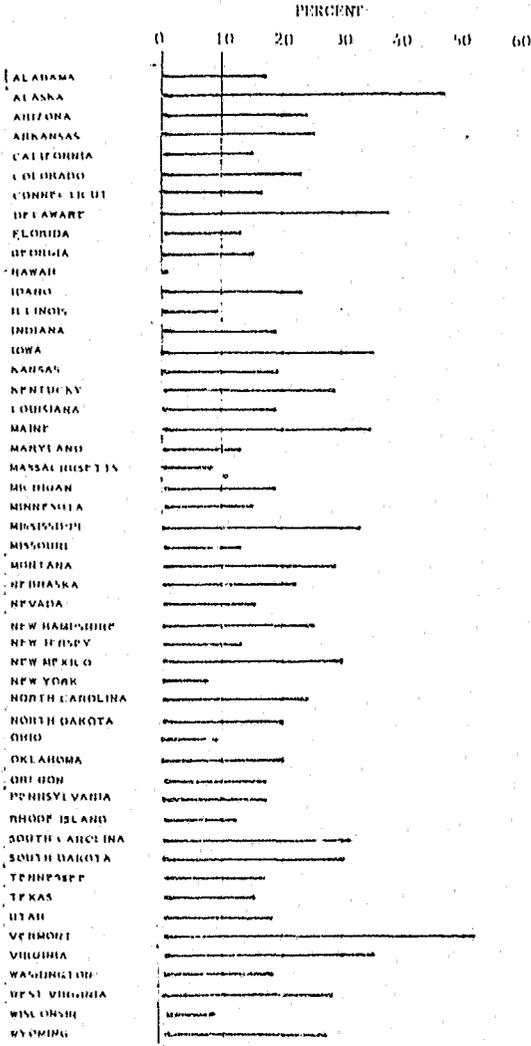
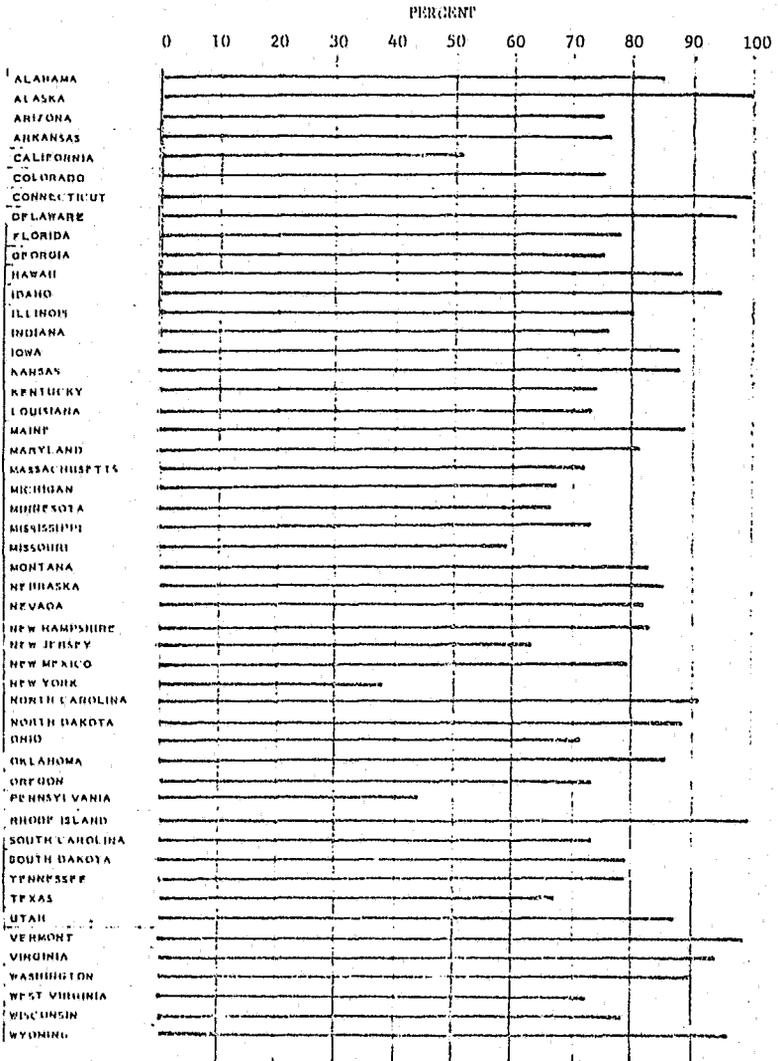


Figure 6  
Percent of State Share of State-Local Corrections Expenditure, 1967



*Appendix C*

-- 62nd Annual Meeting --

NATIONAL GOVERNORS' CONFERENCE

Osage Beach, Missouri

August 9-12, 1970

REPORT OF THE COMMITTEE ON LAW ENFORCEMENT, JUSTICE, AND PUBLIC SAFETY

\* \* \* \* \*

Committee Members:

Governor Raymond P. Shafer, Pennsylvania - Chairman  
Governor John A. Burns, Hawaii - Vice Chairman  
Governor Jack Williams, Arizona  
Governor Russell W. Peterson, Delaware  
Governor Louie B. Nunn, Kentucky  
Governor Forrest H. Anderson, Montana  
Governor David F. Cargo, New Mexico  
Governor Frank Licht, Rhode Island  
Governor Calvin L. Rampton, Utah

ADVISORY TASK FORCE

The Honorable Fred Speaker, Director-Task Force  
The Attorney General, Commonwealth  
of Pennsylvania, State of Pennsylvania

Charles F. Rinkevich  
Executive Director, Pennsylvania  
Crime Commission, Pennsylvania

Morton King  
Senior Deputy Attorney General  
State of Hawaii

Water Bruce  
Administrative Assistant to  
the Governor, State of New Mexico

Commander Walter A. McQueeney  
Executive Director, Governor's  
Committee on Crime, Delinquency and  
Criminal Administration  
Rhode Island

Brinton Markle  
Director, Montana Law Enforcement  
Planning Agency, Montana

James T. Watson  
Administrative Assistant to the  
Governor, State of Kentucky

Kenneth C. Olsen  
State Planning Coordinator to  
the Governor, State of Utah

Jerome Herlihy  
Legal Counsel to the Governor  
State of Delaware

The unprecedented increase in crime in recent years is the number one crisis facing the citizens of this nation. The first responsibility of government at all levels is to establish justice and to insure domestic tranquility. Keeping the peace is the first demand which citizens place upon their governments. If governments fail in this primary task, all other efforts to promote the general welfare are meaningless.

The effectiveness of government in meeting this challenge has been hampered by the neglect and fragmentation of the agencies and efforts of law enforcement and criminal justice administration over the past two centuries. Only in recent years has there been an attempt to streamline and coordinate law enforcement agencies into a comprehensive criminal justice system. The State Government has emerged as the principal coordinator; and the level of government best able to bring together all elements of law enforcement into a total system. The States, as the principal administrators of the Omnibus Crime Control and Safe Streets Act providing federal block grants for criminal justice action, have been successful in marshalling the combined forces of federal, state and local governments into a combined, innovative and total battle against crime.

Because of the growing importance of the States in the comprehensive crime control effort, the National Governors' Conference Committee on Law Enforcement, Justice and Public Safety has been active in many areas.

#### Committee Activities:

The Task Force of the Committee on Law Enforcement, Justice and Public Safety held its first meeting on January 23, 1970, in Washington, D. C., to outline a full agenda for study and action. This agenda includes the implementation and administration of the Omnibus Crime Control and Safe Streets Act of 1968, and the numerous proposed amendments to the Act; the proposed and needed changes in the Juvenile Delinquency Prevention and Control Act; the control of narcotics and drug abuse; the control of organized crime; and the improvement of corrections facilities and systems.

During the Winter Meeting of the National Governors' Conference, the Committee on Law Enforcement, Justice and Public Safety appeared before the House Judiciary Committee Subcommittee No. 5 to testify on several proposed amendments to the Omnibus Crime Control Act which would have seriously limited or destroyed the block grant provisions of this program. Testimony was presented by Governor Raymond Shafer, Chairman of the Committee, joined by Governors Jack Williams of Arizona, Frank Licht of Rhode Island, Calvin Rampton of Utah. Governor William Cahill, author of the block grant provisions when he served as a member of the House of Representatives, also appeared to present testimony. Earlier in the Subcommittee Hearings, Governors Richard Ogilvie of Illinois, and Nelson Rockefeller of New York presented testimony reporting on the successes of the States in meeting the problems of urban areas with high crime rates.

The Committee has monitored the development of crime control legislation affecting the States presently under consideration by the Congress. Letters and reports on the States' administration of the Omnibus Crime Control and Safe Streets Act from several Governors have been included in the record of the House Judiciary Committee Hearings.

The Task Force of the Committee held its final meeting on June 19 to draft policy statements which have been submitted to all Governors for consideration at the Annual Meeting. The Task Force has maintained close liaison with officials in the Department of Justice and the Law Enforcement Assistance Administration on legislative and policy developments.

#### Omnibus Crime Control and Safe Streets Act----Legislative Developments:

The Congress has continued to review the States' administration of the block grant funds of the Omnibus Crime Control Act. Congressional interest has been prompted largely by a few criticisms of the States' stewardship of the program. The close examination of the program by the Congress, and by the Task Force and staff of the National Governors' Conference, has revealed a major record of success and progress in building an effective action program for controlling crime on all fronts. A special report, marking the second anniversary of the Omnibus Act, follows.

On June 30, 1970, the House of Representatives adopted H. R. 17825, a bill drafted by the House Judiciary Committee to amend the Omnibus Act. The bill resulted from a compromise between those who wished to eliminate or substantially reduce the block grant, and those who maintained that the States were doing a good job with the program. The amendments call for the States to pay one-fourth of the local non-federal share for all projects. This requirement would substantially increase costs to States. Additional amendments would increase the emphasis on funding of crime control needs in urban areas. The record of the States shows that more than 86 percent of the funds for crime control action are going to cities and urban counties of over 25,000 in population.

Senate Judiciary Hearings have been completed and further action is pending. Governor Richard Ogilvie presented testimony on behalf of the National Governors' Conference.

#### Advisory Commission on Intergovernmental Relations:

The Commission, composed of representatives from cities, counties, the Congress, the Cabinet, state legislatures, and including Governors Raymond Shafer of Pennsylvania, Warren Hearnes of Missouri, Buford Ellington of Tennessee, and Ronald Reagan of California, directed its staff to conduct a complete review of the crime control efforts at all levels of government. The Commission made a careful study of the States' administration of the Omnibus Crime Control program, and unanimously endorsed the continuation of the block grant as the means for funding the intergovernmental crime control program. The Commission report found that more than adequate emphasis was being given by the state criminal justice planning agencies to the problems of crime control in large urban areas. The

Commission rejected a proposal which would have required States to pay 25 percent of the local governments' share of non-federal matching. The Commission endorsed the present discretion of Governors in appointing members to the state criminal justice planning boards. The Commission urged that States strengthen the current development of regional planning districts for criminal justice programs. Presently forty-five States administer the block grants funds through sub-state regions. The Commission supported continued flexibility for States in determining their own priorities for expenditures under the program.

At the request of the Committee the staff of the National Governors' Conference prepared the attached summary report. A special report on Corrections will be included as an appendix to this Report. Additional material on civil defense and the National Guard will be distributed at a later date.

THE STATES AND THE OMNIBUS CRIME CONTROL PROGRAM  
TWO YEARS AFTER THE SIGNING OF THE ACT

I. OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 - ITS PURPOSES

June 19, 1970, marked the second anniversary of the signing of the Omnibus Crime Control and Safe Streets Act of 1968. Seldom has a program of such short duration been the object of such controversy and scrutiny. There are at least two reasons for this interest in the program. The first is the great public concern about crime and the other is the block grant approach of the program. Under the block grant approach, 85 percent of federal funds are awarded to the states which allocate money to local governments. States are required to pass-through 40 percent of the planning funds and 75 percent of the action funds to local government. Under federal guidelines each state must prepare a comprehensive criminal justice plan covering both state and local programs.

This brief report is designed to show what has happened in the two years since the act was signed. We will seek to document what the states and localities have done and plan to do with help of the federal block grant funds. On the basis of these findings the National Governors' Conference concludes that the program is growing and improving and that prospects are good for continued improvement in the criminal justice system.

To determine whether the program has been successful, it is necessary to examine the intent of the Act and the procedures for achieving these goals. Congress described the act's purposes as follows:

To prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government. It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance.

Congress established the Law Enforcement Assistance Administration in the Department of Justice to administer the federal program, award the block grant funds, and provide the first major intergovernmental attack on crime. With federal funding, states, counties and cities joined together to modernize the entire criminal justice system - police, courts, and corrections, prosecution, defense, probation, control of narcotics, and juvenile delinquency, etc.

## II WHY BLOCK GRANTS TO THE STATES

The Omnibus Crime Control Act was designed to improve the entire criminal justice system at all levels of government. For this reason the Congress decided to provide block grants to the states to coordinate this comprehensive law enforcement effort.

The National Council on Crime and Delinquency (NCCD) noted in October 1967,

Few believe that effective police action and vigorous prosecution alone deter crime. Equally important in crime control is improving the institutions which are responsible for preventing convicted criminals from committing crimes again. This fact - that law enforcement and criminal justice agencies do not exist in isolation, but are part of a system - is the central theme of the multi-volume report of the President's Commission on Law Enforcement and Administration of Justice.

The NCCD said that when law enforcement is seen as a total system, the importance of state government is made clear. Even before the Omnibus Act was passed states ran prison and parole systems, controlled bail and justice-of-the-peace systems, and had systems of prosecution. More than half had a public defender system. All states operated or subsidized adult courts and probation systems and in 47 states the Attorney General is the chief law enforcement official with broad authority. All states operated central statewide crime laboratories and investigation units.

## III HOW HAS THE PROGRAM WORKED

States, have broad authority and responsibility and are best able to coordinate the various parts of the criminal justice system. State, local, and federal officials believe that the block grant approach has been working well in bringing together the parts of the system. The director of Arizona state law enforcement planning agency has written,

We believe the success of Arizona's program is directly attributable to the fact that we have managed to create a meaningful dialogue among various levels of federal, state and local government as they interact in the planning and action programs developed under the Omnibus Crime Control Act. The creation of this dialogue has been a major accomplishment in this area in view of the traditional barriers between such governments and between various disciplines involved in law enforcement. These barriers created by ignorance, fear and mistrust, tend to break down quickly as men of good will demonstrate their willingness to work together towards the common objective envisioned by the Omnibus Crime Control Act. We know of no other federal program which creates this framework for such a high degree of both inter and intra-governmental dynamics at all levels.

The Columbia Region Association of Governments (Portland Metropolitan Area) of Oregon passed a resolution supporting the block grant and noting that the program has reduced "grantsmanship" and is strengthening planning at the local-state level.

The major administrative goals of the block grant include: "1. Comprehensive planning and program development; 2. uncomplicated intergovernmental relationships; 3. elimination of federal domination of grant-in-aid programs; 4. state government authority to establish program priorities and allocate federal funds according to community needs and priorities." (From: Urban Data Service, The Safe Streets Act..., Int. City Mgmt. Association, Sept. 1969, Vol. 1 No. 9, p. 10)

During the two years since the beginning of the program significant progress toward these goals has been made. The Maricopa Council of Governments (Phoenix Metropolitan Area) has said that "from its inception, helpful and cooperative working relationships have existed between state, regional and local officials. We at the local level have had a very real input into the content of the State plan and workable approaches have been developed to the problem of allocation of funds on the basis of need."

Not only are the state law enforcement planning agencies providing leadership and assisting local governments to improve their law enforcement agencies, but, for the first time local elected officials, local law enforcement officials and private citizens are guiding and influencing the states' program as members of the state law enforcement advisory boards. Of a total of approximately 1,061 members of state planning agency supervisory boards, in all fifty states, 489 are from local governments, 394 from state government and 170 are private citizens. (See Appendix B, Chart 3, for a breakdown by State.) This is an entirely new kind of local participation in state programs.

In 45 states regions have been established for local law enforcement planning. The growth of crime has not been limited to city or county boundaries. This demands a regional approach to crime fighting. The 212 metropolitan areas of the country have 4,457 police departments and their effectiveness suffers from overlap, inadequate communication and insufficient cooperation. These problems are being solved in many places and are at least being discussed in most areas as a result of this new program. Without these state and regional bodies this type of communication would not have occurred. Area-wide, regional law enforcement cooperation cannot be overlooked as an important contribution in the fight against crime.

#### IV HAVE THE BIG CITIES GOTTEN THEIR SHARE?

A recent survey of the Advisory Commission on Intergovernmental Relations showed that 86 percent of Fiscal Year 1969 action funds have been awarded by states to cities and counties over 25,000 population. The 411 cities over 50,000 have less than 40% of the Nation's population and 62% of the crime and received more than 60% of the funds. This does not include expenditure of state funds for benefit of localities. The attached Charts I and II, Appendix B show allocations of 1969 block grants by the states as of March 31, 1970. States have until June 1970 to allocate 40 percent of the planning funds. Eight states received waivers from LEAA for the State to do all or most of the planning or spend more than the 60 percent because of local governments inability to plan or spend all of their allocated planning funds during the first year of the program. As of March 1970, 20 states have passed-through to their local governments more than the required 40 percent. The states have until June 1971 to allocate 75 percent of the 1969 action funds to local governments. As of this March, 16 states had already allocated more than the required 75 percent of action funds to local governments.

Delays in getting money to high crime areas have been caused by federal administrative and fiscal inaction. Although the Omnibus Crime Control Act was signed in mid-June 1968, the first federal administrators were not appointed until late October 1968. States did not receive Fiscal Year 1969 planning funds until January 1969. And 1969 action funds were not awarded until June 1969, the end of the fiscal year. States did

not receive 1970 planning funds until January, 1970, nor action funds until June, 1970.

(See Appendix A for a Chronology of the program.)

One of the problems faced by states in allocating funds to big cities, has been the failure of some cities to apply for funds. Attorney General Mitchell described some of these problems in his testimony on March 12, before the House Judiciary Committee:

Other cities have simply failed to display initiative in applying for grants. San Francisco and Oakland applied for one State grant of about \$20,000 each and these grants were awarded. But Los Angeles has so far received \$564,000. Cleveland made only one request for \$58,000 and it was granted. In other instances, cities such as Chicago were simply not prepared because of organizational problems to draw up sufficient plans for fund applications.

Cities are getting themselves organized for this program and it is expected that in the future more applications will be made by big cities.

The following are examples of percentages of block grant action funds states have granted to their big cities and urban areas:

Arizona - 63.8% of funds to Tucson, Phoenix, Flagstaff, Yuma and surrounding counties.

Minnesota - 82% of funds to Minneapolis, St. Paul, and surrounding counties

Missouri - 85.7% of funds to St. Louis, Kansas City and Springfield

New Jersey - 53% of funds to Newark, Trenton, Jersey City, Camden, Elizabeth all of which have 31% of the state's total crime.

New York - 70% of all funds to five metropolitan areas including New York City which received more than 50% of all grants.

Oregon - 48% to Portland and its metropolitan area

Pennsylvania - 42% of funds to Philadelphia and Pittsburg in 1969; 58% of 1970 funds.

Tennessee - 42.6% of funds to Chattanooga-Hamilton County, Knoxville-Knox County, Nashville-Davidson County, Memphis-Shelby County.

The Advisory Commission on Intergovernmental Relations study of the Omnibus Crime Control program found that 32 states used the state portion of their block grant for programs of direct benefit to local governments. In 18 states over 45 percent of the state share was used for these purposes.

States also giving their own financial assistance to local governments include:

- Delaware - \$1,000,000 was appropriated by the General Assembly for state assistance to local law enforcement agencies. Wilmington received \$542,808 and surrounding New Castle County \$141,845.
- Illinois - State appropriated more than \$13 million to provide assistance for all law enforcement and criminal justice programs. Within four weeks of applying the state provides localities with 100 percent of funds up to \$10,000.
- New Jersey - State provided urban grant recipients with the 10 percent local matching share for planning.
- Virginia - In Fiscal 1971 State will contribute \$804,120 for state aid to localities; \$865,000 in Fiscal 1972.

The program is now reaching the point where officials from various parts of the state and local criminal justice system - policemen, judges, prosecutors, parole officers, elected officials - are beginning to understand each others' problems and can see the need for change. This spirit of cooperation for mutual improvement is the essence of what the 1967 President's Crime Commission called for.

Many of the state and local programs receiving federal funds show recognition of the need for new and innovative techniques.

Alabama is involving local civic clubs in the fight against crime.

Arizona is developing a statewide automated information system to serve all law enforcement agencies. Five small towns outside Phoenix have joined together to improve their communications system.

Arkansas will institute in Criminal Trial Courts the mandatory use of a model set of criminal jury instructions prepared by a committee of judges, prosecutors and defense attorneys. In Little Rock and four other metropolitan areas law enforcement officers will be required to collect information from citizens in analyzing and identifying community problems before any police-community relations programs are funded.

California will conduct Operation Cable Splicer III with law enforcement officers from 78 cities and counties participating to test state and local readiness to cope with civil disorders, natural disasters and the effects of nuclear war. The Los Angeles Regional Criminal Justice Information System will combine all criminal justice information systems in Los Angeles County (which has 40% of all criminal cases in the state)

to provide information to district attorneys, public defenders, courts, probation and law enforcement officers so each will know what the other is doing.

Colorado's Youth Service Training Project will train and retain delinquency prevention control and treatment personnel from police agencies, schools, community centers, youth bureaus and probation offices. The Denver Police Department will use closed circuit television to transmit pictures of potentially dangerous situations from the ground or a helicopter to command headquarters.

Florida will operate a therapeutic self-help residential community for drug addicts in Miami similar to the Synanon-Daytop Program. A statewide computer reporting system is being designed to provide statistics for administrative and operational use by police and criminal justice agencies.

Georgia will establish a child and youth service center in a high delinquency community. Atlanta will conduct an inservice retraining program for police.

Hawaii is developing a program to relate community support to development of preventive programs in the schools. It will include review of education programs to consolidate and refocus them for prevention. In Honolulu a joint state-city police-court pilot intern program to train graduate juvenile delinquents has started. University graduate students will live in houses with the delinquents.

Illinois has expanded the state public defender system to the appellate level. Chicago received \$1.2 million in February 1970 for the Police Department to hire 422 community service aides for six community storefront service centers. Project Step Up, will provide group treatment of pre-delinquent adolescents by professional social workers in three inner-city Chicago high schools.

Indiana will establish in three big cities youth service bureaus to mobilize community resources, develop new resources and collect data. They will coordinate private and public agencies concerned with juveniles.

Iowa will support expansion of the Des Moines Police-School Liaison Program. Detectives wearing school blazers work with children, parents and teachers in the school. Thus far the program has resulted in a marked decrease in vandalism and a better understanding of police.

Kentucky is revising its criminal law as are 9 other states.

Louisiana provided \$207,022 to New Orleans for expansion of probation and parole services because of the need for community based correctional programs. New Orleans will also establish a special facility for detoxification and vocational rehabilitation of chronic alcoholics.

Maine will improve police through a comprehensive education and training program in cooperation with the University of Maine.

Maryland conducted a nine-day workshop using such techniques as psycho-drama with participants from corrections and law enforcement agencies and offenders from the state penitentiary.

Massachusetts is making a major effort to improve state capabilities in delinquency prevention programs by testing and evaluating various types of prevention program, including innovative recreation - educational enrollment programs. This will lead to the development of a comprehensive state delinquency program. Intensive programs are being developed to meet law enforcement needs and problems in a limited geographical high crime area in big cities.

Michigan has established an Office of Drug Abuse in the Governor's office to sponsor public education programs. The state is training jail employees. The state police, sheriffs and local police are cooperating to combat criminal gangs.

Minnesota has established regional detention and treatment programs for juveniles and is studying regional jails.

Mississippi has a state intelligence unit on organized crime and a special program in 10 urban areas to train local police to handle riots, so that community based control is maintained.

Missouri has established a committee to revise its entire criminal code. A criminal Justice Training Institute is being developed for the Kansas City Metropolitan Area. Land and buildings for the institutions which will provide training for police, court, correction and juvenile personnel were donated by Jackson County. St. Louis will institute a computerized docket system to supply up-to-date information on cases  
/court

so that unnecessary delays and confusion are eliminated.

Montana's Law Enforcement Academy will have a full-time director and will offer three times as many courses to many more policemen than ever before.

Nebraska has established a law enforcement training center and requires training and certification for all police and sheriffs. The City of Omaha will construct a new police building with local funds and will install a new communication system tying together the two-county metropolitan area with state funds.

New Hampshire is trying to reduce and control juvenile delinquency by financing full-time police juvenile officers, by furnishing delinquency training for small departments, training teachers about drug abuse and establishing a single office of youth services at the community level.

New Jersey's statewide Organized Crime Investigatory and Prosecutorial Units have provided a cohesive effort to prosecute organized crime. The state also conducted the first organized crime school for local officials. Specific problem-oriented research such as studying the role of the police officer in a big city will seek to increase the efficiency and effectiveness of the criminal justice system.

New Mexico will provide basic police training to sheriffs and small police departments.

New York is making a comprehensive attack on narcotics addiction including mandatory treatment and new state police enforcement unit. The state penal law, has been revised and new criminal procedures law. In Rochester specially-trained teams in non-police vehicles will pick up alcoholics, transport them to a hospital for rehabilitative services. This will free crime-fighting agencies to fight crime.

North Carolina is providing funds for training 18 officers for a Family Crisis Intervention Unit in Charlotte. They will be trained to handle domestic conflicts.

North Dakota has repealed the law making public intoxication a crime and is developing a detoxification center staffed by doctors and nurses to serve as a half-way house and provide counseling.

Ohio funds a Cadet Police Organization which conducts meetings with high school students in the Cleveland Police Academy. Qualified students may join the force.

Oklahoma has established two community based correctional treatment centers in Oklahoma City and Tulsa offering counseling, education and job oriented work release programs.

Oregon's summer intern program for law students in district attorney's office hopes to attract promising students to this type of career.

Pennsylvania is reforming its entire correctional system and has completed the first comprehensive assessment of the state's criminal justice system.

Rhode Island has a new crime laboratory for the use of all police departments.

South Carolina is using educational television to provide closed circuit training for police throughout the state.

Tennessee is funding a new program using volunteers at the Shelby County Penal Farm, and is training supervisory personnel in state correctional system.

Utah supports Neighborhood Probation Units with teams of specialists to aid in all aspects of rehabilitation.

Vermont established a single state communications system for all police agencies. This was the number one priority of the Vermont Police Chiefs Association.

Virginia is financing an electronic information retrieval system for Norfolk, Virginia Beach, Portsmouth and Chesapeake to improve the detection and apprehension of criminals.

West Virginia's prison inmates are receiving training and education along with other rehabilitation and work-study programs.

Wisconsin is training new prosecutors and has prepared a prosecutors' manual.

Wyoming conducted a training conference for traffic court judges.

CHRONOLOGY OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

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APPENDIX B  
CHART I

## "PASS THROUGH" OF FY 1969 PLANNING FUNDS TO LOCAL UNITS - MARCH 31, 1970\*

STATES	BLOCK GRANT	AMT. TO SUBGRANTEES	PERCENT "PASS THROUGH"
ALABAMA	337,600	135,040	40
1 ALASKA	118,000	State does all	planning
ARIZONA	209,890	91,200	43
ARKANSAS	232,300	92,900	40
CALIFORNIA	1,387,900	720,556	51
COLORADO	232,840	53,330	22
**2 CONNECTICUT	297,100	108,180	36
3 DELAWARE	135,235	State does all	planning
FLORIDA	503,650	223,844	44
GEORGIA	403,750	234,347	58
HAWAII	149,680	60,000	40
IDAHO	146,980	66,286	45
ILLINOIS	833,050	391,865	47
** INDIANA	436,150	306,581	70
IOWA	284,950	115,399	40
KANSAS	252,550	116,584	46
KENTUCKY	314,650	125,860	40
LOUISIANA	355,700	138,280	40
4 MAINE	165,475	64,703	39
MARYLAND	347,050	139,200	40
MASSACHUSETTS	464,500	185,800	40
MICHIGAN	677,800	271,120	40
MINNESOTA	340,300	75,000	22
MISSISSIPPI	257,950	103,180	40
MISSOURI	409,150	179,506	44
5 MONTANA	147,115	27,451	19
NEBRASKA	196,525	91,405	47
** NEVADA	129,835	29,556	22
NEW HAMPSHIRE	146,170	81,631	55
NEW JERSEY	571,150	231,331	40
NEW MEXICO	167,500	36,519	22
NEW YORK	1,332,550	811,027	60
6 NORTH CAROLINA	438,850	311,290	71
NORTH DAKOTA	142,930	48,358	34
OHIO	803,350	583,991	72
OKLAHOMA	267,400	154,300	58
OREGON	234,460	138,709	59
** PENNSYLVANIA	881,650	352,660	40
RHODE ISLAND	160,480	73,189	46
SOUTH CAROLINA	274,150	109,660	40
SOUTH DAKOTA	145,360	58,200	40
TENNESSEE	361,900	98,394	27
TEXAS	830,350	339,965	41
7 UTAH	168,850	67,540	40
VERMONT	128,080	29,873	23
8 VIRGINIA	405,100	117,965	29
WASHINGTON	307,900	197,622	64
WEST VIRGINIA	220,960	88,384	40
WISCONSIN	382,150	216,260	57
9 WYOMING	121,195	21,316	18
AMERICAN SAMOA			
GUAM			
PUERTO RICO			
VIRGIN ISLANDS			
TOTAL			

APPENDIX B  
CHART II

## "PASS THROUGH" OF FY 1969 ACTION FUNDS TO LOCAL UNITS, MARCH 31, 1970\*

STATES	BLOCK GRANT	AMT. TO SUBGRANTEES	PERCENT "PASS THROUGH"
ALABAMA	433,840	309,619	71
ALASKA	100,000	99,523	99
ARIZONA	200,651	196,199	97
ARKANSAS	241,570	225,749	93
CALIFORNIA	2,351,610	1,374,508	58
COLORADO	242,556	177,589	73
** CONNECTICUT	359,830	252,337	70
DELAWARE	100,000	74,928	75
FLORIDA	737,035	598,995	81
GEORGIA	554,625	329,260	59
HAWAII	100,000	87,255	87
IDAHO	100,000	94,257	94
ILLINOIS	1,338,495	760,349	56
** INDIANA	613,785	148,611	24
IOWA	337,705	259,260	76
KANSAS	278,545	131,325	47
KENTUCKY	391,935	230,572	58
LOUISIANA	448,630	336,473	75
MAINE	119,552	45,687	38
MARYLAND	451,095	319,259	70
MASSACHUSETTS	665,500	451,730	67
MICHIGAN	1,055,020	789,125	75
MINNESOTA	438,770	355,177	76
MISSISSIPPI	288,405	105,074	36
MISSOURI	564,485	412,400	73
MONTANA	100,000	62,225	62
NEBRASKA	176,248	130,376	73
** NEVADA	100,000	78,674	79
NEW HAMPSHIRE	100,000	54,750	55
NEW JERSEY	860,285	759,602	89
NEW MEXICO	123,250	61,645	50
NEW YORK	2,250,545	1,933,935	85
NORTH CAROLINA	618,715	407,854	65
NORTH DAKOTA	100,000	86,946	87
OHIO	1,284,265	755,095	58
OKLAHOMA	305,660	195,242	63
OREGON	245,514	194,397	79
** PENNSYLVANIA	1,427,325	905,839	63
RHODE ISLAND	110,432	97,085	87
SOUTH CAROLINA	317,985	157,350	49
SOUTH DAKOTA	100,000	70,451	70
TENNESSEE	478,210	314,647	65
TEXAS	1,333,565	1,002,324	75
UTAH	125,715	88,021	70
VERMONT	100,000	28,655	29
VIRGINIA	557,090	424,573	76
WASHINGTON	379,610	240,110	63
WEST VIRGINIA	220,864	111,025	50
WISCONSIN	515,185	378,870	73
WYOMING	100,000	85,394	85
AMERICAN SAMOA			
GUAM			
PUERTO RICO			
VIRGIN ISLANDS			
TOTAL			

## FOOTNOTES

APPENDIX B  
CHART I AND CHART II

\* This information was obtained by telephone calls to LEAA regional offices and includes financial information as of March 31, 1970, except as noted. States have the year of award plus one additional year to "pass through" planning funds. States which have not received waivers have until June 30, 1970 to award 40 percent of FY 1969 planning funds to local governments. States have the year of award plus two additional years to "pass through" action funds. States have until June 30, 1971 to award 75 percent of FY 1969 action funds to local governments.

\*\* Information as of December 31, 1969.

<sup>1</sup>Alaska - Received a waiver for state to do all planning.

<sup>2</sup>Connecticut - Will award an additional 4 percent of 1970 planning funds to localities because state was able to give only 36 percent of 1969 funds.

<sup>3</sup>Delaware - Received a waiver for state to do all planning.

<sup>4</sup>Maine - Will award an additional 1 percent of 1970 planning funds to localities because state was able to give only 39 percent of 1969 funds.

<sup>5</sup>Montana - Received a waiver for state to do most of the planning.

<sup>6</sup>North Carolina - These figures include both 1969 and 1970 funds because the state is on a two-year cycle.

<sup>7</sup>Vermont - Local governments agreed that the state should do most of the planning for 1969, therefore state received waiver.

<sup>8</sup>Virginia - Planning funds for 1969 were made available to all cities and counties. Those units which do not belong to a planning council or economic development district and that elected not to formulate their own plans, waived their funds to the Higher Education Law Enforcement Advisory Committee which prepared plans for them using staff from four universities to compile all data and render a local plan.

<sup>9</sup>Wyoming - Received a waiver for state to do planning for certain local governments which did not apply for funds.

APPENDIX B  
Chart 3

Membership of State Planning Agency  
Supervisory Board in 1970 Plans

	Total	State (1)	Local (1)	Police	(2) Courts Defense Prosecution	Probation Corrections	Juvenile Delinquency	Citizens (3)	General Local Elected	
Alabama	30	9	17	11	5	4	2	4	3	
Alaska	6	4	1	2	2			1		
Arizona	10	3	5	2	2	1		2	3	10 Voting 6 Advisory
Arkansas	13	5	7	4	3	2	1	1	2	
California	20	9	9	2	4	1	1	2	5	
Colorado	18	7	9	8	5	1		2	2	
Connecticut	29	18	5	5	11	2	1	4	1	
Delaware	23	7	8	3	6	2	1	5	4	
Florida	29	16	9	9	3	2	2	4	2	
Georgia	22	6	10	4	5	2	1	6	3	
Hawaii	15	4	10	3				1	5	
(4) Idaho	18	9	6	5	5	1	1	2	2	
Illinois	30	9	15	7	6	3	1	4	3	
Indiana	13	4	8	2	4	1		1	3	13 Voting 12 Advisory
Iowa	29	9	11	6	6	3	3	8	2	
Kansas	24	10	12	6	7	2		3	4	
Kentucky			New Board	July 1						
(4) Louisiana	33	11	9	4	6	1	2	13	2	
Maine	19	2	11	5	3		1	5	2	19 Voting 5 Ex Officio Members
Maryland	24	9	11	5	3	3	2	3	4	
Massachusetts	33	7	21	7	12	3	2	3	3	
Michigan	28	9	17	6	8	1	2	2	4	
Minnesota	32	6	18	12	6	1	1	8	3	
Mississippi	38	16	17	8	6	2	1	5	7	
Missouri	19	7	10	6	5	2		2	1	
Montana	15	6	5	3	3	3		2	2	
Nebraska	21	7	9	4	5	2	2	4	1	

	Total	State (1)	Local (1)	Police	Courts (2)	Defense Prosecution	Probation	Corrections	Juvenile Delinquency	Citizens (3)	General Local Elected
Nevada	17	4	10	7							
New Hampshire	29	11	13	8	6	5	2	5	3		
New Jersey	14	9	5	4	4	1			1		
New Mexico	19	11	8	3	2	3	1			6	
New York	20	6	8	3	5	2	1	4	4		
North Carolina	26	12	10	6	5	4		3	3		
North Dakota	15	8	7	5	3	1	1		2		
Ohio	21	9	11	4	5	1	2	1	3		
Oklahoma	47	10	21	14	7	3	2	14	3		
Oregon	22	6	10	3	3	1	3	5	4		
Pennsylvania	12	4	5	2	3	2		1	2		
Rhode Island	22	14	6	3	5		2	2	2		
South Carolina	11	3	5	3	1	2	1	3	2	11 Voting 5 Non-voting members	
South Dakota	15	9	5	5	3	2	1	1	1		
Tennessee	21	8	11	7	4	1	1	2	3		
Texas	20	7	11	6	3	1	1	2	5		
Utah	17	4	10	4	2	1	1	3	4		
Vermont	21	8	12	7	3	1		1	2		
Virginia	16	8	6	3	3	2	1	2	1		
Washington	35	9	17	5	4	2	3	9	5		
West Virginia	24	5	11	7	2	1	3	7	2		
Wisconsin	12	4	6	3	3			2	2		
Wyoming	23	6	11	5	5	2	1	4	3		

FOOTNOTES:

- (1) Actual employees of this level or representative of level such as state municipal league.
- (2) Attorney General, Coroners, Medical Examiners under courts.
- (3) Attorneys and others unaffiliated with State or local government under citizens.
- (4) 1969 figures.

CHRONOLOGY OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

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Appendix D

## National Governors' Conference

Office of Federal-State Relations  
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Secretary-Treasurer

## POLICY STATEMENTS

## COMMITTEE ON LAW ENFORCEMENT, JUSTICE AND PUBLIC SAFETY

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## \* Legend

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New language ---Italics  
Existing ---Regular type  
To be deleted---In brackets

July 9, 1970

## POLICY STATEMENTS

## COMMITTEE ON LAW ENFORCEMENT, JUSTICE AND PUBLIC SAFETY

E. - 1.

ADMINISTRATION AND IMPLEMENTATIONOF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT\*

## A. Commendation of LEAA

The National Governors' Conference commends the administrators and staff of the Law Enforcement Assistance Administration for their extensive and helpful cooperation with the states in implementing the Omnibus Crime Control and Safe Streets Act of 1968. Their actions in fostering the development of qualified staff at the state level, providing wide latitude to the states in developing plans for improving the entire criminal justice system, and generally supporting the general state partnership required in a block grant program sets an outstanding example that could well be emulated by other federal departments. Their efforts to insure the success of this first program embodying a true block grant approach to an intergovernmental problem are noteworthy.

## B. Fiscal Policies

The National Governors' Conference strongly urges the Congress of the United States to provide full funding for the Omnibus Crime Control Act to insure the effective accomplishment of intergovernmental crime control action in dealing with one of the Nation's most serious domestic problems. *We urge uniform matching requirements for all of the programs under the Omnibus Crime Control Act, including discretionary money, at a ratio of 90% federal and 10% non-federal matching.*

E. - 2.

STATE-CITY COOPERATION

The National Governors' Conference restates and reemphasizes its commitment to vigorous and effective action to control the burdening crime problem in the urban areas of our states. Recognizing that the plague of crime knows no jurisdictional boundaries, the Governors of the States pledge their active support to the comprehensive planning and intergovernmental action called for in the Omnibus Crime Control Act of 1968. The Governors are firmly committed to the need for a working partnership with elected and other policy-making officials in the counties and municipalities of our states to accelerate efforts in developing comprehensive metropolitan crime control programs and facilities. *We support and encourage voluntary state assistance to local governments for criminal justice programs.*

---

\*Parts A and B of E. - 1. were approved as separate policy statements at the 1969 Annual Meeting.

E. - 3.

CRIMINAL CODE REVISION

The National Governors' Conference finds that one of the most critical needs in the improvement of many states' criminal justice systems is the revision, modernization and simplification of the criminal code, *including a model sentencing code*. The Governors of the states pledge their commitment to request the state legislatures, in cooperation with the appropriate state and local criminal justice officials and members of the bar, to review and, where necessary, revise the state criminal code immediately, and at least once each decade thereafter.

The National Governors' Conference requests that the American Bar Association, together with other national organizations of the criminal justice bar and bench, provide professional leadership by assisting the states in this code revision effort. *We urge careful consideration by all states of the American Bar Association Standards for the administration of Criminal Justice.*

The Governors urge the United States Department of Justice to establish a clearinghouse for state criminal code revision efforts. This office should serve only as a source of advice and information-sharing among the States.

E. - 4.

CRIMINAL JUSTICE SYSTEMS IMPROVEMENTS

The National Governors' Conference expresses its strong commitment to the integration and cooperation of all state and local crime control efforts into a streamlined efficient system of criminal justice administration:

A. To this end, the Governors of the States support, encourage and will pursue the following steps to aid law enforcement officials:

## 1. Personnel

- a. Development of *minimum* statewide professional standards for police recruitment, training and performance, and improvement in law enforcement officers' salaries.
- b. Development of incentive or merit systems to insure recognition and advancement of those who excel.
- c. Recruitment and training of staff and auxiliary service personnel to relieve the law enforcement officers from clerical and support duties.
- d. Development of comprehensive law enforcement officer training programs to include operations, public administration, law, technology, available social services and human relations.
- e. Encouragement of educational advancement to work-study programs, in-service training, and scholarships for full and part-time professional study.

## E. - 4. (cont'd)

## 2. Resources

- a. Development of a statewide, integrated information and communications systems to facilitate intergovernmental cooperation in crime control.
- b. *Development of statewide or regional crime laboratories.*

## 3. Relationship to the community

- a. Programs of public support and education to improve understanding and cooperation between the citizen and the law enforcement officer, including education programs at the junior and senior high school levels to develop understanding of the criminal justice system.
- b. Increased recruitment for police service careers from among persons of all races and economic situations.

## B. To this end, the Governors of the States support, encourage and will pursue the following steps to improve the judicial process;

## 1. Personnel

- a. Request legislation establishing statewide professional and educational standards for all judges and court administrative officials, elected or appointed, to state or local courts.
- b. Establish statewide minimum salaries for all judges and court administrative officials.
- c. Establish procedures for the administration of judicial conduct, discipline and retirement.
- d. Institute statewide assigned council or defender systems, financed by the jurisdiction which has the responsibility for prosecution.

## 2. Organization

- /a. Create courts which deal with specific areas of concern, such as: juvenile offenses, domestic relations, misdemeanors, and felonies. 7
- a. *Create unified systems with specialized branches where appropriate.*
- /b. Urge the Congress to assist the states by giving swift approval to the Interstate Agreement on Detainers. 7
- b. *Urge the Congress to ratify the Interstate Agreement on Detainers on behalf of the federal government.*

## 3. Procedures

- a. Improve jury selection systems by modernizing criteria for exclusion from duty, instituting better record-keeping, and increasing compensation for public service.

## E. - 4. (cont'd)

- b. Modernize archaic court procedures in areas such as providing expanded pre-trial discovery, extending prosecution's right to appeal from pre-trial rulings suppressing evidence, and providing simple state post-conviction procedure.
- c. Institute statewide procedures for promoting just and uniform sentencing.
- d. Institute procedures to require counsel for a parole violator.

## C. To this end, the Governors of the States encourage, support and will pursue the following steps to aid and improve the corrections system;

## 1. Personnel

- a. Commit additional resources to probation and parole sources to reduce the existing imbalance between institutional maintenance and individual casework *field services*.
- b. Improve recruitment, training and retention of correctional personnel by increases in salary, scholarships for professional training and intensive in-service training programs.
- c. Institute probation and parole services which make use of volunteers and some professional aides, including parolees and probationers themselves *ex-offenders*.
- d. Develop statewide *improved* standards and procedures for parole decision-making.

## 2. Institutions

- a. Establish *and enforce* statewide standards for jails and detention institutions.
- b. Provide separate detention facilities for juveniles *and women*.
- c. House and process persons awaiting trial separately from convicted offenders.
- d. Provide separate treatment for individuals requiring specialized rehabilitation, such as narcotics addicts or alcoholics, on a regional or statewide basis.

## 3. Programs

- a. Development of more intensive community treatment programs as alternatives to institutionalization.
- b. Upgrade basic education and vocational training for inmates, and institute programs for job development, placement, and follow-up.
- c. Design all rehabilitation programs so that they improve the re-entry of offenders into the community.
- d. *The consolidation of the administration of state correctional programs.*

## E. - 4. (cont'd)

e. Adoption of the Interstate Correctional Compact providing for regional and interstate cooperation for the development of correctional institutions and programs.

## D. Total System Needs:

Development of mandatory statistical data collection and analysis for all components of the criminal justice system including police administration, court caseload, correctional data, and expenditures by state and local governments for criminal justice institutions.

E. - 5. THE PREVENTION AND CONTROL OF JUVENILE DELINQUENCY

The National Governors' Conference believes that any attempt to comprehensively prevent and control juvenile delinquency calls for bold, broad, basic and new approaches including redeployment of personnel and resources.

Commitment to the task of preventing juvenile delinquency requires:

- a. Commitment to long-term research and development adequate to cope with the complexity of the delinquency problem.
- b. A conscious broadening of the framework within which the problems are analyzed and remedies sought. There must be a willingness to examine and challenge all traditional operations.
- c. The significant involvement of youth in any community's effort to understand and prevent juvenile delinquency.
- d. Coordination of private and public services to youth including character building efforts and those geared to correction and rehabilitation.
- e. Focusing attention and efforts on youth at an earlier age than we have previously.
- f. A careful reevaluation of the unique role of the family in American societies.
- g. Realism about the cost of long-range preventive efforts.

In recognition of the key role which state governments play in the intergovernmental effort to prevent and control juvenile delinquency, the Governors of the States urge that each state undertake to provide leadership and funding for the coordination of planning and services of all state agencies which contribute to the prevention, control, and treatment of juvenile delinquency. Such coordination should encompass the states' effort under the Omnibus Crime Control and Safe Streets Act. Each state should emphasize and strengthen its commitment to programs designed to prevent delinquency, giving particular emphasis to home and school centered programs aimed at youth who are in danger of becoming delinquent.

ALTERNATIVE A:

Because of the seriousness of the problem of juvenile delinquency and the need for major governmental action, the National Governors' Conference expresses its concern with the Juvenile Delinquency Prevention and Control Act of 1968. We find that it is poorly drafted as enacted, that it is inadequately funded, and that its administration is not properly coordinated with that of the Omnibus Crime Control Act. We urge that the Congress of the United States amend the Crime Control Act to provide for the transfer of the responsibility for administration of Title I of the Juvenile Delinquency Prevention and Control Act to the Law Enforcement Assistance Administration.

E. - 5. (cont'd)

ALTERNATIVE B:

*The National Governors' Conference expresses its concern with the Juvenile Delinquency Prevention and Control Act of 1968. Two years' experience has shown that the law was poorly drafted and fails to accomplish its urgent intent. The growing seriousness of juvenile delinquency demands that the Congress enact new legislation to cope with this problem.*

*We urge the following action by the Congress and the Administration:*

*A. The reorganization and elevation of the Office of Juvenile Delinquency and Youth Development in the Department of Health, Education and Welfare into a comprehensive administration for the coordination of all programs within the federal establishment dealing with or related to the problem of juvenile delinquency prevention and control, with powers to act as the single granting agency for all federal programs in this field.*

*B. The enactment of a new law providing for a block grant to states for the prevention and control of juvenile delinquency,*

- *with funds to be allocated on the basis of youth population (ages of 7-21) with a base grant sufficient to meet the need of smaller states;*
- *with 85% as a block grant to states, 15% at the discretion of the secretary;*
- *with a single matching ratio of 90% federal-10% nonfederal for all programs;*
- *with a waiveable requirement for pass-through of funds to localities.*
- *with provision for supply of any portion of local nonfederal matching share to be left to the discretion of the state;*
- *with a requirement for the submission to the secretary for approval, of the juvenile delinquency prevention and control portion of the state comprehensive criminal justice plan as presently required under the Omnibus Crime Control and Safe Streets Act.*
- *and with the requirement that administrative guidelines for the new juvenile delinquency act, and those for the Omnibus Crime Control and Safe Streets Act, be identical in all practical respects.*

E. - 6.

ORGANIZED CRIME

*The National Governors' Conference pledges full support and cooperation in the intergovernmental war on organized crime. To this end, the Governors of the States recommend the following actions by federal, state and local authorities:*

- a. Enactment of general witness immunity statutes at federal and state levels.*
- b. Formation of organized crime intelligence units in the offices of appropriate state agencies designated by the Governor and in local law enforcement agencies.*
- c. [Creation] The continuation of federal technical assistance and training programs designed to assist in the development of competent staff for state and local jurisdictions, and the finding of federal assistance for development of state intelligence systems.*

## E. - 6. (cont'd)

d. The creation and financing of organized crime investigating commissions at the state level state level programs to investigate the problems of organized crime, including the infiltration by crime syndicates into legitimate businesses and state and local governments, by focusing public attention upon the problem by means of crime commissions and grand jury investigations.

e. Provision of federal assistance for development of state intelligence systems.

e. The drafting and publication by the Suggested State Legislation Committee of the Council of State Governments of a model state Corrupt Business Practices Act to aid states in preventing the infiltration and take over of legitimate businesses by organized crime forces. Such a proposed law should include provisions for cancelling the state charters and licenses for any businesses so undermined.

f. The drafting and publication by the same Committee of a model state statute to implement appropriate procedures for wire tapping and electronic surveillance and investigation by authorized law enforcement agencies, and to implement the provisions to Title III of the Omnibus Crime Control and Safe Streets Act of 1968.

DRUG ABUSE

## E. - 7.

The National Governors' Conference is concerned with the extensive proliferation of the narcotics and drug abuse problem. The Governors of the States recommend the following urgent efforts to combat these pervasive problems:

1. Enactment of state by the states of the Uniform Controlled Dangerous Substances Act, as well as other drug control legislation which:

- a. Grants courts and correctional authorities sufficient flexibility with user to permit individualized sentencing and treatment, and the imposition of appropriately severe sentences for pushers and sellers.
- b. Requires prompt disposition of the offender's case.
- c. Effectively unifies all state drug control programs and coordinates all private and public efforts to control drug abuse.

2. An increase in state and local efforts to educate the public, particularly younger persons, by:

- a. Design of a statewide program for dissemination of factual drug education information.
- b. Provision of drug education programs in the schools to reach levels from kindergarten through grade twelve.
- c. Organization of in-service training programs which deal with drug abuse for directors of pupil services, school principals, counselors and other involved school staff members.

## E. - 7. (cont'd)

3. Development of state programs for the rehabilitation and treatment of offenders requiring close supervision and control while correcting problems of drug abuse by providing alternative methods for disposition of drug users by the establishment of adequate facilities for both voluntary and involuntary admissions and for out-patient treatment programs.

4. Initiation of national and statewide research to determine the causal processes which promote initiation, continuance, termination and relapse in drug usage.

5. Development of more aggressive federal efforts in cooperation with state officials in the border states, to halt the illegal importation and smuggling of drugs, narcotics and other dangerous substances.

6. The enactment by the Congress of the proposed Control Dangerous Substances Act of 1970, as proposed by the U.S. Department of Justice.

7. The enactment of interstate compacts to further cooperation among the states in the control of drug and narcotics abuses.

## E. - 8.

THE CRISIS OF CAMPUS UNREST

The National Governors' Conference recognizes and supports the historic, and constitutional right of all citizens to dissent from public policies, and to seek to change such policies through public assembly and peaceful expression and advocacy of their views.

Violence and disorder, are never justified, no matter how noble or urgent the goal. We condemn the excesses of lawlessness by those who protest, and by those who are called upon to keep or restore the peace. We affirm that the first responsibility of the peace-keepers is to protect the safety and lives of all those involved.

We urge greater dialogue between the students and those in governments at all levels, as well as law enforcement personnel, to prevent the polarization of views and the escalation of dialogue to the point of violence.

We believe that the faculty and administration on the campus have the primary responsibility for the prevention of disorder and the preservation of the tranquility of the learning community. But we do reaffirm the right and responsibility of the State to act to restore peace on the campus when other means have been tried and have failed.

We are seeking to renew and revitalize the institutions of our society, especially those of higher learning, to prevent them from becoming impersonal toward the student, neglectful of the society, and brittle or unresponsive to each generation of students. We pledge our leadership to preserve for the serious student the freedom to pursue his education.

E. - 9,

FIREARMS CONTROL

The National Governors' Conference, recognizing the varying requirements for firearms legislation in each state, recommends and will pursue legislative enactment of:

1. Federal and state laws controlling the transportation and possession of military-type firearms and ordnance, other than small arms.
2. State laws prohibiting certain categories of persons, such as habitual alcoholics, drug addicts, mental incompetents, persons with a history of substantial mental disturbance, and persons convicted of felonies, from buying, owning, or possessing firearms.

## POLICY STATEMENTS

## RECOMMENDED FOR DELETION

The following policy statements, adopted at the 61st Annual Meeting of the National Governors' Conference, are recommended for deletion because of accomplishment, replacement or supersession.

JUVENILE DELINQUENCY - ADMINISTRATION

In recognition of the key role which state governments play in the intergovernmental effort to prevent and control juvenile delinquency, the National Governors' Conference urges the following actions by states:

1. Each state should establish the necessary administrative machinery to provide leadership and coordinate the planning and services of all state agencies which contribute to the prevention, control, and treatment of juvenile delinquency.
  - a. Responsibility for directing and coordinating these actions should be vested in an official or agency designated by the Governor. The state coordinating agency should be the same agency designated to administer the state's program under the Omnibus Crime Control Act.
  - b. The state juvenile program coordinating agency should provide consultation and technical assistance to local community-based programs and, where necessary and feasible, share with local communities the costs of needed programs. The state should be prepared to operate service-delivery programs directly, at least on a demonstration basis, until local communities can provide the needed services.
  - c. The state coordinating agency should establish close working relationships with national and local governments and with voluntary youth services groups at both the state and local levels.
2. Each state should emphasize and strengthen its commitment to programs designed to prevent delinquency, giving particular emphasis to home and school-centered programs aimed at youth who are in danger of becoming delinquent.

OFFICE OF EMERGENCY PREPAREDNESS

The National Governors' Conference commends the Executive Office of the President and more particularly the Office of Emergency Preparedness for timely action in preparing for the potentially disastrous floods which occurred throughout the United States in the early spring of this year. The foresight exercised in convening representatives of federal and state agencies, developing emergency plans and providing for short-term preventive measures produced immeasurable benefits in lives saved and in property which remained undamaged.

WILDFIRE CONTROL

The National Governors' Conference commends the Task Force on a National Program for Wildfire Control for its diligent work in creating a National Program for Forest Fire Control. The Task Force, composed of representatives of the National Governors' Conference, the National Association of State Foresters, the U. S. Department of Agriculture, the U. S. Department of the Interior, the Natural Resources Council of America, the National Association of Soil and Water Conservation Districts, the Western Forestry and Conservation Associates, the Forest Industries Council, and the American Forestry Association, has drafted legislation to provide for the establishment and administration of a National Wildfire Control Fund. The Governors of the states endorse the bipartisan legislation in both houses of Congress (S. 2076 and H. R. 10642) to create such a program.

Senator McCLELLAN. We thank you, Governor, very much. It is a very informative statement. You have had first-hand experience with the operation of this act in one of the largest States, populationwise, in the Nation and certainly you have some competence in this field. We appreciate and will certainly consider your testimony and your recommendations.

Two things, I think, are kind of crucial issues with respect to title I of the Omnibus Crime Act. One is block grants—that was quite controversial at the time the act was passed, as you know. There are still those who feel that the block grant system will not work and that the better approach would be to let the applications and the plans come from the local entities of government—the municipalities, the counties—rather than have an overall State plan approach. That is still quite an issue and I will be interested, and I am sure all the members will be interested, to know the block grant approach is working. We will hear the opposition to that and see if they can convince us that it should be changed.

Let me ask you one question: Where a municipality is not included in your overall State plan, as I understand it under the present law, it can submit an application direct, can it not?

Governor OGILVIE. Yes—I wanted to check that. Every municipality in our State is included in the State plan.

Senator McCLELLAN. That may be so, but the apprehension was at the time that the block grant provision was enacted that a Governor, a planning authority for the State, whoever it was, could disregard maybe the needs of one community, either for political reasons or otherwise, neglect to give it its proper consideration and include it in an overall plan to be submitted. Thus that community, that municipality, would be, in effect, prohibited or denied the privilege or right to share in the program. And it was provided in the act, as I recall, that if a municipality or entity was not included in the overall State plan, it could make an application directly to the LEAA. Am I correct?

Governor OGILVIE. Yes.

Senator McCLELLAN. I wonder if that has occurred in your State. Has there been an occasion for any municipality or government entity to do that?

Governor OGILVIE. However, I am informed that there are 13 applications under the discretionary feature of the omnibus bill, all of which have been forwarded to Washington, and no action to date has been taken on any of them by LEAA.

Senator McCLELLAN. All right, there have been 13, then, in your State. Were they included or were they not? I understood you to say a moment ago that they were all included in the State plan.

Governor OGILVIE. They all are included, but—an example, sir, of what we are talking about. Our State attorney general has made an application under the discretionary feature for funds to give him additional resources to proceed under our State antitrust laws.

Senator McCLELLAN. That is outside of your State plan?

Governor OGILVIE. That is outside our State plan.

Senator McCLELLAN. Well, how about the municipalities outside of the State plan now that have made application?

Governor OGILVIE. The chairman informs me that the Commission itself has encouraged such agencies as the city of Chicago to make direct application in order to get funds that would be beyond the State's current ability or the limits of the revenues, the funds that we had available.

Senator McCLELLAN. I will ask the question another way. Has there been sharp conflict and controversy between any of the municipalities or other entities of the government of the State and the State government or State planning authority with respect to the administration of this program?

Governor OGILVIE. No, there has not been.

Senator McCLELLAN. You have not had any problem, then?

Governor OGILVIE. I have been unaware of it. The chairman confirms it. I am told the National League of Cities has in one of their publications supported the statement that I just made, that there is no conflict between the municipalities in Illinois and the State government.

Senator McCLELLAN. Would you supply a copy of that for the record, please, sir?

Governor OGILVIE. Yes, sir.

Senator HRUSKA. Before you leave that, may I inquire?

Senator McCLELLAN. Senator Hruska.

Senator HRUSKA. Governor, is your State divided into regions for the purpose of processing applications as well as for the purpose of formulating the State plan?

Governor OGILVIE. Yes, sir.

Senator HRUSKA. Is it true that there is further division in some of your regions to subregional areas?

Governor OGILVIE. No, we do not.

Senator HRUSKA. You have not gone that far? Some States have.

Now, is it not true that the application first of all is the creation of the regions. They get together and make their presentation as to the needs within their region and try to find room within the State plan for proper recognition of those needs? Is that not the process?

Governor OGILVIE. That is the first step.

Senator HRUSKA. That is the first step. Those applications are processed in the regional and then go to the State crime commission itself?

Governor OGILVIE. That is correct.

Senator HRUSKA. And there the final decision is made.

Governor OGILVIE. Right.

Senator HRUSKA. Now, then, is the same true with reference to distribution of the funds? Do the regions have authority over the funds that are distributed, or is the distribution made from the State crime commission directly to the municipality?

Governor OGILVIE. The grant goes through the region to the receiving entity.

Senator HRUSKA. They do enter into the process of distribution as well?

Governor OGILVIE. Yes, sir.

Senator HRUSKA. Now, then, if any of the municipalities within a region, therefore, are not included in the plan, it is pursuant to the

processing all the way from the original application to the State crime commission and back down again?

Governor OGILVIE. Yes, sir.

Senator HRUSKA. So that it is not a matter of the State crime commission having arbitrary power over any municipality?

Governor OGILVIE. That is true, also.

Senator HRUSKA. They have a buffer within their own region to whom they can turn and say, we have been neglected or we have not had enough of the funds for certain purposes. Is that the way it works in actual practice?

Governor OGILVIE. Yes, sir, and in fact, Chicago is in itself a region.

Senator HRUSKA. Yes, that would be understandable.

That is the basis, as we envisioned it, when this law was enacted. Think of the chaos and almost the impossible job of administration that would be required if there were no block grant system and if every one of those municipalities filed their application here in Washington for processing. I should like to ask your adviser if he has ever tried to figure out, lying awake nights, what kind of unmanageable mess this process would create? That is the alternative if the block grant system is abandoned, is it not?

Governor OGILVIE. In my opinion, sir, if you abandon the block grant system, you might as well throw the whole omnibus bill out the window. It is like trying to run a war. You have to have a general who is going to make the battle plan, who is going to move the components around. This is too big a job for any bureau down here to run the affairs of a State as complicated as Illinois and the other 49 States and the territories. You will take the whole enthusiasm out of it as far as our State is concerned and you will lose an awful lot of support.

Getting back to your opening statement, Senator McClellan, about the seriousness of this problem—one of the reasons we have been losing the war against crime is the fragmented situation that has existed in this country for many, many years. If we are finally going to have the opportunity within the system of government to pull it together, using the State, I think, as a major directive force, because this is a State problem, we can get this job done. But if you are going to have us constantly going to Washington to get approval for every particular program and having the municipalities undercut the State program—as important as Chicago is, it is only a part of a much larger population. They have 3,750,000 people, but it is an area of 7 million people. And only the State is in the position to handle the regional problem. It is greater than that, because you can include parts of the States of Indiana and Wisconsin in this. If we are not going to give consideration to the entire problem, we are going to be wasting tax dollars, and we are simply not going to get the job done. I simply can't put it any simpler than that.

Senator McCLELLAN. One of the provisions in this block grant feature of the bill, as I recall it, is that it would form a political tool or an instrument in the hands of State executives, where they could manipulate it or operate it to the advantage of that particular administration in power. Have you found this to be an instrument that can be effectively used that way if one undertook to do it under the block grant system?

Governor OGILVIE. First, let me say emphatically no and let me give you an example. I think it is rather well known that I am of a party different than the mayor of the city of Chicago. I have been Governor of Illinois for approximately a year and a half. In that year and a half, we have almost doubled the amount of State money that goes to the city of Chicago with no strings attached. We gave them a share of income tax, which was my proposal. We gave them an additional quarter cent sales tax, again with no strings attached, for them to meet the responsibilities of that community. And there I am talking about some really big money, far beyond what we are talking about here in terms of this program.

Senator McCLELLAN. Now, can you say or are you implying to this committee that you and the mayor of Chicago have worked together harmoniously with respect to this program?

Governor OGILVIE. No, sir, I am not.

Senator McCLELLAN. I misunderstood you.

Governor OGILVIE. Oh, excuse me, you said this particular program?

Senator McCLELLAN. Yes.

Governor OGILVIE. We have had no problem with this, because I haven't talked to him and he hasn't talked to me. This is handled through the commission.

Senator McCLELLAN. That is what I was saying. You might have some political differences, I expect that. I am talking about this program. Now, it has operated, it is working. You brought up Chicago and that the mayor was of a different political faith than yours. I am trying to ascertain, have you had any problems, have you and the mayor of Chicago had any problems with respect to this problem, any controversy of any consequence—

Governor OGILVIE. None whatever.

Senator McCLELLAN. Or have you worked together harmoniously and cooperatively to the end that you get the greatest benefit from it?

Governor OGILVIE. The chairman reminds me that every request that Chicago has made has been granted.

Senator McCLELLAN. I would guess you are getting along, then, pretty well.

Governor OGILVIE. The fact is that I do not concern myself directly with the affairs of the law enforcement commission. I appoint them, I have given them broad directives—

Senator McCLELLAN. I am only trying to ascertain how it's working. We are going into this maybe in some depth. Since we have enacted the law, there are some sharp differences of opinion with respect to the block grant feature, and another I will mention in a moment. And it will be my purpose, and I am sure the purpose of the committee, simply to make a review of the situation as of today and undertake to make a determination of what revisions, if any, should be made in title I of the Omnibus Crime Control bill of 1968. And those of you who have a responsibility in connection with it are in a position to tell us how it is operating in your State, how you are administering it, and that will enlighten us as to existing conditions.

The other sharp difference was how it would be set up in the Federal Government, whether it would have a single administrator or a board of administrators to administer it. My original feeling was, and I

am not wholly convinced that it did not have merit, although I yielded on it when I was managing the bill, that this should be completely independent, the administration of this fund should be completely independent of any administration in the hope of eliminating any political considerations or influence upon the administration of this program. Therefore, I undertook to set it up as an independent agency in the Department of Justice, but under the Attorney General solely for housekeeping purposes.

Governor OGILVIE. Yes.

Senator McCELLAN. Well, there was objection to that. The administration within the administration felt very strongly that that should be under the power, under the authority, largely, of the Attorney General.

I also felt that there should not be a single administrator, that there should be a bipartisan administration, and I fought for that provision in the bill. My whole concern was to not get this program mired down in partisan politics, because I have felt and I still feel more strongly than ever that law enforcement is not a prerogative of the Republican Party or the Democratic Party as such, regardless of which party is in power, but that it is the duty of both parties and of every citizen of the land and the responsibility rests upon all accordingly. I was in good faith trying to keep all politics out of it.

So we set up a board. Apparently, we didn't give final authority somewhere so that the board could operate as effectively as we had hoped. Anyhow, that is something that will be studied in connection with current legislation.

I am not wedded to anything—block grants, one-man administrator, board administrator, or anything else to the point that I cannot change my position if shown that there is a better way. And as we move along in this program and get some experience, I am sure we are going to find where improvements can be made. That will be the principal purpose of these hearings on bills that are pending before the committee, to examine how the statute has operated, the results we are getting, and where improvements can be made. I foresee, and I have said so in a public address to the National Sheriffs' Association recently, I foresee that if this act operates well, if we get results from it, we will be appropriating a billion dollars or more annually within the next 3 or 4 or 5 years to set up this program.

I do not believe there is a domestic problem of our Government that is of greater danger potential than this issue of lawlessness.

Would the gentleman with you, Mr. Bilek, have any comment?

Mr. BILEK. I think to your last point, Senator, it is a very well taken point, and it is a belief that in Illinois, we share strongly with you; that is, that politics should play no part in the control of crime. The criminal does not ask the political persuasion of an individual before he commits his act; so, too, should the agencies and the institutions dealing with this problem be nonpolitical in nature.

In Illinois, the commission, which is our policy board is composed of 32 members, all of whom were appointed by the Governor. They were appointed not on a partisan basis, not on a bipartisan basis, but on a totally nonpartisan basis. I think this stands as an excellent example of how a commission can be constructed, composed of members from

every political party. Among the 32 members, there are elected Democratic officials, elected Republican officials, Democratic appointees, Republican appointees, and individuals from all other political persuasions, compose that commission. At no time in our year and a half of meetings, one every month, have we taken any kind of political posture in our deliberations.

The staff of the commission, composed of some 35 individuals, have been hired completely on a nonpartisan basis, all of this at the direction of the Governor.

The regional boards that Senator Hruska spoke of earlier is composed of over 1,000 individuals throughout the State—mayors, city managers, village presidents, police chiefs, judges, correctional personnel, court prosecutors, and public defenders, as well as citizens of the community. These 36 regional boards are also completely bipartisan or nonpartisan in nature. In Illinois, we are committed to this concept, that our war against crime shall not be a political war.

So we strongly support your statement, Senator McCellan, about the need for having an approach to this great problem. I would consider it to be the most critical of our domestic environmental problems, because if we do not solve this, the others will all be insignificant. If citizens can't go out on to the streets of their cities, can't go to work, can't live in safety, the other problems are not going to be of any considerable importance. So it must be solved on a nonpartisan, non-political basis, and that is the posture that we have taken in Illinois.

Senator McCLELLAN. Well, I commend you for it, because as we know from history and experience, the political complexion of both State and national administrations will change from time to time. I would hope that this program and all other aspects of law enforcement or crime prevention would have the same attraction and appeal to all political parties and all citizens alike. This crime issue is above and bigger than any party or any citizen or group of citizens, and its dangers and the possible dire consequences will be visited on all alike—Republicans, Democrats, or whatever. So this is one goal, one objective, where I cannot see any room for partisan politics whatsoever.

Mr. BILEK. To your earlier point, Senator, regarding how this has been performed in Illinois, I can say candidly that since January 29, 1969, when Governor Ogilvie issued his executive order No. 1 creating the Illinois Law Enforcement Commission, we have not had a significant complaint registered with the Commission against the operation of the program. No complaint of any significant nature made on the regional level, on a State level, or to Washington. In the 13 requests for discretionary funds that have gone to Washington, this has been at the urging of the State commission, because it is an area within the omnibus bill, if you will recall, Senator, in which 15 percent of the funds are available as discretionary funds—some \$24 million for the fiscal year just concluded.

Senator McCLELLAN. So those were applications that went directly from your State with the approval of the—

Mr. BILEK. Yes, they were not cases where we had denied funds and the applications were then going to Washington in an attempt to gain an audience and to achieve a goal which the Commission had refused them. It was the other way around. We were supportive of them.

Senator McCLELLAN. In other words, you supported these applications?

Mr. BILEK. Yes.

One last general point I would like to make is that in the year and a half that we have been in operation, we have allocated out to units of State and local government in Illinois \$12,659,217. Of that amount, \$6,046,977 was in Federal money and \$6,612,240 was in State money. So in the 18 months of our operation, we have given \$500,000 more in State funds to units of local government and units of State government than we have given in Federal funds as very practical, visible evidence of the State's commitment to the war on crime in Illinois.

Senator McCLELLAN. Any further questions or comments, Senator Hruska?

Senator HRUSKA. In the bill as it has been approved by the other body, the tri-partite directorate will be replaced by a single administrator. In the judgment of some of us, that is the subject of some misgiving. The basis for our misgiving is in large measure the size of the program: For fiscal 1971, there is an authorization of some \$650 million; fiscal 1972, the authorization of \$1 billion; and then the following year, one billion and a half. That does not mean that will all be appropriated. But using the figure of \$1 billion, if that were appropriated, it would mean that a single man would have at his disposal the assignment of \$150 million in discretionary funds. It would mean that he would have the approval or disapproval, the authority to dictate and amend, of 50 State plans. Even if the man were of good faith and of very great competence and capability, that is a task and a responsibility of considerable degree. Sometimes, there are men who get into high office who, unfortunately, are not possessed of the highest degree of capability. And sometimes, even good faith is lacking. We have to take that into consideration.

Does it make you pause to put the control of that much money in the hands of one man as opposed to the joint judgment of, say, three, as it now is. Is it not better to disperse command authority among three administrators, where there will be the benefit of collective judgment and experience and expertise. Maybe one will be a policeman, one a prosecutor, a third from the field of corrections. I wonder what comment you would have with regard to the abandonment of the tripartite directorate in favor of a single administrator?

Governor OGLVIE. This would be a purely personal opinion on my part. I am not now speaking for the National Governors' Association. But I would tend to share your concern. There ought to be some kind of a check and balance. The three-headed situation sounds to me like it would be more protective and would provide a better judgment in the administration of funds in the amounts that you are talking about.

Mr. BILEK. Senator, I think that the magnitude of the omnibus bill in the years to come and the significance of this bill in improving the social problems of our country is, as you have indicated, going to rise considerably. So there will be in the agency which handles this program in the Federal Government a great deal of power, a great deal of money, the opportunity to do very excellent things for the United States or something less than that.

I certainly feel that the tripartite arrangement does provide some of the safeguards from partisanship and some opportunities of a diversity of experience, of interest, and background that would be lacking in a single administrator.

There are, as I am sure you can imagine, certain difficulties in administering an agency with three separate individuals, each with co-equal power or control. Because I have not operated at the Federal level in LEAA, I would not be able to give you a clear, decisive answer on whether the disadvantages of the tripartite arrangement, disadvantages in terms of who is really in charge, how are day-to-day decisions made, and so on, whether they outweigh the great advantages to be gained by not placing this control in a single person and by having the opportunity to bring bipartisanship and experience in a wide variety of areas to the administration of the agency. I really can't give you a more specific answer than that because I have not worked in a Federal agency and I am not aware of which outweighs the other. I would think ultimately, it would be the Congress of the United States, because of the gravity of this program, that really should try to look and make the final choice there rather than having the choice made for them by the agency, which might have self-serving interests here. I think it is a very hard decision to make, because I really feel that there are clear advantages and disadvantages to each.

Senator HRUSKA. What of the argument that it might be difficult to get cooperation among three administrators? There are 3,053 counties in the United States of America, plus those in Hawaii and Alaska—I lost count since they added those States. Each one of those counties has a governing body that is highly comparable to the directorate of this LEAA. They have their policy decisions to make. And they make those decisions. That county board of supervisors or judges or commissioners or whatever you call them make the decisions. That is one example where the collective judgment principle applies.

We find that principle applied in the Federal Government as well. In the Federal Aviation Agency, for example, moneys are disbursed for the purpose of matching grants to municipalities and authorities to build airfields and all the instrumentation that goes on them for the safety of aviation. They function as a body. And they have the combined judgment and experience of a number of people. The Federal Communications Commission has tremendous power over a big agency and it administers permits worth millions and tens and hundreds of millions of dollars. They do not have a single administrator. I doubt very much that this Congress would put up with a single administrator for that type of program. And they do function as a body with their rules for the making of policy.

I do believe there might be some wisdom to the idea that the chairman should have complete authority over some housekeeping duties—personnel, buying of supplies, et cetera. But when it comes to allowing money for the discretionary funds or something of that kind, if I were on that administrative board, I would like to share the responsibility for making that decision with somebody else on equal footing with me.

Do you see any comparability between the county governments, for example, on the one hand or other Federal regulatory bodies, on

the other, and the LEAA, taking into consideration the very substantial amount of money that LEAA has to distribute?

Governor OGILVIE. I do not know.

Mr. BILEK. I would share the same position. If the disadvantages can be overcome to some extent by the kind of comment that you have made, Senator, by eliminating some of the decisionmaking from the tripartite responsibility, the day-to-day personnel matters, administrative matters, I do think that this could be a working approach to handling the problem in a way that would provide the greatest opportunity for fairness and the greatest opportunity for professionalization in terms of dealing with the problem.

Senator HRUSKA. Governor Oglivie, there was comment in your statement on the 25 percent for correctional purposes. That is under the new title, part E of the bill.

Governor OGILVIE. Yes.

Senator HRUSKA. You have made comment on it. One of the reasons that that approach was made by those who favor it is that in the field of corrections we have had sad dereliction by all of the States. I shall not go into the details on that, that has been done elsewhere, but all of us are aware that there is not a single State or a single community that can point to an up-to-date and scientifically modern correctional system. Some of them are pretty bad. For example, one State closed all but seven of its correctional institutions. Not a single one of the remaining seven was built in the 1900's. So they are three-quarters of a century old or more. And it goes on from there.

Now, then, the purpose of this proposed section is to earmark 25 percent of the funds for corrections, which includes the courts and prosecution, parole, probation, as well as the jails and the educational and training systems within the jails or prisons. This approach was seized upon as one way of saying to the States and the localities, progress must be made in this field. We fear that unless there is some such provision, there will be a tendency to continue to disregard and to ignore the fields of corrections. There is some ground for that misgiving; the last hundred years has seen that dereliction to a great degree. Now, what would you have in mind to take the place of that provision and still achieve an improvement in the corrections systems of the 50 States.

Governor OGILVIE. My concern, what I attempted to express in the statement, had to do with the limitation that it places on the individual States. Some States have more of a problem in that connection than others. We happen to have a larger problem, perhaps, than some others. We are taking steps to correct a bad penal situation in Illinois. I have described some of the steps we are taking. Obviously, we are going to be spending a higher percentage than 25 percent in Illinois.

It is just that I think this program is so new that to step in this quickly and to put that strict a limitation or mandate into this program until you have given us another year, hopefully two, to live with it, to work with it, I think it is premature.

Senator HRUSKA. Well, can that system of law enforcement work with a crippled correction system, with an inadequate, highly unsatisfactory, explosive correctional system?

Governor OGILVIE. My own feeling is that I think the Congress has to trust the States to work this program out. I do not think we have

had the chance yet, I do not think there is enough evidence available. Even if we were to have the time to look at every single instance of every State program, we would not have had enough experience with it.

I would say a year from today, I could come back here and could tell you in much more precise terms what I would think it ought to be for Illinois and I would have to let others speak for their own States.

I am just saying, sir, that we would like the flexibility right now.

Mr. BILEK. The problem, Senator, as we see it on the State crime commission in Illinois, is only in the way that the 25 percent may be applied administratively. It is our feeling in Illinois that in carrying out the Government's mandate to create a professional, a just correctional system, we will be spending far in excess of the 25 percent for a number of years to come. So we are not concerned about the broad concept that at least a quarter of the moneys ought to go to corrections. But the problems in different States do vary. In some States, they are going to need more, in some States, as the Governor said, they are going to need less. And if you were looking for a specific recommendation in this matter, it might be possible that you could earmark a certain amount of funds—say 25 percent of \$650 million—and in the appropriations section, suggest that maybe \$500 million be awarded for the general purposes of this act and an additional \$250 million or \$200 million, whatever would be the will of the Congress, be available for correctional improvement.

I think the problem in Illinois only is to this fixed percentage and exactly what that might mean in terms of implementing it in our administration of the act within the State. As we read the wording, it seems to indicate that everything that we do, because it is back in the general appropriations area of the bill and not within title E—it is not in part E, not in the corrections section—it seems to indicate that every action we would perform in Illinois would have to have this 25 percent correctional mandate in terms of our professional staff, that 25 percent of its operating cost be for correction that 25 percent of the planning money be for correction across the board.

We strongly support the suggestions that you have made that a great deal needs to be done in corrections in the whole United States, that we cannot simply put the money into one end of the criminal justice system and forget the other. Certainly many of the problems in correction are crying for remedy and for change and for improvement. In Illinois, we are strongly supportive of this concept and simply would hope and would recommend that the wording of that section be changed from what it now reads, that in the new part F in the House bill, of the funds appropriated, 25 percent would be applied to corrections and that it be structured in just some other way, possibly in terms of earmarking an amount for corrections.

Senator HRUSKA. In a great number of dollars?

Mr. BILEK. Yes. That would be acceptable, certainly, to Illinois.

Senator HRUSKA. Well, of course, as all of us know, it would probably take more than 25 percent properly matched in order to overcome the very bad situation that we do face.

To take dollars out of the Federal treasury to pay higher salaries to policemen and sheriffs and others who are not properly trained in

modern methods and with modern tools would be a disservice rather than a service to the cause of law enforcement. This was the reason for the limitation in the thinking of some on the matter of salaries to policemen until, at least, we get to a point where we have innovative, modern equipment and tools.

Now, it is a matter of trying to steer this in a way that will get balance all the way up and down the line. I am interested in your suggestion that perhaps a flat dollar amount might be better than a percentage. There seems to be some merit to it. I am glad you mentioned it.

Mr. BILEK. Or by possibly putting the percentage in some clear way so that it would not mean or have implications or possible interpretation that did begin to hamstring and begin to complicate the administration of the funds.

Senator HRUSKA. Thank you very much.

Thank you, Mr. Chairman.

Senator McCLELLAN. Senator Thurmond?

Senator THURMOND. Thank you, Mr. Chairman.

Governor OGILVIE, I have been impressed with what you had to say about the block grants going to the States and the importance of the State which has supervision over not only the noncity areas but the city areas, too. The State does have a responsibility over law enforcement in the cities, too, although it is delegated chiefly to the cities, I presume.

Governor OGILVIE. Yes, sir.

Senator THURMOND. In order to develop a comprehensive plan for the entire State of Illinois, for instance, it is impossible to do it unless you do include the cities, is it not?

Governor OGILVIE. That is right.

Senator THURMOND. Is it not better for the Government to deal directly with the States rather than try to deal with every little town and community and city within the State? And is this not a better policy from the standpoint of Federal power to provide the funds and let the local communities, through the State, handle this matter?

Governor OGILVIE. Yes, sir.

Senator THURMOND. And you feel that that is a right that is better to leave to the State, that it is a privilege that is better left to the State and that the State will administer the plan in the most propitious manner and keep the Federal Government from dealing with every community within a State?

Governor OGILVIE. Yes, sir.

Senator THURMOND. Now, I was just wondering if you are satisfied with the way the program is now set up and the manner in which the Federal Government has been dealing with the State of Illinois.

Governor OGILVIE. With your permission, I would like to have Mr. Bilek deal with that, because his administration has been dealing with the program on a day-to-day basis.

Senator THURMOND. And if not satisfied, what specific recommendations do you have for the improvement of the program?

Mr. BILEK. Our relationships with the Law Enforcement Assistance Administration, Senator, has been good. We have been serving in Illinois as a meeting ground for a number of State planning agencies, primarily from the Middle West, and have been providing an oppor-

tunity for the people from those agencies to meet and express their views. One of the views that has been expressed was that they were desirous of a greater dialog, greater communication, up and down or back and forth, between the State planning agencies and the Federal agency.

I think it is possible that some of the difficulties that have arisen over the past year and a half have been the result of a new agency coming into being, fleshing out its staff, trying to set policies and develop programs. This has preoccupied them and I think appropriately, but there have been some views raised by the various State planning directors in the Midwestern States that they would appreciate a greater opportunity for working with the Law Enforcement Assistance Administration in the development of some of their policies for dealing with the States; rather than that all of this be one way, be down to the State, that there be an opportunity for a back-and-forth relationship. For as we see it in Illinois, we view this as a tripartite partnership between the Federal Government, the State government, and the local government. And we believe in this partnership approach very strongly and we work very closely with the 36 planning regions and their 1,000 members in Illinois. We would like to see and would hope to have the same kind of trust and confidence and partnership with the Federal agency so that it can be truly a consolidated effort between the three groups. Because I do not think that any one of those three parts—local government, State government, or Federal Government—can approach this problem alone. They must each work together and try to arrive at the solution of the problem. So that would be the only area that I am aware of where we have had any difficulty with LEAA; that has been a lack of opportunity for dialog and communication and hopefully for the resulting effect that it would have on the development of policies and programs at the Federal level.

Senator THURMOND. Governor Ogilvie made a statement that impressed me, that they should not have to run back to Washington, I believe the effect of the statement was, for every little plan and to get approval of everything, but to give the State wide discretion in handling these matters. In fact, as you envision the matter the important thing is for the Federal Government to provide funds—that is one thing. And then if they wish to provide any suggestions or to have any results of research or any information that would be helpful, just to forward that along, but let it not be directions, let it not be orders, let the State, the State crime commission, I presume in your State of Illinois, prepare its own orders and directions to be used for the State and the communities within the State.

Governor, how do you look at that?

Governor OGILVIE. Yes, sir; those are my views precisely. As I have said before, I think that the Congress is going to have to trust the States, place their confidence in them, give them the opportunity to work this plan, work with it. We just have not had enough time yet to—every State, obviously, is not doing what Illinois is doing. But I think in time they will. And I think the inspiration of the Omnibus Act has pointed us in that right direction.

Senator THURMOND. So if the Federal Government can assist by providing funds en bloc to the States and provide any information they think will be helpful to the States along the line of law enforce-

ment, any results of any research they have done, any tests they have done, any new equipment that is helpful in the matter of fingerprinting or detection of crimes, apprehension of criminals or any new decisions that have come out, if they were called to the attention of the agency, although, of course, they would get them down there, too, all this would be helpful, too, would it not?

Governor OGLVIE. Yes, sir. Let me respond perhaps not directly on the point. We are going ahead in Illinois with our program whether we get approval of Congress or not. We have created the Illinois Bureau of Investigation, the only thing in the United States that is truly comparable to the FBI. Our officers are being recruited and we have 120 and the force will increase in size with the same requirements for recruiting educationwise, the type of training we are putting these men through.

We have taken our corrections out of the Public Safety Department where it used to be combined with the State police, the fire marshals, the boiler inspectors, that kind of thing. We have created a whole new Department of Corrections because we feel there is a different philosophy that has to be applied to corrections as opposed to police responsibility.

We have provided this additional radio in every police car. We have moved into regional crime scientific laboratories all over the State. We are beginning to implement a computer program.

These are all things that will cost a great deal more money, frankly, than the Federal Government has to date come up with or perhaps ever will.

What I am saying is what we need is additional help from the Federal Government. You have preempted, frankly, the revenue functions of the country. You have more money available than we do and we need whatever help we can get. But as I say, we are going ahead with our program and I am not saying this in any sense of throwing down the gauntlet on the committee or the Congress. I am just saying that the Federal Government has to trust the States to do the job and we are prepared to do it.

Senator THURMOND. I want to congratulate you on what you have done on this matter in the State of Illinois since you have been Governor. As I interpret what you are saying, it is that you tell the Federal Government: Give us what funds you can, give us what information you can, and leave it to us to do the job. In other words, you have to trust the States, not hamper the States, by issuing reasonable guidelines and directions and policies, but let the State formulate their own and carry out its own plan.

Governor OGLVIE. I have no objection to the Congress establishing certain minimum standards that the State would have to comply with in order to get the funds. But I can assure you that as far as Illinois is concerned, we will be so far ahead of anything that would represent a norm for the country that this will be no problem for us.

Senator THURMOND. And is not this the best relationship between the Federal Government and the States anyway? Because we really have 51 sovereign governments in this country. We have 50 sovereign States that have all the powers, you might say, of a foreign nation except those they have delegated to the Federal Government. A State

legislature or a State government can do anything that is not prohibited by the Constitution. Therefore, you do have sovereign States and then you have one central Government. And if the Federal Government will trust the States, assist the States in the way that you have suggested, in the way of funds and administration, and leave it to the States to do their own planning—they can get suggestions and help from the Federal Government—but leave it to them to do their own planning and the implementation of their own planning, and to be responsible for the enforcement of the law in the State. That would appear, as I interpret from you, the best way to operate?

Governor OGILVIE. Yes, sir.

Senator THURMOND. Governor, we are glad to have you here. I believe you have made a fine contribution to these hearings.

Also, I want to thank the chairman of the committee for having you here as a witness. You have made a fine contribution.

Senator McCLELLAN. Thank you, Governor. Thank you, Mr. Bilek.

Senator Kennedy, do you have any questions?

Senator KENNEDY. No; I have nothing.

Senator McCLELLAN. We thank you very much.

The next witness is Mr. Velde.

All right, Mr. Velde, you may identify yourself for the record and also identify your associates.

**STATEMENT OF RICHARD W. VELDE, ASSOCIATE ADMINISTRATOR,  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION (LEAA);  
ACCOMPANIED BY CLARENCE M. COSTER, ASSOCIATE ADMINIS-  
TRATOR; DANIEL L. SKOLER, DIRECTOR, OFFICE OF LAW EN-  
FORCEMENT PROGRAMS; AND PAUL L. WOODARD, GENERAL  
COUNSEL**

Mr. VELDE. Thank you, Mr. Chairman, I am Richard W. Velde, Associate Administrator, Law Enforcement Assistance Administration.

I am accompanied by Mr. Clarence Coster, also Associate Administrator; by Mr. Daniel Skoler, the Director of our Office of Law Enforcement Programs, and by our General Counsel, Mr. Paul Woodard. I am speaking today on behalf of the Attorney General.

Senator McCLELLAN. Do you have a statement from the Attorney General?

Mr. VELDE. Yes, sir; there is a statement for the record.

Senator McCLELLAN. Well, it is some 15 pages long. Let me suggest that the statement be inserted in the record. Then you can highlight it briefly if you like. But then I would like to have you testify from the standpoint of your own position, the position you now occupy with respect to the administration on this point.

Mr. VELDE. All right, Mr. Chairman. Thank you.

Senator McCLELLAN. Without objection, the Attorney General's statement will be inserted in the record.

Senator KENNEDY. Mr. Chairman?

Senator McCLELLAN. Senator Kennedy.

Senator KENNEDY. Before receiving that statement, I would like to try to find out whether the Attorney General was invited to testify and if so, what response he gave to the chairman.

Senator McCLELLAN. The staff has been arranging for these witnesses and he advises me—make your statement, Mr. Blakey I have not had any contact with the Attorney General other than to discuss with him something on another matter.

Mr. BLAKEY. The Department of Justice was invited to comment on all of the bills pending before the subcommittee.

Senator McCLELLAN. Is that the usual procedure?

Mr. BLAKEY. Yes, sir, Mr. Chairman.

Senator McCLELLAN. Was any special invitation extended to the Attorney General up to now?

Mr. BLAKEY. No, sir.

Senator KENNEDY. Was he not scheduled to appear?

Senator McCLELLAN. I thought he was going to come. I do not know.

Mr. BLAKEY. He was originally scheduled to appear.

Senator KENNEDY. Was he invited?

Mr. BLAKEY. The Department, Senator, was invited and the Attorney General indicated he would have testified on the 2nd day of the first 2 days of hearings.

Senator KENNEDY. Which was when?

Mr. BLAKEY. That was June 25. His schedule was such that he could not make it on that date.

Senator KENNEDY. Then did he set another date to testify?

Mr. BLAKEY. This second date for hearings was set to accommodate both the Department and the Governors' conference, which was also invited to testify. Governor Ogilvie, who represented the conference, was not able to be here on the 25th either. It was the staff's understanding that both the Attorney General and Governor Ogilvie would appear this morning. We learned last night that the Attorney General would not be able to be here this morning, and Mr. Velde would present his testimony.

Senator McCLELLAN. I may say that I changed the order of the appearance here this morning anticipating—at your request—you said you could not be here at the beginning. I changed the order of the appearance at your request, to let Governor Ogilvie testify first. I did not know until yesterday that the Attorney General was not coming. I do not know whether he did not come because this order was changed, whether that inconvenienced him—I have not contacted him. I have not found out.

Does the Senator want him here to testify? Is that what the Senator is saying?

Senator KENNEDY. Yes.

Senator McCLELLAN. I will extend him an invitation to appear if the Senator desires.

Senator KENNEDY. I would appreciate it, Mr. Chairman. As I understood, he was planning to come on the date that counsel had mentioned; then as counsel has indicated, that was changed in order to accommodate the Attorney General, to make it this morning. Then at the last minute, he—

Senator McCLELLAN. And I arranged to accommodate the Senator on the order of appearance.

Senator KENNEDY. That is right, and I am grateful to the distinguished chairman for his willingness to accommodate me. The point

is that the first time he canceled out it was established that he would appear here this morning at this time. Since we were not consulted about the time, I had an unavoidable conflict between 10 and 11, but I was quite prepared, as all my colleagues are, to set the time when I could get here, thinking that on a matter of this importance, the witness would at least be prepared to remain until 11:15, even if he was going to start at 10 o'clock, so that I would be accorded the opportunity to make whatever statements or inquiries I wished at 11:15. So I certainly did not think that, certainly, my request was an unreasonable one, or one which would have interfered with the witness' schedule. I cannot imagine that he altered or canceled today merely because his appointment was changed from 10 to 11 o'clock, after he himself testified over in the House that—"I consider these hearings on LEAA to be among the most important congressional deliberations involving the Department of Justice for this session and I can think of no administration program which has a higher priority." So I think that at the outset, before we start considering the Attorney General's position, it ought to be laid out very clearly and precisely whether the Attorney General was invited. when he was invited, the reasons he decided not to come. Obviously if he had worthwhile and valid reasons for postponing his appearance, we will be delighted to accept those as we always do. But I would certainly hope that we would be given assurance that he will appear at some point.

Senator McCLELLAN. I am not going to give the Senator any assurance. I do not know. I have done exactly what I have said. This was arranged in the usual way. I am not defending the Attorney General nor accusing him. I did not know of other arrangements. I was not here at the other hearing.

Senator HRUSKA. Would the Senator yield?

Senator McCLELLAN. I did not know what arrangements were made at that time. Senator Hruska held those hearings. I understood he was to be here today. I did not know any different until yesterday afternoon. I understood then that he was sending up a statement.

Now, when I changed the order here at the Senator's request, I do not know whether that had anything in the world to do with it or not.

Senator KENNEDY. Could we find out?

Senator McCLELLAN. As far as I am concerned, if the Senator wants him here, he will be extended a special invitation to be here.

Senator KENNEDY. I would certainly—

Senator McCLELLAN. I do not want any criticism from this standpoint. I am not going to take it.

Senator KENNEDY. I would hope the invitation would not come as a special request from any individual Senator. If the Senator wants to place it in that way, he as a chairman is entitled to that. I would hope the committee would send—

Senator McCLELLAN. I will send it in my name. I did not realize there was any occasion to do that until now. But if the Senator insists that he be here, I will send it in my name that he come. Whether he will come, I do not know. But I do not want any reflection that the Chair has not met his responsibility.

Senator KENNEDY. That is most accommodating.

Senator McCLELLAN. I have been accommodating.

Senator KENNEDY. You have been and you are very accommodating now, and certainly there has been no occasion for criticism.

Senator McCLELLAN. I want that understood. I do not want any question about it.

Senator HRUSKA. I think the record ought to be cleared up here. If there is any disposition on the part of anyone to suggest that the Attorney General is avoiding this committee or trying to get out of testifying here, let that be cleared up right now. It was my privilege to chair the meetings on June 24 and 25 because the chairman of this subcommittee was chairing the Subcommittee on Appropriations for State, Commerce, Justice. I note, too, that the Senator from Massachusetts was not here on those days. The Attorney General agreed to come on the second day. It was the Senate that reneged in that regard, not the Attorney General. We were engaged in an extended debate on the Senate floor at that time. We were not permitted to meet for a period long enough to hear the Attorney General.

With that as background, I think we will have a little better understanding of what the present situation is. I might argue that there are other demands on the Attorney General's time than just to come here. Although if he were committed to come here, I am sure he would have come here had it been at all possible for us to hear him.

Senator KENNEDY. As I understood, on June 25, we had a hearing, did we not?

Senator HRUSKA. We had a hearing on June 24 and June 25. The Attorney General was scheduled to come here on June 25. We had a limitation of time. We were not permitted to sit into the session. We informed the Attorney General that we could not get to him because of the objection to the committee's sitting.

Senator KENNEDY. Well, Mr. Chairman, I think if we could have the Attorney General, if the invitation, as you so graciously indicated, could be extended to him by the subcommittee, to have him comment and testify, I think it would be enormously useful and extraordinarily helpful.

He in his own words has indicated that he considered this to be of the highest priority, when he testified before the House of Representatives. I think we are entitled to the principal policy official in the Department of Justice to comment on this legislation, as well as other kinds of questions in the whole field of criminal laws.

We hear a great deal about who is to blame about action or inaction, the Congress or the Senate, whether laws are or are not working. I would certainly think that we would be in a much stronger position if we had the principal law enforcement official and policy maker comment on these measures.

I appreciate that you would be willing to, even though I know that your schedule is full, once again invite him on behalf of the committee to come up and respond to whatever questions we might have. I appreciate your accommodating me this morning and certainly I appreciate your expressing a willingness to do that.

Senator HRUSKA. Mr. Chairman, the staff reminds me that there was another consideration for the Attorney General not testifying on June 25. The House was just terminating its consideration of the counterpart bill. Aside from the scheduling problem, it was felt well to postpone the Attorney General's appearance and his commentary

until after the bill had been acted upon by the other body. Then he could include an analysis of that bill in his testimony. I offer that as additional information.

Senator KENNEDY. That was his preference. I am delighted to accommodate his preference.

Senator HRUSKA. It was our preference. We wanted the Attorney General to come after the other body had acted on the bill. Otherwise, he would have to come here twice.

Senator KENNEDY. I always enjoy the Attorney General's presence. I am sure he has many other things he has to do, but I have always found it informative and helpful to have him here. If he felt, or there were other members of the committee who felt, that because of limited time or other reasons his appearance should be delayed, that's fine. I think, though, especially to avoid any misunderstanding, it is all the more reason why it would be useful and helpful to try to establish a date of accommodation for the Attorney General and give the best opportunity possible to the members of the committee. I think all of these exchanges will be moot at that time and we will be able to examine in detail his ideas and views on some of these questions.

Senator McCLELLAN. Well, the Chair only wants to keep the record straight. I do not suspect the Attorney General of trying to evade testifying before the committee. I do not share that suspicion, nor am I defending him because he is not here this morning. I do not know his reasons but I do know that this matter was handled in a routine way. Nobody was trying to put on pressure for him to be here or not be here. Frequently or maybe always, the staff just extends a routine invitation. I want the record clear that I have been in no agreement with anybody to keep anybody from testifying. My guess is the Attorney General can take care of himself when he testifies. I do not know; maybe not. We will have that confrontation and see, as far as I am concerned.

All right, you may proceed, Mr. Velde.

Mr. VELDE. Thank you, Mr. Chairman. May I just briefly highlight the prepared statement and include it in the record?

May I comment in preface to this statement that the bill as passed by the House of Representatives last week was identical in every respect to the bill reported from the House Judiciary Committee to the House. In the committee report on the House bill, there is a letter from the Attorney General indicating his full support of that House committee bill.

Senator McCLELLAN. The bill that has passed?

Mr. VELDE. The House committee bill and the House-passed bill, that is correct.

This statement indicates full support for the provisions of the bill as it passed the House.

Senator HRUSKA. Mr. Chairman, could we have the text of that letter included in the record?

Mr. VELDE. Certainly, I would be glad to offer it. It is found in the House committee report itself.

Senator McCLELLAN. I did not quite understand about the letter.

Mr. VELDE. The letter was reprinted in the House committee report on H.R. 17825.

Senator McCLELLAN. All right. The Attorney General filed his statement here and it is in the House committee report. There is no reason to have it reprinted here.

Senator HRUSKA. I withdraw my request, Mr. Chairman.

Senator McCLELLAN. Very well. Let's proceed.

Mr. VELDE. LEAA is the Federal Government's major effort to help the States and the cities reduce the plague of crime—street crime, narcotics crimes, juvenile crimes, organized crimes and the crimes associated with civil disorders.

LEAA's budget in fiscal 1969 was \$63 million, in fiscal 1970 it was \$268 million, and for fiscal 1971 we have requested \$480 million. This means that the total Federal expenditure in fiscal 1971 may be one-twelfth of the total estimated national expenditure of \$6 billion for law enforcement and the administration of criminal justice.

When we undertook this task 18 months ago, we thought we had a full appreciation for the range, facets, and severity of the problems which confront today's law enforcement. But the first-year plans provided us with additional information and insights into the local crime situation. Taken together, the plans submitted by 50 States and four territories provide a detailed statement of needs set forth by operating law enforcement agencies.

Some critics have claimed that the State block grant concept should either be completely abandoned or should be substantially modified. Those supporting this point of view generally come from the large cities. They claim, in various ways, that the cities are not deriving fair treatment from the Federal program.

Our studies show the Nation's 411 cities of 50,000 persons or more have fared well under the Federal anticrime effort.

Under the law, 40 percent of the planning grant money must go to local governments and at least 75 percent of the action grant money must go to local governments. As a matter of fact, many States have exceeded the 75-percent requirement with some States redistributing to local governments as much as 90 percent of the Federal funds.

The Nation's 411 cities of 50,000 contain less than 40 percent of the total population and have 62 percent of the serious reported crimes. It is our initial estimate that these cities have been granted 60 percent of all fiscal year 1969 action funds distributed to local governments by the State governments. The block grant funds for fiscal year 1970 were only recently awarded to the States and are currently being redistributed to local governments.

I might add that this figure was based upon a total of some \$25 million appropriated by Congress for fiscal 1969 for total bloc grants. We are talking about 60 percent of very little indeed. Obviously, with such a small amount of money, relatively speaking, at least in terms of the need and the total expenditure by local governments, it is certain that there are going to be complaints at every hand, because the amount of money distributed was not sufficient to begin to approach the total needs.

Senator KENNEDY. May I ask a question just as he goes through, Mr. Chairman, or do you prefer to wait?

Senator McCLELLAN. You may ask it now.

Senator KENNEDY. On this redistribution to local governments, could I ask you, How do you insure, what have you done to insure that

the funds are adequately distributed to the cities after you give the funds to the States?

Mr. VELDE. Well, first of all, Senator, we have a requirement in our comprehensive plan guidelines which the States must comply with, that, in the comprehensive plans which each State must submit to LEAA annually for review and approval by us, there must be identifiable program components dealing with the requirements of so-called high crime areas—whatever that means. In many cases, most cases, it means large cities, but not necessarily. There must be special attention given by the States to the needs of the high crime areas. So before any money is awarded by LEAA to any State, there must be taken into consideration the needs of the high crime areas. After all, that is the essence of this program.

In the comprehensive planning scheme under the act, the States identify their own needs, they state their own problems, set their own priorities for the addressing of these identified problems. So, obviously, there is no national pattern.

Senator KENNEDY. How have you found that has worked? We have the testimony of Mayor Gribbs from Detroit, Mich., who gives a number of different examples of how this is going, how this is being spread out so thin that it is really not adequate.

Mr. VELDE. Senator, as I had indicated, 60 percent of the total 1969-bloc grant money—about \$18 million—is not going to go very far. As you will recall, Congress did not send to the President the Appropriations Act for fiscal 1970 for our agency until just before the close of the last calendar year. So there was a delay in getting the 1970 action funds to the States this year.

All the 1970 comprehensive plans have been received and approved, and all of the block grant awards were made by June 30. Now, there will be a period of some months, perhaps 4 or 5 or 6 months, before the large bulk of these funds is subgranted by the States. We estimate that there may be as many as 15,000 subgrants made by the States to applying units of local governments.

On the basis of the plans and the program descriptions received in the plans, it appears to us that the bulk of these funds, as they did in fiscal 1969, will go to meet the needs of the high crime areas. By and large, this means the large cities.

Senator KENNEDY. I would be interested in what you are doing now to try to avoid this kind of situation given the fact that it is a new program and, obviously, you are trying to work out the bugs in it.

Mayor Gribbs of Detroit talked in his testimony about Michigan's second largest City, Grand Rapids, receiving an inconsequential grant of only \$188 to purchase two quarters share of two Polaroid cameras and a fingerprint kit. Livonia, the State's third largest city, received nothing in the first year, but did a little better in the next year. Delta County, with a widely spread population of 34,000, received \$15,000 in trained volunteer participation aid.

In Pennsylvania, the city of Scranton, with 115,000 population, with an annual police expenditure of approximately \$1 million, received \$5,000, while a rural county of 16,400 population, with an annual police expenditure of nearly \$12,000 received \$22,000 for basic communications equipment. He has other examples of this.

I am just wondering, in terms of trying to do what you have expressed exceedingly well here as to your desire and intention to focus these resources in the high crime areas, how we can try to insure that next year, it really will be focused in those target areas, rather than giving at least some impression that it is pretty well dissipated in shotgun style across the country.

Mr. VELDE. Well, Senator, the budget of New York City alone, for its police department, is about \$600 million. The entire amount for fiscal 1969 block grants could have been allocated to New York City alone and hardly would have made a ripple. So you are talking about subgrant awards of very little amounts of money.

Now, with respect specifically to the comment of Mayor Gribbs with reference to subgrant allocations in the State of Michigan, I believe he was referring to a special grant award, \$188, under an authorization of the so-called Hart amendment to the Omnibus Crime Control Act which set up a special pot of money, for fiscal 1969 only. Applications had to be received, I believe, by the end of August of 1968—for the prevention and control of civil disorders. Now, Grand Rapids did apply for a small grant and received that award.

However, since that time, Grand Rapids has received three grant awards, one from the State of Michigan and two from LEAA out of discretionary funds, totaling over \$200,000. In addition, the State of Michigan will shortly announce another \$10,000 grant to Grand Rapids and has several applications for larger amounts in process.

I would think that the record should include a response from the State of Michigan as to the treatment of Grand Rapids and other cities within the State. Certainly, under our bloc grant program, the basic responsibility is at the State level and, of course, it is their program in that regard to defend.

Obviously, with such a small amount of money, with the money being allocated among the States according to population, the individual States shares were small, even in the largest States, such as California. Its block grant share in fiscal year 1969 was just a little over \$2 million, out of a total State budget of close to \$1 billion for law enforcement expenditures. So any grant awards that were made could not be large in relationship to total needs.

I think statisticians could play all sorts of games when a grant of any size for any worthwhile project is made to any city or to any county or to any State agency. There would be an obvious distortion over needs of other cities, where there is just not enough money to go around. But by and large, as I have indicated in my testimony, nationwide, 411 cities of over 50,000 fared, I would think, extremely well, receiving about 60 percent of the total funds and having only 40 percent of the population and 62 percent of the reported crime.

Obviously, there are going to be isolated examples where a city, a particular city or county, did not fare well. I think the League of Cities pointed to some 40 examples in its report on our program earlier this year. We made an effort to look into the circumstances of every case where there was a reported discrepancy, and we asked the State planning agency involved to comment specifically on each case.

Certainly, we want our program to work. We want the needs of the cities, of the high crime areas, to be met. Where there is a problem, we try to work with the State planning agency and with the city.

In many cases, no funds were awarded because there were no applications submitted. San Francisco was a good example of this during fiscal 1969. It was apparent that a technical assistance effort was needed to assist the city in developing the applications. In that regard, we just made a discretionary grant award of some \$250,000 through the State of Wisconsin to the League of Cities itself so that they can place on their staff some five professional positions to acquaint particularly the large cities. There are 29 of the largest cities participating in this program, so that they can become familiar with the details of our program and to assist them at the staff level in preparing applications.

Now, just because the money is awarded to the State does not mean that there is an automatic entitlement of the local government to these funds. There must be a program, there must be a rational means for the expenditure of these funds pursuant to the purpose Congress intended. Certainly, we want to see the program work, we want to see these needs be met. If the needs of the cities in high crime areas are not met, then we all fail—the States, the Federal Government, the local government. Crime problems are too difficult, there is too much at stake here for failure. So we are vitally concerned that these needs be met.

Senator KENNEDY. Let me ask, and then I shall want you to continue, about the bottom of page 2, where you say, "We estimate that of this amount 63 percent will be spent for law enforcement, 8 percent for court improvement, and 29 percent for corrections"—at a later time, could you give me the breakdown and subcategories in the State plans for equipment and organized crime control of that 63 percent, and also, could you break down on the 29 percent what is used for corrections and what is used for other categories?

Mr. VELDE. We would be glad to provide that for the record. I might point out, Senator, that this estimate, and it is strictly an estimate, is based on the plans submitted to us by the States. The subgrant awards will be made over the next several months by the States, and in many cases the local government will not be able to come up with a match for a project that had originally been planned. Or, in some cases, the project may prove to have been a dream in the police chief's eye for which he could not get approval of his city council; so, subsequently, the project had to be rejected. We find that, to a limited extent, there has been a reprogramming of funds with our fiscal 1969 subgrant awards by the States. So there may well be changes in these figures that we have given you here. We will not have a full and final answer until all of the subgrant awards are allocated and, of course, until the local and county governments and State governments have or have not been able to come up with the match. Some of these funds obviously will revert because of difficulties of one kind or another arise.

Senator KENNEDY. If they are not used for the purposes for which they have been outlined, what happens to the funds, then? Can the police officers or local groups try to use them for some other kind of law enforcement?

Mr. VELDE. The State agency then can award the funds based on other pending applications.

I might also point out, Senator, that pursuant to our concern that this program address itself to the needs of the high crime areas, we

special-condition many State plans to make sure that particular attention is paid to the needs of high crime areas.

(The following information was subsequently furnished:)

#### EXPENDITURE OF BLOCK GRANT FUNDS FOR EQUIPMENT

Senator Kennedy in the July 7, 1970, hearings asked LEAA to supply a break-out on the amount of block grant funds expended for equipment. LEAA's projections indicate that approximately \$45 million out of the block grant appropriations of \$184,522,000 was expended on equipment. This is approximately 25 percent of the block grant funds. It is not possible to break down for each area of law enforcement. However, in the police programs area, the figures are available and LEAA's preliminary figures indicates that of the approximately \$100 million in block grants expended by the states \$33 million or 33 percent was expended for equipment, including computers, radio equipment and crime laboratory instruments.

Senator McCLELLAN. Very well. You may proceed with your statement.

Mr. VELDE. Mr. Chairman, I am convinced that the State block grant concept is not only of great benefit to the cities today in terms of money but it will turn out to be the best vehicle to reduce crime in the future.

For the first time in our history, there are expert agencies in every State concerned with planning and program development for criminal justice within the entire State. We think that it should be State officials—and not Federal officials—who evaluate requests and negotiate differences between cities, counties, and suburban and regional planning commissions. This administration does not believe that Washington should directly monitor tens of thousands of individual grant projects in cities and counties all over the Nation. State officials are much more familiar with local problems than we are. States are also the appropriate units of Government to encourage broad coordination and cooperation and consolidation among cities and counties for the improvement of the criminal justice system.

A direct grant program to the cities would make Washington a dictator over every anticrime project in the country. It would also by necessity spawn an enormous Federal bureaucracy to evaluate these programs, and would undermine the whole concept of a Federal-State cooperative partnership which this administration is attempting to establish in the anticrime area and in other areas of social progress.

I would like now to comment on proposed amendments to the LEAA enabling statute—Title I of the Omnibus Crime Control and Safe Streets Act of 1968.

The Department's original proposals were introduced in the Senate early this year as S. 3541 by Senators Hruska and Eastland and were cosponsored by 30 other Senators, including Senators McClellan, Ervin, Thurmond, Scott and Cook, who, with Senators Hruska and Eastland, are members of this subcommittee. Since that bill was introduced, the House of Representatives has passed an amended version of the Department's proposal which includes many, in fact most, of the amendments requested by the Department, as well as some additional changes in the act which were not in the Department's proposed bill. The House bill, H.R. 17825, is now before this committee. I shall focus on the provisions of that bill, commenting on the respects in which it differs from the original administration bill.

First, the provisions of the bill embodying amendments requested by the Department which are included in S. 3541:

**Discretionary grants.** This bill includes a new, more lenient, matching formula for discretionary grants. Such grants are now subject to the same matching requirements as block grants—that is, States and cities must pay 40 percent of the cost of most programs and projects funded from the grants.

I might add, Mr. Chairman, although this was not the original intent, as I understand it, of the original proposers of the block grant concept, this is the way it has been interpreted, not only by LEAA but by the General Accounting Office as well, that discretionary grants should be matched in the same ratio as other action grants.

**Salary support.** The House bill would relax somewhat the present act's restrictions on the use of grant funds for salary support by freeing discretionary grants from those restrictions and by relaxing the restrictions on block grant funds. This provision is identical to the proposal of the administration.

Also, the House bill proposes a number of changes and additions to the provisions under which LEAA makes grants to colleges and universities for loans and grants to persons enrolled in law enforcement studies—either persons already employed in law enforcement or students desiring to pursue law enforcement careers. This law enforcement education program has been one of the most popular and successful of the LEAA programs with some 378 schools making over 100,000 loans and grants by the close of fiscal year 1970.

As you will recall, Mr. Chairman, this program was modeled after the bill originally offered by Senator Ribicoff and offered in subcommittee by Senator Tydings.

Applications have already been received from over 900 colleges and universities desiring to participate in the program during fiscal year 1971.

**Construction of correctional facilities.** The House and Senate bills would add a new part E to the LEAA title of the Safe Streets Act authorizing a program of grants to States and local units for the purpose of the acquisition, construction or renovation of correctional institutions and facilities, the improvement of the programs and personnel standards of such institutions, and planning activities in the area of correctional construction and program improvement.

Of course, Mr. Chairman, the provision of the administration proposal was essentially identical to that of Senator Hruska's earlier bill, S. 2875.

The House bill authorizes the appropriation of \$650 million for fiscal year 1971, \$1 billion for fiscal year 1972 and \$1.5 billion for fiscal year 1973. Although the Department prefers the open-ended authorization in the Senate bill, it is pleased with the increased level of funding provided for in the House bill. Appropriated funds would remain available for obligation until expended under both bills.

**Administrative provisions.** The House bill includes a number of amendments to the administrative provisions of the act designed to increase LEAA's management efficiency and staff capability.

**Small State amendments.** The House bill does not include two amendments requested by the Department which would authorize LEAA to waive the requirements in the act that 40 percent of all

planning funds and 75 percent of all action funds granted to a State be made available to local units within the State. These so-called "pass-through" requirements were included in the act to conform the distribution of bloc grant funds to the national pattern of criminal justice expenditures by the States and local governments, respectively.

They were derived from the 1967 report of the President's Commission on Law Enforcement and Administration of Justice and were based upon total national expenditures for law enforcement rather than upon State-by-State expenditures. The detailed statement we are submitting for the record includes information on the expenditures of the individual States and their local units.

Although the House bill does not include these amendments, the House committee report states that the committee believes that LEAA may interpret existing provisions of sections 203(c) and 303 of the act to authorize it to grant waivers of the pass-through requirements, and hence no amendments to the existing legislation were necessary. We hope this subcommittee will study this issue and, if it agrees with the conclusions of the House committee, will include similar language in its report.

Mr. Chairman, all of the amendments in H.R. 17825 I have discussed thus far were requested by the administration and most of them are in S. 3541, in identical or substantially similar form. It is for these reasons that the Department of Justice strongly endorsed the bill as reported by the House Judiciary Committee. There were additional amendments added by the House committee which the Department opposed during consideration by the House committee. However, we elected not to attempt to delete them by floor amendment.

Senator McCLELLAN. Identify them.

Mr. VELDE. Those are identified on pages 12 and 13 of the prepared statement. I skipped over them, but they are included in the statement, Mr. Chairman.

Senator KENNEDY. Mr. Chairman, could we just go through those briefly? There are just four in there. I would be interested in the reasoning. With the chairman's permission, of course.

Senator McCLELLAN. All right.

Senator KENNEDY. There are four of them. If you would just read them and give any comments you may have on them.

Senator McCLELLAN. I wanted to get that specifically. I did not know you had that in your prepared statement. That is why I asked you to give them.

Mr. VELDE. These include, first, a requirement that LEAA not approve a State plan without an express finding that the plan allocates an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence.

Senator KENNEDY. Is this not just about what you said earlier you now do in terms of focusing the thrust of LEAA?

Mr. VELDE. Yes, sir.

Senator KENNEDY. It seems to me to state in terms of legislation precisely the standard you have said earlier you apply in terms of policy. Could you tell me why you would be opposed to that?

Mr. VELDE. Yes, the Department indicated to the committee that it would object to this provision for two reasons, and it pointed out first of all that we already have essentially the same requirement in our

planning grant guidelines. It is not a statutory requirement. We are totally sympathetic with the objectives of this provision, but it appears to the Department that there may be some problems with language.

How do you define the term adequacy? This, of course, would be left to the broad administrative discretion of LEAA. We feel that we already had this discretion, and we so included it in our discretionary grant guidelines.

But, second and more important, perhaps, is the fact that this provision may encourage so-called statistical crime waves. There have been examples in the past where, because of changes in reporting methods or for other reasons, a particular city—and I think New York City is a good example—I believe it was the year 1965 and 1966 when there was over a 100-percent increase in reported crime. Now, this is not because there was that much increase in actual crime committed, but rather, the police department changed its basis for reporting part 1 offenses to the FBI.

So if there were widespread knowledge among the cities and units of local government that the availability of Federal funds was contingent in any significant degree on the amount of reported crime, this could well encourage statistical crime waves. We would like accurate reporting of these criminal statistics, one way or another.

Comprehensive planning and subgrant awards should be made on the basis of need. There are many needs in the criminal justice system that go beyond the so-called high crime areas—the need for courts which, by and large, are not located in the high crime areas; the need for correctional facilities, which are not always located in the high crime areas. These also must be taken into account in comprehensive planning efforts. So this is the reason it was opposed in committee.

However, I might add that there was report language in the House committee report and on the House floor clarifying the meaning of these terms and indicating that the intent of the House committee was that the benefits of this program be focused in high crime areas—not necessarily dollars. If there were State corrections programs, for example, that served the needs of large cities, these could be included in calculating benefits to cities as far as the purposes of the amendment were concerned. So there was a broadening of the provision.

Senator KENNEDY. I suppose we would all feel better if we had one constant standard by which we measured these statistics for crime. What you are saying is that the statistics can prove the case no matter which side of the case you are on. At a time when we hear them bandied around so readily and easily to make a point on an issue which is as volatile as this issue, I suppose it would be extremely useful and helpful if we were able to determine, as perhaps can be done—or perhaps cannot be—some accurate way of measuring the incidence of crime.

Now, we know there is obviously very subjective input into this, and the question of whether police officials are going to report accurately and all the rest. Nonetheless, I think it would obviously be enormously helpful and useful if we used these statistics as general measuring standards to see if the LEAA funds are going where the crime is.

Of course, if we all used the same kind of statistics generally and nationally, and you at least had some kind of assurances on their accuracy one aspect of the problem that you suggested here would be

met. Obviously, a different process of allocation is appropriate in terms of corrections and the courts to accomplish balance and a sense of priority.

But it certainly is distressing as you indicate in your response, that statistics do not really mean very much and that they can vary dramatically from city to city depending on program, depending on need.

I imagine people lose a good deal of confidence in terms of both the law enforcement system, as well as this kind of legislation if these statistics do not mean a great deal.

Could I ask you this? Would you be adverse to legislation to reach what I thought was a splendid expression of the need to get the funds into high crime areas in your earlier response? Would you be adverse to suggesting legislation to meet this need at the present time? You know, focusing the thrust of these resources in the areas of high crime.

Mr. VELDE. Senator, I believe the Department does not feel that this is necessary. We, of course, have dealt with this problem in our planning guidelines. Under the concept of block grants, the responsibility is left to each State in cooperation and consultation with the local government to develop its own comprehensive plan to adjust the crime problems in that State. As I indicated, although the particular needs and problems of the high crime areas, are certainly significant and vital and need much attention given to them, there are other needs of the criminal justice system as well. Under the block grant concept, the assessment of these needs and the setting of priorities is basically a responsibility of the States. And every time a statutory priority is built in, this in effect derogates from the overall concept of bloc grants.

Senator KENNEDY. This reaches one of the basic dichotomies on this issue, because there are many of us who feel that the cities understand their problems in terms of crime and crime prevention, and are capable of dealing with the local situation a good deal better than the States. This is an argument that we have, as you are very familiar, time and time again.

Would you be kind enough just to do the last ones, two, three, and four, and give the Department's view on those?

Mr. VELDE. All right.

The second provision objected to by the Department is a requirement that at least 25 percent of LEAA's funds each year be allocated to correctional programs. This is a provision in the authorization feature of the House-passed bill which requires that, across the board for all LEAA programs, 25 percent must be allocated for corrections, probation, and parole.

The administration is totally sympathetic to the needs of corrections; hence, it proposed its so-called part E amendments, which would establish a major new program of assistance defined specifically to meet the needs of corrections. So there is total agreement that special emphasis and priority needs to be placed on corrections.

We feel, however, that this provision in the authorization would, first of all, be unduly restrictive and might operate on the States as a ceiling rather than a floor. In many States as was testified earlier here this morning, the need for corrections is much greater than just 25 percent. There might be a tendency to allocate only 25 percent, however.

Senator KENNEDY. You are doing 29 percent now.

Mr. VELDE. This is the first—

Senator KENNEDY. As the first part?

Mr. VELDE. Yes. Second, this authorization feature would apply across the board to all LEAA programs, including our administrative funds, including our technical assistance funds, where it would be very difficult, if not impossible, to apply this feature administratively. It would be just very difficult to work. Suppose a State came in at less than 25 percent in its block grant awards, or say, there was no interest by certain State agencies or local governments in applying for the funds. What do we do then, assess other States? Do we say to those States that, because State X did not come up with its shares, you must come up with an additional share to make up for State X's deficiency?

We certainly do not disagree in concept, that corrective programs deserve substantial funding. We proposed part E to deal with this problem, however.

The third objectionable feature is a requirement that each State pay at least one-fourth of the non-Federal share of the costs of local projects—the so-called buy in provision.

The Department is interested in assuring that all States participate in this program. We fear that the provision as it is now written—and there was testimony to this effect earlier this morning—may drive some States out. It just may not be physically possible for the State legislatures to become educated to appropriate the funds in the budget cycles that they have. We do not want to see any States have to withdraw from this program. Thus, there has been a suggestion that there might be a delay in the effective date of the provision of a year or two to allow ample time for its implementation.

Also, I think there was testimony earlier here that many States apparently prefer to have general revenue-sharing arrangements with units of local government, in effect, give block grants to the units of local government and let them decide on their own, set their own priorities as to which of the Federal programs they want to participate in. So this may be a problem in many States, too, that have a general revenue-sharing program rather than earmarked funds for particular Federal programs.

I believe there are some 500 Federal programs now that require matching funds of one kind or another.

Senator HRUSKA. Would the Senator yield?

Senator KENNEDY. Yes.

Senator HRUSKA. That example was given us in the State of Illinois, where there was a general sharing of funds rather than specific block grants for specific purposes. Is that not correct?

Mr. VELDE. Yes, sir.

Senator McCLELLAN. Proceed.

Mr. VELDE. The fourth provision to which the Department objected is the abolition of the tripartite management structure of LEAA and substitution of a single Administrator to run all aspects of the program.

The Attorney General testified in the House that he supported the present administrative structure. The House subcommittee and then the committee, however, did make changes in the structure.

Senator KENNEDY. Do you think the troika is workable?

Mr. VELDE. My own personal opinion, Senator, is that it is. As was pointed out earlier here this morning, this is a great responsibility. Perhaps it is too much for any one man. Just from a personal point of view, these are very physically demanding positions. There is a great deal of travel involved around the country, and just sharing that burden, spreading it around among three, I think, is a significant advantage.

But more important, LEAA is a small agency. It is a block grant concept, and, consequently, the staffing effort has largely been at the State and local levels. We have only about 300 employees at LEAA. We do not have large lines of communication among the levels within our agency. LEAA has been complimented universally by the Governors' Conference, by the League of Cities, for the efficient manner in which it has been operated to date. I know of no major complaint, or no minor complaint, for that matter, on the way the agency has been operating.

Now, in view of the recent resignation of our Administrator, I would be less than candid if I did not indicate that we have had certain internal problems. I think when three men, any three men, of strong views on law enforcement come together, there will be a divergence of opinion. But perhaps it is healthy for the program. In the last year and a half of our experience, it has prevented our going off the deep end in any regard—conservatively or liberally oriented programs, right or left, Republican or Democrat. The Agency has been on a course that has been, I think I can very candidly say, unusually free of partisan politics.

And perhaps one of the major features of the troika is the fact that you do have full representation of both parties that share in the ultimate responsibility for management of the agency. So there has been this lack of partisanship in the agency. It was pointed out here earlier—I believe the Chairman indicated it—this was the original intent of the Congress, to divorce this activity from partisanship. After all, we must deal with State and local governments of all political stripes and persuasions. We are not here to dictate to them or to dominate them. We want to assist them, provide technical assistance. So there is just no room for imposition of contemporary Federal notions, whatever they may be, of what is good and bad for law enforcement.

We need to have the States share their experiences with each other and to assist them in highlighting the good and trying to eliminate the bad. I think the troika in that respect has been helpful in creating a climate within the agency that has been divorced from partisanship. The hiring practices, I think, have been unusually free. In fact, we have probably hired more Democrats than Republicans. I do not think there are many other agencies that can make that claim.

Perhaps Mr. Coster would also have views on it, but that is my opinion.

Senator KENNEDY. I think on the workability of the troika, I would like to hear him.

Mr. COSTER. Senator, I am basically in concurrence with Mr. Velde. I would add one thing only. It is a matter that must be made to work. This is not the most simple means of direction of an agency. All people involved must be dedicated to the recognition of the advantages

and consideration of the staff and direction and fully participate to make it go. It is not a sleigh ride, but it has very strong advantages.

Senator KENNEDY. As I understand, the Department is not going to object to a change following the House position, in terms of changing the administration to a single Administrator.

Mr. VELDE. No, sir; the Attorney General testified in the House that he supported retention of the troika. But, on balance, the good provisions of the House Committee bill so far outweighs the features which the Department considers objectionable that the Attorney General indicated his full support for the House Committee bill and was pleased with the House Committee action and with the action of the House.

I might add, Senator that the troika is very analogous to senior partners in a law firm. We must have men of good will sitting down and trying to iron out policy differences and agreements. As was also pointed out earlier, county boards, since the beginning of the country, have operated on a multimember direction. So there is precedence for this kind of activity.

Senator KENNEDY. I think we can move on, but I think there has been a general kind of impression that there has been an awful lot of jockeying for position and infighting within the Agency. I think it is important to try, in terms of the administration of it, to make some determination at this juncture whether it is better to preserve the existing administrative setup or to move in the House direction. I do not know whether you agree that is a valid kind of observation to make, but according to what I have heard one of the principal inhibitions for the effectiveness of the program has been the internal conflict and infighting within the Agency.

I know it is difficult in a hearing such as this to get in and develop it, and I think your responses have tried to give us at least some kind of feel for it. This is just something that has surfaced, and I think you have probably responded fully to that question before.

Senator McCLELLAN. Have you listed all of your four items?

Mr. VELDE. Yes, sir.

I believe, Senator, the rest of the statement touched briefly on these provisions, so there will be no further need to elaborate.

Senator McCLELLAN. All right. Have you finished your statement?

Mr. VELDE. Yes, sir.

(The complete prepared statement of Mr. Velde, above-referred to, follows:)

#### STATEMENT OF ATTORNEY GENERAL JOHN N. MITCHELL

LEAA is the federal government's major effort to help the states and the cities reduce the plague of crime—street crime, narcotics crimes, juvenile crimes, organized crimes and the crimes associated with civil disorders.

It is a grant-in-aid matching fund program which makes the federal government a partner with the states and cities. State and local governments are not able now to deal with the crime problem by themselves. LEAA was established to provide leadership, funding and technical assistance to help the states and cities in what is basically a local problem.

LEAA's budget in fiscal 1969 was \$63 million, in fiscal 1970 it was \$278 million, and for fiscal 1971 we have requested \$480 million. This means that the total federal expenditure in fiscal 1971 may be one-twelfth of the total estimated national expenditure of \$6 billion for law enforcement and the administration of criminal justice.

When we undertook this task 14 months ago, we thought we had a full appreciation for the range, facets, and severity of the problems which confront today's law enforcement. But the first-year plans provided us with additional information and insights into the local crime situation. Taken together, the plans submitted by 50 States and 4 territories provide a detailed statement of needs set forth by operating law enforcement agencies.

The first planning awards were made in late 1968 and early 1969. States used this money to establish the organization and develop the programs required to address the needs of the criminal justice community.

By June 30, 1969—only an average of 6 months later—states were awarded \$25 million in action funds. Nine months after the award of these funds and only 17 months after the start of the program, states had subgranted almost \$21 million, or 84 percent of their 1969 action funds to operating law enforcement agencies.

LEAA itself took several additional steps to hasten the flow of funds. States were permitted to request an advance in funds equal to one-sixth of their 1969 allocation. We gave them the additional option of requesting up to 50 percent of their 1970 action money by December 30, 1969 before the April 15 deadline for submission of 1970 plans. Twenty-eight states used these options to request advances of over \$37 million. Finally, the submission date for the 1971 plans will be December 31, 1970, rather than the spring of 1971 as in the prior two years.

During the past year, LEAA established 7 regional offices to provide ready access for state and local officials.

We have conferred with other agencies to make them aware of how efforts can be coordinated to assist in solving the crime problem. For example, we have met with representatives of several federal organizations, including the FBI and other law enforcement agencies, and have cooperative efforts underway on such projects as adapting night vision equipment to police use, developing automatic vehicle locators to aid dispatching, and improving the protection of public housing.

More important, however, is how states and cities used action funds made available under this program. Most of LEAA funds go to the states in block grants according to their population. These block grants are for planning and action programs. Block action grants in FY 1970 totaled \$182.75 million. We estimate that of this amount 63 percent will be spent for law enforcement, 8 percent for court improvement, and 29 percent for corrections. That compares to respective percentages of 79, 6 and 15 percent last year. (The President's Crime Commission estimated in 1965 that the overall national average was 67 percent, 8 percent and 25 percent.)

#### THE CITIES

Some critics have claimed that the state block grant concept should either be completely abandoned or should be substantially modified. Those supporting this point of view generally come from the large cities. They claim, in various ways, that the cities are not deriving fair treatment from the federal program.

Our studies show the nation's 411 cities of 50,000 persons or more have fared well under the federal antierime effort.

Under the law, 40 percent of the planning grant money must go to local governments and at least 75 percent of the action grant money must go to local governments. As a matter of fact, many states have exceeded the 75 percent requirement with some states redistributing to local governments as much as 90 percent of the federal funds.

The nation's 411 cities of 50,000 contain less than 40 percent of the total population and have 62 percent of the serious reported crimes. It is our initial estimate that these cities have been granted 60 percent of all FY 1969 action funds distributed to local governments by the state governments. The block grant funds for FY 1970 were only recently awarded to the states and are currently being redistributed to local governments.

In addition, the fiscal 1970 budget contained \$32 million in discretionary funds, of which a major share was distributed by LEAA directly to cities. At least \$10 million went to 125 cities with major crime problems. These awards ranged from a maximum of \$250,000 for cities of more than one million to a maximum of \$150,000 for those under one million.

The remaining \$22 million in discretionary funds was given to city, county or state governments for special anticrime projects. The 125 largest cities were eligible to receive part of these additional funds. I am submitting for the record a list of grants made by LEAA during FY 1970.

In fiscal 1971, we hope to have \$60 million available in discretionary funds and again we propose that a major portion will be used by urban areas.

There are two other programs in LEAA which should offer direct benefit to the cities—our academic assistance program and the National Institute of Law Enforcement and Criminal Justice. The academic assistance program is now aiding approximately 50,000 persons to pursue degrees in criminal justice studies in 738 universities. Most of these students and law enforcement officers will be working in urban areas. The National Institute is funding a broad range of research projects. These involve law enforcement, the courts and corrections. Most of these projects relate to the type of crime problems most prevalent in the cities.

#### BLOCK GRANT CONCEPT

Finally, Mr. Chairman, I am convinced that the state block grant concept is not only of great benefit to the cities today in terms of money but it will turn out to be the best vehicle to reduce crime in the future.

For the first time in our history, there are expert agencies in every state concerned with planning and program development for criminal justice within the entire state. We think that it should be state officials—and not federal officials—who evaluate requests and negotiate differences between cities, counties and suburban and regional planning commissions. This Administration does not believe that Washington should directly monitor tens of thousands of individual grant projects in cities and counties all over the nation. State officials are much more familiar with local problems than we are. States are also the appropriate units of government to encourage broad coordination and cooperation and consolidation among cities and counties for the improvement of the criminal justice system.

A direct grant program to the cities would make Washington a dictator over every anticrime project in the country. It would also by necessity spawn an enormous federal bureaucracy to evaluate these programs, and would undermine the whole concept of a federal-state cooperative partnership which this Administration is attempting to establish in the anticrime area and in other areas of social progress.

[This Administration has significant support on this point. The Advisory Commission on Intergovernmental Relations recently recommended, after a study of the LEAA program, that the "block grant approach embodied in the Act be retained and that states make further improvements in their operations under it." It also expressed its strong belief that "the block grant represents a significant device for achieving greater cooperation and coordination of criminal justice efforts between the States and their political subdivisions."

[Last month the National Governors Conference, which also studied the impact of LEAA's operation, issued a report which concluded that "states have broad authority and responsibility and are best able to coordinate the various parts of the criminal justice system. State, local and federal officials believe that the block grant approach has been working well in bringing together the parts of the system."]

#### PROPOSED AMENDMENTS

I would like now to comment on proposed amendments to the LEAA enabling statute—title I of the Omnibus Crime Control and Safe Streets Act of 1968. [I shall direct my remarks to the amendments proposed by the Department and to S. 3171, Sen. Hartke's amendment to modify the block grant provisions. A more detailed statement on the Department's proposals and comments on the other bills on which the Department has been asked to report will be submitted for the record at the conclusion of my remarks.]

The Department's original proposals were introduced in the Senate early this year as S. 3541 by Senators Hruska and Eastland and was cosponsored by 30 other Senators, including Senators McClellan, Ervin, Thurmond, Scott and Cook, who are members of this subcommittee. Since that bill was introduced, the House of Representatives has passed an amended version of the Department's proposal

which includes many, in fact most, of the amendments requested by the Department, as well as some additional changes in the Act which were not in the Department's proposed bill. The House bill, H.R. 17825, is now before this subcommittee. I shall focus on the provisions of that bill, commenting on the respects in which it differs from the original administration bill.

First, the provisions of the bill embodying amendments requested by the Department which are included in S. 3541:

1. *Discretionary Grants.*—The bill includes a new, more lenient, matching formula for discretionary grants. Such grants are now subject to the same matching requirements as block grants—that is, states and cities must pay 40% of the cost of most programs and projects funded from the grants. [This has severely limited LEAA's ability to fund programs of benefit to grantees who simply cannot meet these matching requirements. An example is the typical Indian tribe, which has severe law enforcement problems but which has literally no funds to contribute to the cost of LEAA programs designed to solve these problems. Under the new formula in the House bill recipients of discretionary grants would be required to contribute only 10% of the cost of grant programs, and LEAA would have discretion to pay 100% of the cost of such programs if it determined that the grant applicant could not provide any funds at all. This gives LEAA even more flexibility than it would have under the comparable provision in S. 3541, which would require that 80% of discretionary money be granted on a 75-25 matching basis.]

2. *Salary Support.*—The House bill would relax somewhat the present Act's restrictions on the use of grant funds for salary support by freeing discretionary grants from those restrictions and by relaxing the restrictions on block grant funds. The amended restrictions would apply only to the use of block grant funds for the payment of the salaries of police and other regular law enforcement personnel. Personnel whose primary responsibility is to provide assistance, maintenance, auxiliary services or administrative support to the regular operational components of law enforcement agencies would not be covered, nor would personnel engaged in research and development projects, demonstration projects or other short-term innovative programs. There is an identical provision in S. 3541.

3. *Academic Assistance.*—The House bill proposes a number of changes and additions to the provisions under which LEAA makes grants to colleges and universities for loans and grants to persons enrolled in law enforcement studies—either persons already employed in law enforcement or students desiring to pursue law enforcement careers. This law enforcement education program has been one of the most popular and successful of the LEAA programs with some 738 schools making over 100,000 loans and grants by the close of fiscal year 1970. Applications have already been received from over 900 colleges and universities desiring to participate in the program during fiscal year 1971.

The most important changes would authorize LEAA to make grants for the purchase of books as well as for the payment of tuition and fees, to make forgivable loans and grants to persons employed as full-time teachers of law enforcement-related courses or persons preparing for such teaching careers, and to make grants for the development and revision of law enforcement education curricula and course materials.

The Senate bill is identical except that it includes an additional provision relating to dual benefits for persons concurrently receiving Social Security or Veterans Administration benefits. The problem addressed by this provision has been cured by separate legislation enacted after our amendments were submitted. Hence, the provision is now unnecessary.

4. *Training Authority.*—The House and Senate bills would add a new section to the Act authorizing LEAA to develop and support regional and national training programs, workshops, and seminars to instruct state and local law enforcement personnel in improved methods of law enforcement. Such training programs would be designed to complement the training activities of the states and local governments, and would be restricted principally to regional training programs and to training activities, such as organized crime training, which individual cities and states rarely are able to develop for themselves.

5. *Construction of Correctional Facilities.*—The House and Senate bills would add a new Part E to the LEAA title of the Safe Streets Act authorizing a program of grants to states and local units for the purpose of the acquisition, construction or renovation of correctional institutions and facilities, the improve-

ment of the programs and personnel standards of such institutions, and planning activities in the areas of correctional construction and program improvement.

Although block grant funds awarded under Part C of the Act may be used for corrections, such funds have not been sufficient in view of the competing demands for funds for other components of law enforcement. In addition, since correctional systems are supported primarily at the state and county level in virtually every state, local units utilize very little of their 75% local funds for correctional programs. Even at anticipated increased Part C funding levels, the cost of necessary correctional construction and improvements will absorb virtually the entire 25% shares of most of the states unless relief is afforded by funding from another grant source.

Under the new provisions, grant funds especially earmarked for planning and implementation of correctional construction and renovation programs would be distributed to the states and local units of government. Under the House bill, 50 percent of these funds would be allocated in block grants to the states according to their respective needs as determined by LEAA. State applications for such funds would be incorporated in the comprehensive plans now required to be filed under the Act and block grants for corrections would be made to the state planning agencies now administering the block grants made under Part C of the Act. The remaining funds would be available for direct discretionary grants by LEAA to states or to units of local government, or combinations of states or local units. Because of the very high cost of this type of construction, the matching formula for these grant funds would be 75-25 instead of the 50-50 basis now provided in the Act.

In S. 3541, the block grant share of Part E funds would be 85% and discretionary grants could be made match-free. Otherwise, the two versions are essentially comparable.

6. *Fund Authorization.*—The House bill authorizes the appropriation of \$650 million for fiscal year 1971, \$1 billion for fiscal year 1972 and \$1.5 billion for fiscal year 1973. Although the Department prefers the open-ended authorization in the Senate bill, it is pleased with the increased level of funding provided for in the House bill. Appropriated funds would remain available for obligation until expended under both bills.

7. *Administrative Provisions.*—The House bill includes a number of amendments to the administrative provisions of the Act designed to increase LEAA's management efficiency and staff capability. These include:

(1) Clarification of LEAA's grant authority under its technical assistance provision;

(2) Clarification of LEAA's authority to pay the travel and subsistence expenses of persons who attend technical assistance conferences and other such meetings;

(3) Authority to appoint individual consultants and to pay consultants and members of advisory committees at the maximum daily rate of compensation payable by other Federal agencies;

(4) Changing the LEAA annual report submission date from August 31 to December 31;

(5) Clarification of LEAA's authority to audit the books and records of subgrantees and contractors who do not receive funds directly from LEAA;

(6) Clarification of the authority of agencies performing local law enforcement functions in the District of Columbia to receive LEAA funds and to utilize their regularly appropriated funds to provide the required matching funds; and

(7) Authority for LEAA to place additional positions in GS-16, 17 and 18.

All of these amendments were requested by the Department. Some of them, however, were developed after the introduction of S. 3541 and, thus, are not in the Senate bill. Detailed explanations of these amendments are included in the statement we are submitting for the record.

8. *Small State Amendments.*—The House bill does not include two amendments requested by the Department which would authorize LEAA to waive the requirements in the Act that 40% of all planning funds and 75% of all action funds granted to a state be made available to local units within the state. These so-called "pass-through" requirements were included in the Act to conform the

distribution of block grant funds to the national pattern of criminal justice expenditures by the states and local governments, respectively. They were derived from the 1967 report of the President's Commission on Law Enforcement and Administration of Justice and were based upon total national expenditures for law enforcement rather than upon state-by-state expenditures. The detailed statement we are submitting for the record includes information on the expenditures of the individual states and their local units which indicates that some states—principally small rural states—spend considerably more than 25% of the total law enforcement expenditures within the state. The amendments we requested would permit us to waive the mandatory pass-through provisions in such states and authorize an allocation formula more nearly in accord with the actual ratio of expenditures between the states and their local units.

Although the House bill does not include these amendments, the House committee report states that the committee believes that LEAA interpret existing provisions of sections 203(c) and 303 of the Act to authorize it to grant waivers of the pass-through requirements, and hence no amendments to the existing legislation were necessary. We hope that this subcommittee will study this issue and, if it agrees with the conclusions of the House committee, will include similar language in its report.

Mr. Chairman, all of the amendments in H.R. 17825 I have discussed thus far were requested by the Administration and most of them are in S. 3541, in identical or substantially similar form. It is for these reasons that I strongly endorsed the bill as reported by the House Judiciary Committee.

H.R. 17825 does, however, include some additional amendments which were opposed by the Department when the House bill was under consideration by the House Judiciary Committee.

Those include:

(1) A requirement that LEAA not approve a state plan without an express finding that the plan allocates "an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence."

(2) A requirement that at least 25% of LEAA's funds each year be allocated to correctional programs.

(3) A requirement that each state pay at least one-fourth of the non-Federal share of the costs of local projects—the so-called "buy in" provision.

(4) Abolition of the tripartite management structure of LEAA and substitution of a single Administrator to run all aspects of the program.

Our efforts to have these provisions deleted from the House bill by the Judiciary Committee failed and we elected not to attempt to delete them by floor amendment. The House committee bill, on balance, seemed to us to be an extremely good one and we preferred to endorse it for prompt floor action rather than offer amendments that might have considerably delayed enactment of the many critically necessary amendments in the bill. We still stand by our endorsement of the bill and feel that it can be made to serve our purposes. However, we believe that we should point out to this subcommittee some possible dangers in the provisions I have just mentioned.

The provision requiring LEAA to assure that each state plan deals adequately with areas of high crime incidence will create no difficulties for the present Administration, particularly in view of the House floor debates on this provision which make it clear that adequate *benefits*, not *dollars* necessarily, must be allocated to high crime areas. However, some future Administration which may be hostile to block grants could use this provision to scuttle or circumvent the block grant approach by refusing to approve many state plans and granting funds directly to large cities in those states.

The requirement that at least 25% of LEAA's funds be allocated to correctional programs, in addition to being difficult to apply on a national level, seems to run counter to one of the basic underpinnings of the block grant concept—the freedom of the individual states to order their own priorities and decide on their own allocations so long as they achieve overall comprehensive reforms. In addition, the provision seems unnecessary in view of the new Part E which authorizes grants specifically earmarked for correctional purposes.

The requirement that each state pay at least one-fourth of the non-Federal costs of local programs could have the effect of driving some states out of the block grant program. This could be avoided by delaying the effective date of the provision for a year, or perhaps two years, and this subcommittee may wish to consider that possibility.

Finally, Mr. Chairman, there are two additional points about the House bill that merit clarification. First, the bill contains a new definition of "law enforcement" which can be construed as narrowing the range of activities fundable under title I. We feel that the House did not intend that result and we hope this subcommittee will consider clarifying that amendment.

Second, the House deleted from our requests an amendment that would enable Federal agencies performing local law enforcement functions in the District of Columbia to participate in the LEAA program in the District. It is difficult to imagine a really comprehensive law enforcement improvement program in the District which does not involve the U.S. District Court, which tries all serious offenses here, and the U.S. Attorney's Office, which prosecutes all those cases. Although the pending bill to reorganize the District of Columbia court system will lessen the local responsibilities of these agencies, the proposed reorganization will take place in steps over a period of years and will not entirely phase out these Federal agencies. We hope this subcommittee will give careful consideration to the consequences of excluding these agencies from participation in the program.

Before concluding, Mr. Chairman, I would like to say a few words about S. 3171, Senator Hartke's proposal to limit block grant allocations to states to 50% of Part C action funds instead of the 85% share now provided in the Act, with discretion in LEAA to increase a state's allocation by 20% if the state's comprehensive law enforcement plan adequately deals with the problems and needs of its cities, and by another 20% if the state contributes at least half of the matching funds for local projects. The Department of Justice strenuously opposes this bill. We believe that the block grant concept is working well and is proving to be the best approach to Federal grant-in-aid assistance to the states and cities.

In addition, I point out that the amendment proposed by S. 3171 would be unworkable. With no change in the 75% local pass-through requirement, there would be no incentive for the states to qualify for the optional 20% block grant increases. Instead, they would compete with their cities for the increased low-match discretionary funds, and our experience indicates that they would be aggressive and quite effective competitors. In short, we believe that the cities will fare better under the present block grant structure, and we urge that it not be modified.

That concludes my remarks, Mr. Chairman. I shall be pleased to try to answer any questions you or other members of the subcommittee may have.

#### S. 3541—AMENDMENTS TO TITLE I OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

##### SECTION-BY-SECTION EXPLANATION OF BILL

SECTION 1. Enacting and title clause.

SEC. 2. Amendments to Title I of the Act:

*Subsection (1) Amendment to Section 203(c).* This is one of the small state" amendments (the other is subsection (4)) designed to permit LEAA to waive the majority "pass-through" requirements for states in which there is little law enforcement responsibility at the local level.

This amendment would permit LEAA, in its discretion, to waive the requirement in Section 203(c) of the Act that each State planning agency assure that at least 40% of all planning funds granted to it by LEAA for any fiscal year "will be made available" to local governmental units within the state to permit such units to participate in the formulation of the state's comprehensive law enforcement plan. The legislative history of this provision indicates that the 40% local availability provision was included in the Act to reflect the fact that most of the crime in the country is concentrated in the large cities and the fact that the bulk of law enforcement expenditures in the country is made by cities and other local units. While the Act was intended to emphasize central state-wide planning for criminal justice reforms, it was felt that a significant portion of each state's planning funds should be passed on to local units to enable them to contribute to the development of a comprehensive plan adequately reflecting local needs, particularly the needs of the large cities.

The experience of LEAA in its first full fiscal year has indicated that, while the 40% local availability requirement is appropriate in most states, in a few states it is inappropriate and works to the detriment of effective comprehensive planning. In some states—principally small, predominately rural states—the state bears the greatest share of the responsibility and cost of law enforcement throughout the state. In some such states, for example, there are no local courts, no local detention or prison facilities and no local corrections systems, with the result that the local contribution to the law enforcement budget is small. (See the details set forth in the discussion of subsection (4)). In these states, where the state law enforcement commitment is inordinately heavy, it would seem inappropriate to make large sums of planning funds available to local units which have little or no law enforcement responsibility. In other small states, the total annual planning grants, which are based on population, are relatively small. In these states, the local 40% share of planning funds, when divided among the many local units entitled to participate, will not support effective local planning efforts. In such a case, a central planning effort, with all local units represented on the state planning agency or its advisory committees, would seem to be a much more effective way of developing a comprehensive statewide plan.

The proposed amendment would permit LEAA to waive the 40% planning funds "pass-through" requirement in appropriate cases, such as those described above, and permit the state planning agencies in such states to satisfy some or all of the local participation requirement by providing central planning services for the local units within the states in lieu of making a share of planning funds available to them. Such a waiver would be authorized only where a state planning agency could show that, for reasons such as those described above, strict adherence to the 40% local availability requirement would not contribute to the efficient development of the required comprehensive state plan.

LEAA would issue regulations prescribing the limits within which its waiver discretion would be exercised and the documentation and other material that would be required from a state planning agency in support of a request for a waiver. It is anticipated that a small number of states would qualify for a waiver and that all waivers would be partial—that is, the "local viability" share would be reduced, not removed altogether.

*Subsection (2) Amendment to Section 301(c).* This amendment recasts the language of subsection (c) of Section 301 of the Act to clarify it generally, and particularly to make it clear that the various percentage limitations on Federal expenditures (so-called "matching" requirements) set forth in the subsection apply only to block grants to state planning agencies made under Section 301, not to discretionary grants made under Section 306. A new matching formula for discretionary grants is included in the amendment to Section 306 (subsection (5) below).

*Subsection (3) Amendment to Section 301(d).* This amendment complements amendment (2) by changing the word "part" in the first sentence of Section 301(d) to "Section" so that the limitations on the use of block grant funds for the compensation of personnel will not apply to discretionary grants. The remaining changes made by the amendment are intended to make it clear that the personnel compensation limitations set out in the section apply only to restrict the use of grant funds for the payment of the salaries of "police and other regular law enforcement personnel." It seems clear from the extensive floor debates on this provision that it was included in the Act because Congress feared that large-scale Federal support of state and local police salaries could lead to undesirable Federal influence over law enforcement throughout the country. Congress obviously was concerned about possible Federal influence over regular, full-time state and local law enforcement personnel whose primary responsibility is to perform services which are "operational" in nature—for example, police officers assigned to line duty; jail or correctional personnel assigned custodial duties; prosecutors, public defenders and judges; probation and parole officers.

Congress was not concerned, apparently, about those classes of personnel whose primary responsibility is to provide assistance, maintenance, auxiliary services or administrative support to the regular operational components of law enforcement agencies. Nor was it concerned about salary support for personnel engaged in research and developed projects, demonstration projects, or

other short-term innovative programs supported under Title I grant, since Federal support of the salaries of these irregular, non-operational personnel could not lead potentially to Federal influence over state and local law enforcement agencies.

The amendment would make it clear that the use of block grant funds for the salaries of such personnel would not be subject to the limitations set forth in Section 301(d). They would, however, remain subject to the state and local matching fund requirements set forth in Section 301(c) of the Act.

*Subsection (4) Amendment to Section 303(2).* This amendment is a "small state" amendment, a companion to the amendment proposed by subsection (1). It would permit LEAA to waive, in appropriate cases, the requirement in Section 303(2) of the Act that 75% of the block action funds granted to a state for a fiscal year be made available to local units of government within the state to permit those units to participate in the implementation of criminal justice reform programs.

The Congressional debates indicate that this provision was included in the Act to reflect a finding by the Congress that approximately 75% of total nationwide law enforcement expenditures by state and local governments is spent by local governments. This finding was based upon information supplied by the Department of Justice and the Census Bureau showing total nationwide expenditures, not state-by-state breakdowns. If Congress had studies law enforcement expenditures on a state-by-state basis, it would have found that the 75% "pass-through" formula does not reflect the state-local division of law enforcement expenditures in most states, and, in fact, is wholly inappropriate in a few states which bear very high portions of the total statewide expenditures for all or some components of law enforcement.

The table attached as an appendix to this memorandum shows clearly the inappropriateness of a rigid 75% pass-through formula applicable to all of the states. The data in the table was taken from the Census Bureau's 1967 Census of State Governments, published by the U.S. Department of Commerce in January 1970, the latest complete data of this type available. The table shows state-by-state expenditures for police protection and corrections, and the percentages of such expenditures borne by the state and by local governments within the state.<sup>1</sup> State and local shares are shown as a percentage of total police and corrections expenditures, as a percentage of expenditures for the police component alone, and as a percentage of the expenditures for the corrections component alone.

As the table shows, there are only 5 states in which 75% or more of the total police and corrections expenditures is borne by local governments, and another 13 in which local governments bear at least two-thirds of such expenditures. Thus, the 75-25 formula in the Act reflects the actual state-local expenditure ratio in only 18 states. Significantly, however, the states include 7 large and populous urban states (California, Illinois, Michigan, New York, Ohio, Pennsylvania and Texas) in which the outlay for law enforcement expenditures is very large in proportion to the rest of the states in the nation and is concentrated in large cities. The total law enforcement expenditure of these states is large enough in relation to the total for the rest of the states to skew the national average, producing a 75-25 local-state ratio which does not reflect the actual breakdown of expenditures between state and local governments in most of the other states in the country.

For example, there are 5 states in which the state bears more than half of the total statewide expenditures for police and corrections, including two states which bear more than two-thirds of such costs (Vermont—72%, Alaska—69%). Fourteen other states bear at least 40% of the police and corrections expenditures throughout the state; 15 others bear at least a third. In all, 45 states bear more than 25% of the total statewide costs of police and corrections, 32 bear at least a third of such costs, and 19 bear at least 40%. Thus, in a very large number of states the 75% mandatory local availability provision does not reflect the actual ratio of law enforcement expenditures between the state and its local units, and in a few states the discrepancy is significant enough that the 75% pass-through requirement adversely affects comprehensive state planning and implementation. These states are required to make action funds available to local governments

<sup>1</sup> No data is available for court expenditures, the third major component of law enforcement. However, since that component is supported largely at the state level in virtually every state, the absence of that data does not affect the usefulness of the table in showing the inappropriateness of the 75% "pass-through" formula.

in amounts that bear little relation to the actual role of local governments in the statewide law enforcement structure.

This discrepancy is even more apparent when expenditures for corrections are considered separately. As the table shows, every state except California and New York bears the overwhelming share of the cost of the state's correctional system. Yet, literal compliance with the 75% local availability formula in Section 303(2) would require a state such as Alaska, Connecticut, Maine, Rhode Island or Vermont, in a year in which it wished to apply the bulk of its grant funds toward the construction of correctional facilities and the improvement of correctional programs and techniques, to make 75% of such funds available to local units which have practically no responsibility for that component of law enforcement and bear less than 10% of its statewide cost. Such an allocation of funds certainly would not contribute to the development of a comprehensive statewide correctional improvement program.

It should be pointed out that in some of the instances described above strict adherence to the 75% pass-through formula in paragraph (2) of Section 303 would create a conflict with the provisions of paragraph (3) of Section 303 of the Act. That paragraph requires each state plan to "provide for an appropriately balanced allocation of funds between the state and the units of general local government in the state and among such units." Clearly, an allocation of 75% of a state's action funds to local units which bear as little as 25-35% of the total statewide outlay for local enforcement is not an appropriately balanced allocation.

To provide a solution to this conflict, the proposed amendment would authorize LEAA to waive strict adherence to the 75% local availability requirement, in appropriate cases, and to permit the state planning agency to devise and apply an allocation formula more nearly reflecting the actual ratio of expenditures and responsibility between the state and its local units for the components of law enforcement to which the funds are to be applied. Pursuant to LEAA regulations, such waivers would be granted in a limited number of cases, in states in which the state-local expenditure ratio deviates so significantly from the 75-25 formula now in the Act that adherence to that formula would not achieve an appropriate allocation of funds within the state. The burden would be on the state planning agency to show that the standard 75-25 formula is inappropriate and to establish the appropriateness of a different allocation formula.

It should be stressed that LEAA will consider requests for waivers in light of the express requirement in Section 303(3) of the Act that the state planning agency "adequately take into account the needs and requests of the units of general local government in the state and encourage local initiative in the development of programs and projects for improvements in law enforcement."

*Subsection (5) Amendment to Section 306.* This amendment would modify the present language of Section 306 and designate it as subsection (a), and would add a new subsection (b). The modifications in the present language would make it clear that LEAA may utilize 15% discretionary funds for direct grants to local governmental units or for grants or contracts to other grantees appropriate to the purposes of Title I. It appears quite clear from the debates that Congress intended LEAA to have this discretion, and the modified language would clarify this point. Subsection (a) would also set forth a new matching formula for discretionary grants, under which 80% of such grants would be matched on a 75% Federal-25% local basis, and 20% of such grants could provide for 100% Federal funding. This revised matching formula for discretionary grants would be particularly beneficial for grants to recipients, such as Indian tribes, which cannot comply with the present requirements that designated portions of the cost of programs and projects be paid from local sources.

The new subsection (b) would authorize LEAA to reallocate funds allocated to a state for any fiscal year but not utilized by that state during the year. Under the present Act, LEAA is required to allocate to each state a population share of action funds appropriated for any fiscal year. As the level of LEAA funding increases substantially in the coming fiscal years, some states might not be able to utilize all of their shares of funds or might not be able to satisfy the matching requirements and other conditions set out in the Act. In such cases, it is not clear under the present language whether such unused funds

may be reallocated by LEAA for grants to other states or other grantees, or must remain unspent and revert to the Treasury at the end of the fiscal year. The proposed new subsection would permit LEAA to use such unclaimed funds for grants under Part C to other state planning agencies, local units or other appropriate grantees, thus assuring utilization of all funds appropriated by Congress for the purposes of the Act.

*Subsection (6) Amendment to Section 406.* This amendment would make a number of changes and additions to the provisions under which LEAA makes grants to colleges and universities for loans and grants to persons enrolled in law enforcement studies—either persons already employed in law enforcement or students desiring to pursue law enforcement careers.

Part (a) of the amendment would conform the language in subsection (b) describing the types of degree and certificate programs that qualify under the loan provisions with the language of subsection (c) describing the programs that qualify under the grant provisions. It would then be clear that the applicable standards are the same in both cases.

Part (b) would amend the grant provisions to permit grant funds to be used for the purchase of books as well as for tuition and fees. This would permit participation in the grant program by students in states which provide free tuition and fees in state-supported colleges and universities.

Part (c) would add three new subsections to Section 406:

New subsection (d) would incorporate language, which is standard in Federal student aid legislation, to permit persons receiving Veterans Administration or Social Security assistance to receive LEAA funds concurrently without endangering their VA or Social Security status.

New subsection (e) would authorize LEAA to make loans and grants (and permit forgiveness and cancellation benefits) for persons employed or preparing for employment as full-time teachers of courses related to law enforcement. This would enable LEAA to help to relieve the present short supply of qualified teachers to staff the new and developing law enforcement degree programs.

New subsection (f) would authorize LEAA to make grants to develop and revise programs of law enforcement education and to develop curriculum materials, so that LEAA can exercise national leadership in this important area.

*Subsection (7) Addition of a new Section 407.* This amendment would add a new section authorizing LEAA to develop and support regional and national training programs, workshops, and seminars to instruct state and local law enforcement personnel in improved methods of law enforcement. Such training programs would be designed to complement the training activities of the states and local governments, and would be restricted principally to regional training programs and to training activities, such as organized crime training, which individual cities and states rarely are able to develop for themselves.

From its inception through June 15, 1970, LEAA has developed and funded 15 training projects for state and local personnel of operating law enforcement agencies and personnel involved in law enforcement planning. These projects, involving total awards of approximately \$1,040,000 were funded through states, local governments and private organizations, utilizing 15% discretionary funds appropriated under Part C of the Act. The success of these projects has established clearly the need for a continuing program of training in a wide range of substantive areas related to law enforcement, including for example, planning and evaluation, financial administration of grants, organized crime investigation and prosecution, police laboratory technician training and specialized prosecutorial techniques. The programs would be of a broad regional nature, rather than particularized to the needs of a small area or a single state. Emphasis would be placed on such specialized areas as command level training programs and law enforcement planning, which single states rarely have sufficient personnel or expertise to develop themselves, but which a central capability could economically and efficiently offer for personnel from a number of states.

The proposed amendment would enable LEAA to support a continuing training program from funds appropriated for that purpose, so that large sums of discretionary funds need not continue to be diverted from their primary purpose of supporting short-term innovative or experimental programs.

The amendment would provide explicitly that LEAA's training activities would not duplicate the authority of the Federal Bureau of Investigation under Section 404 of the Act.

*Subsection (8) Addition of new Part B providing for construction of correctional institutions and facilities.* This amendment would add a new part to Title I authorizing a program of grants to states and local units for the purpose of the acquisition, construction or renovation of correctional institutions and facilities, the improvement of the programs and personnel standards of such institutions, and planning activities in the areas of correctional construction and program improvement. State applications for such funds would be incorporated in the comprehensive plans now required to be filed under the Act and block grants for corrections would be made to the state planning agencies now administering the block grants made under Part C of the Act.

The so-called correctional institutions—the jails, juvenile detention facilities, and prisons—of this country have been grossly neglected for generations, and in the opinion of many experts are a considerable factor in themselves in the generation of confirmed criminals. Twenty-five major prisons of this country are more than 100 years old. Some date back almost to the Revolutionary War. Approximately sixty more were built in the period immediately after the Civil War. And even those that were built earlier in the current century were designed primarily for bastille-like security and punishment rather than rehabilitation. Certainly they do little if anything to reduce crime except to immobilize a small fraction of the criminal population for more or less brief periods of time.

Because of the generations of neglect, generations of failure to replace out-moded facilities or build facilities where they are needed, a staggering requirement for construction has accumulated. This type of construction is typically very expensive, running in recent years upwards of \$20,000 per inmate capacity, and increasing in cost at the rate of 15% per year. The unfortunate fact is that because of the accumulation of needs and the extreme expense of this type of construction, most states, counties, and communities in this country simply cannot afford to finance new facilities. The job will not be done unless the Federal government provides financial assistance on a massive scale.

Although block grant funds awarded under Part C of the Act may be used for corrections, such funds have not been sufficient in view of the competing demands for funds for other components of law enforcement. In addition, since correctional systems are supported primarily at the state level in virtually every state (see the table attached as an appendix) local units utilize very little of their 75% local funds for correctional programs. The result is that this major component of law enforcement is supported in most states solely or substantially out of the state's 25% share of block grant funds. Even at anticipated increased Part C funding levels, the cost of necessary correctional construction and improvements will absorb virtually the entire 25% shares of most of the states unless relief is afforded by funding from another grant source.

Under the proposed amendment grant funds especially earmarked for planning and implementation of correctional construction and renovation programs would be distributed to the states and local units of government. Eighty-five percent of these funds would be allocated in block grants to the state planning agencies of the states, according to their respective needs as determined by LEAA. Because of the very high cost of this type of construction, the matching formula for these block grant funds would be up to 75-25 instead of 50-50 basis now provided in the Act. Fifteen percent of the funds appropriated for this new part would be available for direct discretionary grants by LEAA subject to no mandatory matching requirements. Among other things, applicants in order to obtain these funds, would have to provide assurances that the design of facilities would be modern and innovative, that due provision would be made for rehabilitation programs, and that the facilities would be staffed with personnel meeting the most desirable standards of training and education prevalent in the United States. Natural geographical groupings of communities or counties would be encouraged to pool their requirements where convenient and build joint facilities. Similar encouragement would be given contiguous states with mutual problems and interests of this kind.

*Subsection (9) Amendment to Section 508.* This amendment would authorize LEAA to receive and utilize funds or other property transferred by other Federal agencies or donated from outside sources. Specific statutory authority is necessary

in order for LEAA to accept and utilize such funds and property. Such agencies as the Office of Economic Opportunity (42 U.S.C. § 2942 (e) (f)), the National Science Foundation (42 U.S.C. § 1870 (e) (f)), and the National Institutes of Health (42 U.S.C. § 288b), which administer programs similar to LEAA's programs, have the authority that this amendment would give LEAA to accept donations and transfers of funds and property.

*Subsection (10) Amendment to Section 517.* This amendment revised Section 517 to authorize LEAA to appoint individual consultants as well as the technical advisory committees now authorized by Section 517 of the Act. The amendment would also raise the maximum daily rate of compensation for such consultants and technical committee members from \$75 to the daily equivalent of the rate for GS-18.

*Section (11) Amendment to Section 519.* This amendment would change the deadline for submission of LEAA's annual report to the President and the Congress from August 31 to December 31. LEAA's grant cycle ends with the close of the fiscal year on June 30. Since it requires approximately a month for the Government Printing Office to print copies of annual reports, LEAA is now left with one month in which to collect a vast amount of statistical information for analysis and inclusion in the annual report. This has proved not to be enough time. Moving the submission date back to December 31 would afford LEAA enough time to include in its annual report sufficient information to fully advise the President and the Congress concerning all activities of the previous year. LEAA's submission date would then coincide with the submission date for the annual report of the Department of Justice.

*Subsection (12) Amendment to Section 520.* This amendment would authorize the appropriation of funds for fiscal year 1971 and beyond. It is proposed that the Act be amended to authorize the appropriation for those fiscal years of such sums as Congress might deem to be necessary for the purposes of Title I, a so-called "open-end authorization." LEAA's activities, projects and programs would, of course, continue to be subject to annual Congressional oversight through the appropriations process. No funds would be available to LEAA until the House and Senate, their respective Appropriation Committees, and the respective Subcommittees charged with review of Department of Justice appropriation requests, have inquired into and approved all programs. In this way, the Legislative and Executive Branches of the Government could together, and with adequate safeguards, assure the continued flow of the funds necessary to the success of this essential program.

The amendment would also add a provision permitting funds appropriated for LEAA to remain available for obligation until expended. LEAA experienced difficulties in getting all of its fiscal year 1969 funds obligated by the close of the fiscal year, due to the fact that its appropriation was approved late in the fiscal year leaving a substantially shortened period for the completion of the application and grant cycle.

This situation has recurred in fiscal year 1970, since the appropriation was not approved until December 1969, in effect compressing the second-year program into six months. It would, therefore, be extremely helpful to have the June 30 deadline for fund obligation removed so that LEAA need not rush through the application and grant procedures in order to avoid the reversion to the Treasury of funds not obligated by the close of the fiscal year. An additional advantage would accrue in the utilization of discretionary funds. If LEAA did not have a June 30 deadline to meet in the awarding of these funds, it could wait until all block grant applications are received and approved, and then structure its discretionary grant awards to complement the block grant program. In this way, discretionary funds can be used to support programs and activities that have not received enough block grant funds through the states and local units, and to augment especially worthy state plans or programs.

*Subsection (13) Amendment to Section 601.* This amendment would include in the Act a definition of the term "correctional institution" as used in the new Part B providing for correctional construction.

**SEC. 3.** This section would amend 5 U.S.C. 5108 to authorize LEAA to place a total of 25 positions in GS-16, 17 and 18. Because of its present limited quota of positions in these higher grade classifications, LEAA has been severely handicapped in recruiting preeminent specialists for some of its most important functions. The additional positions would make it possible for LEAA to complete its staff with the kind of experienced people needed to carry out its important programs.

## APPENDIX

STATE EXPENDITURES FOR POLICE PROTECTION AND CORRECTIONS<sup>1</sup>

	Total statewide expenditures (in thousands)		Percentage of total expenditures for police and corrections made by—		State-contributed percentage of total statewide expenditures	
	Police protection	Corrections	State	Local governments	Police protection	Corrections
Alabama.....	\$30,174	\$8,274	30.5	69.5	17.5	76.0
Alaska.....	4,661	3,141	69.0	31.0	48.0	100.5
Arizona.....	29,841	9,845	36.5	63.5	24.0	75.5
Arkansas.....	13,326	3,824	37.0	63.0	25.0	76.0
California.....	442,342	219,816	27.0	73.0	15.0	43.0
Colorado.....	26,772	12,452	40.0	60.0	23.0	82.0
Connecticut.....	48,092	13,542	35.0	65.0	16.0	100.0
Delaware.....	6,222	3,645	60.0	40.0	38.0	98.0
Florida.....	95,007	21,091	24.0	76.0	13.0	78.0
Georgia.....	46,246	19,810	33.0	67.0	14.0	75.0
Hawaii.....	14,821	4,726	21.0	79.0	27.0	88.0
Idaho.....	7,767	2,771	42.0	58.0	23.0	95.0
Illinois.....	186,324	48,482	24.0	76.0	19.0	80.0
Indiana.....	49,846	18,115	35.0	65.0	37.0	77.0
Iowa.....	29,795	11,329	49.0	51.0	35.0	88.0
Iowa.....	22,399	8,756	39.0	61.0	20.0	88.0
Kansas.....	27,715	11,580	42.0	58.0	28.0	75.0
Kentucky.....	50,724	14,220	31.0	69.0	19.0	73.0
Louisiana.....	9,375	5,997	55.0	45.0	35.0	89.0
Maine.....	66,764	32,639	35.0	65.0	13.0	80.0
Maryland.....	96,091	36,965	26.0	74.0	8.0	72.0
Massachusetts.....	135,876	45,194	30.0	70.0	14.0	69.0
Minnesota.....	37,766	18,693	31.0	69.0	15.0	65.0
Mississippi.....	19,194	5,191	41.0	59.0	33.0	74.0
Missouri.....	66,646	15,324	23.0	77.0	14.0	60.0
Montana.....	6,861	3,625	45.0	55.0	25.0	83.0
Nebraska.....	14,012	5,447	40.0	60.0	22.0	85.0
Nevada.....	13,806	5,311	34.0	66.0	15.0	82.0
New Hampshire.....	7,429	1,997	38.0	62.0	25.0	83.0
New Jersey.....	144,117	48,229	26.0	74.0	13.0	63.0
New Mexico.....	11,882	5,672	46.0	54.0	30.0	79.0
New York.....	490,381	151,212	17.0	83.0	7.0	46.0
North Carolina.....	45,112	27,976	50.0	50.0	24.0	91.0
North Dakota.....	5,106	1,837	38.0	62.0	20.0	89.0
Ohio.....	125,379	44,753	26.0	74.0	10.0	70.0
Oklahoma.....	24,182	6,950	35.0	65.0	20.0	86.0
Oregon.....	28,806	12,621	34.0	66.0	18.0	72.0
Pennsylvania.....	156,510	62,952	31.0	69.0	18.0	65.0
Rhode Island.....	14,187	4,259	33.0	67.0	12.0	100.0
South Carolina.....	22,213	9,021	43.0	57.0	31.0	73.0
South Dakota.....	6,130	2,357	44.0	56.0	31.0	79.0
Tennessee.....	36,099	13,451	35.0	65.0	18.0	79.0
Texas.....	115,331	34,356	28.0	72.0	15.0	67.0
Utah.....	10,031	4,903	41.0	59.0	18.0	87.0
Vermont.....	3,825	2,797	72.0	28.0	52.0	99.0
Virginia.....	50,294	14,108	39.0	61.0	26.0	86.0
Washington.....	41,111	25,745	44.0	56.0	18.0	86.0
West Virginia.....	11,929	4,832	41.0	59.0	28.0	72.0
Wisconsin.....	64,862	24,653	29.0	71.0	9.0	81.0
Wyoming.....	4,547	1,868	47.0	53.0	26.0	96.0

<sup>1</sup> Data taken from tables 9 and 18 of the 1967 Census of Governments, compiled by the U.S. Bureau of the Census (issued January 1970). "Police protection" includes preservation of law and order and traffic safety, highway police patrols, crime prevention activities, police communications, detention and custody of persons awaiting trial, traffic safety, vehicular inspection, and the like. "Corrections" includes confinement and correction of adults and minors convicted of offenses against the law, and pardon, probation, and parole activities. Detention pending trial, as in municipal jails, is classed under "Police protection."

VIEWS OF THE DEPARTMENT OF JUSTICE ON PROPOSED AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 AND RELATED BILLS

S. 3

The purpose of this bill is to establish a group life insurance program for State and local law enforcement officers with the major risks being assumed by compensated commercial insurance companies. The Federal contribution to the program, up to a maximum of one-third of the cost, would be determined by the President.

On March 27, 1970, the Department of Justice submitted a report on this bill to the Senate Committee on the Judiciary which states:

"Currently there is no Federal program of insurance for local law enforcement personnel. Moreover, there are but a few very limited provisions in law which

relate to Federal participation in the payment of direct monetary benefits to State and local law enforcement officers. The legislative history of the Omnibus Crime Control and Safe Streets Act of 1968 indicates that there are serious objections to an increase in the financial-administrative ties between the Federal Government and local law enforcement officers in the form of additional salary aids. Due to the increased Federal aid provided through the Law Enforcement Assistance Administration, it is possible that sufficient State and local funds will become available to permit the establishment of sound life insurance programs under authority of State or local governments.

"The Department of Justice recommends deferring consideration of this legislation until the impact of LEAA funding is known."

The Department remains of the view expressed in that report that consideration of this proposed legislation should be deferred.

## S. 965

This bill would authorize the establishment of regional divisions of the National Institute of Law Enforcement and Criminal Justice. The Department recommends against enactment of this legislation. Although regional offices of the National Institute might serve a useful purpose some time in the future, the Department does not believe that either the current appropriation level for LEAA or the degree of expertise which has been achieved to date in the field of criminal justice research and development would justify regional offices at this time. In addition, it does not appear that specific authorization would be necessary for the establishment of regional divisions of any of the offices within the Law Enforcement Assistance Administration.

## S. 966

This bill would amend P.L. 90-351 to authorize LEAA to make grants to enable State and local law enforcement personnel to travel to foreign law enforcement agencies to observe and study their organization, methods, techniques, and practices. The Department of Justice does not believe this amendment is necessary and recommends against its enactment. It is clear that grants and contracts for these purposes are authorized under the present Act.

## S. 968

This bill would amend P.L. 90-351 to authorize LEAA to provide grants to enable state and local law enforcement personnel to travel to other law enforcement agencies within the United States to observe and study their organization, practices and techniques. Authority to make such grants exists under the present Act. Hence, the amendment is unnecessary and the Department recommends against enactment of the bill.

## S. 969

This bill would amend P.L. 90-351 to authorize LEAA, through its National Institute of Law Enforcement and Criminal Justice, to conduct periodical regional and national conferences and seminars to bring together state and local law enforcement supervisory officials in order to acquaint them with new programs and techniques and to encourage the exchange of criminal justice information. The essential purposes of this amendment are included in the Department's proposal to authorize LEAA to conduct regional and national training conferences and seminars for state and local law enforcement personnel. The Department therefore recommends against this bill.

## S. 970

This bill would amend P.L. 90-351 to authorize LEAA to make grants for the purpose of supplementing the salaries of state and local law enforcement officials who have completed undergraduate or graduate courses of instruction at institutions of higher education. The Department recommends against enactment of this proposal. LEAA grant funds are available for salary supplements under existing law subject to limitations set forth in Section 301(d) of the Act. The Department has included some relaxation of these limitations in its proposed amendments to the Act. That relaxation, plus the funding available during

future fiscal years, should insure that sufficient funds will be available for the purposes of making necessary increases in the salaries of state and local personnel.

## S. 971

This bill would amend P.L. 90-351 to authorize states and cities to use LEAA action funds for supplementing the salaries of law enforcement personnel with the object of "upgrading these salaries to a level competitive with that of other comparable professions in given locales." Grants made for this purpose would be excluded from the computation of the Act's salary support limitations. Specific authority for such grants is unnecessary since grant funds presently can be used for salary support. In addition, the Department opposes the exclusion of such grant funds from the application of the salary support limitations for the reasons stated above in the discussion of S. 970. The Department therefore recommends against enactment of S. 971.

## S. 972

This bill would amend P.L. 90-351 to authorize LEAA action funds to be used to provide retirement, injury and death benefits for state and local law enforcement personnel. The Department recommends against enactment of this proposal. As noted above in the discussion of S. 3, Federal participation in the payment of direct monetary benefits to state and local law enforcement officers has not been viewed favorably by the Congress. Moreover, the legislative history of the Omnibus Crime Control and Safe Streets Act of 1968 indicates that there are serious Congressional objections to an increase in the financial ties between the Federal government and local law enforcement officers in the form of additional salary aids and other such direct monetary assistance. At the level of LEAA funding projected, we would expect that the states will be able to devote more of their own state funds to programs of the kind authorized by the bill, thus alleviating the need for Federal support.

## S. 1220

This bill would amend P.L. 90-351 to authorize block grants to the Secretary of the Interior for Indian Tribes. The Department submitted a report on this bill to the Senate Judiciary Committee on March 10, recommending that it not be enacted.

## S. 2465

This bill would amend P.L. 90-351 to provide that each state shall receive at least \$100,000 in action funds per fiscal year. This bill is unnecessary in view of the increased funding levels of LEAA and particularly in view of the use by LEAA of discretionary funds to supplement the statutory block grant allocations of some of the small states. Under the discretionary fund program, no state received less than \$500,000 in action funds in fiscal year 1970. The Department therefore recommends against enactment of this bill.

## S. 2875

This bill would amend P.L. 90-351 to authorize LEAA to make grants to the states for the purpose of construction of correctional institutions and facilities. The provisions of this bill are included in S. 3541, the Department's proposed amendments. The Department recommends enactment of the provisions of S. 3541.

## S. 3045

The provisions of this bill are included in substance in S. 3541, which the Department recommends be enacted in lieu of this bill.

## S. 3171

This bill would reduce the block grant share of LEAA funds from 85% of Part C funds to 50%, with discretion in LEAA to increase a state's allocation by 20% if its comprehensive plan deals adequately with its cities and by another

20% if it pays at least half of the matching funds for local programs and projects. The Department recommends against enactment of this bill. It believes that the block grant concept is working well and that proposals to modify it should be rejected. In addition, the modification proposed by the bill would be unworkable because, since the 75% pass-through requirement is retained, the states would have no incentive to qualify for the optional 20% block grant increases. Instead, they would accept a reduced block grant allocation and would compete with their local units for the increased discretionary funds.

## S. 3616

This bill would amend P.L. 90-351 to authorize LEAA to make direct grants to units of local government upon which the presence of the Federal Government has imposed additional law enforcement burdens.

The problem addressed by this bill is adequately provided for under the present Act. In making subgrants to cities, states may consider any additional burdens imposed upon cities within the state by the presence of U.S. military installations on other Federal enclaves. In addition, discretionary funds are available for direct grants to such cities if they can show the need for additional funds to meet law enforcement problems resulting from the presence of the Federal Government.

The Department does not favor a statutory priority in favor of such cities. Such a mandatory priority would limit the desirable flexibility the states now have to consider all factors in deciding upon allocations of LEAA funds to cities within the state.

The Department therefore opposes enactment of S. 3616.

## S. 964

Title I of this bill contains provisions which would authorize programs identical to those authorized by S. 965, S. 966, S. 968 and S. 969. As noted above in comments on those bills, these provisions either duplicate programs contained in the Administration's proposed amendments or are authorized by general provisions now contained in the Omnibus Crime Control and Safe Streets Act. Part A of this title would authorize law enforcement study programs in the Office of Education which would conflict with programs already being conducted by LEAA or included in the Administration's proposed amendments. The National Institute of Law Enforcement and Criminal Justice of LEAA is presently conducting a fellowship program for graduate study in law enforcement and the Office of Academic Assistance provides grants and loans for law enforcement personnel in undergraduate and graduate programs.

Part B of title I would specifically authorize the establishment of regional offices of the National Institute of Law Enforcement and Criminal Justice. LEAA has established seven regional offices for its Office of Law Enforcement Programs. There is similarly sufficient authority under the present language of P.L. 90-351 to establish regional centers for the National Institute at such time as sufficient funds and expertise are available to justify this expansion of the National Institute Program.

Part C of title I would authorize peace-time draft deferments for law enforcement officers. The Department would respectfully defer judgment on this provision to the Selective Service System.

Part D and Part E would provide specific authorization for educational travel to foreign countries and within the United States for law enforcement officers. Both of these programs could be conducted under present authority. The Department does not recommend this additional authorization which would have the effect of limiting the purposes for which such travel could be authorized.

The purpose of Part F, the establishment of a national and regional training program is embodied in Sec. 2(7) of S. 3541 and Sec. 5(2) of H.R. 17825.

Because each of the programs encompassed in title I except for the draft deferment provision is either authorized in the present legislation, embodied in H.R. 17825, or would be in direct conflict with the present programs of the LEAA, the Department is opposed to title I of S. 964.

Title II contains provisions identical to the provisions of S. 970 and S. 971. For the reasons stated in the comments on those bills, the Department opposes these provisions.

Part A of title III would authorize direct federal programs of research and corrections for the rehabilitation of chronic alcoholism under the Secretary of Health, Education and Welfare. The Department of Justice defers to the Department of Health, Education and Welfare as to this item.

Part B of title III would add another category of programs eligible for funding under Part C of the Omnibus Crime Control and Safe Streets Act—experimental correctional programs. Such programs are presently being funded under the existing broad authorization for corrections programs, and no further authority is necessary.

Title IV would create an additional Assistant Attorney General for organized crime. Considering the responsibilities of the individual who heads the Organized Crime and Racketeering Section of the Department and considering further the activity that is generated and the policy decisions that must be made by the head of this section, there is certainly every reason to conclude that its chief should have the rank of Assistant Attorney General. However, title IV of the bill would give the Assistant Attorney General for organized crime the responsibility, among other things, to conduct training sessions for the purposes of educating state and local law enforcement personnel in methods of combating organized crime. The Organized Crime Programs Division of the Law Enforcement Assistance Administration is currently conducting such sessions and there would be duplication of effort if the Organized Crime and Racketeering Section were to take on this responsibility. Effective coordination and utilization is required to improve state and local capability in the fight against organized crime, and this, we feel, can only be accomplished by a non-operational unit whose sole responsibility is to invest its energy, time and resources in increasing and developing state organized crime capability. Thus, because some portions of this title would conflict with present programs within the Department, we are opposed to title IV.

Title V contains provisions for a national system for the registration and licensing of firearms. These provisions were considered by the Congress as amendments to the Safe Streets legislation in 1968 and as amendments to the Firearms Control Act of 1969. They were rejected on both occasions by the Congress. The Department believes that additional time is needed to evaluate the present firearms legislation before new legislation is adopted.

Title VI would create a ten-member commission to study the effect of court decisions on law enforcement. Six members of this commission would be members of the Congress. The Department questions whether such a commission is the best vehicle to accomplish the purpose. Also, if any commission is appointed, we believe it should be more broadly representative of federal, state and local governments and the law enforcement community.

Senator McCLELLAN. Let me ask you, the Law Enforcement Assistance Administration is now directed by a three-member board consisting of an Administrator and two Associate Administrators. That feature of the legislation was added by this subcommittee during 1968 sessions on the safe streets legislation.

Section 2 of H.R. 17825 would abolish that arrangement and vest all LEAA authority in one Administrator.

What are your personal views with respect to that? I think you have just testified, as I tried to follow you and understand you, that the Department favored the law as it is with the three-man administration, but that it is willing to accept section 2 of H.R. 17825, the House bill, which provides for a single Administrator. Is that correct?

Mr. VELDE. That is correct, sir.

Senator McCLELLAN. What are your personal views with respect to this?

Mr. VELDE. Senator, I have to candidly admit that I am not exactly an unbiased observer of this question.

Senator McCLELLAN. You are down there. You may go contrary to your boss; I do not care. I want to know from you, working down

there now, from the experience you have had, yes or no, which you favor and why.

Mr. VELDE. Senator, I favor a retention of the troika.

Senator McCLELLAN. Would you rather serve as a member of the troika than to have the full responsibility as one Administrator?

Mr. VELDE. For this program; yes, sir, because of the checks and balances inherent in the troika and the need to have this program administered on as nonpartisan a basis as possible. The Department would suggest, however, that if the troika is retained, one of the three Administrators be designated as the administrative head of the agency. It is possible now under existing law, under the provisions of section 502, for one of us to delegate this authority to one of the Administrators or even below the administrative level. But I believe a statutory amendment would be preferable in this regard.

Senator McCLELLAN. Well, the issue here is, the reasons urged against these—one of the reasons; there may be others—is that the three-man board had differences of opinion and they disagree and they are not able necessarily to resolve all of the issues and move along administratively. Has that situation been a handicap to you up to the present?

Mr. VELDE. Again, Senator, I do not think I am exactly an impartial, unbiased observer.

Senator McCLELLAN. I do not want you to be impartial. You are down there. We ought to know. That is what we are trying to get at.

Mr. VELDE. I do not think it has been a significant factor. There is machinery for resolution of the disagreement among the three Administrators by taking the issue, whatever it is, to the Deputy Attorney General.

Senator McCLELLAN. Would he resolve it when you folks could not?

Mr. VELDE. Yes, sir. And this machinery was used——

Senator McCLELLAN. That was the objection I had to it originally, the way it was to be set up so the Attorney General could dominate it, or his assistant could dominate it and control it. I wanted it to be independent. I still think that might be a better idea.

Mr. VELDE. This machinery has been used very little during the time that I have been with the Law Enforcement Assistance Administration. This does not mean that there was not differences. By and large, I think we were able to resolve them among ourselves.

Senator McCLELLAN. The fact that there are differences does not alarm me or distress me a great deal. I find differences in all agencies, almost, on up to the Supreme Court of the United States. I find dissents and differences even there. But ultimately, the situation is resolved by a majority, as the case may be, and ultimately that becomes an action of the Administration. That does not disturb me.

What does disturb me is if we are going to change it, I want to try to have some assurance, based on the experience with it to date, that the present system is not working. You say it is not working?

Mr. VELDE. No, sir; I do not.

Senator McCLELLAN. Your personal opinion is that it is working successfully?

Mr. VELDE. Yes, sir.

Senator McCLELLAN. Senator Stevens of Alaska informs me—this is a question I would like to ask you—that his State already contributes over 75 percent of all funds expended for criminal justice in Alaska and that the additional requirement found in H.R. 17825 that the State contribute 25 percent of local matching funds would further increase this already heavy burden on his State.

Now, you indicate, or the Attorney General indicates in his prepared statement on page 14 that this requirement might drive some States out of the block grant program. Would you elaborate on that? Before you proceed, may I also state that I have a telegram here from Gov. Robert D. Ray, of Iowa, complaining about the same situation. I would like to insert this telegram in the record at this point so that your reply may be responsive not only to my question, but also to his telegram.

Mr. VELDE. All right, sir.

(The telegram above referred to, follows:)

DES MOINES, IOWA, July 6, 1970.

HON. JOHN L. McCLELLAN,  
Chairman, Senate Judiciary Committee,  
U.S. Senate, Washington, D.C.:

On June 30, 1970, the House of Representatives passed H.R. 17825, a bill amending the law enforcement assistance title of the Omnibus Crime Control and Safe Streets Act of 1968. Through its congressional delegation, the State of Iowa opposed subsection six of section four of the bill which would amend paragraph two of section 303 of the Omnibus Crime Control and Safe Streets Act of 1968. This section requires that a State provide not less than one-fourth of the non-Federal funding with respect to each program or project undertaken by units of general local government or combinations thereof. Our opposition to this section does not represent a resistance to change, but rather embodies our concern that many of the objectives which might have been realized through the act may now be jeopardized by the probable fiscal impact of this requirement.

The House amendment would require the State of Iowa to immediately furnish the aforementioned twenty-five percent "match" during the very fiscal year in which we are operating. In Iowa, appropriations for this fiscal year were determined by the 1969 legislative session on a biennial basis. Therefore, an appropriation for the purpose envisioned by this amendment was not anticipated and was not made. Furthermore, we are operating on a carefully drawn and very tightly funded budget. We will approach our next biennial session in 1971 with less than a one percent differential between anticipated revenues and the actual costs of government. This fiscal situation, which could prevent the State of Iowa from participating in this heretofore most successful crime control program, should also be considered in light of the consequences that would follow if Iowa were to become ineligible to receive funds under the act.

A change in the funding formula without affording the States an opportunity to plan for the change would be inconsistent with the declared intent of Congress that law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government. Iowa like most other States applied for and received authority to establish a State planning agency. This agency complied with the intent and the spirit of the act and set up representing councils and commissions to bring about the better coordination required and a deeper look into the criminal justice system in every respect across the State. If the block grant system is undermined, these efforts to establish effective statewide coordination and programing could well be nullified. Also, the present system creates a capability for screening at a State and local level, the numerous project requests which are made. Diversion of funds from ineligible States to the discretionary grant fund may destroy this screening effectiveness and also create a distinct possibility that the statewide program in Iowa might be aborted and local governmental units then would be obliged to resort to direct applications to the Federal Government. Said local governmental units would vigorously seek these discretionary grants on a competitive rather than a cooperative basis without regard to the comprehensive State plan.

This amendment could weaken the dynamic long-range improvements in the effectiveness of the criminal justice system which have been realized in Iowa and many other States.

ROBERT D. DAY, *Governor*.

Mr. VELDE. The Alaska situation really involves two considerations. First, as I testified earlier, there is this problem in the so-called small States where the State share of total expenditures for law enforcement is significantly above that of local governments. There are about 10 or 11 States in that position, many of them in the Northeast. Many Western States are in this situation, too. In that setting, the automatic 75-percent pass-through requirement of the existing law does work a hardship. I believe that Alaska is one of those States so involved.

Now, with respect to the requirement contained in the House bill that the State contribute 25 percent of the local share of the matching funds, the Department would not like to see any State withdraw from the program because of that requirement.

Senator McCLELLAN. Well, then, let us ask it this way: If it develops that some States would be compelled to withdraw if this provision is enacted into law, would you oppose the provision?

Mr. VELDE. Well, as the testimony indicates, we would certainly wish there to be a delay in the effective date so that States could comply.

Senator McCLELLAN. Well, an authority to the administrator of this program to weigh with the approval of the Attorney General—in other words, to give you some latitude so that these States finding themselves in that situation would not be driven out of the program?

Mr. VELDE. Yes, sir.

Senator McCLELLAN. You would want something along that line, would you not?

Mr. VELDE. Yes, sir. I think that would be very desirable. In fact, there are two or three States where the revenue base of the State is substantially less than that of the larger cities in the State. Now, to expect a substantial contribution from the State to the large cities under those circumstances and also expect the State to shoulder the other burdens that it has for corrections, for State police activities and court activities, and the like, would certainly work an extreme hardship on the State.

Senator McCLELLAN. That would be a shift in the burden out to a place where the burden is already heavy from those where it is light?

Mr. VELDE. Yes, sir.

Senator McCLELLAN. I think if we follow the House section here, section 2, I think we are going to have to allow some exception to give some discretion in those areas or States where distress would result?

Mr. VELDE. Yes, sir. And, of course, Senator, most States have a 2-year budget cycle so that the legislatures meet only biennially for the purpose of considering appropriations.

Senator McCLELLAN. That is what Governor Day points out in his telegram here.

Mr. VELDE. Yes, sir. It is, of course, always possible to call a legislature into special session, but there are many political and other considerations that must be taken into account by the Chief Executive in making such a move.

We are encouraging the States to get involved, to participate more significantly in our program. We have taken a number of steps to involve them. We are attempting to involve State legislatures and to inform them of the program. A recent survey by the Census Bureau indicated that nationally about 11 percent of total revenues of the local governments, including cities and counties, went for law enforcement purposes. Nationally, only about 3 percent of the State revenues go for law enforcement activities. And, at the Federal level, the percentage at present is less than one-half of 1 percent of total revenues. So it appears that all across the board—local, State, and Federal—there needs to be a much greater commitment of resources to the needs of law enforcement.

State plans have been very candid in their assessment of existing deficiencies of law enforcement and criminal justice systems. We are now paying the price for essentially what is two centuries of apathy, of neglect, and outright hostility at all levels of government. I wish it were possible by the simple passage of one provision in a law to automatically require the States or the local governments to increase significantly their expenditures for law enforcement. Unfortunately, it is not that simple. There has to be greater education and dedication and involvement at all levels of government, not just by the public officials, but by the citizens as well.

I think we are making substantial progress—by “we,” I mean all levels of government—in that direction. But to put in an arbitrary provision at this time that may cause certain States to withdraw, I think, would be a setback for the program and the administration would not welcome such a result.

Senator McCLELLAN. To that extent, then, you do not favor the House bill? You would like to see a change in that, would you not?

Mr. VELDE. At least in the effective date, yes, sir.

Senator McCLELLAN. All right.

Senator HRUSKA?

Senator HRUSKA. S. 3541, on page three, has the provision which would give the LEAA some latitude, would it not, in regard to the waiver of the 75 percent of the money going to local communities?

Mr. VELDE. Yes, sir.

Senator HRUSKA. This provision, subsection (4) of section 2 reads as follows:

(4) Paragraph (2) of section 303 is amended by adding the following before the semicolon: “: *Provided*, That the Administration may waive this requirement in whole or in part, upon a finding that adherence to the requirement would not result in an appropriately balanced allocation of funds between the State and the units of general local government in the State or would not contribute to the efficient accomplishment of the purposes of this part”.

Now, the other body apparently thought that they could clear up the matter by report language, and they have included in their report at page five, language which they believe will do the job. It says: “In cases where the level of a State’s law enforcement expenditures substantially exceeds the total expenditures of local government within the State, existing sections 203(c) and 303 of the act will permit LEAA partially to relax the pass-through requirements.

I imagine it will be fore the conference to decide if this body puts in language in the bill and the other body puts in language in the report. We shall have to decide in conference which of those two concepts will be used. Have you any personal preference in that regard?

Mr. VELDE. Well, sir, obviously, the administration would prefer that the Congress adopt its proposed amendments intact. This waiver authority was a feature of our proposed amendments. However, we were satisfied with the House report language and the comments on the House floor. We think that will give us enough flexibility in the existing law to interpret those provisions of parts B and C of title I to take care of this problem.

Senator HRUSKA. Thank you very much.

The Senate bill contains a provision authorizing LEAA to accept and utilize gifts. This is section 2(9) of the bill S. 3541. That provision is not in the House bill. Why was it deleted?

Mr. VELDE. Apparently, Senator, the House committee felt this authority was not needed by the Department.

Senator HRUSKA. Do you feel it is needed?

Mr. VELDE. Yes, sir. We requested it in our amendments. It would be most useful authority. For example, we are now establishing a user service for industry and for police agencies to evaluate manufacturers' equipment. We would like the industry to bear the cost of the tests and the evaluation performed on their equipment.

Senator HRUSKA. And with this language, you would be empowered without any question to accept any contribution toward such program, is that right?

Mr. VELDE. That is right. We cannot presently do so, however.

Senator HRUSKA. What about foundation contributions? Would that be in the same category?

Mr. VELDE. Yes, sir.

Senator HRUSKA. And there are such contributions, are there not?

Mr. VELDE. We would encourage them, but so far, we have not been able to accept any, or we have not been able to participate directly in a program where a foundation wants to take the lead.

Senator HRUSKA. There was an original requested authority to place 25 positions in LEAA in GS-16, 17, and 18. Now, the other body cut that back to 15 positions. Is that enough to enable you to complete your staff with the kind of highly qualified people that you should have in order to process all of the State plans and also the expenditures?

Mr. VELDE. Senator, the Department prefer its original request—25 positions.

Senator HRUSKA. And you feel you need that many positions?

Mr. VELDE. Yes, sir.

Senator HRUSKA. There is a justification, is there, of more detail in the record on that score?

Mr. VELDE. It has been submitted.

Senator HRUSKA. I do not want to burden the record too much repetitively. If it is there, that is all right.

Now, one final question, and it has to do with discretionary funds. I presume that application for the 15 percent, the discretionary funds, come directly to the LEAA, do they not?

Mr. VELDE. That is correct; yes, sir.

Senator HRUSKA. How many would you estimate you had during the fiscal year 1970?

Mr. VELDE. Applications? Mr. Skoler says about 1,200 applications. We are submitting for the record today a list of all discretionary grants made.

Senator HRUSKA. Have you such a list?

Mr. VELDE. Yes, sir, it is being offered for the record today. I believe that the total amount of awards is about 400.

Senator HRUSKA. Out of 12,000 applications, then, for discretionary funds, you have granted 400?

Mr. VELDE. Out of 1,200.

Senator HRUSKA. Which would be what, 25 percent?

Mr. VELDE. About a third. Four hundred out of 1,200, about a third.

Senator HRUSKA. I see.

May I suggest, Mr. Chairman, that the list of those applications be received as an exhibit, not for printing in the record?

Senator McCLELLAN. All right, let them be received and file them as an exhibit.

(The information above-referred to will be found in the files of the subcommittee as an exhibit.)

Mr. VELDE. I might add, Mr. Chairman, that our discretionary grant guidelines were not issued until January of this year because it was not until the end of December, when our appropriations was approved, that we knew how much money would be in the fund. The discretionary grant guidelines were distributed to the States and the cities, and the deadline for filing applications was May 15. We originally had it April 15 and extended it 1 more month. So, really, there were many cities and States that did not apply simply because there was not time enough to get the word around to be able to do the staff work to develop applications.

I suspect that our fiscal 1971 program will generate substantially far in excess of the number of applications that we received this year.

Senator HRUSKA. And it takes some doing to process those applications, does it not?

Mr. VELDE. It certainly does, yes, sir.

That is all I have.

Senator McCLELLAN. Senator Thurmond.

Senator THURMOND. Thank you, Mr. Chairman.

Mr. Velde, we are glad to have you here. I imagine you feel at home in this room where you worked for a number of years, and quite competently, too, I might say.

Mr. VELDE. Thank you, Senator. I would, right now, prefer to be on the other side of the seat you are occupying.

Senator THURMOND. As I understand your position, it would be satisfactory if you had one administrator or if you had three administrators?

Mr. VELDE. The Department—

Senator THURMOND. The Department prefers three, as I understand it.

Mr. VELDE. The Department prefers three, that is correct.

Senator THURMOND. I want to ask you this question. I was interested in one answer you gave, that when the administrators could not agree, it could be resolved by the Assistant Attorney General?

Mr. VELDE. The Deputy Attorney General, yes, sir.

Senator THURMOND. Why is that necessary if you have three? Because two would always be a majority, and if they all vote—I imagine they would vote on a question—whichever side has two would control. Does that not settle not having to go to the Assistant Attorney General?

Mr. VELDE. That is correct, Senator. This is merely an informal arrangement to air out any differences. If, in effect, an arbitrator were needed to try to resolve the dispute without the necessity of a formal vote with a dissenting view by one of the administrators. It is merely an informal procedure.

Senator THURMOND. I think you are laying yourself open there to delegate your authority to somebody else if you have the power. Now, do you think you will have the power, and do two of you make a decision? Can you resolve questions?

Mr. VELDE. Yes, sir; but, of course, Senator, under title I, the Law Enforcement Assistance Administration and all three administrators are under the general authority of the Attorney General.

Senator THURMOND. But they do not necessarily have to follow the dictates of anyone, do they? Do you not come up with your own decisions and they can overrule you if they want to?

Mr. VELDE. That is correct.

Senator THURMOND. Do you not have authority under the law, you three people, to make this decision? And does this have to be a unanimous decision?

I can see where if it has to be unanimous and you cannot agree, then you would have to go to the Assistant Attorney General or to someone to resolve it. But if you do have the power, and as I understood, you said you do, then any two of you can resolve it, and would it not be better to resolve it and not be running to someone else?

As Senator McClellan said, this was set up to be free, to be independent, and not subject to anyone's whims to impose their opinion upon your body. Do you three people have to agree unanimously, or can the two of you resolve matters?

Mr. VELDE. Senator, our general counsel, Mr. Woodward, has written an opinion indicating that there needs to be unanimous agreement among the three administrators on any policy decision. I concur with that view. However, there is authority under section 502 of our act for three administrators to delegate any of their responsibilities to any other administrator, or to any other official of the agency, or, for that matter, the Department of Justice. As a matter of fact, there has been a delegation of authority below the level of administrator recently issued by Mr. Coster and me. We have also agreed to a division of responsibility among ourselves; in effect, a delegation. So that for most issues there no longer needs to be unanimous agreement.

Senator THURMOND. I understand; as long as you agree, there is no trouble. But if you do not agree, then from what you say, your general counsel has advised that it has to be unanimous agreement. Is that correct?

Mr. VELDE. Yes, sir.

Senator THURMOND. Therefore, any two of you, then, do not have the authority under the ruling of the general counsel to make decisions and resolve matters?

Mr. VELDE. That is correct.

Senator THURMOND. It seems to me, Mr. Chairman, this is worth looking into, because personally it seems to me that any two of them ought to have the power to agree.

Senator McCLELLAN. Will the Senator yield at that point so I can ask one further question?

Senator THURMOND. I would be glad to yield.

Senator McCLELLAN. We would like to ask the witness or the counsel for the administration, can the Attorney General now overrule or veto any decision you make? Under the law?

Mr. VELDE. Yes, sir.

Senator McCLELLAN. That is what I thought.

Mr. VELDE. Of course, we three administrators are appointed by the President, confirmed by the Senate, but section 101 of our act states very clearly that we are under the general authority of the Attorney General.

Senator McCLELLAN. So what I said, and the Senator possibly did not fully understand me, I said my idea of this was in the beginning to have it completely free and not under the jurisdiction or authority of the Attorney General except for housekeeping purposes, so that the decision of the board would be independent and it would be the final authority with respect to the administration of this program. It was not set up that way. As I understand it, the Attorney General can overrule or veto any decision that you make. Therefore, your going to an Assistant Attorney General is in line with the present authority now conferred upon the administration.

Mr. VELDE. Yes, sir.

Senator McCLELLAN. I still think the other is a better way, but since you are operating this way, you have to follow the law.

Mr. VELDE. Obviously, Senator, we do have day-to-day operational responsibility for our program. As I indicated earlier, our program, I believe any fair observer would say, has been unusually free of partisan politics.

Senator McCLELLAN. That was my concern in trying to set it up this way, because administrations change. If it is going to be a one-man operation and the Administrator is appointed by each new administration, I am sure we get a measure of politics in it. I was hoping we could avoid that by this three-man administration, insofar as the Board is concerned. But we have to have the program.

This program is vital, I think, to the needs of our country at this critical time, and these details of how it should be administered are things we will not all agree on. There will be differences of opinion, but whatever those differences are, they have to be resolved. We have to have this program, and we are simply trying here now to reevaluate the law we have passed, how it has been administered, and make any improvements that are indicated.

Any further questions?

Senator THURMOND. I had not quite finished.

Senator McCLELLAN. Oh, I am sorry.

Senator KENNEDY. Could the Senator yield briefly on this point?

Senator THURMOND. Yes.

Senator KENNEDY. In response to an earlier question by the Senator from South Carolina, you indicated that there were at least some other guidelines, and that counsel had issued an opinion as to what that authority would be. I am just wondering if we could, in pursuit of the questions of the Senator from South Carolina and the questions of the chairman, if that material could be made available to us as well.

Mr. VELDE. I see no reason at all why it could not be made available. It is a rather lengthy memorandum that goes into a number of administrative matters.

Senator KENNEDY. What I am also interested in is a description of the delegations of authority, and why they are necessary. I am not interested in extending the record any more than really acquiring that.

Senator McCLELLAN. That can be filed as an exhibit like these others so we can refer to them.

Mr. VELDE. Also, the delegation of authority that has just been issued, we shall be glad to submit that for the record, too.

(The documents referred to follow:)

U.S. DEPARTMENT OF JUSTICE,  
January 27, 1970.

To: Mr. Charles H. Rogovin, Mr. Richard W. Velde, Mr. Clarence Coster.

From: Paul L. Woodard, General Counsel.

Subject: Powers and duties of the Administrator and Associate Administrators.

This is in response to your request for a memorandum on the relationship between the Administrator and the Associate Administrators with regard to the exercise of the functions and duties vested in the Law Enforcement Assistance Administration by title I of the Omnibus Crime Control and Safe Streets Act. You asked me to consider two areas: (1) the primary statutory powers and functions expressly set forth in title I, and (2) such ancillary "administrative" matters as personnel actions, travel authorizations, intergovernmental relations, press statements and speeches, and delegations in case of illness, disability or absence. You suggested that I consider eventually preparing a formal presentation for the Federal Register with respect to the first class of functions and an informal agreement among the Administrator and Associate Administrators concerning the exercise of the second class of functions. In this memorandum I shall discuss all of the functions and powers created or established by title I of the Act, both primary and administrative, and shall indicate which functions and powers I believe should be exercised jointly by the Administrator and Associate Administrators, which should be exercised by the Administrator alone, and which should be delegated to lower level officials within the Administration. When the three of you have reached an agreement on this subject, I shall be pleased to prepare a presentation for the Federal Register, an agreement to be signed by each of you concerning the appropriate division of duties and powers among you, and the necessary written delegations of powers and duties to other persons within the Administration.

#### DISCUSSION

The language and legislative history of the Omnibus Crime Control and Safe Streets Act furnish no basis for a clear resolution of the question of the relationship between the Administrator and the Associate Administrators in the exercise of the full range of powers and functions created by the Act. The language is particularly ambiguous. Section 101(b) provides that the Law Enforcement Assistance Administration "shall be composed of an Administrator of Law Enforcement Assistance and two Associate Administrators of Law Enforcement Assistance," and provides, in addition, that all three shall be appointed by the President with Senate concurrence and that no more than two shall be of the same political party. Section 101(c) provides that "It shall be the duty of the Administration to exercise all of the functions, powers, and duties created and established by this title, except as otherwise provided." The fact that all

functions, powers and duties are vested in "the Administration" which is composed of three individuals suggests that Congress intended that all such functions, powers and duties were to be exercised jointly by the three individuals. However, the fact that the Act distinguishes between the three by designating one as the Administrator and the others as his associates and the fact that the Administrator is compensated at a pay level one step higher than the Associate Administrators (sections 505, 506) suggest that the Administrator perhaps was intended to have superior powers. Nothing else in the language of the Act is helpful in resolving this ambiguity as to whether all powers were intended to belong jointly to the Administrator and Associate Administrators or whether some powers (and if so, which ones) were intended to be exercised by the Administrator alone.

As in the case of other important questions of interpretation of key provisions of title I of the Act, there is very little legislative history to assist in interpreting section 101. The few pertinent remarks, however, strongly suggest that at least the primary functions of the Administration were intended to be exercised by the Administrator and Associate Administrators jointly and equally.

As originally passed by the House of Representatives on August 8, 1967, H.R. 5037 (the original Johnson Safe Streets Act) would have conferred the grant-making authority created by the Act upon the Attorney General assisted by an additional Assistant Attorney General. The Senate Judiciary Committee, however, reported a substitute bill which provided for the establishment of a separate three-member Law Enforcement Assistance Administration, located within the Department of Justice, to administer the grant program. The main body of the Senate Committee Report contained a comment that one of the major changes made by the Committee bill was "the creation of a three-member, nonpartisan Law Enforcement Assistance Administration to supervise and administer \* \* \* the grant provisions of the bill," but contained no explanation or analysis of the change.<sup>1</sup> The only explanation of the change in the report was contained in minority views filed by Senators Dirksen, Hruska, Scott and Thurmond, who explained the need for an independent three-member board as follows:

This was deemed essential to insure that, as much as possible, the law enforcement assistance program would be administered impartially and free from political pressures. Also, it was considered to be important to refrain from placing in the hands of one man the potential power of granting or denying federal financial assistance in very large amounts to state and city law enforcement agencies.<sup>2</sup>

On the Senate floor, Senator Hruska made the following remarks concerning the establishment of the three-member Administration by the Senate Committee bill:

Part A of title I establishes a three-member Law Enforcement Assistance Administration. The members of the Administration are appointed by the President and confirmed by the Senate. The duties of the Administration would be to administer the act under the general authority of the Attorney General. Through the board, applications for grants would be received and processed. It would make grants, allocate the available funds and supervise their expenditure.<sup>3</sup>

Later, on May 23, Senator Hruska made the following statements in support of an amendment he offered to make the Administration independent of the Attorney General (the amendment was rejected!):

Mr. President, the bill now provides for a three-member board of administrators for processing the applications authorized under the bill. \* \* \* It was felt that to give one man the right to approve or disapprove of the allocation of a fund which initially will be \$400 million, but which the Attorney General has testified they hoped to whip up to a level of \$1 billion a year, would be too much power to vest in the hands of one individual, whoever he is, and it would be better vested in a body that would be nonpartisan and independent of any single person. \* \* \* [The three-member arrangement] would make for better, more even-handed application of the funds and judgment of the several plans that will be brought to the board for approval.<sup>4</sup>

These remarks show clearly, I believe, that the power to obligate and administer grant funds and related policy powers were intended to be dispersed among three individuals to avoid placing such broad powers in the hands of

<sup>1</sup> Senate Report No. 1097, 90th Congress, 2d Session, p. 29.

<sup>2</sup> Id. at 280.

<sup>3</sup> Cong. Rec., daily ed., May 10, 1968, p. S5345.

<sup>4</sup> Cong. Rec., daily ed., May 23, 1968, p. S6270.

any one individual. Presumably, the concentration of such power in the hands of the Administrator of LEAA would be as objectionable to Congress as concentration of it in the hands of the Attorney General. As Senator Hruska stressed, the power over so much money was felt to be too much power for one man, "whoever he is." Such power would be better vested. Hruska thought, in a "board of administrators" that would be "nonpartisan and independent of any single person." It seems apparent, therefore, that Congress intended to vest the grant-making powers in the three members as a body. There is no indication in the language of the Act or in the legislative history that any distinction was intended, with respect to such powers, between the Administrator and the Associate Administrators.

The Act does not expressly answer the question of how many members of the Administration shall constitute a quorum to take action on matters entrusted to it as a body. However, the language and history suggest that the Congress intended that such powers should be exercised by agreement of all three of the members, not by a majority of two. Section 101(b) provides that not more than two of the three members may be of the same political party. According to the Senate Committee Report (p. 230), this provision was deemed essential to insure minority party representation, which, together with insulation of the program from the Attorney General, would insure that the program would be administered "impartially and free from political pressures." In his remarks on the floor on May 23, 1968, (see above), Senator Hruska commented that the three-member board established by the Act would be "nonpartisan" in its administration of the grant program. If Congress really intended this arrangement effectively to prevent the administration of the program from being influenced by partisan political considerations, it must have intended that grant decisions and other major policy decisions would require the concurrence of all three of the members of the Administration; for otherwise the minority-party member could always be outvoted by the two majority-party members on any issue affected by political considerations. It appears, therefore, that Congress intended that the Administrator and both of the Associate Administrators would have to concur in the exercise of those powers conferred upon the Administration as a group.

There is a suggestion in the legislative history that not all functions involved in the administration of LEAA were intended to be vested in the three members as a group, but rather only those primary functions which embody the particular purposes for which the Administration was established as a separate entity—that is, grant-making, contracting, rulemaking, and related substantive policy decisions. It was apparently only those primary functions—directly related to the obligation and administration of grant funds—that Congress expressly wished to disperse among three men rather than concentrate in one man. The Senate Committee Report (see the excerpt set out above) stressed the importance of not placing in the hands of one man the power of "granting or denying federal financial assistance in very large amounts to state and city law enforcement agencies." Similarly, Senator Hruska, in explaining what the function of the three-member "board" would be, said that the board would receive and process applications for grants, allocate available funds, make grants, and supervise their expenditure (see above, p. 3). Later in the debate he commented that the power to "approve or disapprove of the allocation of a fund [that might reach a billion dollars a year]" was too much power for one man, and that dispersal of that power among three men "would make for better, more even-handed application of the funds and judgment of the several plans. . ."

It is noteworthy that each of these statements was concerned strictly with the application of funds—the grant-making power and directly related grant-program functions. A permissible inference, therefore, is that, in creating the three-member Administration, Congress had in mind dispersing only those central functions, not the lower-level executive functions of the kind usually vested in a single administrative head of an agency, department, commission, or the like. Pursuant to this line of reasoning, such functions as personnel actions, travel requests and routine internal policy would devolve upon the Administrator as the executive head of the Administration. This conclusion is supported by the fact that the Act distinguishes between the Administrator and the Associate Administrators in both title and salary. But it is weakened by the fact that the Act expressly confers "all of the functions, powers, and duties created and established by this title" upon "the Administration," which is defined to

include three members, and by the fact that personnel authority, one of the internal administrative functions usually exercised by a single executive head, is expressly assigned by the Act to "the Administration" (sections 507, 517).

In trying to answer the questions discussed above, I have found no assistance elsewhere in the federal laws. So far as I can determine, LEAA is *sui generis*; I have found no other federal administration, commission, board, bureau, agency or other executive-department entity composed of two or more members in which one of them is not clearly designated by the enabling legislation as head of the agency with respect to administrative matters or provision made in the legislation for someone (the President or the secretary of the parent department, for example) to designate one member as administrative head. The closest analogy I have found is the National Transportation Safety Board legislation,<sup>5</sup> which appears to have been the model for several "administrative" provisions of title I. The NTSB was established within the Department of Transportation, but, as a result of a controversy similar to the one surrounding the question of the accountability of LEAA, was made independent of the Secretary and other DOT officers.<sup>6</sup> Like LEAA, the NTSB is composed of members (5) appointed by the President and confirmed by the Senate, no more than a bare majority of whom (3) may be of the same political party. As in the case of LEAA, the primary functions of NTSB are conferred by the statute upon "the Board," including all substantive powers formerly exercised by the Civil Aeronautics Board (§§ 1654(c), 1655(d)), additional substantive powers relating to transportation safety (§ 1654(d)), rulemaking powers (§ 1654(k)), the power to hold hearings and related powers (§ 1654(l)), the power to delegate functions internally or to other DOT officials (§ 1654(m)), personnel powers (§ 1654(n)), and the power to cooperate with other federal agencies and utilize their services, etc. (§ 1654(o)). Most of these provisions have virtually identical counterparts in title I. However, the NTSB legislation contains an additional provision, notably lacking in title I, authorizing the President to designate one of the members of the Board as chairman (§ 1654(j)). The designated chairman is to be "the chief executive and administrative officer of the Board" and is expressly given such administrative responsibilities as "the appointment and supervision of personnel employed by the Board." The provision also provides that three members of the Board shall constitute a quorum to take action.

Because of the absence of a similar provision in title I, the NTSB legislation is of no direct assistance in answering the question of whether "administrative" functions should be the sole responsibility of the Administrator of LEAA, or, like the primary grant-making functions, should be shared equally by the Associate Administrators. However, it is possible to argue that Congress knowingly left out the provision, since virtually every other administrative provision of the NTSB legislation was adapted almost verbatim to title I, and that, therefore, Congress intended none of the three members of the Administration to have superior powers. But it is also possible to argue that Congress felt the provision to be unnecessary, since it expressly designated one of the members of LEAA as the Administrator and the other two as his associates (unlike the NTSB legislation in which it created a Board consisting of "five members"), and intended the Administrator to be the chief executive officer.

#### CONCLUSIONS

None of the questions posed in this memorandum is answered definitively by the language and history of title I of the Act, nor by any other provision of federal law of which I am aware. They can be answered with the desirable degree of finality only by legislative amendment, by executive order of the President (which I am sure he has the authority to issue pursuant to his re-organizational powers and his general authority over executive departments and agencies) or, less desirably and less finally, by the Attorney General by regulation. For purposes of the Administration as presently constituted, the questions certainly can be answered by mutual agreement of the Administrator and Associate Administrators. To assist in reaching such an agreement, I offer the following personal conclusions based upon my interpretation of the Act in light of the meager legislative history.

<sup>5</sup> 49 U.S.C. 1654, 1655 (1964 Ed., Supp. III 1965-1967).

<sup>6</sup> The language of the provision (§ 1654(f)) is virtually identical to the Hruska amendment, defeated on the floor of the Senate, which would have given LEAA independent status within the Justice Department.

1. *"Grant-making" authority.*—Rather clearly, I believe, the legislative history indicates that the power of fund obligation (by grant or contract), together with the incidental functions of establishing rules, regulations and procedures to be observed in distributing the funds, and of determining whether applicable statutory or regulatory requirements are met in particular cases (which would include the function of approving State comprehensive plans and applications), were intended by the Congress to be exercised by the three members of the Administration acting jointly and equally as a "board," to use Senator Hruska's term. Rather than attempt to enumerate exhaustively the functions that fall in this category, I prefer to describe the category generally as including any substantive function directly related to the central purpose for which the Administration was established as a separate multi-member body—that is, the distribution and application of federal funds to assist in nationwide law enforcement improvement.

2. *Quorum to act.*—The Act and the relevant history indicate, but less clearly, I think, that all three of the members of the Administration must agree on the exercise of powers that are conferred upon them as a body. In other words, any one member may veto such a proposed action. This is suggested by the fact that Congress did not expressly provide for action by less than unanimous agreement (as it has in the case of every other multi-members executive or quasi-executive agency that I have found) and by the additional fact that a different conclusion would frustrate the apparent intent of Congress that effective minority-party participation be assured to prevent the administration of the grant program from being influenced by partisan political considerations.

3. *Delegations to One Member.*—Not all of the functions vested by the Act in the Administrator and Associate Administrators need occupy the attention of all three members. Many of such functions could be assigned to one member with power to take action, within designated limits, for the Administration. I have no doubt that a written agreement by all three members on behalf of the Administration designating certain actions to be taken by one member on behalf of the Administration would be legally binding and effective. Section 502 permits the Administrators to delegate LEAA functions to other officers or officials of LEAA or to other Justice Department officers. Clearly, then, they can delegate part of their collective authority to one Administrator to be exercised on behalf of all members of the Administration.

Grant and contract modifications and extensions, for example, should be thus delegated, as should the authority to extend application deadlines, and perhaps the authority to approve grants and contracts below a certain dollar level. Where such a delegation is made, the rule limiting exercise of the delegated power might be that the designated Administrator is free to take action without consulting the other two members so long as such action does not constitute the making of new policy or a deviation from policy already established by all three members. New policy or deviations from past policy would require consultation with the other two members.

4. *Administrative functions.*—Although the issue is far from clear, I believe the Act and its history indicate that administrative powers should be exercised individually by the Administrator acting as executive head of the agency. This category would include routine personnel actions, travel requests, routine internal policy, and other such non-substantive functions. Judging by the debates, Congress apparently did not have such ancillary functions in mind when it created a three-member board to exercise the primary grant-making powers. Moreover, by designating one member of the Administration as the Administrator and by providing for a higher pay scale for him, Congress arguably intended him to be the administrative head of the agency. Finally, in every other executive agency of which I am aware administrative functions are vested in one individual, for obvious reasons of efficiency and accountability. I believe, therefore, that the present members of the Administration should agree to have the Administrator act for the Administration in administrative matters. It is neither necessary nor practical that each of the three members be concerned with such minor functions as personnel matters or travel requests. In fact, nearly all of such functions should be delegated to the Director of the Office of Administrative Management, to be redelegated by him to the Directors of OLEP, the Institute, Academic Assistance, and the Statistics and Information Service.

I should note one possible desirable deviation from this rule that all administrative matters should be entrusted to the Administrator. That concern personnel, or at least key personnel. The Act expressly vests the personnel function

in "the Administration." Moreover, since such officers as the Director of the Office of Administrative Management, the General Counsel, the Directors of OLEP, the Institute, Academic Assistance and the Statistics Service, Division chiefs, and perhaps others, can affect the operation and direction of LEAA's overall program in a very substantive way, it may be that the Administrator should not take action with respect to such officers without the concurrence of both of the Associate Administrators. An agreement, such as the one now informally followed by the Administrators, to the effect that all three must agree on the appointment, transfer, promotion or termination of personnel above a certain grade level would seem an appropriate way of handling this matter.

5. *Statutory "head of agency" functions.*—There are a variety of functions and powers conferred by various provisions of Federal law upon executive agencies which are designated to be exercised by the "head of the agency." Examples are the power to hire experts and consultants (5 U.S.C. 3109) and the power to make certain findings and determinations pursuant to the Federal Procurement Regulations (for example, the determinations and findings necessary to authorize the negotiation of research and development contracts, 41 CFR § 1-3.303). For the reasons discussed in the preceding sections, I believe these powers should be exercised by one Administrator on behalf of all three unless they affect substantive matters to such a degree that it becomes appropriate to have unanimous concurrence. For example, the hiring of key consultants could be deemed substantive, and, since the contracting function is so central to LEAA's mission, certain findings and determinations (such as those necessary to justify negotiation of important R & D contracts) might appropriately require unanimous concurrence.

6. *The Institute.*—This section responds to Mr. Rogovin's memorandum to me dated January 13, 1970, requesting an opinion on questions raised by Mr. Ruth's January 7 memorandum to the Administrators concerning the authority of the Administration over the National Institute of Law Enforcement and Criminal Justice. Specifically, the questions posed are (1) whether the Administrators have review and approval authority over the Institute in such matters as the hiring of personnel and the awarding of grants and contracts, and (2) whether it would be consistent with the statute to either delegate most of such authority to the Director of the Institute or divide the Institute's areas of interest among the members of the Administration and permit one member to act for all three in approving Institute actions within his designated areas of interest.

#### QUESTION 1

Although this is another question of interpretation of title I that cannot be answered definitely because of the ambiguity of the language and the lack of any direct explanation in the legislative history, I am of the opinion that the Institute is an integral part of the Administration and that ultimate authority to approve its activities is vested in the Administrators.

The language of the statute could hardly be more ambiguous on this point. Section 402(a) establishes the Institute "within the Department of Justice" and "under the general authority of the Administration." Subsection (b) of section 402 then confers the authority to make grants and contracts for the purposes of research, demonstration and special projects, etc., upon "the Institute." Section 403, however, provides that the contribution of money, facilities or services shall be required, whenever feasible, by "the Administration . . . as a condition of approval of a grant under this part . . ." The latter provision strongly suggests that the Administration was intended to be involved in the approval of individual Institute grants, and, impliedly, in other day-to-day Institute activities. This interpretation is bolstered by the fact that no provision is made in the statute for the appointment of a director or any other officer (other than the Administrators) to run the Institute on a day-to-day basis, and by the absence of any administrative provisions in part D, particularly the absence of personnel and rulemaking authority. This interpretation is weakened, however, by the fact that the Institute is established "within the Department of Justice" (not "within the Administration") and by the use of the language "under the general authority of" to describe the relationship between the Institute and the Administration. This is the same language used in section 101(a) to describe the relationship between the Administration and the Attorney General, and (as we all know!) the legislative history of section 101 clearly shows that the language was used there to mean overall policy

guidance rather than direct day-to-day supervision. (We have a copy of an OLC memorandum to that effect.)

My conclusion that the ambiguity in the language should be resolved in favor of the interpretation that the Administration has direct supervisory authority over the Institute is based upon the legislative history of Part D. Although I have been unable to find any helpful explanation of the pertinent language in the committee reports or on in the floor debates, I believe the answer is supplied by the evolution of the language.

The original Johnson version of the Safe Streets Act (introduced in the House of Representatives as H.R. 5037) would have conferred upon the Attorney General the authority to make grants for a wide variety of law enforcement improvement purposes, including research and demonstration projects. The House Judiciary Committee made only minor changes in the research provisions. However, during floor consideration of the bill, the House of Representatives adopted an amendment proposed by Congressman McClory which deleted the provisions authorizing the Attorney General to make research grants and provided for the establishment of a National Institute of Law Enforcement and Criminal Justice to carry out a nation-wide research and training program. (The text of the amendment appears in the Congressional Record, daily edition, August 8, 1967, p. H10084.) As passed by the House, the bill provided for the establishment of the Institute within the Department of Justice to be administered by a Director appointed by the President and confirmed by the Senate. In addition to the authority to make grants and contracts for research, development and training and to establish regional research institutes, the Director was expressly given broad administrative authority, including, among others, personnel authority, rulemaking authority, authority to determine the method of payment of assistance, authority to enter into interagency agreements and authority to delegate his functions to other agency heads. He was also authorized to require, as a condition of approval of a grant, that the recipient contribute money, facilities or services toward the purposes of the grant. In the exercise of his functions, the Director was made subject to the "supervision and direction" of the Attorney General.

The bill reported some nine months later by the Senate Judiciary Committee incorporated a separate National Institute of Law Enforcement and Criminal Justice, but the language establishing the Institute differed in major respects from the House-passed bill. The totality of the changes made by the Senate Committee suggests that the Committee undertook to place the Institute under the control of the three-man Law Enforcement Assistance Administration which it had substituted for the Attorney General to direct the programs under title I. First, the language providing for the appointment of a Director to run the Institute was deleted and the Institute was placed under the general authority of the Administration. Second, the provisions of the House bill giving the Director of the Institute personnel and rulemaking authority and other above-mentioned provisions conferring administrative functions upon the Director were deleted from Part D, with one exception. The exception was the provision authorizing the requirement of recipient contributions as a condition of approval of a grant. This provision was kept in, but the authority to require contributions was given to the Administration. The most logical explanation for deletion of these provisions is that the Senate Committee (and the full Senate which passed the bill with Part D unchanged) felt them to be unnecessary since the Institute would not have an independent head, but would be under authority of the Administration which would have all the necessary administrative authority (personnel, rulemaking, interagency agreements, for example) by virtue of nearly identical provisions in Part E applicable to all functions under title I. Part E, however, did not contain a "recipient-contribution" provision; so that provision was left in, with the authority expressly vested in the Administration.

As noted above, there is no explanation of the changes made by the Senate in either the Committee report or the floor discussion. However, I discussed this matter with James R. Calloway, of Senator McClellan's staff, who attended all of the subcommittee and committee executive sessions on the omnibus crime legislation and participated in the committee revision of title I. He recalls that the committee decided to keep the National Institute in the bill as a separate entity at the urging of Senator Kennedy who had introduced a bill in the Senate similar to the McClory amendment. But he feels certain that Senator McClellan and the other Senators who considered the revision of Part D meant

to place the Institute under the full authority of the Administration. That was the reason for the deletion of the provision for the appointment of a Director and the Part D administrative provisions. The fact that subsequent legislative history interpreted the term "general authority" in section 101 to mean general policy guidance should not be taken to indicate that the same loose relationship was intended between the Institute and the Administration. He is quite certain that Senator McClellan, at least, intended the Institute to be under the direct and continuing supervision of the Administrators.

The above conclusion is strengthened by the practical consideration that the Congress has in fact treated the Institute as an integral part of the Administration for purposes of appropriations and accountability.

#### QUESTION 2

Since I am of the opinion that the Administration has full authority over the Institute. I believe that either of the alternatives suggested by Mr. Ruth in his January 7 memorandum would be consistent with the statute. In fact, a combination of the two would appear desirable. Authority to approve much of the routine activity of the Institute, including some personnel actions (below a specified grade level, for example) and some final grant and contract authority (below a certain money level, for example) should be delegated to the Director of the Institute. The remaining actions should require the approval of only one Administrator, designated on a program-division basis and authorized to act for the Administration within his area of interest.

#### RECOMMENDATIONS

Based upon the above conclusions, I recommend that the agreement among the Administrator and Associate Administrators as to the exercise of certain functions by them jointly and the delegation of other functions to one of them or to some lower LEAA official be structured along the following lines:

#### FUNCTIONS CREATED BY PARTS B AND C OF THE ACT

1. The allocation of funds should require the written concurrence of all three members. This includes the allocation of planning, action and discretionary funds.

2. The approval of comprehensive plans should require the written concurrence of all three members.

3. All planning, action and discretionary grants should require the written concurrence of all three members.

4. *Grant administration.* The authority to extend application deadlines, to modify grant conditions, to extend grant terms, and other such functions involved in the day-to-day administration of the grant program, while conferred by the statute upon all three members, should be delegated to one member with authority to act for all three, and in some cases should be delegated, within limits, to the director of OLEP or to other program people. A logical division would be along program lines. Each member would be responsible for certain program areas, and empowered to take action in matters of grant administration within that area. The program people would report only to him concerning matters within that area. He would send information copies of all documents and papers to the other two members or take other appropriate steps to keep them fully advised. Where a proposed action would constitute a deviation from established policy or raise a question of first impression, he would consult the other two members prior to taking any action. Some of the more minor functions in this category could be delegated to program people to be exercised within the same limitations. For example, the director of OLEP might be empowered to grant 30-day deadline extensions in certain cases without prior consultation with any member of the Administration.

5. The authority to fix dates for the direct expenditure by SPA's of "local" planning and action funds not needed by local units (sections 203(c), 303) should require the written concurrence of all three members.

6. The authority to make *direct grants to local units* in states which do not file comprehensive plans and applications (section 305) should require the written concurrence of all three members.

## PART D

7. The authority to approve Institute grants and contracts and other Institute actions, while conferred by the Act upon all three members of the Administration need not, in every case, require unanimous concurrence. It would seem logical to delegate much of that authority to the director of the Institute to be exercised within the limits described in category (4) above. A logical arrangement would be that certain designated actions could be taken by the director without prior consultation (for example, grant and contract modifications and extensions and perhaps the initial approval of small grants and contracts). Other actions would have to be signed by one of the members of the Administration who would be designated as primarily responsible for overseeing the Institute program.

8. *LEEP contracts, guidelines, etc.* (section 406), should be concurred in by all three members. However, again, much of this activity should be delegated to the director of the Office of Academic Assistance under an arrangement similar to the one recommended for the Institute.

## PART E

9. *Rulemaking.* (Section 501) All regulations directly affecting the central mission of LEAA should be concurred in by all three members. Rules and regulations of a routine internal nature should be issued by the Administrator alone as executive head of the Administration.

10. *Delegations.* (Section 502) All delegations of LEAA functions, both internal and external, should require the written concurrence of all three members if the functions are those conferred by the statute upon the Administration as a body. Delegations of administrative functions should require only the concurrence of the Administrator.

11. *Hearings.* (Section 504) These enumerated functions should be delegated to one or more hearing examiners, when hired. At the present, they should be exercised, if necessary, upon unanimous concurrence of all three members.

12. *Personnel actions.* Responsibility for all personnel functions, except actions relating to key personnel,<sup>7</sup> should be assigned to the Administrator. Most of such functions should be delegated further downward to the Assistant Administrator for Management and to office directors and division chiefs.

13. *Intra-DOJ, interagency and intergovernmental cooperation.* (Section 508) The various agreements and arrangements authorized by this provision should be signed on behalf of the Administration by the Administrator. If such agreements involve the obligation of LEAA funds above a certain agreed-upon amount, prior consultation and concurrence by the Associate Administrators should be required.

14. *Discontinuance of grant payments.* (Section 509) Action under this section should require the concurrence of all three members.

15. *Hearing and review in cases of grant denials or discontinuances.* (Sections 509-511) Regulations should be drafted establishing procedures for the hearings and review provided for by these provisions of title I. Most of the functions should be delegated to hearing examiners (or other LEAA officials authorized to conduct hearings, etc.). Only the final findings and determinations and any modifications of such findings and determinations upon rehearing, if ordered by a court, should be signed by the Administrator and Associate Administrators.

16. *Requests for statistics, etc., from other federal departments.* Authority to contact and deal with other federal departments and agencies for the purposes set forth in section 513 should be delegated as far down in LEAA as the need may extend. The general rule for exercise of this authority should be that contacts with secretary level officials of other departments or agencies should be made only by the Administrator or an Associate Administrator; contacts with lower level officials in other departments or agencies should be made by someone of comparable rank in LEAA, perhaps plus or minus one job level. This same rule should apply to contacts with State and local officials under section 508.

17. *Hiring other federal departments to perform title I functions.* Agreements should be signed for the Administration by the Administrator. If any agreement involves the obligation of LEAA funds above a certain agreed-upon amount, concurrence by the Associate Administrators would be required.

<sup>7</sup> Above a certain grade level.

18. *Section 515.* Evaluation studies and technical assistance should be handled on a program-responsibility basis, much in the way grant administration would be handled. Most of the authority would be delegated to office and division heads who would report to the Administrator or Associate Administrator designated as responsible for their program functions. The designated member would send information copies of everything to the other members and would consult with them in advance of authorizing any action that would constitute new policy or a deviation from established policy.

The Statistics and Information Center should be handled in the same way as the Institute and LEEDP, with authority over most routine matters delegated to the director who would report to a designated member. The member would oversee the Center with the usual degree of authority—that is, he would advise the other members of action taken consistent with established policy and would seek their concurrence before taking action not consistent with established policy.

19. *Determination of method of payment of assistance.* (Section 516(a)) This function should require the concurrence of all three members.

20. *Hiring of technical and advisory committees.* (Section 517) Action under this section should be delegated to the Administrator as part of his personnel responsibility.

21. *Annual report to President and Congress.* (Section 519) Should be signed by all three members.

22. *Record keeping requirements and audit responsibility.* All three members should agree on the requirements for record keeping by aid recipients. The audit function should be delegated to the audit division.

#### PART F

23. The authority to modify and extend the definitions of "metropolitan area" (section 601(h)) and "institution of higher education" (section 601(j)) should be exercised as part of the rule-making function requiring the concurrence of all three members.

#### MISCELLANEOUS

24. *Travel requests.* All travel authorizations should be approved by the office heads acting within the limits of office travel budgets approved by the Administrator. Questions requiring the attention of a member should be delegated to the Administrator.

25. *Correspondence.* Each member should be free to initiate routine correspondence and to answer such correspondence directed to him individually without prior consultation with the other members so long as he remains within the bounds of established policy. This would include correspondence with Members of Congress, officials of other federal agencies and State and local officials, although perhaps copies of such correspondence should be sent to the other two members. Correspondence involving new policy questions or deviations from established policy would require prior consultation with the other members.

Routine correspondence from Members of Congress, other high-level federal officials, Governors and other top State and local officials, when addressed to the Administration and not to an individual member, should be answered by the Administrator, or, in the absence of the Administrator, by the senior Associate Administrator. However, he should follow the usual rule of consulting with the other members on questions of first impression or deviations from established policy.

Correspondence on important policy matters should always require the concurrence of all three members. However, the general rule might be that such correspondence would bear the signature only of the Administrator unless written in response to correspondence or contracts with an Associate Administrator.

26. *Statements to the press.* Authority to issue routine statements should be delegated to the director of the Office of Public Information to be exercised under the general supervision of the Administrator. Releases on important substantive matters should require the concurrence of all three members, but, except in the case of particularly important releases, should be made by the Administrator.

As in the case of responding to correspondence, each member should be free to respond to inquiries from the press directed to him individually, with the

understanding that he would consult with the other two members before making statements on matters of substance not within the bounds of established policy.

27. *Speeches and other public appearances.* Each member should be free to make speeches and other public statements without prior clearance with the members so long as the substance is within the bounds of established policy.

28. Internal fiscal administration not directly affecting the grant program should be the responsibility of the Administrator as executive of the agency.

29. *Contracts.* All procurement authority should be delegated to the Director of the Office of Administrative Management with authority to redelegate to one or more contracting officers. Delegated authority would include the authority to enter into and administer all contracts authorized by title I and make related determinations (except determinations required to be made by the "head of the agency"—that is, determinations necessary for negotiation of R & D contracts in excess of \$25,000, "confidential" procurements, and procurements of technical equipment requiring standardization and interchangeability of parts (41 CFR §§ 1-3.211, 1-3.212 and 1-3.213).

The contracting officer, consulting with the Director of the Office of Administrative Management, would sign and administer all LEAA contracts (and sign the necessary findings and determinations), including technical assistance contracts, Institute contracts, and contracts for the procurement of supplies and administrative services. However, the terms of the delegation to the Director of the Office of Administrative Management and the redelegation to the contracting officer would limit the extent to which the delegated authority could be exercised without the written approval of some higher official. The terms should be generally as follows:

Contracts for the procurement of supplies and administrative services not in excess of a designated amount (and modifications of such contracts) could be approved in writing by the Director of the Office of Administrative Management; such contracts in excess of that amount would require the written approval of the Administrator.

"Program" contracts (including, for example, technical assistance, LEEP, Institute) would require the written approval of the appropriate office director and, in some cases, the Administrator and Associate Administrators (or at least one of them). For example, in the case of the Institute, authority to approve certain contracts would be delegated to the director of the Institute. Other Institute contracts (over a certain amount or of certain types) would require the approval, as well, of either all three Administrators or one of them designated for that purpose. Certain designated technical assistance contracts might be approved by the director of OLEP; other would require the additional approval of all Administrators or a designated Administrator.

"Approval" by an office director or an Administrator would not mean signing the final contract, but rather signing a request for contract action; thereafter all contract documents would be signed on behalf of the Government by the contracting officer, within the limitations and procedures of the Federal Procurement Regulations.

U.S. DEPARTMENT OF JUSTICE,  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,  
Washington, D.C., June 26, 1970.

LEAA Management Directive No. 1.

Re delegations of administrative authority.

To: All professional personnel.

#### 1. PURPOSE

The purpose of this directive is to delegate to officers of the Law Enforcement Assistance Administration (the "Administration") certain administrative authority vested in the Administrator and Associate Administrators by law, regulation or delegation from the Attorney General.

#### 2. AUTHORITY

This directive is issued pursuant to section 502 of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 205, 42 U.S.C. 3752) ("the Act") and section 0.159 of Title 28, Code of Federal Regulations.

## 3. REDELEGATIONS

Authority delegated by this directive may not be redelegated except as specifically authorized herein. This restriction shall not be construed to prevent any officer to whom authority is delegated herein from temporarily redelegating such authority to a deputy or assistant to be exercised during his absence from official station nor from assigning specific responsibility for some or all of such authority to deputies or assistants to be exercised for him in his name. Authority redelegated by an officer in accordance with this directive shall be exercised subject to his policy direction and coordination and under such restrictions as he deems appropriate. All such redelegations shall be in writing and shall be approved by the Administrator.

## 4. ADMINISTRATIVE MANAGEMENT FUNCTIONS

A. *General Delegation.*—Subject to the general policy direction of the Administrator, the Director of the Office of Administrative Management is charged with the responsibility for supervising and directing all activities relating to the internal administrative management of the Administration, and the authority of the Administrator and Associate Administrators in these administrative and management matters (except for authority that is not delegable, authority expressly reserved from delegation in this directive and authority delegated to other officers of the administration or the Department of Justice) is hereby delegated to him. This authority shall include the authority described in paragraphs B through H below. Except as provided in paragraph B(1)(g) below, any part of this authority may be redelegated to the Deputy Director of the Office of Administrative Management and, as appropriate, to the Chief of each Division within the Office.

B. *Procurement and Other Administrative Services.*—

1. *Procurement.*—The Director is hereby designated the chief officer responsible for procurement and contracting officer and is authorized to:

(a) Enter into, modify, administer and terminate all contracts for administrative and program activities of the Administration (except for those matters as to which the authority and responsibility for procurement has been delegated to the Directors of the Regional Offices) and make related determinations and findings, except determinations and findings under section 302(c)(10) with respect to "sole source of supply" negotiated contracts in excess of \$2,500, determinations and findings under section 302(c)(11) with respect to contracts in excess of \$25,000, and determinations and findings under sections 302(c)(12), 302(c)(13) and 304(c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 252(c)(10), (11), (12) and (13), 254(c));

(b) Enter into and administer agreements involving the transfer of funds with other Federal agencies or with State, municipal or other local agencies pursuant to section 508 of the Act (42 U.S.C. 3756);

(c) Exercise the authority delegated to the Administrator and Associate Administrators by the Attorney General (28 C.F.R. 0.140) to place orders with other Federal agencies for materials or services, and accept orders therefor, in accordance with section 686 of title 31 of the United States Code;

(d) Make determinations as to the acquisition of articles, materials or supplies in accordance with sections 2 and 3 of the Buy American Act (47 Stat. 1520; 41 U.S.C. 10a, 10b);

(e) Provide advice and assistance to the Regional Offices in matters as to which they have been delegated the primary authority and responsibility for procurement;

(f) Cooperate with and assist the General Counsel in assuring that equal employment opportunity is practiced by the Administration's contractors and subcontractors and that they comply fully with other applicable civil rights laws; and

(g) Designate as contracting officer one or more subordinates and redelegate to such officer, and authorize successive redelegations of, any of the authority delegated in subparagraphs (a) through (f) above, except the authority to make determinations and findings under section 302(c)(11) of the Federal Property and Administrative Services Act.

2. *Limitations on Procurement Authority.*—Procurement authority delegated herein shall be exercised in accordance with policies, procedures and limitations set forth in a Procurement Manual to be issued by the Director with the written approval of the Administrator and Associate Administrators, and in accordance with the following specific limitations:

(a) No contract for administrative purposes (supplies, equipment, or administrative services, for example) in excess of \$10,000 may be entered into without the written approval of the Administrator.

(b) No contract for substantive program activities may be entered into without the written approval of the Director of the Office having cognizance over the activity and, if the contract exceeds \$10,000, the written approval of the Administrator or Associate Administrator having cognizance over the Office.

(c) No contract for any purpose in excess of \$100,000 shall be entered into without the written approval of the Administrator and Associate Administrators.

(d) Approval required in subparagraphs (a)–(c) above, shall be given in accordance with the Procurement Manual to be issued by the Director pursuant to this paragraph.

(e) Determinations and findings required by law to be made by the head of the agency (41 C.F.R. 1–3.303) and determinations and findings expressly reserved from the delegations above shall be made by the Administrator.

(f) Procurement authority delegated herein shall not derogate from the authority and responsibility of program personnel for the technical administration of contracts and agreements within their respective jurisdictions.

3. *Other Administrative Services.*—The Director shall be responsible for planning, implementing and supervising all other administrative services within the Administration and its regional Offices, including, but not limited to, the following services:

(a) Directing the Administration's management programs for supply, printing and reproduction, graphic arts and visual aids, real and personal property, transportation of things, office and parking space assignment and utilization, messenger and mail service, telephone and telegraph service, physical security, national emergency relocation planning and motor vehicles;

(b) Directing the Administration's records management program, including routing and control of correspondence and telegrams, forms design (with the assistance of the Director of the National Criminal Justice Information and Statistics Service) and forms and reports control, centralized files and records, and, in cooperation with appropriate personnel from other offices, the development and administration of an Administration-wide system for the issuance and distribution of directives in accordance with the requirements of sections 0.180–0.186 of title 28 of the Code of Federal Regulations;

(c) Administering an imprest fund, not to exceed \$3,500, to cover miscellaneous expenses such as cab and bus fares, travel advances, and small purchases;

(d) Making the certificate required with respect to the necessity for including illustrations in printing (44 U.S.C. 118);

(e) Making the certificate required with respect to the necessity of long distance telephone calls (31 U.S.C. 680a); and

(f) Authorizing the publication of advertisements, notices, or proposals (44 U.S.C. 324).

C. *Personnel Matters.*—Subject to the authority delegated to the Deputy Attorney General in 28 C.F.R. 0.135 and authority delegated to other officers of the Administration by this directive, the Director is hereby delegated the authority and responsibility for planning, implementing, directing and coordinating the personnel management program of the Administration. This authority shall include, but not be limited to, the following:

1. Formulating and implementing Administration policy in all personnel program areas, including position classification and pay administration, staffing, leave (including annual leave, sick leave, administrative leave and leave without pay), employee relations and services, equal employment opportunity, employee recognition and incentives, personnel records and reporting, and program evaluations;

2. Providing direct personnel services to all component units of the Administration, including the Regional Offices, or arranging for the provision of such services;

3. Subject to policies, procedures and limitations to be set forth in a Personnel Manual issued by the Director with the written approval of the Administrator and Associate Administrators, exercising the power and authority vested in the Administration by law or regulation to take final action on matters pertaining to the employment, direction and general administration (including appointment, classification, assignment, transfer, training, promotion, demotion, compensation, leave and separation) of personnel in General Schedule grades and wage board positions; and, subject to the same condition, exercising the power and authority delegated to the Administrator and Associate Administrators by the Attorney General (28 C.F.R. 0.138) to employ on a temporary basis experts or consultants or organizations thereof, including stenographic reporting services, pursuant to section 3109(b) of title 5 of the United States Code;

4. Acting as the only authorized Administration liaison on personnel matters with the Department of Justice Personnel and Training Office and the U.S. Civil Service Commission and the only Administration official authorized to make appointment or promotion commitments on behalf of the Administration.

5. Administering employee health and safety programs and acting as the Personnel Security Officer for the Administration;

6. Exercising the authority delegated to the Administrator and Associate Administrators by the Attorney General (28 C.F.R. 0.153) with respect to the approval and processing of employees for training by, in, or through Government facilities and the payment or reimbursement of expenses for such training (5 U.S.C. 4101-4118);

7. Subject to any regulations prescribed by the Civil Service Commission and the Department of Justice, exercising the power and authority delegated to the Administrator and Associate Administrators by the Attorney General (28 C.F.R. 0.143) with respect to the administration of the Incentive Awards Plan and the processing of honorary awards and cash awards under such plan;

8. Subject to the approval of the Administrator, formulating procedures and issuing implementing instructions to insure that employees' complaints and grievances are given proper consideration, providing advice and assistance on such matters to supervisors and employees, and otherwise administering the employee grievance program of the Administration in accordance with the requirements of section 46.1-46.8 of title 28 of the Code of Federal Regulations; and

9. Administering the oath of office required by section 3331 of title 5 of the United States Code and any other oath required by law in connection with employment in the executive branch of the Federal Government.

*D. Management Planning and Review.*—The Director is hereby delegated the authority and responsibility for:

1. Rendering staff assistance to the Administration in formulating, coordinating and evaluating its multi-year plans, policies, programs and fiscal projections, including preparing program memoranda, special studies, and program financial plans, within existing guidelines and allowances prescribed by the Department of Justice;

2. Making management studies and surveys of the organization, structure, operating procedures and work methods of the Administration and its component units and preparing reports and recommendations thereon;

3. Developing the requirements for an effective internal management information system and assisting the National Criminal Justice Information and Statistics Service in implementing and administering the system in coordination with other information systems within the Administration and the Department of Justice;

4. Coordinating with other components of the Administration in the development of financial management systems and the implementation of systems improvements to insure effective utilization of automated processes;

5. Administering the President's Management Improvement and Cost Reduction Program and similar programs which require the preparation of external reports covering all component units of the Administration.

*E. Financial Management.*—The Director is hereby delegated the authority and responsibility for planning, developing, administering and evaluating the internal financial management policies and programs of the Administration, including:

1. Counseling and advising all levels of Administration management on matters concerning the budget and financial management;

2. Cooperating with other component units of the Administration in the preparation of multi-year financial plans, annual budget submissions, and justifications of the Administration's budget requests;

3. Monitoring the execution of the budget, approving obligations and expenditures against budget allotments and allocations, and preparing periodic reports on these activities;

4. Designing, implementing and administering the Administration's accounting system which should (1) conform with the Justice Department's "Accounting Principles and Standards," (2) be approved by the Comptroller General, and (3) assure proper fund accountability, fiscal controls and availability of financial data for decision-making;

5. Preparing accounting reports to meet the requirements of the Congress, the Treasury Department, the Bureau of the Budget, the Department of Justice, and appropriate personnel of the Administration;

6. Auditing and certifying vouchers and maintaining general ledger accounts for the Administration (28 C.F.R. 0.141); and

7. Designating one or more subordinates to certify vouchers pursuant to section 82b of title 31 of the United States Code, requesting Treasury Department designation of disbursing employees (including cashiers) and certifying that such persons are bonded pursuant to section 14 of title 6 of the United States Code (28 C.F.R. 0.148, 0.149).

*F. Audit and Inspection.*—The Director is hereby delegated the authority and responsibility for providing audit and inspection services pertaining to the activities of the Administration and all grantees and contractors of the Administration. Such authority shall include:

1. Conducting, or arranging for the conduct of, continuing audits, examinations, and inspections of the fiscal, program and administrative activities of all component units of the Administration, including the Regional Offices, and the expenditures, accounts and accounting systems of all parties performing under grants, contracts or other agreements with the Administration, to assure compliance with the terms of the agreements and with applicable laws and regulations;

2. Performing additional investigations and inquiries upon the request of the Administrator or an Associate Administrator;

3. Preparing reports of audits, examinations and inspections setting forth findings and appropriate recommendations for corrective action, forwarding such reports to the Administrator and Associate Administrators and to the Director of the office within the Administration having cognizance over the activity which is the subject matter of the reports, determining that reports have been reviewed and properly acted upon, and bringing to the attention of the Administrator and Associate Administrators any matter as to which the Director believes that proper corrective action has not been taken;

4. Reviewing the audit systems of State Planning Agencies (and other grantees and contractors, as appropriate) to determine the extent to which the Administration may rely on those systems rather than conducting its own audits of expenditures under grants and contracts with such entities;

5. Determining the proper areas of jurisdiction of other Federal agencies with respect to the audit and inspection of Administration activities, coordinating the performance of audits and inspections by such agencies, and assuring that the reports of such agencies are received, reviewed and acted upon, as appropriate; and

6. Acting as the Administration's official liaison on audit and inspection matters with the Department of Justice, other Federal agencies and other organizations or individuals.

All authority delegated to the Director in this Paragraph F shall be redelegated to the Chief of the Audit and Inspection Division to be exercised subject to the supervision of the Director. Reports on audits or inspections of the operations and activities of the Office of Administrative Management, reports involving activities that may constitute a conflict of interest, embezzlement, fraud or false statements in a Government matter, misuse of Government property or position or other such activities, and such other reports as the Administrator and Associate Administrators may request, shall be transmitted by the Chief of the Audit and Inspection Division directly to the Administrator and Associate Administrators without review and clearance by the Director of the Office of Administrative Management.

**G. Claims Collection and Settlement.**—The Director is hereby designated as Claims Collection Officer for the Administration and is delegated the authority and responsibility for the collection or settlement of all claims due the Administration, including the following:

1. Exercising the authority vested in the Administrator and Associate Administrators by the Federal Claims Collection Act of 1966 (31 U.S.C. 951-953) to collect, settle, or refer for collection or litigation, all claims due the United States arising out of the operations of the Administration, such authority to be exercised in accordance with regulations to be prescribed by the Director with the written approval of the Administrator and Associate administrators; and

2. In accordance with regulations prescribed by the Attorney General, exercising the power and authority delegated to the Administrator and Associate Administrators by the Attorney General (28 C.F.R. 0.150) to collect indebtedness resulting from erroneous payment to employees.

**H. Liaison.**—To the extent that such authority has not been delegated under other provisions of this directive, the Director is hereby delegated the authority to represent the Administration in its contacts on all matters relating to administration and management with the Department of Justice, the Bureau of the Budget, the General Accounting Office, the Civil Service Commission, the General Services Administration, the Government Printing Office and all other Federal departments and agencies.

#### 5. FUNCTIONS COMMON TO OFFICE DIRECTORS

Subject to policies and procedures prescribed by the Director of the Office of Administrative Management with the approval of the Administrator and Associate Administrators, the Director of the Office of Law Enforcement Programs, the Director of the Office of Academic Assistance, the Director of the Office of Administrative Management, the Director of the National Institute of Law Enforcement and Criminal Justice, the Director of the National Criminal Justice Information and Statistics Service, the Director of the Public Information Office and the General Counsel are hereby delegated the authority and responsibility for directing and supervising the personnel, administration and operation of the office of which they are in charge including, but not limited to, the following:

**A. Personnel.**—Each such director or office head is authorized to select candidates from among eligible applicants for appointment to positions within his office, to determine their respective duties, to designate office employees for promotion, reassignment, training, awards, removal or disciplinary action and to request appropriate personnel action concerning these matters. (This authority shall be exercised in accordance with policies, procedures and limitations set forth in directives issued by the Director of the Office of Administrative Management with the written approval of the Administrator.)

**B. Travel and Per Diem.**—Subject to the Administration's Travel Regulations and within office travel budgets approved by the Administrator, each such director or office head is authorized to approve travel, per diem and travel advances for his official travel and that of the employees within his office and to delegate this authority to his deputy and to the chief of each major division within the office.

**C. Leave.**—Subject to leave policies and regulations of the Administration and the Department of Justice, each director or office head is authorized to approve annual leave, sick leave and up to one hour of administrative leave, and to delegate this authority to his deputy and to the chief of each major division within the office. Administrative leave in excess of one hour and other forms of leave permitted by law shall be approved by the Director of the Office of Administrative Management.

**D. Overtime and Compensatory Leave.**—Subject to Department of Justice Overtime and Compensatory Leave Regulations and within office overtime budgets approved by the Administrator, each office director or head is authorized to approve paid overtime and overtime for which compensatory leave will be granted. This authority may be redelegated.

Each office shall keep such records concerning the above functions as the Director of the Office of Administrative Management shall require and shall forward such records to the Director as required. The Director of the Office of Administrative Management shall keep such agency records and make such reports concerning these functions as are required by law or regulation.

#### 6. NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE

Subject to the general supervision of the Administration, the Director of the National Criminal Justice Information and Statistics Service is hereby delegated the authority and responsibility for the following:

(a) Providing, or (in cooperation with the Director of the Office of Administrative Management) arranging for the provision of, appropriate automatic data processing services to all component units of the Administration;

(b) Planning, directing and coordinating with the Office of Administrative Management and the Department of Justice the use within the Administration of automatic data processing equipment, including computers and related input and output equipment and terminal installations;

(c) Cooperating with the Office of Administrative Management and the Department of Justice in providing technical support in the preparation of specifications for the acquisition by the Administration of automatic data processing hardware, software and services, and the review and evaluation of bids and proposals relating to the acquisition of such hardware, software and services; and

(d) Rendering technical review and approval of all data collection programs within the Administration and technical approval of all data collection forms.

#### 7. OFFICE OF PUBLIC INFORMATION

Subject to the general supervision of the Administrator, the Director of the Office of Public Information shall approve all activities pertaining to public statements, news releases and relations with the public generally, including:

(a) Disseminating information about the work and activities of the Administration to the press, radio and television services, Members of Congress, officials of the Federal, State and local governments, schools, colleges, civic organizations and members of the general public;

(b) Preparing or assisting in the preparation of public statements and new releases concerning the Administration and disseminating such releases;

(c) Coordinating the preparation of the Administration's annual report to the President and the Congress; and

(d) Maintaining a public reading room or public reading area in which the public shall have access to Administration grant and contract awards, manuals, guidelines, directives, instructions, records, rulings, opinions and other materials required by the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552) to be made available for public inspection and copying or determined by the Administration to be appropriate for public inspection and copying.

#### 8. GENERAL COUNSEL

The General Counsel is hereby delegated the authority and responsibility for providing legal assistance and advice to Administration officers in the exercise of authority delegated in this directive, including the following:

(a) Providing legal assistance in the preparation of rules, regulations and directives and assuring compliance with the provisions of section 552(a) (1) of title 5, United States Code, concerning the publication of certain rules, regulations and directives in the Federal Register;

(b) Providing legal advice and participation in all procurement matters;

(c) In cooperation with the Director of the Office of Administrative Management, assuring that equal employment opportunity is practiced by the Administration's contractors and subcontractors and that they comply fully with other applicable civil rights laws;

(d) Coordinating with the Director of the Office of Administrative Management the acquisition of legal books, periodicals, services and materials; and

(e) Assuring that the Administration's policies and procedures for making records and other materials available to the public comply with the provisions of the Public Information Section of the Administrative Procedure Act (5 U.S.C. 552) and the regulations of the Department of Justice (28 C.F.R. 16.1-16.14).

## 9, SUPERSEDURE

This directive supersedes or amends all previous delegations of authority and other directives to the extent that they may be inconsistent with the provisions hereof.

JULY 1, 1970.

RICHARD W. VELDE,  
*Associate Administrator.*

JUNE 26, 1970.

CLARENCE M. COSTER,  
*Associate Administrator.*

U.S. DEPARTMENT OF JUSTICE,  
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,  
*Washington, D.C., July 1, 1970.*

LEAA Management Directive No. 2.

Re Division of Authority Between Associate Administrators.

To: All Professional Personnel.

In order to increase the operational efficiency of the administration, the Associate Administrators hereby agree to the following division between them of authority and responsibility for program and administrative matters:

A. Both Associate Administrators shall exercise overall policy supervision over the Office of Law Enforcement Programs (OLEP). This shall encompass such matters as the issuance or revision of OLEP guidelines or regulations, block grant allocations and block grant approvals, affecting the Office-wide operation of OLEP.

B. Associate Administrator Velde shall have authority and responsibility for:

1. Administrative supervision of OLEP.
2. The Courts Program Division of OLEP.
3. The Corrections Program Division of OLEP.
4. The Organized Crime Program Division of OLEP.
5. The National Criminal Justice Information and Statistics Service.
6. The Center for Law and Justice of the National Institute of Law Enforcement and Criminal Justice (the Institute).
7. The Center for Crime Prevention and Rehabilitation of the Institute.
8. Regions, 3, 4 and 5.

C. Associate Administrator Coster shall have authority and responsibility for:

1. General policy supervision over the National Institute of Law Enforcement and Criminal Justice.
2. The Police Program Division of OLEP.
3. The Civil Disorders Program Division of OLEP.
4. The Center for Criminal Justice Operations and Management of the Institute.
5. The Center for Demonstrations and Professional Services of the Institute.
6. Regions 1, 2, 6 and 7.
7. General policy supervision over the Office of Administrative Management, except for budget and personnel matters as to which both Associate Administrators shall exercise authority and responsibility.
8. Academic Assistance.

Within the areas assigned to him herein, each Associate Administrator shall have the authority to take action on behalf of the Administration, and all matters within such areas requiring the approval of the Administration, including discretionary grants, contracts, correspondence requiring the signature of an Administrator, or other program decisions, shall be referred to him.

RICHARD W. VELDE, *Associate Administrator.*  
CLARENCE M. COSTER, *Associate Administrator.*

July 1, 1970.

Senator KENNEDY. With the indulgence of the Senator from South Carolina, if you could tell us rather briefly what that is, it seems rather basic—well, I can hold that question.

Senator McCLELLAN. Let Senator Thurmond finish.

Senator THURMOND. If you do not mind, I have just one question.

Mr. Velde, as I construe it, then, administrators interpret the law, you make decisions which are subject to be overruled, and your decisions, if you do not agree, you have to have an assistant attorney general or someone then to resolve the question.

Mr. VELDE. Well, we have established this informal machinery to arbitrate any differences. As I indicated, Senator, this has been used very little, virtually not at all.

Senator THURMOND. I understand. If you agree, then you do not have any differences. But you have to look forward to the time when you do not agree. And on certain occasions, you have not agreed, have you? You have not always been of one mind, all three of you, have you?

Understand, I am not criticizing any one of you, because I am sure whatever position you take, you feel it is the right position. I am just trying to determine whether or not you have the kind of law, really, that the Congress feels you ought to have to administer this program. My thinking on the matter is that if you are going to administer this program, unless we are going to give the Attorney General the final say, OK, but even if we do that—and I do not especially object to that—but even if we do that, it seems to me you people ought to be able to resolve your differences and let any two of you have the right to make a decision.

Then, if the Attorney General wants to consider it, that is another matter.

Mr. VELDE. Senator, I believe the Department would support an amendment to the provision in that regard, removing the requirement for a unanimous decision.

Senator THURMOND. You believe the Department would support a provision along that line?

Mr. VELDE. Yes, sir. Of course, it does have a danger in it that in fairness I should point out. Under the existing law, there is a requirement that not more than two members of the administration may be of the same political party. So permitting two out of three members to take action would create an opportunity for, you might say, ganging up of the two majority members against the one minority member and, in effect, undercutting this concept of bipartisan administration of the program.

Senator THURMOND. Would that be any more so than in the FTC or the Interstate Commerce Commission, where you have majority and minority members?

Mr. VELDE. No, sir; and particularly when all three administrators are under the general authority of the Attorney General.

Senator THURMOND. I am just a firm believer in somebody having the power to make the decision. I guess that is important—I believe it is important. I guess I got that from my Army training.

Thank you, Mr. Chairman.

Senator KENNEDY. Just briefly, could you describe the delegation of authority?

Mr. VELDE. Yes, sir.

We have recently issued two instruments called management directives. The first delegates basically administrative authority to the operating heads of the Agency. There is an extensive section delegating authority to the Director of our Administrative Division, primarily

in contract and procurement matters, personnel matters, general administrative, and housekeeping responsibility. There are also delegations on such matters as travel requests, hiring of all personnel GS-12 or below, to the heads of our operating divisions. But basically, it is an administrative management delegation.

Now, there is a second management directive which, in effect, assigns responsibility at the administrator level, dividing between Associate Administrator Coster and myself responsibility for the general oversight of the operating divisions of the Agency.

Senator KENNEDY. How is that embodied?

Mr. VELDE. For example, for the Office of Law Enforcement programs, I have overall responsibility and Mr. Coster retains supervision over our police programs and our civil disorders programs. He also supervises regions 1 and 2 and 6 and 7 of our field force. I am responsible for the National Criminal Justice Information and Statistics Service. Mr. Coster is responsible for the Office of Academic Assistance and the National Institute of Law Enforcement. In the National Institute of Law Enforcement, however, I retain an interest in the Center for Law and Justice and in the Center for Prevention and Rehabilitation, although Mr. Coster has overall supervision of the Institute.

Senator KENNEDY. In terms of that geographical distribution, it seems to me that you have responsibility in certain geographical zones and he has responsibility in others?

Mr. VELDE. That is correct.

Senator KENNEDY. Does this not present at least the possibility of your implementing your kind of views or approaches in your areas and his implementing his views in the geographical areas where he has responsibility? I suppose the question comes back to whether you are going to have a uniformity or consistency in the development of the national program with this kind of provision.

Mr. VELDE. Yes, sir, there is a danger. There is also a danger that we have seven Regional Directors and no two of them are going to see eye to eye or think exactly alike on any issue involving interpretation of the act. We try by discussions among the administrators to resolve any policy questions, and we try to continuously indoctrinate and inform our regional directors and other key personnel as to the policy of the Agency to minimize the possibility as much as possible.

But I think I can safely say that there will be differences on a regional basis.

Senator KENNEDY. I believe in most of them, though, the ultimate responsibility is placed in one person.

Mr. VELDE. Let me say the general supervision is at the administrator level. But as indicated here earlier, we have had a delegation of authority below the level of administrator. Mr. Skoler, on my left, is the Director of our Law Enforcement Programs Office. He is the officer who has the overall operating responsibility for the Office of Law Enforcement programs.

In addition, we do have a series of policy guidelines in the planning area, in the action grant area, in the discretionary grant area, for the guidance of not only LEAA personnel but for State planning agencies and the cities and the like.

Senator KENNEDY. Well, if maybe, in addition to the counsel's advice as to what the authority of the various troika operatives would be, if we could have those directives as well, could you give us a copy of those directives?

Mr. VELDE. Yes.

Senator KENNEDY. Would you send them up so we could get a look at them? I guess they are relatively brief?

Mr. VELDE. Yes, sir.

Senator KENNEDY. I have just one final question, Mr. Chairman. It has to do with the National Institute, which was designed in the 1968 act to get 10 percent of the total LEAA funding.

It may get less than 1 percent next year under the present circumstances; is that correct?

Mr. VELDE. There was a specific authorization in the Omnibus Crime Control Act for the Institute for fiscal 1969. However, Congress did not earmark any amount for any programs for fiscal 1970. So there is no specific earmarking for the Institute or any other program for fiscal 1970. The total administration request for funding for fiscal 1970 was about 12 percent of the total budget; for fiscal 1971. The budget request was \$20 million for the Institute out of a total request of \$480 million.

Senator KENNEDY. That is 4 percent.

Mr. VELDE. Four percent, yes, sir. However, the appropriation for fiscal 1970 and the House allowance for 1971 were substantially less than the administration's request—\$7.5 million in both cases.

Senator McCLELLAN. If the Senator would yield there, I think the House appropriated last year and the Senate raised it to make it more?

Mr. VELDE. That is correct. But the amount actually appropriated was the amount of the House allowance, \$7.5 million for fiscal 1970.

Senator KENNEDY. For fiscal 1971, which are you going to be guided by, the larger figure, the actual appropriation figure, or the language of the House Appropriations report. Are you limited by that Appropriation Committee report?

Mr. VELDE. We are limited by the appropriation, yes, sir.

Now, the House action for fiscal 1971 denied the increase requested for the Institute, some \$11.5 million, more than doubling of the program, and diverted that money to our action grants program, to discretionary grants. There is a possibility, assuming that the Senate goes along with the House action, that if these funds are needed for research activities during the balance of the fiscal year, we can send a letter to the Appropriations Committees, in effect, requesting a reallocation of all or a portion of the \$11.5 million increase to the Institute.

Senator KENNEDY. Do you think the \$7.5 million is enough?

Mr. VELDE. No, sir. The administration request was \$20 million. However, there was an indication by the Department of Justice in the House appropriations testimony that the Department would not appeal the LEAA request because there was technically no cut from the administration's overall budgeted request.

Senator KENNEDY. Would you object to some kind of a provision in the amendment to the authorization bill which would limit total

LEAA spending to 20 times the amount it is spending on the institute, thus insuring that at least 5 percent of the budget would be spent on crime research, which everyone uniformly has recognized as a vital part of the program?

Mr. VELDE. Senator, I would want to consult with the Attorney General before I would respond on behalf of the administration.

Senator KENNEDY. Would you think about it?

Mr. VELDE. Yes, sir, I would be happy to.

Senator KENNEDY. I want to thank you, Mr. Velde. I share the earlier expression of the Senator from South Carolina on your service here with members of the committee. We always found that you served well and faithfully as a staff member on the other side of the aisle; you were always extremely helpful to us. We welcome you back and commend you for your comments.

Mr. VELDE. Thank you, Senator.

Senator KENNEDY. I want to thank you, too, Mr. Chairman, for your courtesy.

Senator McCLELLAN. Thank you, Mr. Velde, and the gentlemen who accompanied you here today. We appreciate your cooperation and the splendid presentation you have made.

The committee will stand in recess subject to the call of the Chair.

(Whereupon, at 1:15 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.)

## FEDERAL ASSISTANCE TO LAW ENFORCEMENT

THURSDAY, JULY 30, 1970

U.S. SENATE,  
SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES,  
OF THE COMMITTEE ON THE JUDICIARY,  
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 2228, New Senate Office Building, Senator John L. McClellan (chairman of the subcommittee) presiding.

Present: Senators McClellan, Kennedy, Hruska, and Thurmond.

Also present: G. Robert Blakey, chief counsel; Malcolm D. Hawk, minority counsel; Russell M. Coombs, and Max R. Parrish, assistant counsels; and Mrs. Mabel A. Downey, clerk.

Senator McCLELLAN. The committee will be in order.

Today, the subcommittee continues hearings on the general subject of Federal aid to law enforcement begun on June 24.

We have been considering some 16 bills in this field.

Since our last hearing session, two more bills have been introduced and referred to the subcommittee. They are S. 4066 and S. 4098.

Without objection, these bills will be printed in the front of the hearing, along with the other bills that the committee is considering. (PP. 175-178.)

Some members of the subcommittee desired to have the Attorney General appear in person for interrogation on the proposed amendments to the 1968 Omnibus Crime Control Act. Consequently, the Attorney General was invited and has agreed to appear today. Without objection, my letter to the Attorney General and his reply will be placed in the record at this point.

JULY 8, 1970.

HON. JOHN N. MITCHELL,  
*The Attorney General.*

MY DEAR MR. ATTORNEY GENERAL: Your formal statement of July 7 concerning amendments to the Omnibus Crime Control and Safe Streets Act of 1968 (H.R. 17825) has been received by the Senate Subcommittee on Criminal Laws and Procedures and entered in its record of public hearings. We appreciate very much your response to the request for comments on this and other measures pending before the Subcommittee. The Department's views have also been presented through the very able testimony of Mr. Peter Velde and Mr. Clarence Coster, the Administrators for the Law Enforcement Assistance Administration.

However, some members of the Subcommittee have expressed a desire for you to appear in person for interrogation and further comments on H.R. 17825 and other measures on which this body is now holding hearings. Accordingly, on behalf of the members, I invite you to appear before the Subcommittee at some early date convenient to you. Please have a member of your staff contact

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Mr. G. Robert Blakey, Chief Counsel of the Subcommittee. I am sure a satisfactory date for your appearance can be arranged.

Thank you for your consideration.

With very kindest regards, I am,  
Sincerely yours,

JOHN L. McCLELLAN.

JULY 16, 1970.

HON. JOHN L. McCLELLAN,

*Chairman, Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, U.S. Senate, Washington, D.C.*

DEAR SENATOR: Thank you for your invitation of July 8 for me to appear before the Subcommittee in connection with its consideration of legislation to amend the Omnibus Crime Control and Safe Streets Act of 1968.

Although I am of the view that there is little I can add to my statement filed with the Subcommittee on July 7, and the able, complete presentation made by the Associate Administrators of the Law Enforcement Assistance Administration, Mr. Velde and Mr. Coster, if you or any other members of your Subcommittee still desire my personal appearance I shall be pleased to comply with your wishes.

Sincerely,

JOHN N. MITCHELL,

*Attorney General.*

Senator McCLELLAN. This morning we are to hear four witnesses, the Attorney General, Mr. Mitchell, the attorney general of the State of Washington, Mr. Slade Gorton, Mr. Hugh Reed of the National Council on Crime and Delinquency, and Mr. Bruce Wilkie of the National Congress of American Indians.

I do not know whether we can hear everyone this morning, but we will try. It is a pretty full schedule.

Very well, we have with us this morning Attorney General Mitchell, and we welcome you. We will be glad to have your comments.

I am sure you have a list of these bills, and we would be glad to have your comment upon any of these bills and, particularly, H.R. 17825 which has already passed the House and which is under consideration by the committee. That is the bill dealing with the amendments to the safe streets and crime bill of 1968, and we are very glad to welcome you this morning and hear any statement you may have to make on these measures, any of them or particularly the one to which I just referred.

**STATEMENT OF HON. JOHN N. MITCHELL, ATTORNEY GENERAL OF THE UNITED STATES; ACCOMPANIED BY RICHARD W. VELDE, ASSOCIATE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, AND PAUL L. WOODARD, GENERAL COUNSEL, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION**

Attorney General MITCHELL. Thank you, Mr. Chairman.

With respect to a statement, there was a statement filed at the hearing of July 7, on behalf of the Justice Department, by myself, which covered the House bill that you made reference to.

Senator McCLELLAN. That was inserted in the record.

Attorney General MITCHELL. It is part of your record, Mr. Chairman, and we have filed a departmental comment on, I believe, all of the bills that are pending before the committee in this area with the possible exception of Senator Hart's bill, S. 4021, which was just recently referred to us and the two Senate bills that you have mentioned this

morning S. 4066 and S. 4098. They have not been referred to us and there has not been comment on those bills. We would be glad to provide it if you so wish.

Senator McCLELLAN. Well, in due course, they will be referred here, and we will receive your comments on them, and upon receipt of your comments on the bills we will insert them in the record.

Attorney General MITCHELL. Thank you, Mr. Chairman.

Senator McCLELLAN. Very well. Now, you may proceed.

Attorney General MITCHELL. Mr. Chairman, in view of the previous filing of the statement in connection with the pending legislation, I have no further statement to make this morning.

I am available for your questioning.

Senator McCLELLAN. Very well. Any questions, Senators?

Senator Kennedy is recognized.

Senator KENNEDY. Thank you, Mr. Chairman. And I want to extend a word of welcome to you, Mr. Attorney General.

Attorney General MITCHELL. Thank you, Senator.

Senator KENNEDY. Mr. Velde came up about 3 weeks ago and gave a statement and was extremely helpful and responsive to a number of questions that were posed to him by the members of the committee, and you were very ably represented during that meeting, and I appreciate your willingness to be with us this morning.

There has been so much made of the actions of Congress, in terms of its meeting its responsibility in criminal legislation, and I think that the Senate of the United States has been quite responsive—if not hasty—in passing a large number of pieces of anticrime legislation that have been deemed of importance and significance to the administration. I think the majority leader on a number of different occasions has indicated the responsiveness of the Senate in meeting those requests of the administration, even though there have been some Members of the Congress who have questioned whether these totally or individually are going to contribute a significant amount of progress in the fight against crime. I was just wondering if you could review with us very briefly what the situation is at the current time in the efforts toward halting the trend of crime in the streets of the Nation?

I know you made some comments in June of this past year, and gave some statistics, but I wonder if you could evaluate, just generally, the nature of the threat to the American people, and what the situation is at the current time?

Attorney General MITCHELL. Well, Senator, first I would like to concur with your observation that the Senate Judiciary Committee has been most responsive to the requests of the administration with respect to legislation, and this is particularly true in the area of the major bills that we are primarily interested in, such as S. 30, the organized crime amendments, and, of course, our Control of Dangerous Substances Act. We need both of these pieces of legislation and we need them desperately.

With respect to the overview of the crime situation in the Nation, I believe that it is beginning to turn around, and I would cite, with respect to this, the reduction in the rate of increase of the crime statistics. It is particularly heartening to know that the reduction is

greater in the metropolitan areas than it is in other parts of the country. We must recognize that the reported statistics have increased in the rural and suburban areas.

Now, in evaluating all of this, we must bear in mind that it is quite possible that we are having a statistical crime increase. Much of the activity that has gone on in the last few years, particularly with respect to the format of the Law Enforcement Assistance Administration and its aid, much of the generation of interest in the area of crime, has resulted in better reporting and more reporting of the actual happenings in this area, and I think we must take that into consideration.

We, obviously, have a long way to go. As I have stated, our criminal justice system is one that is more responsive to the 18th and 19th century than it is to our current problems. But I believe that the forces that are being brought to bear through programs like the Law Enforcement Assistance Administration show that this matter can be turned around, and, hopefully, it will before too long.

Senator KENNEDY. Last time Mr. Velde pointed out that within the period of the last 4 years, I think it was, approximately 4 years, there was a change in the method by which major cities evaluate crime and report it. And, so, as I understand it, in reviewing national crime statistics, that has to be realized and other factors relating to the reporting process have to be taken account of before we are able to put much weight on the statistics as a precise indicator of the growing problems of crime.

Attorney General MITCHELL. I would agree with that, Senator. Of course, the Federal Bureau of Investigation statistics are collected from the local units of government and are only as good as their reporting systems.

Senator KENNEDY. I notice that in terms of the comments you have made that you are talking specifically about the category of violent crimes in only the major cities of the Nation, but in terms of the overall problem of crime and reporting of crime in all categories nationwide, if we take these overall statistics and consider them against previous years, what do you come up with then?

Attorney General MITCHELL. Senator, I do not have those statistics before me.

Senator KENNEDY. Well, just in general kinds of trends?

Attorney General MITCHELL. Well, in terms that the rate of increase is diminishing. I believe that this will continue to be the trend, hopefully to the point where the actual crime statistics are reduced and not just the rate of increase.

Senator KENNEDY. But is even the rate of increase really decreasing? Looking now at your June 22 statement, you said that the overall crime increase was at the rate of 13 percent for the first quarter of 1970, compared to 10 percent in 1969. So there has been, in fact, a rise of 3 percent in the rate of increase in crime. This is because in the category of property crime, there has been a large increase, I gather?

Attorney General MITCHELL. According to my recollection, that is correct in that particular area.

Senator KENNEDY. According to the FBI statistics on the crime index trends, comparing the January to March figure on rates of change in crime nationally, which I think are generally conceded to be the figures which should be compared year by year, there has been,

for example, a significant increase in the growth rate of number of murders from the 1968-69 figure as compared to the 1969-70 figure. The rate of increase, as I understand it reading directly from the FBI report, has almost doubled in that period of time. And the rate of increase in burglaries has almost tripled. That is, the overall rate of increase in crimes has risen because, despite the fact that forcible rapes have increased at a lesser level, and robberies have increased at a lesser level, and larceny of \$50 and over has remained about the same, and auto theft has remained about the same, other categories like murders, where the rate of increase has doubled and burglaries, where it has actually tripled, have accelerated their upward trend, as evaluated by the FBI. Is that your understanding?

Attorney General MITCHELL. Well, Senator, I do not have those statistics before me.

Senator KENNEDY. Does it sound reasonable, based upon your general understanding of it?

Attorney General MITCHELL. Yes; I was wondering what periods you were comparing there, because, as you are probably aware, the different months of the year have different facets for changing the picture of crime.

Senator KENNEDY. Quite right. I was taking the same periods, the January-to-March figures, percent change, from each year over the previous year. This is from the Uniform Crime Reports. As a matter of fact, this was an appendix to your release of June 22, as I understand, and it uses the same periods, January to March, and that chart starts off with 1965-66, 1966-67, 1967-68, 1968-69, 1969-70, and there is, of course, a very significant increase in the 1966-67 period over that of 1965-66, which is, as I understand it, the time that they were moving into the new statistical evaluation method in some of the metropolitan areas. I think Mr. Velde made a comment on that in his previous testimony.

But the ones that I was addressing myself specifically to were the uniform periods of January to March in comparing the 1968-69 difference with the 1969-70 difference and the increases in the rate of growth of murders have just about doubled, and in burglaries has actually just about tripled, and for an overall rise in rate of increase from 1968-69 to 1969-70 a total increase in rate of growth of crime of almost a third. I think that we have to try to inform the American people neutrally and accurately. I suppose it is awfully difficult in these statistics to get a really precise impression, but I would certainly think in trying to look at the FBI reports and making a fair evaluation of them. I think you would have to agree that there has been a substantial increase in crime in absolute terms and that even the growth rates have risen almost a third looking at the 1969-70 January-to-March figures as compared to the 1968-69 periods.

Attorney General MITCHELL. Senator, you must recognize that the reports will show that crime has increased 140-percent during the decade of 1960's, and if you take that and relate it to any particular period, you can see the problems that are involved in this area.

Senator KENNEDY. I certainly agree with that, in terms of the reported statistics, anyway.

But I think, as your comments pointed out, we still have a growing problem in this country in terms of crime, and I am sure neither you

nor any of us want to suggest to the American people that we are really climbing on top of this issue at the present time, despite the sense of urgency and the responsiveness of the Congress and the Senate with all the anticrime programs of the past decade. I know that it is certainly not your intention to leave an inference which might be misunderstood from your speeches or comments, but I am not sure the suggestion about the slowdown in crime, that was put out by the Department, presents as complete a picture as the raw statistics in the FBI report might.

Attorney General MITCHELL. Well, there is no intention, of course, to delude the American people. Those statistics are presented for the purpose of showing what the problem is and how it is changing. And it does change in some areas, of course, in connection with the types of crimes involved.

I think we all recognize that because of the drug problem there has been a reorientation of certain types of crimes that are committed in particular areas, and that, basically, is the purpose of analyses in the breakdown of the different types of crimes that are reported by the FBI.

Senator KENNEDY. Well, just on the question of the drug legislation, during the last half of the 1960's, the Congress passed a narcotics addict rehabilitation act in 1966, provided new controls over dangerous drugs, and there was a total reorganization of the narcotics enforcement activities, all of which were consistent with the kinds of suggestions the Crime Commission made in its splendid blueprint for an attack on crime. I am wondering if you could tell us what sense of priority the Narcotics Addicts Rehabilitation Act has in your total efforts against crimes involving drugs?

Attorney General MITCHELL. Are you talking about the responsibility of the Department of Justice?

Senator KENNEDY. Yes, sir.

Attorney General MITCHELL. As far as the Department of Justice is concerned, we have given the highest priority to the problem of narcotics and dangerous drugs. We have reorganized the Bureau that was brought together during the latter part of 1968. We have eliminated the problems of integrity that existed in it. We have, I believe, just about doubled the budget of the law enforcement agency.

We have changed the mode of operation to allow the States and the localities to go after the street peddler and have directed our activities toward the larger scale traffickers, and we have really exerted every effort to get at the source of drugs from outside of the country through our negotiations with the Government of Mexico, the Government of France, and, of course, the governments in the Middle East, including Turkey. This is one of the top priorities of this administration.

Senator KENNEDY. Now, of course, one of the prime thrusts of the 1966 legislation was the rehabilitation of the drug addicts so that they, hopefully, could return into society in a productive and constructive way.

I was just wondering, in terms of rehabilitation, what has been done?

Attorney General MITCHELL. Senator, I think you will have to make inquiry within the Department of Health, Education, and Welfare which has those programs.

Senator KENNEDY. Well, it is quite clear that this kind of legislation should be coordinated by the Attorney General, and I was just referring to that specific part of it, to what you, as the Attorney General, had felt were your responsibilities in terms of rehabilitation of drug addicts as the one who has the prime responsibility in coordinating all of the Federal Government's activities in the crime area.

Attorney General MITCHELL. It is carried out, first, in HEW, and we have coordinated with HEW. We need every facility that we can possibly obtain in this area. We have, of course, in the Bureau of Narcotics and Dangerous Drugs, continued and are continuing our studies, particularly with the methadone treatment. We recognize that the prevention, as well as cure, as well as the interdiction of supply, is all part of the way we should address ourselves to the problem.

Senator KENNEDY. I think the principal point remains that the Narcotic Addict Rehabilitation Act has to be something that the U.S. attorneys in the various districts in various parts of the country are going to have to take an active part in implementing in coordination with the HEW personnel, and for the U.S. attorneys to be so instructed is certainly, I think, going to take strong leadership and guidance at the top.

I suppose what I am suggesting is that HEW, in spite of how noble their efforts may be, cannot do the job if they are not going to have the cooperation of the U.S. attorneys who are prosecuting these cases, and they are not going to do this unless they have the word or instructions from the top. It would be difficult to expect anything at these local levels, unless there is some strong policy guidance. Of course, in the development of the legislation, the Attorney General was expected to exercise such responsibility for the implementation of this program, and I was interested in what efforts were being made by the Department.

Attorney General MITCHELL. This is quite right, and, of course, the thrust of it comes in our Bureau of Prisons where we have an on-going program to which we have added funds and devoted the full attention of that Bureau. If the Senator would care, I would be delighted to provide for the record the activities that we are carrying out.

Senator KENNEDY. Good. If you would do that, Mr. Attorney General.

Attorney General MITCHELL. I would be delighted.

Senator KENNEDY. One of the other extremely useful programs we passed in the period of the 1960's was the Juvenile Delinquency Act, and we had authorization in that program for some \$75 million this year and yet the administration only requested \$15 million. I know that you cannot just equate money requested with the usefulness or appropriateness of the program, but I think that in view of the statistics showing the extraordinary increase in juvenile crime, and the fact that over the period of the 1960's there were, I thought, some extremely successful pilot Federal programs in the whole juvenile delinquency area, I was just wondering why there was not a greater sense of urgency, why there was not a request for a greater appropria-

tion in terms of the Juvenile Delinquency Act, when there has been recognized by the Congress and the Senate at least a minimal need of some \$75 million for that program?

Attorney General MITCHELL. Here, again, Senator, you are dealing with programs in HEW, but I would point out that as far as the Law Enforcement Assistance Administration is concerned, I think there has been some \$33 million of those funds allocated for programs in this area. And, here again, I would be glad to provide the information to you if you so desire.

(The following information was subsequently received:)

#### THE CONTROL AND TREATMENT OF JUVENILE OFFENDERS

The Law Enforcement Assistance Administration is authorized to make action and discretionary grants under title I of the Omnibus Crime Control and Safe Streets Act of 1968 for the development and implementation of methods and facilities designed to improve and strengthen law enforcement and reduce crime. Law enforcement is defined under section 601 of the Safe Streets Act as meaning "all activities pertaining to crime prevention or reduction and enforcement of the criminal law."

Pursuant to this authorization many States in their 1970 submissions ranked juvenile delinquency near the top or at the top of their law enforcement problems. These States have used their action grants to fund workshops and seminars to provide continuing studies for persons engaged in working directly with juvenile offenders and to develop new facilities for the care and treatment of juvenile offenders. Action grants have also been used by the States and local governments to provide short-term training to all types of law enforcement personnel in the latest methods of prevention, control and treatment of juvenile delinquency.

In addition LEAA is authorized to render technical assistance to States, units of local government and private organizations in matters relating to law enforcement, and LEAA currently is providing technical assistance to requesting State and local agencies working with juveniles and juvenile offenders. This assistance is available for the development of technical training teams as well as for the establishment of training programs for law personnel connected with the treatment and control of juvenile offenders.

Because of the emphasis placed by the States on juvenile delinquency problems, LEAA is heavily involved in juvenile delinquency control and prevention efforts. Figures for fiscal year 1970 indicate that \$32,850,438 of LEAA fund grants were distributed as follows:

<i>Block grants</i>	
Juvenile Corrections.....	\$19, 196, 371
Juvenile Delinquency Prevention.....	9, 251, 863
<i>Discretionary grants</i>	
Juvenile Corrections.....	2, 915, 906
Large Cities (Juvenile Delinquency Corrections and Prevention)...	1, 486, 298

A listing is included of the various projects which have been undertaken by the States with LEAA financial support and other technical assistance that has been furnished by LEAA.

In addition to our efforts, the Department of Health, Education and Welfare has a program under the Juvenile Delinquency Prevention and Control Act of 1968 and other authority. Under this Act the Secretary of HEW is required to coordinate with the Attorney General its responsibilities in combating juvenile delinquency. This coordination has been achieved both at the State and Federal Government levels.

On the State level, the former HEW Secretary Robert Finch and the Attorney General issued a joint letter (copy included) to the Governors of each State urging them to establish a single State Planning Agency for the LEAA program and the HEW program under the Juvenile Delinquency Prevention and Control Act. This has been accomplished in over 40 of the 50 States and, as a result, the comprehensive law enforcement and juvenile delinquency plans submitted to LEAA and HEW are prepared by the same people and present a fully coordinated approach to the juvenile delinquency problem.

A working liaison has been established on the Federal level between the personnel working in this area in HEW and LEAA personnel. The HEW people have reviewed each of the plans submitted to LEAA by the States in fiscal year 1970 and are working with LEAA personnel to develop new approaches in the juvenile delinquency area.

LEAA recognizes that juvenile delinquency continues to be one of our nation's major problems and that continuing emphasis must be placed on this. The projections of LEAA's State Planning Agencies indicate that increased funding will be spent in this area and LEAA will continue to expand and coordinate its efforts in this area with HEW in an effort to bring the juvenile problem under control.

*Examples of training seminars and workshops for juveniles conducted with State block grant or discretionary money*

Alaska: Management seminars, quarterly-----	\$7,500
California: Juvenile justice system manpower development-----	120,608
California: Manpower development and training (juvenile)-----	240,000
Delaware: Seminars for custodial personnel-----	15,000
Illinois: Training of criminal justice personnel (including juvenile)-	108,000
Michigan: Crime and corrections workshop, police, judges, correctional personnel, legislators, citizens-----	30,000
Michigan: Inservice training for juvenile court staff and probation aides-----	104,000
Michigan: Manpower training paraprofessional juvenile and adult cor- rections specialists-----	20,000
Michigan: Crime and Corrections workshop including juvenile, 7-10 conference-	20,000
Nevada: Specialized seminars for professional and semiprofessional staff of services to youth staff, 150 will participate-----	19,500
North Dakota: Institutes for probation agents, juvenile commissioners and juvenile court judges-----	24,000
Pennsylvania: Juvenile probation officers training institute, trainee- ships for juvenile probation officers to attend training institutes and payment of tuition and stipend for juvenile detention workers to receive special education-----	\$23,352
South Carolina: Seminars-workshops for corrections personnel-----	38,000
Texas: Inservice training for juvenile probation officers-----	7,500
Washington: Training seminars and workshops for corrections person- nel would receive task performance training, 40 conceptual and plan- ning training Seminar to provide in-depth discussion of current prob- lems experienced by all law enforcement personnel including police, judges, probation and parole, institution, etc-----	15,000

*Technical assistance provided juvenile delinquency programs through technical assistance contracts awarded by LEAA*

Alabama: Development of Plan for Juvenile Detention Care.	
Arizona: Juvenile Detention Planning, Regional Detention Planning Workshop,	
California: Planning Regional Facility for Female Juvenile Delinquents.	
Connecticut: Evaluate Clinical and Social Services of Boys School, Evaluate Education and cottage Life in Girls School, Special Treatment Unit, Reception & Diagnostic Center, Evaluation Administration of Boys School, Food Service, Connecticut School for Boys.	
Florida: Survey of Juvenile Court Organization Structure and its Training Needs.	
Indiana: Juvenile Detention and Treatment Center.	
Kentucky: Juvenile Delinquency Personnel Recruitment and Training, Group Services Evaluation, Juvenile Delinquency Data Processing System.	
Maryland: Regional Detention Center Planning, Survey of Size for New Juvenile Detention Center.	
Mississippi: Assistance with Planning a New Juvenile Diagnostic Center, Juvenile Training School Program.	
Missouri: Institute for Planners in Juvenile Delinquency Prevention and Control.	
Nebraska: Planning Youth Diagnostic and Rehabilitation Center.	
Virginia: Juvenile Facilities Size and Type, Evaluation of Juvenile Detention	

Home, Juvenile Delinquency Prevention Program.  
 Washington: Youth Corrections Program Planning for a Rural County.  
 West Virginia: Juvenile Detention Project, Juvenile Delinquency Program,  
 Study Juvenile Detention Problems.

In fiscal year 1970 \$409,876.79 was expended or encumbered in connection with the corrections technical assistance program. The National Council on Crime and Delinquency, American Corrections Association, and the University of Georgia received contracts to provide such assistance. In addition, \$50,000 was awarded to the University of Pennsylvania for technical assistance materials on planning and design of juvenile facilities.

*Examples of training programs funded by LEAA other than through State block grant money or discretionary money*

1. LEAA sponsored workshop at Robert F. Kennedy Youth Center, Morgantown, West Virginia: LEAA funded \$8,000 for five-day workshop for juvenile delinquency institution staff from states throughout the country.
2. LEAA funded a series of workshops for the annual meeting of the Council of Juvenile Court Judges in June—\$30,000.

OFFICE OF THE ATTORNEY GENERAL, WASHINGTON, D.C.

JOINT LETTER FROM ATTORNEY GENERAL AND SECRETARY OF HEALTH, EDUCATION, AND WELFARE URGING ESTABLISHMENT OF SINGLE STATE PLANNING AGENCIES FOR THE LEAA PROGRAM AND THE HEW JUVENILE DELINQUENCY PREVENTION AND CONTROL ACT PROGRAM (FEBRUARY 18, 1969)

DEAR GOVERNOR ———: Many States have indicated an interest in the fullest possible integration at the Federal, State and local levels of crime and juvenile delinquency programs being developed in response to the Omnibus Crime Control and Safe Streets Act of 1968 and the Juvenile Delinquency Prevention and Control Act of 1968. In fact, eighteen governors have designated a single state planning agency to coordinate programs under both Acts. The Department of Justice and the Department of Health, Education, and Welfare fully support the view that the coordination of these programs at all levels of government, both in planning and action efforts, is essential to quality results and best return for funds expended.

In the interest of effective coordination, it is desirable to have a single State planning agency and policy board, which would submit a single comprehensive plan. Admittedly, current Federal guidelines have not fully reflected this kind of unification. To state the Federal position more clearly with regard to requirements for State planning agencies, the two Departments have agreed to the guides listed below which supersede any conflicting requirements in existing directives of either Department.

1. The State planning agency must be in the executive branch and be empowered to conduct comprehensive planning functions and to receive and disburse funds.
2. The planning agency must have a policy making board which is responsible for reviewing, and maintaining general oversight for the State plan and its implementation.
3. The policy board must be broadly representative of police services, juvenile delinquency, the courts, corrections, general units of government, and citizen interests. It must approximate proportionate representation of local and State interests. Juvenile delinquency representation should include persons from both public and private agencies concerned with delinquency prevention and rehabilitation.
4. Membership of policy boards should be large enough to adequately reflect the foregoing representative elements and not too large to impede working efficiency.
5. The policy board should be supported by committees, task forces or panels of specialized persons as necessary to accomplish its mission and provide broader involvement of professionals and citizens. For example, there may be several of these groups for juvenile delinquency prevention and control each covering separate aspects of the program and providing a voice for all interests, including those of youth, concerned with problems of juvenile delinquency.
6. Qualifications of full-time professional staff of planners should show evidence of varied backgrounds with regard to substantive programs, planning, and managerial experience.

Our two Departments are exploring the possibility of integrating the requirements for State comprehensive plans, a single application, and joint funding. We also plan to actively explore opportunities for greater cooperation with other federal agencies and programs concerned with this area. We will be pleased to have suggestions from States on this matter.

Sincerely,

JOHN N. MITCHELL,  
*Attorney General.*

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*Secretary, Department of Health, Education, and Welfare.*

Senator KENNEDY. This is on the Juvenile Delinquency and Prevention Control Act of 1968, and it talks about the coordination, and it says in section 407:

To avoid duplication of effort, it should be the responsibility of the Secretary to consult and coordinate with the Attorney General and such other federal agencies as regards its responsibilities in the area of combatting juvenile delinquency and crime in general.

I think that, if perhaps at a later time if you could submit to us what requests have been made by HEW, to consult and to work with you, and what you think can actually be done to strengthen that program, for if there is some administrative hangup, we ought to really know.

As I understand, it further requires an annual report. The legislation says "not later than 120 days after the close of each fiscal year," and here again there is reference to you, "the Secretary, with appropriate assistance and concurrence with the heads of other Federal agencies who are consulted and whose activities are coordinated under section 407, shall prepare and submit to the President for transmittal to the Congress a full and complete report." I guess that report was due last October, October of last year. We have not seen it yet, and we have no explanation of why we haven't received it. I know that this is a shared responsibility, but I wanted to bring that to your attention.

Attorney General MITCHELL. It is the primary responsibility of the Secretary. I have seen drafts of the report, so I am sure there must be some oversight, or some lack of followthrough on it.

Senator KENNEDY. As I understand further—and here, too, I would think there is a degree of shared responsibility—the post of head of the juvenile delinquency program in the HEW Department lay vacant for over a year, out of the 18 months since the change in Administrators. I am sure that you are aware of it. I just raise this as, once again, something which is of concern, because I think there is real potential in that program, and it is something I think ought to have the kind of priority which it deserves, but which it has not been getting.

There has been a great deal that has been said, as I noticed just yesterday, about the signing of the District of Columbia crime bill. We debated it fully in the Senate, and I do not expect to resume the debate here this morning, but one of the things that certainly concerned me about the statement by the President was the implication that while the Congress was having the hearings and the debate that there were 60,000 crimes that were committed in the District of Columbia.

Is that a suggestion that if we had not had any hearings or any discussion or debate that there would not have been those crimes?

Attorney General MITCHELL. I am not familiar with the statement, Senator, but it is quite obvious that the debate on the bill has nothing to do with the commission of crimes.

It might have had reference to the lapse of time, rather than the activities of the debate.

Senator KENNEDY. I notice that Chief Wilson has said that he probably will not use the no-knock provision more than a dozen times a year, and we have been told by the bill's major supporters that the preventive detention provision would only be used in a few serious cases, and that it would also end the present hypocrisy of keeping people in jails without trials through high bail, and we have also been told repeatedly that wiretapping is of little use in preventing the ordinary kind of crime index crime.

If all those facts are true there is really little to be expected here, in terms of a major shift in crime patterns. So, I would assume that certainly the major thrust of the District of Columbia's crime bill would be in the field of court reorganization, which I know you, and others, have supported strongly. Yet I am just wondering if, in making grandiose promises about the District of Columbia bill, we are holding out to the people in the district and the other parts of the country a realistic hope that these other kinds of provisions can be effective weapons in this fight against crime here in the District and elsewhere?

Attorney General MITCHELL. Senator, I feel very strongly that the District bill is a well-rounded package that covers not only the court reorganization but bail reform and the public defender's office—that being upgraded—and I am sure that you recognize the fact that Chief Wilson has testified on the prospective effectiveness of pretrial detention. So, I would hope that the people that you refer to would look at it as a total criminal-justice package which will have measurable effect upon the District and the problems in the crime area.

Senator KENNEDY. Just in another area, Mr. Attorney General, in terms of the resources that are being devoted to the Law Enforcement Assistance Act. As I understand it, we actually appropriated in 1969 \$63 million out of an authorized \$100 million and in fiscal 1970, \$268 million, when the authorization was some \$300 million, and, then, requested this year some \$480 million, and the House has authorized \$650 million. One of the things that I think many of us are struck by is that we go back into our States and see the low proportion in the amounts of total Federal resources which are actually devoted toward attacking the problems of crime.

As I recall, if you take the Federal budget and spread it over every man, woman, and child within the United States, that it amounts to approximately \$1,000 per person, of which \$400 is spent in terms of international security, in terms of defense of the country, and in realizing and meeting our treaty obligations around the world, but only \$2.50 is devoted toward meeting the problems of crime. And I am just wondering, when there is within the Congress and the Senate, even while trying to meet its responsibilities in terms of budget restraint, such a willingness to authorize and appropriate necessary funds at levels which reflect our impression of needs and which are a good deal higher than that which is being requested by the administration, why the figure to implement LEAA is so cautious and so conservative and so low in comparison to what the real problem is and the great need for funds in the States and local communities?

Attorney General MITCHELL. Well, Senator, I would like to answer that in a number of parts. First of all, as I am sure you are well aware,

the problem of law enforcement and its operation in the criminal-justice system is primarily the responsibility of the States and their localities, and the best estimate as to the expenditure by States and their localities for the criminal-justice system is a total of only \$6 billion a year. This represents a very low portion of their revenues.

So, I think that the primary obligation lies with the States and their localities to address themselves to this problem.

With respect to the actual funding of the Law Enforcement Assistance Administration, this is a new program that is getting underway

As you point out, the first year, in 1969, the appropriation was \$63 million of which, I think, \$3 million went to the FBI, and we have moved it up to \$286 million for fiscal 1970, and it is \$480 million, which you referred to, in fiscal 1971.

We are not opposed to the authorization of the \$650 million which is contained in the legislation before us. LEAA is a new agency and we do find, however, that in order to use this amount of money properly, we would have to build on the organization of this new agency and get it started and make sure that these moneys are used appropriately.

As I have testified in the House—and state here—if we find, in the Law Enforcement Assistance Administration, that we can use more than the \$480 million that we have asked for, and which has been appropriated by the House, we certainly will be back for a supplemental appropriation.

Senator KENNEDY. What do you think have been the principal successes of the program to date?

Attorney General MITCHELL. Well, there are a number of them. The greatest success is the fact that we now have, in the 50 States and some of the territories, State planning agencies that are addressing themselves to the criminal-justice system. And one of the problems of our criminal-justice system is that it has been splintered and shattered in different levels of Government and different operations. Now, we have the State agencies, plus regional and local agencies, that are addressing themselves to this problem and recognizing it for the first time.

Also there has been brought about a great deal of coordination, and I think, between the leadership that will be provided by LEAA and the Institute therein, and the expertise that is being developed in these State planning agencies and the local agencies, we will at least bring our criminal-justice system in this country up to where it should be. Also the State and local governments now have some 15,000 improvement projects underway supported by LEAA funds.

Senator KENNEDY. As I understand, at the time when this act was actually passed, there were already some 27 State agencies that had been formed in anticipation of the act and through the prototype program in the 1965 act. So, you had some 27 agencies which were already in existence trying to meet the problems of crime, and you are suggesting this morning that, even after the third year of distributing these funds, these States and State agencies, in their help and their assistance to their communities, can still only handle this limited kind of money.

Attorney General MITCHELL. I am not suggesting that at all. But I would point out that the programs to which you refer that existed

at the time of the passage of the 1968 act were not the same, were not properly funded, and they did not require the comprehensive plans that are required under the 1968 act, and it does take time to provide the funding for the State planning agencies and for them to get the expertise that is necessary to work in the field.

And, as you are probably well aware, there is a great shortage of expertise in this area to implement these plans, to put them together. The fact of the matter is that the 1969 year provided, as you know, very little money in connection with this activity, and the expansion in 1970, the 1970 fiscal budget came about only after we knew what the appropriation was and could make the allocations to the State planning agencies.

So, we really have been working on this program with some intensity and volume for about 11 months.

Senator KENNEDY. Accepting what you suggest have been the problems in terms of the organization of the State programs and developing appropriate State plans, I know, having had an opportunity to talk to many of the mayors of many of the cities around the country, that they feel they have a good grasp of the problems of crime that exist in their communities; they feel that they are best equipped to deal with those particular problems.

They have been able to develop plans for dealing with recognizable needs, plans which would require extensive funding. Thus I wonder whether you could express any reservations if we wrote into this legislation, at least for the first year or second year, direct block grants to cities which are really trying to come to grips with crime and which have developed programs to do so?

Attorney General MITCHELL. I do not think it is necessary to change the provisions of the act, other than as reflected in the House-passed version, in order to provide the delivery of the appropriate funds to the cities. There are a number of reasons for this. First of all, as I say, we are developing this State expertise, and the problem of the criminal-justice system is substantially statewide in many areas. You know, it is not only law enforcement. We have to get to the court systems as well. I believe that the statements that I submitted here on July 7 show that of the 411 cities in the country of 50,000 population or more, that, in relationship to the population and the crime rate, the actual amount of money allocated to them—and, here again, I want to go back and point out that we are talking about the 1969 year, because that is the only one for which we have detailed statistics—showed that the allocation of money to the cities in connection with their programs was roughly equal to their populations and their crime statistics.

But I would add, on top of that, that the problems of corrections and the courts which benefit the high-crime areas are incipient problems and that money to help solve these problems has to be provided at a different level in many cases, and are in addition to the actual dollars that go into the cities. I am very much in favor of continuing the program the way it is structured, and I believe that after we have the reading from the 1970 fiscal year, in connection with the State plans that have just been finally filed with the Department, we will see that the delivery system to the cities, or the high-crime areas, however you want to refer to them, is appropriate.

Senator KENNEDY. Well, I think, Mr. Attorney General, what we are talking about is that while we are trying to experiment to see whether block grants to the States are the best way and means of providing resources in the fight against crime, we find hundreds of the major cities of this country who are willing and able to spend money in fighting crime and have tremendous needs not only for their local police forces, but also for local courts, local corrections and detention facilities, crime prevention and juvenile delinquency narcotics programs, and many others. These are willing to do it and we find that the Congress of the United States is prepared to appropriate the money to help those cities in their attack on crime, so why do we not get about the business of providing those resources to the mayors in these cities that have such great problems in crime? Why should we be waiting another year or two or three to see whether the State agency can be made to function or can work according to theory or is the best vehicle of the available alternatives?

There is an immediate urgent problem of crime in the streets in most of the cities of the country, and many rural areas as well, and there are growing problems of crime in the suburbs. If the Congress is prepared to devote the resources to help and assist law enforcement courts and corrections personnel to meet their responsibilities in fighting crime, why should we not at least provide block grants for maybe 2 or 3 years directly to those jurisdictions that need and can utilize them, while the State agencies are getting the wrinkles out of their programs?

Maybe we could do it for just 2 or 3 years, get the money out to those communities, and, then, if we find that the process by which the States take the money and develop the programs becomes more effective, then, we can always go back to relying on the States as the principal vehicle of getting the money into the areas of the greatest need.

But, right now, why do we have to wait, again, while we train experts in terms of planning and programs and devising schemes and methods at the State level, especially in regard to fields that the State has very little to do with?

We can get this money out to the mayors; the mayors want it; their police departments and other local criminal justice and crime prevention agencies need it; the people are crying for it, and why should we not, for a period of, say, at least the next 3 years, while this other program is getting the redtape and bureaucracy, so to speak, worked out—why should we not provide resources to these communities?

Attorney General MITCHELL. Senator, I think that is a mistake that has been made in the past, of just adding more money on top of more money without changing the criminal justice system. And that is what this program would do.

I would point out that for the fiscal year 1969, which is the only one we have the figures on, the law enforcement agencies got 60 percent of the money. We have to address ourselves to the problems of correction and recidivism, and we have to change or expedite our court trials and update our court system, so that we have a total picture of criminal justice.

Now, we just cannot ignore the fact that there are other facets to this problem than just plain law enforcement, and adding more of the

same on top of what has not proved to be productive in the past would not solve anything.

Senator KENNEDY. Well, I think you have given a splendid statement on what needs to be done, and I would not question that in terms of the overall efforts that must be made in attacking the problem.

But I find it difficult to comprehend why we cannot set conditions for the cities of the country that are trying to deal with crime and say that they can have this additional amount of money if it is used for these kinds of worthwhile efforts and proposals, whether they be for rehabilitation, or whether they be for the local court systems, or whether they be for giving them additional kinds of training or equipment.

I mean, I have talked with the mayors of the cities of my State, and they say, "We have the latest kinds of walkie-talkies and hand radios that we are fighting the Vietcong with in Vietnam, and why cannot we have that kind of equipment to fight crime in the streets of Brookline, Mass.?" Why can we not say "yes" to the mayors that are prepared to apply funds for those purposes. Why cannot you and your Department, and the LEAA, come up with the specific areas which you have found, based upon the experience of this program, to be worthwhile areas of support for local law enforcement and criminal justice efforts and, say, for the period of the next 2 or 3 years, while we are ironing out the bugs in this block system, that certain block grants will be available to the localities for these very precise areas if local communities want to move into these areas?

Attorney General MITCHELL. Well, of course, Senator, that is done to the degree that we have discretionary grants, as you know, for particular projects.

Senator KENNEDY. How much would that be for?

Attorney General MITCHELL. There is \$69 million, Mr. Velde tells me, in the 1971 budget.

But I would like to get back to this basic concept, that it is not my wish—and it was not the intention of this legislation—to impose upon the people in the States categorical grants whereby the Federal Government would be the last word in what should be done in the criminal justice system in the States.

We believe that that should be left to the States and it should be left under the block grant concept. I know we are engaging in the age-old controversy between the mayors and the Governors, but in the criminal justice system, which is an area that should be treated on a statewide basis, we feel that the State, through the State planning agency, is the proper body to look to all of these matters and to carry out the programs that are appropriate for all areas in the State.

Senator KENNEDY. Well, we have wrestled with this problem in the Congress and the Senate, and I just hate to see this program being diluted and delayed while that sort of political question is being decided, to have this program at this lower level despite the high level of need in the war against crime, just so that someone may prove who is right, the mayors or the Governors. As you pointed out, we might have to wait 2 or 3 years to slake these bugs out, but I do not see why we cannot make available to mayors in the cities greater resources in specific program areas so that we will give them the

opportunity to choose among maybe a dozen different kinds of alternative programs.

Attorney General MITCHELL. Senator, I would like to clear up what I have been talking about. It is not waiting 2 or 3 years to find out, it is the fact that we have just 1 year, 1969, upon which to base the assessment of this program and in that year, of course, as you know, there was provided a relatively small amount of money with which to gage it.

I think that our fiscal year 1970 projects that have come in will show that the delivery system is working. It is inherent in the 1968 act that there be a block grant concept subject to the discretionary grants.

We believe that this concept will provide the delivery system, including delivery to the cities as well as the rest of the areas of the State.

Senator KENNEDY. Well, as I understand, you have had 2 years of funding, and you have spent close to a third of a billion dollars. You have had a number of these State agencies which had actually been established even prior to the actual passage of this act.

Attorney General MITCHELL. Senator, can we look at the 1970 fiscal year? The moneys have just been allocated to the States through their State plans.

As you know, we did not have our budget until December of 1969 and, therefore, the amounts were allocated to the States. They have provided their plans, they have come back in, and the money has been allocated out, and the States are now disbursing it to these areas that we are talking about.

Senator KENNEDY. As I understand, most of the funding was granted in February, was it not? Were not at least half of the advances given in February?

Attorney General MITCHELL. Well, I think those were the planning grants, but the action grants that really have these programs came out in May and June. I am so advised by Mr. Velde, and I recall that as being correct. Mr. Velde tells me that there was a partial grant of action funds in February and March, but that the final allocations did not come through until May and June, and the plans have to be returned as of July 1.

Senator KENNEDY. We talked with Mr. Velde for some period of time when he appeared here about the actual organization of the Troika and administratively what changes should be made. We know the House has taken one position in terms of the reorganization, and there have been a number of statements and charges about the administrative difficulty of Troika relationships.

I was just wondering if you would give us the benefit of your views, particularly in terms of the House approach in providing just the single administrator?

Attorney General MITCHELL. Senator, I have testified in the House in support of the concept of a Troika so far as it goes into the most important area of operation of this agency, and that is to bring to bear the expertise of the right people on the allocation of these moneys. I feel that the Troika concept is a good way to bring to bear, through the Administrator plus the two Assistant Administrators, the expertise that they have in different fields. This is why we had Mr. Rogovin from the area of prosecutions, Mr. Velde with his expertise in cor-

rections, and Mr. Coster from the field of law enforcement. We feel that the combined judgment of three people in this area will go a long way toward improvement of the functions of the Institute as well as the nature of the plans that are approved as submitted by the States, and programs that they recommend thereunder.

With respect to the administrative and management aspects of the agency. I think that it might be well to give administrative power to the Administrator. If the legislation is not changed, I think the Administrative functions can be delegated, but my main thrust is I believe that the continued expertise of three people with three different backgrounds is valuable in the allocation of these moneys.

Senator KENNEDY. Well, I suppose you have answered in terms of the administrative part of it. You do not have any objection, then, to changing and altering it to the extent that the administrative responsibility would be under a single head?

Attorney General MITCHELL. No. I think this will be helpful.

Senator KENNEDY. But as far as the administrative side, then, in terms of grant supervision and general authority over the Institute, you would have just the one?

In terms of the policy you would still like the three, the troika relationship in attempting to develop that policy?

Attorney General MITCHELL. I think that would be the best approach to the problem, as we see it in the year and a half of operation.

Senator KENNEDY. As I have read and heard, and I am sure you have, as well, it has been because of the troika input into that policy that we have not had the clear definition and direction that might otherwise have occurred with a single administrator who, hopefully, would be outside of any kind of political influence.

Attorney General MITCHELL. No, I do not agree with that, Senator. I think that if the problems of the administration and operation were taken out of the picture, and the troika addressed itself to the policy matters of this agency, there would not be the problems that arose in the past. If they do arise on an infrequent occasion, the agency is still under the direction of the Attorney General, and I am sure it could be straightened out very rapidly.

Senator KENNEDY. I think this was highlighted in the statement of Mr. Rogovin who indicated that he resigned because, "I am convinced beyond doubt that the law enforcement assistance program cannot be administered in the present administrative form.

"An agency cannot be managed by three chiefs. Three men cannot agree on all matters."

As I understand, to meet that kind of objection you are talking about administratively giving the responsibility to a single individual and policywise keeping the troika relationship?

Attorney General MITCHELL. I think that would be the best structure for this agency.

Senator KENNEDY. I suppose the question is: Is it not in the policy area that you have the greatest bogging down and the greatest kind of backbiting?

Attorney General MITCHELL. I do not believe so, and I would not hope so, and as I say, if that situation developed I think there would probably be some new administrators over there, if the Attorney General could not straighten out the problem in the meantime.

Senator KENNEDY. Could I move to the area of the National Institute of Law Enforcement and Criminal Justice, Mr. Attorney General? As I understand, you give this National Institute a sense of priority, and yet we have seen the requests actually made by the administration, some \$19 million, reduced, as I understand, to \$7.5 million allowed to be spent for the Institute because of the restrictions placed upon the additional funding for the Institute by a subcommittee of the House of Representatives.

When the legislation was initially passed in 1968, it was felt that the National Institute ought to have approximately 10 percent of the funding, and now it is down to about 1 percent. I was wondering if you could tell us how significant and important this Institutes is in terms of what needs to be done in the fight against crime.

Attorney General MITCHELL. Senator, it is very important. As I have said back a while ago, our criminal justice system is related to the 18th and 19th century, and we must find ways of not doing more of the same, but of doing things better and differently.

The Institute is an area in which we can make these advancements, as well as in the grants that we provide to the States and their localities, which also do research and development with the grants. I feel that the Institute can help this program and provide the technical leadership that is needed from the Federal Government in order to bring the States and the localities along.

We did request those additional funds, but I must admit that the activities of the Institute to date, while they have made reasonable progress, have not been outstanding, and I think that we have to develop it further, to bring to bear, hopefully, new abilities and techniques if we can find them and to upgrade it as fast and as quickly as possible.

Senator KENNEDY. One of the thoughts in planning the activities under the National Institute was that we would see developed and established regional institutes in different parts of the country, to provide locally focused research and development and testing programs to attack the problems of crime, which are different in different parts of the country. We need such institutes because, while we have, overall, obviously, common national problems, there are also different kinds of problems that we face in different areas. But I understand it has been difficult, given the kinds of budget that the Congress has given to you, to develop these needed kinds of regional institutes.

Attorney General MITCHELL. Well, Senator, I think we could do that now under this current legislation.

Senator KENNEDY. You certainly can and were expected to. But you have not got the money to do so, as I understand it.

Attorney General MITCHELL. Well, I do not think that money is the solution to everything. I believe to the point that I have addressed myself to the question, that we would be proliferating what we have too little of in Washington. The mere fact that there is a problem in Oregon or the Northwest can be addressed just as well in Washington if you have the expertise to do it.

Senator KENNEDY. You will be getting the same money for the Institute, under the House restriction as you received last year, in spite of the fact that there is over, at least in terms of what was requested, a

\$200 million increase in the proposed budget of LEAA, so that seems to me to be a downgrading of the Institute.

Attorney General MITCHELL. I do not think that is quite correct, Senator. The House appropriation did not take the money away from us, it transferred it over to the action grants, and I believe that it is possible, if we can justify the situation, to go to the Appropriations Committees and point out that this would be a better use for it than the action grants, and hopefully they will concur in our expenditure of it for those purposes.

Senator KENNEDY. Well, then, could you tell us right now, Mr. Attorney General, do you think you can justify spending more funds in this area of the National Institute responsibilities?

Attorney General MITCHELL. Just having started the fiscal year, Senator, I cannot tell you this morning whether we can or not, but we will be glad to make an analysis of it and provide you with it.

Senator KENNEDY. Well, you spent \$7.5 million last year and you have \$7.5 million for this year. Do you not think you could do more than you did last year?

Attorney General MITCHELL. I am not sure we expended the whole \$7.5 million last year. That was one of the problems. Mr. Velde tells me that they finally did, but I would prefer to give you a more study-type approach to this.

(The following information was subsequently received.)

#### INCREASE IN EXPENDITURES FOR THE NATIONAL INSTITUTE

Senator Kennedy, on page 271 of the transcript of these hearings, asked if the National Institute could expend more than \$7.5 million in fiscal year 1970, and the Attorney General promised to supply information on this question for the record.

The Institute expended \$7.5 million in fiscal year 1970 and LEAA requested that \$19 million of its fiscal year 1971 appropriation be allocated to the National Institute. The \$19 million figure was arrived at by giving careful consideration to the Institute's projected programs and capabilities as well as to the needs of the law enforcement community. The appended information was submitted to the House Appropriations Committee, Subcommittee on Departments of State, Justice, and Commerce, the Judiciary and Related Agencies. This information explains how the Institute would expend an additional \$11.5 million dollars in fiscal year 1971, over and above the \$7.5 million expended in fiscal year 1970 and approved by the House for fiscal year 1971.

NATIONAL INSTITUTE OF LAW ENFORCEMENT: AN INCREASE OF \$11,500,000

#### NEED FOR INCREASE

##### *A. Police equipment, techniques, and systems*

An increase of \$3 million is requested in this program area to apply scientific knowledge and techniques to the problems of law enforcement. Preliminary work has indicated that technological developments can be highly successful in giving specific solutions to the problems of law enforcement. The Institute can further assist police in the detection of crime and apprehension of offenders through increased research efforts in communications and electronics, e.g., radios, transceivers, teleprinters, TV, vehicle sensors, and radio spectrum analysis; criminalistics; weapons systems; police management systems, including the development of command and control systems; tactical operations and procedures; voiceprint techniques; alarm systems; and narcotic sensors. Some of this research will focus on improving police planning and tactics in dealing with collective violence.

##### *B. Training, selection, and supervision of personnel*

An increase of \$800 thousand is requested for this program area which has been cited as one of the most neglected areas by a majority of State Planning

Agency directors. There has been very limited research in the selection, training, and supervision of personnel in corrections and courts. Current projects have shown the urgent requirement for increased research efforts in the selection of police and in supervisory training for the police. For example, we have received hundreds of requests from police departments and others for the results of one study in police selection. Several other areas involving police personnel should be studied in depth; these include in-service and refresher training, career development, the effect of academic education on police performance, analysis of police relationships with the community, and analysis of the police command role.

#### *C. Crime prevention*

An increase of \$2.2 million is requested in this program to address several priority crime problems: Street and business robbery and burglary; lack of education and employment skills among the offender population; business fraud; organized crime; violence; protection of homes and commercial establishments.

One of the most promising areas for the future is in the development and use of crime prevention measures in the design of new towns, urban redevelopment, and public housing. Closely related to this is the need for improved security in public places, such as parks. The public's growing concern with consumer fraud warrants initiating research by the Institute. There is a dearth of information on the economic aspects of organized crime. Studies must explore new areas such as victim losses, and the business practices of organized crime. Current trends indicate that increased research efforts are needed into the possible unauthorized use of computerized files and electronic eavesdropping and surveillance devices.

#### *D. Courts and prosecution*

An increase of \$1.6 million is requested in this program area which focuses upon the problems of court delay, lack of information for decision making by judges and prosecutors, criminal law revision, and the lack of procedures for expeditious, accurate and justly-determined actions as a criminal case is processed from arrest through probation and parole.

To speed up court procedures, the techniques of operations research, systems analysis and management analysis will be utilized in developing improved methods for processing cases. In addition, certain aspects of the system will be analyzed by other research disciplines. Examples of projects are the development of screening procedures for prosecutors and an analysis of the implementation and effect of the exclusionary rule.

Preliminary research has established a nationwide need for a criminal law and procedures revision clearinghouse. In conjunction with this, there should be a program to examine the effect of criminal law and procedures revision on the present system. A current void in crime research is the need to have a local, comprehensive study group closely allied with a specific criminal justice system. In order to rectify this situation, the projects of independent criminal research organizations should be supported in pilot cities. The objective of this would be to provide components of the local system with accurate data on creative alternatives for policy formulation.

#### *E. Corrections*

An increase of \$1.1 million is requested for the corrections area to study the problem of recidivism. There has been a growing concern in the law enforcement and criminal justice community that work should be initiated on correctional technology which would seek to simplify and improve security measures so greater flexibility of programs would be possible within the prison. Another critical need is in the development of varying treatment alternatives. Preliminary investigations have indicated that there would be a high return from additional research in local detention, parole board decision-making, probation alternatives, and community-based corrections. Focus will be upon educational and employment preparation of offenders.

#### *F. Services and applications*

An increase of \$2.8 million is requested to develop methods of ensuring the practical application and adoption of useful research and development findings. A laboratory cities program will offer an opportunity to implement and evaluate innovative research findings. Subsequently, this program will be expanded to include additional cities. A pioneering research effort is needed in technology transfer related to law enforcement. This would involve experiments with the

use of various devices for communication and the study of factors affecting the change process as it occurs in the laboratory cities and elsewhere in the nation.

The national criminal justice reference service will require substantial funds to acquire service materials and to prepare reports and summaries for the guidance of operating agencies as specified in the plans and surveys made in the previous year.

Law enforcement agencies throughout the nation have expressed a critical need for the establishment of a user requirements, standards, and evaluation program to perform many test/evaluation services. This service would include such functions as developing advisory procurement standards, testing and evaluating equipment, and comparing various kinds of equipment. Projects currently underway include community involvement in the control of crime, the analysis of police patrol tactics, campus unrest, fear of crime, and the process of technology transfer.

#### PLAN OF WORK

The Institute at this stage must primarily rely on obtaining more funds for grants and contracts with public agencies, industry, and private organizations in order to reach these objectives. However, there must be an increased amount of in-house research activity to support the above programs. The goals also call for more joint efforts among federal agencies and for the encouragement of state and local government. A review of existing knowledge and results of feasibility studies have shown the need for programs of widely expanded scope and intensity. An increase of \$11.5 million is necessary to conduct the vital research and development in the various program areas.

Senator KENNEDY. All right.

Attorney General MITCHELL. This would be to assure you that you have the best thinking on it. However, I would go back and point out that if it turns out that we can use more than the seven and a half million, we will certainly make application through that provision of the transfer of funds.

Senator KENNEDY. We still have Senate action pending, and I would like to get your best impression, in terms of the Senate action, of what you think you need.

You have asked for \$19 million, and do you still stand by that need?

Attorney General MITCHELL. An appropriation in the Senate?

Senator KENNEDY. Yes.

Attorney General MITCHELL. I am not quite certain what the status of the appropriation request—

Senator KENNEDY. Well, it is still in the Appropriations Committee.

Attorney General MITCHELL. It is still in the Appropriations Committee, and I believe the request is still before the Senate.

Senator KENNEDY. Are you going to ask for the full \$19 million to be available in terms of the appropriations as far as the Senate is concerned?

Attorney General MITCHELL. Mr. Velde points out that the House action was not appealed because of this unique provision that I have mentioned before, that the money, the total request is still available in the total LEAA budget, and you have the potential of this transfer back to the Institute of the moneys that were reallocated in the House Appropriations Committee.

Senator KENNEDY. Well, as I understand, there is one sentence with a restriction on those funds that have been requested by the administration, and the House put it in its appropriations committee report. But I am wondering, in terms of the Senate appropriations process, whether you are going to ask that the legislation that passes the Senate not have that kind of restriction?

Attorney General MITCHELL. Would you allow Mr. Velde to answer that, because he has been wrestling with it?

Senator KENNEDY. Yes.

Mr. VELDE. Senator, there was no restriction on the appropriations bill itself. There was a comment in the House committee report and, of course, the Senate Appropriations Committee has not yet acted upon the Department's request. We have had our hearings completed. The Department did not feel it necessary to appeal from the action of the House because the full amount of our appropriation request was provided by the House and technically it is not possible to appeal from report language, because this is not a part of the action of the House.

Senator KENNEDY. Do you feel you are restricted by the report language in any way from doing what you would otherwise do, if that language were not in, in implementing the legislation?

Mr. VELDE. Yes, I think we do feel restricted. Obviously we want to comply with congressional intent to the extent possible, and report language in the Appropriations Committee is an expression of congressional intent.

Senator KENNEDY. Could we in the Senate express the opposite view? I think we will be wrestling around with it, and could we not express the opposite view? Why aren't you prepared to ask that there be no restriction in the Senate version of the bill and its report?

Mr. VELDE. I would say we must await the action of the Senate, and if the Senate committee report were to differ from the House committee report, then this again would raise a question of judgment in the Department, and we certainly, at this point, would not want to presume that the Senate committee would go along with the House committee.

Senator KENNEDY. All right. Are you going to ask that the Senate not put those restrictions in our report that have been designated in the House report?

Mr. VELDE. Well, of course, the Department stood on its original justification, but, technically, there was no basis for appealing from the House action.

Senator KENNEDY. I am talking about the Senate now.

Mr. VELDE. In the Senate appropriations testimony it was indicated that there is no appeal from the House action because the full amount of the budget request was provided by the House.

If we wanted to program the funds back to the institute there is a simple procedure that could be carried out and it was indicated that this would be sufficient flexibility. But, of course, the administration does stand on its original justification and its original request.

So, it is a very technical and complex budget matter.

Senator KENNEDY. Well, I do not see that it is quite so complicated and technical. I would think that the Senate could reverse the House action or just not put those restrictions in.

Mr. VELDE. Absolutely.

Senator KENNEDY. And that would convey our intent to have spent what the administration actually requested. I was wondering whether you are going to make that suggestion to the Appropriations Committee, but I would rather move on. We have wrestled around enough with that.

Mr. Chairman, I just have two final areas of inquiry, and I would like to develop these, if I could.

As I understand it, the LEAA financed the activities of the National Commission on the Causes and Prevention of Violence, which was known as the Eisenhower commission. Is that correct?

Mr. VELDE. No, it was not totally funded by the Department. There was a contribution from the Department of Justice, and I believe HEW, and OEO, and perhaps the Labor Department, too. The Department's share extended over 3 fiscal years. There was an assessment during the Johnson administration, I believe, of \$100,000, and then under this administration \$150,000 in fiscal 1969 funds, and perhaps another \$100,000 in fiscal 1970, but there was a contribution over 2 fiscal years. But, it was under two administrations.

Senator KENNEDY. That was approximately \$150,000?

Mr. VELDE. I believe the total is closer to \$300,000, the total consideration. There was a transfer of funds of \$150,000 at the close of fiscal 1970.

Senator KENNEDY. How do you evaluate their recommendations and their comments, Mr. Attorney General? What weight do you give to their comments and recommendations?

Attorney General MITCHELL. It depends on the particular areas, Senator. Some of their observations and recommendations have been carried out, and others are in the process, such as their citizen activity organization. I think we have to get to the specifics of it to have a concrete answer.

Senator KENNEDY. Well, the Eisenhower commission, and also the National Crime Commission have made strong recommendations on the licensing and regulation of firearms, and I was wondering whether the administration was prepared to make any recommendations on this area to the Congress?

Attorney General MITCHELL. Well, Senator, the prime responsibility for the legislation in that area, as I am sure you know, is the Treasury Department. We have the 1968 legislation, of which I am sure you are well aware, and we point out that the activities of the Treasury Department have been stepped up many fold under that. I think that at the time the legislation was passed there were 600 agents in the particular bureau of the Treasury concerning themselves with this subject. There are now 2,100 agents that are working in this field. The arrests and cases made in this area have gone up two or three hundredfold, and we feel that it is working, so far as the existing legislation is concerned.

I think, perhaps, we ought to follow the recommendations of the Treasury in this area and see how this legislation comes along as it progresses with the powers of the Treasury and prosecution in the Justice Department.

Senator KENNEDY. Well, as I recall, the Eisenhower commission recommended Federal legislation to encourage the establishment of State licensing systems for handguns, and the legislation would introduce a Federal system of handgun licensing applicable to those States only which within a 4-year period fail to enact a State law.

And they recommend Federal legislation to establish minimum standards for State regulation for long guns.

Since the Eisenhower commission and the National Crime Commission both hoped that the States themselves would develop various licensing systems, I am just wondering what the LEAA is doing in terms of trying to develop a model of gun legislation for those States, and whether you are playing any kind of role to help and assist the States which want to do so to develop this kind of legislation?

Attorney General MITCHELL. I believe that it is consistent with the policy of the administration that the States address themselves to the registration and licensing, but the last thing that I would want the LEAA to do would be to try to impose any such legislation or suggested legislation upon the States. I think that is an area in which they will have to exercise their own judgment.

Senator KENNEDY. Well, the terms of the recommendations of both commissions is that each State should require the registration of all handguns, and additional controls on rifles and shotguns, and if after 5 years some States have still not enacted such laws, Congress should pass a firearms regulation act applicable to those States.

The Eisenhower commission mentions 4 years. I was just wondering whether the position of the administration is just to wait for the 4 or 5 years' time to pass by, whether, having recognized the urgency of the recommendation of both of those commissions to move strongly in this area, and the importance of such action in terms of meeting the problems of crime in the States, you were just going to take a hands off policy?

Attorney General MITCHELL. Well, at the moment, the position of the administration, as I understand it, having been expressed by the Treasury, which has jurisdiction in this area, is to carry out the obligation they have under the 1968 legislation and leave the licensing and registration of these guns to the States.

If this matter is not considered by the States, I am sure there will be a review of the policy by the administration.

Senator KENNEDY. But the—

Senator HRUSKA. Mr. Chairman, would the Senator yield for a question?

Senator KENNEDY. I will—if I could just wait until after I finish this point, I will be glad to yield.

Senator HRUSKA. Well, I want to inquire on procedure rather than on substance.

Senator KENNEDY. I will be glad to yield after I finish with this point.

As I remember, Mr. Attorney General, every one of the recent Attorneys General have come up and testified on this matter of gun control, and over a period of several years, while I seem to remember that the Secretary of the Treasury also appeared before this committee, we have certainly requested and solicited and received responses and testimony from the Attorneys General on this vital question.

When I hear you mention that you are not prepared to dictate or impose the will of the Federal Government in implementing universally recommended policies on firearms control, I get back to my concern about whether LEAA is stimulating anything in the way of balanced, effective crime control under the block grant system. Just as the rehabilitation dimension of any corrections program is vital

and must be stimulated and encouraged by LEAA, so, too, is gun control a vital part of the crime prevention and law enforcement, so I suppose I am asking whether the fact that you are not going to stimulate and encourage and fund effective firearms controls means you are also not going to assure that the other components of State and local plans are rational and effective, with balance and a sense of priorities?

Attorney General MITCHELL. With respect to providing the expertise, yes. With respect to recommending that this be part of their criminal justice system, no. We believe that to be the prerogative of the States, to make their own judgment in that area, just like every other program.

Senator KENNEDY. Well, I mean, you think it is sufficiently important to a balanced criminal justice plan to stimulate them in terms of corrections and rehabilitation?

Attorney General MITCHELL. This is a necessary requisite of their comprehensive plan, their comprehensive plan that they must submit.

Senator KENNEDY. Are you going to encourage that the State planning agencies develop plans on rehabilitation and corrections?

Attorney General MITCHELL. Oh, most assuredly, sir, because this is a basic part of the criminal justice system.

Senator KENNEDY. And in the Department's opinion, the strong and clear recommendations of the Crime Commission and the Eisenhower Commission as to the need for effective gun controls as part of any anticrime program are not basic to a proper law enforcement plan?

Attorney General MITCHELL. It is a single part of a much larger part of law enforcement. It is a specific that we would not necessarily direct or strongly recommend anybody to follow through on, because this is in the area where the States exercise their own discretion and prerogatives. In other words, we would not have it a requisite in connection with their comprehensive plan that they have a particular type of gun control legislation.

Senator KENNEDY. I have just one final question: Early in 1969 I introduced S. 3, a bill to establish a Federal program of low-cost life insurance for all law enforcement officers, and at that time it was referred to the Department for a report, and I was just wondering whether during this period of time the Department had formulated an opinion on that?

Attorney General MITCHELL. Yes, sir; the Department has formulated an opinion which has been filed with this committee in connection with these hearings.

Senator KENNEDY. Would you care to—

Attorney General MITCHELL. Excuse me, Senator. There was a report, an earlier report on March 27 of this year, and then in connection with the various bills before this committee there was a second report filed with the committee on the subject matter.

Senator KENNEDY. Could you very briefly indicate what the position of the department is?

Attorney General MITCHELL. Well, the basic point is that the upgrading of the law enforcement activities through assistance by

LEAA and, hopefully, through additional funding by the States and the localities should provide a base whereby the proposed insurance arrangements should be taken care of in the States and not in the Federal Government.

Senator KENNEDY. You want that insurance program to be developed within the State in terms of their total State program rather than any kind of direct Federal support—

Attorney General MITCHELL. Direct Federal involvement; yes.

Senator KENNEDY. Well, the present version of the bill, in Amendment No. 531, not only allows but assist such State or local programs. But to your knowledge, have any of the States developed an adequate insurance program? I know in terms of Massachusetts, for example, it is \$2,000 insurance for law enforcement officers, which is about the same, I believe, for firefighters.

Attorney General MITCHELL. Senator, the National Institute has commissioned a study on this subject matter which is being undertaken by the College of Insurance, and I believe that we will be better able to assess the provisions of this bill and the general question after that study is returned.

Senator KENNEDY. Thank you very much. I would like to have printed in the record a statement on S. 3, and Amendment No. 531, the text of Amendment No. 531, and a letter from the executive director of the International Association of Chiefs of Police in support of S. 3.

We cannot call ourselves free men if we cannot walk our streets in safety, if we cannot sleep in peace on our homes, if we cannot conduct our business without fear. The threat of the criminal is one that all of us feel directly and daily. It is a threat that we all sense is growing. It is one that we all as individuals feel powerless to deal with, a disease beyond our control, an infection which we cannot really protect ourselves against.

We are so fearful that we fall prey to those who purvey panaceas. We look for scapegoats to vent our fear and frustration on. We let ourselves be fooled into thinking there are easy answers.

There are answers. They are not complete answers. They take hard work, and time and resources, and confidence in the strength of our system of government. They take effort by each of us as individuals, in our local communities, in our State governments, and at the Federal level.

I believe that effort has begun over the last decade. During the Kennedy and Johnson administrations, new Federal laws were passed to strike at organized crime; a massive new program of Federal assistance to State and local governments was developed, tested and adopted; the States and localities were spurred on to establish their own anticrime planning programs; and the National Crime Commission provided us with a blueprint for a comprehensive and rational attack on the scourge of crime. All of those activities laid a solid foundation for that attack, and now our job is to carry it out.

Of course, we must stop crime at its roots, by eliminating the poverty, illiteracy, deprivation, and unemployment that sow and nurture the seeds of crime. But we cannot wait for that. In the meanwhile, we must deal with crime where we find it. We must certainly do something about our corrections system. It is in our prisons and in our parole and probation systems that we have the people who we know are most likely to commit future crimes. We have the opportunity to rehabilitate them if we wish, but our record is not good. On a national basis, one-third of those who are released from prison will be reimprisoned within 5 years. And they will continue to do so unless we make our corrections process one which really corrects and rehabilitates through educational and vocational training and guidance and meaningful supervision.

Our court system is sadly in need of modernization. We have to apply modern methods of administration, including computers, to the scheduling and processing of court business. We need more judges and prosecutors and defense attorneys

and administrators, and more training for them, so that they can provide justice swiftly, fairly, efficiently and consistently.

Finally, and most immediately, we must enhance the effectiveness of our police forces. We must provide them with 20th century equipment and techniques. In the age of lasers and live TV from the moon, there is no reason why the officer on the street should be confined to a nightstick, a revolver, and a dime for the pay phone. We must provide our police officers with the training to do the best possible job. And we must give them opportunities for advanced education so that those who wish may broaden their horizons and more fully understand the society which they protect.

But we want our law enforcement officers not only to act professional, we want them to feel professional. And that requires giving them the kind of public respect, personal dignity, incomes, working conditions, and fringe benefits that we given other kinds of professionals in the community. It is hard to expect people to look up to men who must begin and end their day in dark and dingy station houses. It is hard for policemen's families to feel proper pride if they are not adequately protected by health and life and accidental death and disability insurance, and by a proper retirement program.

The National Crime Commission saw the importance of police professionalism and dignity, and placed its prestige behind efforts in that direction in 1967. In response to their recommendation and to other discussions I had with law enforcement experts and community leaders, I proposed in that year a plan to give all police officers in the United States access to low cost and broad coverage life insurance. I felt that this plan would not only provide a vitally needed addition to police benefits, but would also be symbolic of the Nation's determination to support law enforcement not only in word but in deed. In its original form, my proposal was an amendment to a bill, now law, which provided for Federal payments to State and local officers who were killed while pursuing Federal criminals. I felt that the bill was meritorious, but too narrow, and that the Federal Government should see to it that officers' families had life insurance protection whatever the cause of death. My research showed that for some policemen such as traffic patrolmen, motorcycle officers, vice squads, and pilots, life insurance was extremely expensive, and double indemnity protection was unavailable. As a result, because of their jobs, they were not protected with life insurance even when not working. For many other officers, given their salary rates, adequate life insurance was a luxury which they just could not afford, and thus their families were left unprotected as well. Since that time, I have revised and improved my original bill and introduced a second version early in this Congress. The present design is patterned after the Servicemen's Group Life Insurance program, which is available to every member of our Armed Forces.

The amendment which I am proposing today contains final revisions which will provide for the retention of existing group life insurance plans with a Federal contribution where the police officers prefer that to the Federal group plan. This bill would provide an opportunity for the officers themselves to decide whether the existing plan or the LEGLI plan offers them a better combination of costs and benefits. It will allow any department to present to its officers the full facts on each plan, and if a majority votes to retain the existing plan, the agency will be eligible to receive a Federal contribution to the premiums for the existing plan, in an amount up to one-fourth of the equivalent premiums under the Federal plan.

The new law enforcement group life insurance—LEGLI—program, will be administered by the Federal Government, but the insurance itself will be carried and paid by private life insurance companies. Each participating officer will be entitled to coverage in the amount of his annual salary plus \$2,000 rounded to the next highest thousand. Thus, an officer earning \$6,500 a year would have a \$9,000 policy. He would be covered on or off the job and would receive double indemnity for accidental death. There would also be coverage for loss of limb or eyesight. There would be a uniform premium for all officers everywhere, which we presently estimate to be 50 cents per month per thousand dollars worth of coverage. Thus, for the \$9,000 policy, the total monthly premium cost would be \$4.50. However, the bill allows for a Federal contribution of up to one-third, so that the officer himself would be left with a charge of only \$3 per month, or \$36 per year on that \$9,000 policy. Of course, the premium rates and Federal contributions might vary depending on experience with the plan. Also, in some places there may be a State or local contribution to the premium which would lower the cost to the officer even further.

Early this year I held two informal hearings in Massachusetts on this bill to determine how such a program might be received on the local level. I wanted to talk with the patrolmen and their chiefs, with local government officials and insurance company representatives, and with the widows of policemen, about the needs of the local law enforcement officer and what could be done for him and his family.

Those of us from Massachusetts can be very proud on two counts.

First, we have been fortunate enough to have one of the first Hundred Clubs in the Nation. As a director of this group of public-spirited citizens, I have watched over the years as it has moved in to provide immediate assistance to the families of policemen and firemen killed in the line of duty so that they can get through those terrible first days after tragedy strikes and can be secure in their living arrangements.

Second, in many of our towns and cities a start has already been made toward providing adequate life insurance coverage. On the whole, our record is probably better than in most States, and working together our law enforcement agencies and insurance industry have developed insurance programs which can cover many of our officers. However I learned at these hearings that the record could be greatly improved by the passage of a Federal program of group life insurance.

While many communities do extend life insurance benefits to all local employees, a great many more can offer only very limited coverage—barely sufficient to meet funeral expenses. This bill is designed to benefit policemen from all communities—those with existing programs and those without. It will enable smaller communities to offer recruits roughly the same life insurance benefits they could obtain elsewhere. It will reward communities who have taken the step of establishing group programs with a Federal subsidy pegged to their contribution to the existing program. In short, this legislation would enable any policeman from any locality to protect his wife and children at a cost he can afford.

The witnesses at our hearings in Massachusetts convinced me all the more that this step must be taken. The patrolmen and police chiefs indicated their support for this program. The widows of policemen spoke eloquently as to the need for such insurance.

In its present form this bill does not extend the life insurance program to cover the Nation's firefighters. As I have indicated, my bill grew out of the work of the Crime Commission and out of another bill relating to police officers. The cost figures have also been based on experience with police work. However, I look forward to receiving at hearings the information which would provide a legal and practical basis for expanding the program to firemen.

The first duty of Government is to protect its citizens, and the first line of protection is the policemen. I hope that we in Congress can act soon to assist the policemen and their families in this and other ways, so that "support your local police" can become a plan for action, not just a bumper sticker.

#### AMENDMENT No. 531

Strike all after the enacting clause and insert in lieu thereof the following:  
 "That this Act may be cited as the 'Law Enforcement Officers' Group Life Insurance Act of 1970.'

#### "DEFINITIONS

"Sec. 2. For the purposes of the Act—

"(1) The term 'month' means a month which runs from a given day in one month to a day of the corresponding number in the next or specified succeeding month, except where the last month has not so many days, in which event it expires on the last day of the month.

"(2) The term 'full-time' means such period or type of employment or duty as may be prescribed by regulation promulgated by the Attorney General.

"(3) The term 'law enforcement officer' means, pursuant to regulations promulgated by the Attorney General, an individual who is employed full-time by a State or a unit of local government primarily to patrol the highway or otherwise preserve order and enforce the laws.

"(4) The term 'State' means any State of the United States, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

"(5) The term 'unit of local government' means any city, county, township, town, borough, parish, village, or other general purpose subdivision of a State,

or any Indian tribe which the Secretary of Interior determines performs law enforcement functions.

"ELIGIBLE INSURANCE COMPANIES

"Sec. 3. (a) The Attorney General is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits provided under this Act. Each such life insurance company must (1) be licensed to issue life insurance in each of the fifty States of the United States and in the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Attorney General, have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

"(b) Any life insurance company issuing such a policy shall establish an administrative office at a place and under a name designated by the Attorney General.

"(c) The Attorney General shall arrange with each life insurance company issuing any policy under this Act to reinsure, under conditions approved by him, portions of the total amount of insurance under such policy with such other life insurance companies (which meet qualifying criteria set forth by the Attorney General) as may elect to participate in such reinsurance.

"(d) The Attorney General may at any time discontinue any policy which he has purchased from any insurance company under this Act.

"PERSONS INSURED; AMOUNT

"Sec. 4. (a) Any policy of insurance purchased by the Attorney General under this Act shall automatically insure any law enforcement officer employed on a full-time basis by a State or unit of local government which has (1) applied to the Attorney General for participation in the insurance program providing under this Act, and (2) agreed to deduct from such officer's pay the amount of the premium and forward such amount to the Department of Justice or such other agency as is designated by the Attorney General as the collection agency for such premiums. The insurance provided under this Act shall take effect from the first day agreed upon by the Attorney General and the responsible official of the State or unit of local government making application for participation in the program as to law enforcement officers then on the payroll, and as to law enforcement officers thereafter entering on full-time duty from the first day of such duty. The insurance provided by this Act shall so insure all such law enforcement officers unless any such officer elects in writing not to be insured under this Act. If any such officer elects not to be insured under this Act he may thereafter, if eligible, be insured under this Act upon written application, proof of good health and compliance with such other terms and conditions as may be prescribed by the Attorney General.

"(b) A law enforcement officer eligible for insurance under this Act is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

"If annual pay is—		The amount of group insurance is—		"If annual pay is—		The amount of group insurance is—	
Greater than—	But not greater than—	Life	Accidental death and dismemberment	Greater than—	But not greater than—	Life	Accidental death and dismemberment
0	\$8,000	\$10,000	\$10,000	\$19,000	\$20,000	\$22,000	\$22,000
\$8,000	9,000	11,000	11,000	\$20,000	21,000	23,000	23,000
\$9,000	10,000	12,000	12,000	\$21,000	22,000	24,000	24,000
\$10,000	11,000	13,000	13,000	\$22,000	23,000	25,000	25,000
\$11,000	12,000	14,000	14,000	\$23,000	24,000	26,000	26,000
\$12,000	13,000	15,000	15,000	\$24,000	25,000	27,000	27,000
\$13,000	14,000	16,000	16,000	\$25,000	26,000	28,000	28,000
\$14,000	15,000	17,000	17,000	\$26,000	27,000	29,000	29,000
\$15,000	16,000	18,000	18,000	\$27,000	28,000	30,000	30,000
\$16,000	17,000	19,000	19,000	\$28,000	29,000	31,000	31,000
\$17,000	18,000	20,000	20,000	\$29,000	30,000	32,000	32,000
\$18,000	19,000	21,000	21,000				

The amount of such insurance shall automatically increase at any time the amount of increases in the annual basic rate of pay places any such officer in a new pay bracket of the schedule.

"(c) Subject to the conditions and limitations approved by the Attorney General and which shall be included in the policy purchased by him, the group accidental death and dismemberment insurance shall provide for the following payments:

"Loss	"Amount payable
For loss of life.	Full amount shown in the schedule in subsection (b) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One half of the amount shown in the schedule in subsection (b) of this section.
Loss of two or more members or loss of sight in both eyes.	Full amount shown in the schedule in subsection (b) of this section.

The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one accident may not exceed the amount shown in the schedule in subsection (b) of this section.

"(d) The Attorney General shall prescribe regulations providing for the conversion of other than annual rates of pay to annual rates of pay and shall specify the types of pay included in annual pay.

#### "TERMINATION OF COVERAGE

"Sec. 5. Each policy purchased by the Attorney General under this Act shall contain a provision, in terms approved by the Attorney General, to the effect that any insurance thereunder on any law enforcement officer shall cease thirty-one days after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier.

#### "CONVERSION

"Sec. 6. Each policy purchased by the Attorney General under this Act shall contain a provision for the conversion of such insurance effective the day following the date such insurance would cease as provided in section 5 of this Act. During the period such insurance is in force the insured, upon request to the office established under section 3(b) of this Act, shall be furnished a list of life insurance companies participating in the program established under this Act and upon written application (within such period) to the participating company selected by the insured and payment of the required premiums be granted insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or for the payment of an additional amount of premiums if the insured engages in law enforcement activities. In addition to the life insurance companies participating in the program established under this Act, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Attorney General and agree to sell insurance to any eligible insured in accordance with the provisions of this section.

#### "WITHHOLDING OF PREMIUMS FROM PAY

"Sec. 7. During any period in which a law enforcement officer is insured under a policy of insurance purchased by the Attorney General under this Act, his employer shall withhold each month from his basic or other pay until separation or release from full-time duty as a law enforcement officer an amount determined by the Attorney General to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this Act while on fulltime duty as a law enforcement officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount determined by the Attorney General to be charged any law enforcement officer for each unit of insurance under this Act may be continued from year to year, except that the Attorney General may redetermine such monthly amount from time to time in accordance with experience.

## "SHARING OF COST INSURANCE

"SEC. 8. For each month any law enforcement officer is insured under this Act the United States shall bear not to exceed one-third of the cost of such insurance or such lesser amount as may from time to time be determined by the President to be a practicable and equitable obligation of the United States in assisting the States and units of local government in recruiting and retaining personnel for their law enforcement forces.

## "INVESTMENT; EXPENSES

"SEC. 9. (a) The sums withheld from the basic or other pay of law enforcement officers as premiums for insurance under section 7 of this Act and any portion of the cost of such insurance borne by the United States under section 8 of this Act, together with the income derived from any dividends or premium rate readjustment received from insurers shall be deposited to the credit of a revolving fund established in the Treasury of the United States. All premium payments on any insurance policy or policies purchased under this Act and the administrative cost of the insurance program established by this Act to the department or agency vested with the responsibility for its supervision shall be paid from the revolving fund.

"(b) The Attorney General is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative cost of the program to the department or agency designated by him, and all current premium payments on any policy purchased under this Act. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest market yield.

## "BENEFICIARIES; PAYMENT OF INSURANCE

"SEC. 10. (a) Any amount of insurance in force under this Act on any law enforcement officer or former law enforcement officer on the date of his death shall be paid, upon establishment of a valid claim therefor to the person or persons surviving at the date of his death, in the following order of precedence:

"First, to the beneficiary or beneficiaries as the law enforcement officer or former law enforcement officer may have designated by a writing received in his employer's office prior to his death;

"Second, if there be no such beneficiary, to the widow or widower of such officer or former officer;

"Third, if none of the above, to the child or children of such officer or former officer and descendants of deceased children by representation;

"Fourth, if none of the above, to the parents of such officer or former officer or the survivor of them;

"Fifth, if none of the above, to the duly appointed executor or administrator of the estate of such officer or former officer;

"Sixth, if none of the above, to other next of kin of such officer or former officer entitled under the laws of domicile of such officer or former officer at the time of his death.

"(b) If any person otherwise entitled to payment under this section does not make claim therefor within one year after the death of the law enforcement officer or former law enforcement officer, or if payment to such person within that period is prohibited by Federal statute or regulation, payment may be made in the order of precedence as if such person had predeceased such officer or former officer, and any such payment shall be a bar to recovery by any other person.

"(c) If, within two years after the death of a law enforcement officer or former law enforcement officer, no claim for payment has been filed by any person entitled under the order of precedence set forth in this section, and neither the Attorney General nor the administrative office established by any

insurance company pursuant to this Act has received any notice that any small claim will be made, payment may be made to a claimant as may in the judgment of the Attorney General be equitably entitled thereto, and such payment shall be a bar to recovery by any other person. If, within four years after the death of the law enforcement officer or former law enforcement officer, payment has not been made pursuant to this Act and no claim for payment by any person entitled under this Act is pending, the amount payable shall escheat to the credit of the revolving fund referred to in section 8 of this Act.

"(d) The law enforcement officer may elect settlement of insurance under this Act either in a lump sum or in thirty-six equal monthly installments. If no such election is made by such officer the beneficiary may elect settlement either in a lump sum or in thirty-six equal monthly installments. If any such officer has elected settlement in a lump sum, the beneficiary may elect settlement in thirty-six equal monthly installments.

#### "BASIC TABLES OF PREMIUMS; READJUSTMENT OF RATES

"SEC. 11 (a) Each policy or policies purchased under this Act shall include for the first policy year a schedule of basic premium rates by age which the Attorney General shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, this schedule of basic premium rates by age to be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy at its date of issue to determine an average basic premium per \$1,000 of insurance. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company issuing the policy on a basis determined by the Attorney General in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance issued to large employers.

"(b) Each policy so purchased shall include a provision that, in the event the Attorney General determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Attorney General may approve the determination of a tentative average group life premium, for the first or any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate shall be redetermined by the Attorney General during any policy year upon request by the insurance company issuing the policy, if experience indicates that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

"(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Attorney General on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance issued to large employers. Such maximum charges shall be continued from year to year, except that the Attorney General may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Attorney General to such companies at least one year in advance of the beginning of the year for which such redetermined maximum charges will be effective.

"(d) Each such policy shall provide for an accounting to the Attorney General not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Attorney General, (1) the amounts of premium actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of the total of item (1) over the sum of items (2) and (3) shall be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the

policy, which rate shall be approved by the Attorney General as being consistent with the rates generally used by such company or companies for similar funds held under other group life insurance policies. If and when the Attorney General determines that such special contingency reserve has attained an amount estimated by the Attorney General to make satisfactory provision for adverse fluctuations in future charges under the policy, and further excess shall be deposited to the credit of the revolving fund established under this Act. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

#### "BENEFIT CERTIFICATES

"SEC. 12. The Attorney General shall arrange to have each member insured under a policy purchased under this Act receive a certificate setting forth the benefits to which the member is entitled thereunder, to whom such benefit shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the member. Such certification shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

#### "FEDERAL ASSISTANCE TO STATES AND LOCALITIES FOR EXISTING GROUP LIFE INSURANCE PROGRAMS

"SEC. 13. (a) Any State or unit of local government having an existing program of group life insurance for law enforcement officers which desires to receive federal assistance under the provisions of this section shall—

"(1) inform the law enforcement officers of the benefits and premium costs of both the federal program and the State or unit of local government program, and of the intention of the State or unit of local government to apply for the federal assistance under this section; and

"(2) hold a referendum of law enforcement officers of the State or unit of local government to determine whether such officers want to continue in the existing group life insurance program or apply for the federal program under the provisions of this Act. The results of the referendum shall be binding on the State or unit of local government.

"(b) If there is an affirmative vote of a majority of such officers to continue in such State or local program and the other requirements set forth in subsection (a) are met, a State or unit of local government may apply for federal assistance for such program for group life insurance under such rules and regulations as the Attorney General may establish. Assistance under this section shall not exceed one-fourth of the cost to the Federal Government of directly providing such insurance under this Act, and shall be reduced to the extent that the Attorney General determines that the existing program of any such State or unit of local government does not give as complete coverage as the federal program. Assistance under this section shall be used to reduce proportionately the premiums paid by the State or the unit of local government and by the appropriate law enforcement officers under such existing program.

#### "ADMINISTRATION

"SEC. 14. (a) The Attorney General may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Department of Justice.

"(b) In administering the provisions of this Act; the Attorney General is authorized to utilize the services and facilities of any agency of the Federal Government or a State government in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

#### "ADVISORY COUNCIL ON LAW ENFORCEMENT OFFICERS' GROUP LIFE INSURANCE

"SEC. 15. There is hereby established an Advisory Council on Law Enforcement Officers' Group Life Insurance consisting of the Attorney General as Chair-

man, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, and the Director of the Bureau of the Budget, each of whom shall serve without additional compensation. The Council shall meet once a year, or oftener, at the call of the Attorney General, and shall review the administration of this Act and advise the Attorney General on matters of policy relating to his activities thereunder. In addition, the Attorney General may solicit advice and recommendations from any State or unit of local government participating in the law enforcement officers' group life insurance program.

"JURISDICTION OF COURTS

"SEC. 16. The district courts of the United States shall have original jurisdiction of any civil action or claim against the United States founded upon the Act.

"PREMIUM PAYMENTS ON BEHALF OF LAW ENFORCEMENT OFFICERS

"SEC. 17. Nothing in this Act shall be construed to preclude any State or unit of local government from making payments on behalf of law enforcement officers of the premiums required to be paid by them for any group life insurance program authorized by this Act or any such program carried out by a State or unit of local government.

"EFFECTIVE DATE

"SEC. 18. The insurance provided for under this Act shall be placed in effect for the law enforcement officers of any State or unit of local government participating in the law enforcement officers' group life insurance program on a date mutually agreeable to the Attorney General, the insurer or insurers, and the participating State or unit of local government."

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.,  
Washington, D.C., June 18, 1970.

HON. EDWARD M. KENNEDY,  
U.S. Senate,  
Old Senate Office Building, Washington, D.C.

MY DEAR SENATOR: I have received your letter of June 17, 1970, with which you enclosed a copy of S. 3 and the report from the "Congressional Record" of February 26, 1970.

While it is not possible for me to personally appear to testify before the Subcommittee at the June 24 and 25 hearings concerning S. 3, I am pleased to set forth herein my endorsement of your bill.

Legislation, such as proposed in the Law Enforcement Officers' Group Life Insurance Act of 1970, will be appreciated by the state and local government law enforcement officers. It will not only permit police officers to acquire life and dismemberment insurance which they might not otherwise be financially able to afford, but it will be helpful to police administrators in their efforts to recruit well-qualified personnel into law enforcement.

I also believe that law enforcement officers throughout the country will react favorably to legislation which gives evidence of the obvious effort by the Federal Government to support them in their hazardous work.

Sincerely yours,

QUINN TAMM, *Executive Director.*

Senator McCLELLAN. Very well, Senator without objection they will be placed in the record. Before I yield to the minority members on the committee there are one or two things I would like to get straight for the record. In the beginning, I supported an amendment to the Omnibus Crime bill authored by the distinguished Senator from Massachusetts to create the Institute.

Last year here is what happened with respect to the appropriations for the Institute. Last year you requested a budget of \$20 million for it. The House allowed only \$7.5 million. The Senate allowed—and I am chairman of the Appropriations Subcommittee that handled this bill—allowed \$14 million, and we went to conference with that, and we were unable to hold that in conference.

The House is kind of adamant on it, and I do not know why. We were not able to sustain any of the increase that we had approved in the Senate.

Now, this year, you are again requesting \$19 million. The House allowed only \$7.5 million, but took the \$11.5 million and apparently transferred that amount to the matching grants to improve and strengthen law enforcement.

So, we do have a problem with the House. I have told the House Members that we are particularly interested in this, and I would support additional funds for it, and I will. I think as much as you say you can use, I think it is an area where we must make use of the instrumentalities, and develop our technical knowledge and means of dealing with crime.

I do not know what the Senate will do, but whatever it does I anticipate we are going to have some problems with the House in trying to get any increase.

There is one other item that I wanted to mention, and that is with respect to wiretapping. Some question has been raised about it. Let me ask you:

Does narcotics, illegal use of narcotics, have any impact on street crime?

Attorney General MITCHELL. It has a tremendous impact on street crime, Senator.

Senator McCLELLAN. How do the addicts generally support their habit?

Attorney General MITCHELL. By crime, which is commonly referred to as street crime—muggings, burglary, robbery, holdups—and as a horrible example which exists, it is the belief of the police officials of the city of New York that 50 percent of the violent crimes in New York City are committed by addicts in order to sustain their habit.

Senator McCLELLAN. Yes. Well, so then the illicit drug traffics does have a very important impact on the street crime rate, does it not?

Attorney General MITCHELL. There is no question about it.

Senator McCLELLAN. If you could eliminate or cut down the illegal sale of narcotics, would you substantially eliminate or cut down street crime?

Attorney General MITCHELL. Yes, sir.

Senator McCLELLAN. You were given under title III of the Safe Streets and Crime Control Act a new weapon, a new tool to be used in these crimes—wiretapping and electronic surveillance.

As you know, I sponsored this, together with my distinguished colleague here, Senator Hruska, giving you the power to get court orders to permit legal wiretapping under certain conditions.

Some 2 or 3 weeks ago I inquired about the record that you had made, what you had achieved by the use of this new weapon in the war on crime, and I received a letter from Mr. Henry Petersen, Deputy Assistant Attorney General.

I received the letter, and I have ordered it placed in the record of the appropriations hearing, but I thought it would be well, if you have no objection, to let it go in the record here to show how effective, how useful, this new weapon has been.

Attorney General MITCHELL. I have no objection whatsoever, Mr. Chairman. I would hope that Mr. Petersen's response from the Crimi-

nal Division also showed the activities of the Bureau of Narcotics and Dangerous Drugs, where it has been quite successfully used.

Senator McCLELLAN. Well, it does, but I did not ask for specific areas, but just overall. Let the whole letter be printed in the record at this point.

(The document follows:)

JULY 13, 1970.

HON. JOHN L. McCLELLAN,  
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your letter of June 23, 1970, requesting certain information supplementing my testimony at the Appropriations Committee hearings on July 9, 1970, relating to court ordered electronic surveillance authorized under Title III of the "Omnibus Crime Control and Safe Streets Act of 1968".

#### I. ADMINISTRATIVE PROCEDURES

The administrative procedures followed by this Department in approving Title III applications are as follows:

Requests for authorization to apply for an interception order must be made in writing to the Assistant Attorney General of the Criminal Division from the highest ranking officer of the investigative agency having jurisdiction over the offense in connection with which the interception is to be made. All requests are initially reviewed by attorneys of the Department of Justice, usually Area Coordinator or Strike Force attorneys of the Organized Crime and Racketeering Section of the Criminal Division, or by a United States Attorney or an Assistant United States Attorney, who assist the investigative agencies in the preparation of the affidavit and prepare the proposed application and court order.

All requests, including copies of the proposed application, supporting affidavit, and court order, are next submitted by the attorney who is the applicant to the Organized Crime and Racketeering Section of this Department, which has established a unit of attorneys whose primary function is to review the entire matter for both form and substance, with particular emphasis on assuring strict adherence to the required statutory standards.

When approved by this unit, requests are next submitted for review to a Deputy Chief and then to the Chief of the Organized Crime and Racketeering Section. If approved by the Chief of this Section, requests are next submitted for review and approval by the Assistant Attorney General, Criminal Division, and finally to the Attorney General, who personally approves each application authorized to be filed by him. When so approved in writing by the Attorney General, a letter over the signature of an Assistance Attorney General specially designated by the Attorney General pursuant to the statute is prepared authorizing the attorney named in the request for authorization to apply to the court for an interception order.

The purpose of these procedures is to insure strict, centralized control of the administration of Title III electronic surveillance authority.

#### II. NUMBER AND CATEGORY OF APPLICATIONS TO DATE

During the calendar year 1969, and from the period January 1, 1970, to date, a total of one hundred and thirty-seven (137) applications have been made to the courts for Title III interception orders. This figure includes sixteen (16) applications for extensions. Court orders were obtained in one hundred and thirty-six (136) of these applications and denied in one. The court orders were executed in one hundred and thirty-three (133) of these applications, while three (3) were not executed due to the fact that the illegal activity had ceased at the locations involved before the orders could be executed.

The categories of offenses in which the one hundred and thirty-three court orders have been obtained and executed are as follows:

Gambling .....	82
Narcotics .....	28
Extortionate credit transactions.....	13
Interstate transportation of stolen property.....	5
Counterfeiting .....	3
Kidnaping .....	1
Obstruction of justice.....	1
Total .....	133

### III. PLACES INSTALLED AND LENGTH OF TIME OPERATED

Due to the fact that most of the installations made involve situations which are currently under active investigation, I am sure you will understand our reluctance to furnish any data identifying their specific locations. Generally, it may be said, however, that the largest number of devices have been installed in private residences, followed by a slightly lesser number in business establishments and apartments, in that order. In a few cases, devices have been installed on pay telephones in public or semi-public places. In all such cases, strict controls have been imposed allowing interception only when the investigative agents have been able to establish by physical surveillance, or by a combination of physical surveillance and voice identification, that the subject of the interception order was using the pay telephone involved.

With respect to the length of time operated, it may also be generally stated that the vast majority of court orders have authorized interception for a period not to exceed fifteen (15) days. In a relatively small number of cases, however, periods of up to seven (7), ten (10), and twenty (20) days have been authorized. With a relatively small number of exceptions, moreover, it may be stated that the interceptions involved offenses of a continuing nature and, therefore, the maximum period of days authorized was utilized.

### IV. EFFECTIVENESS OF THE INSTALLATIONS

Of the one hundred and thirty-three executed interception orders, all but twelve, or one hundred and twenty-one (121) have been productive. As a result of these interceptions, a total of four hundred and nineteen (419) arrests have been made, three hundred and twenty-five (325) persons indicted, and convictions obtained against five (5) persons. The small number of convictions to date is due to the fact that none of these cases has yet come to trial, the five convictions having been obtained as a result of guilty pleas. Both the number of persons indicted and convicted are expected to increase substantially during the next six months as a number of current investigations mature and pending indictments come to trial.

Examples of successful intercepts involved in the use of this technique where normal investigative procedures could not be utilized are as follows:

In a recent narcotics investigation in a Midwestern State, wiretaps resulted not only in the obtaining of evidence of a substantial narcotics distribution scheme, but also in the obtaining of evidence of other illegal activities, including the planning of a bank robbery and of a murder. As a result of this information, Federal Agents were able to apprehend the bank robbery suspects. The combined efforts of Federal Agents and local police also resulted in the prevention of the murder attempt and the arrests of the suspects by local authorities. Federal narcotics and robbery indictments have been returned in this case.

Another wiretap conducted in connection with an investigation of the theft of stolen bonds resulted in the arrests of several La Cosa Nostra connected individuals in an Eastern State on interstate theft charges and the recovery of bonds having a value of almost one-half million dollars.

As a result of wiretaps, Federal Agents in another Midwestern State recently conducted massive raids on approximately sixty locations involved in a large-scale interstate numbers operation. These raids resulted in the seizure of gambling records and paraphernalia as well as over \$50,000 in cash. Indictments have been returned against more than sixty individuals involved in this La Cosa Nostra controlled numbers operation on Federal gambling charges.

I trust that this additional information will be of assistance to you, and I will be happy to provide you with any further data available consistent with maintaining the security of ongoing investigations involving use of this extremely valuable investigative technique.

Sincerely,

HENRY E. PETERSEN,  
*Deputy Assistant Attorney General.*

Senator McCLELLAN. I will read excerpts from it. We have heard that wiretapping was not needed, it was no good, and without it we could still enforce the law, and it was not essential at all.

During the calendar year 1969, and from the period since January 1, 1970, to date, a total of 137 applications have been made to the courts for Title III inter-

ception orders. This figure includes 16 applications for extension. Court orders were obtained in 136 of these applications and denied in one. The court orders were executed in 133 of these applications while three were not executed due to the fact that the illegal activity ceased at the location involved before the order could be executed.

The categories of the offenses which the 133 court orders have been obtained and executed are as follows: Gambling 82, narcotics 28, extortion, credit transactions 13.

Now, that accounts for the great majority. There are five, three, one, and one in other areas.

In paragraph 4 of his letter he gives the effectiveness of the installation.

Of the 133 executed interception orders, all but 12, or 121 have been productive. As a result of these interceptions a total of 419 arrests have been made, 325 persons indicted, and convictions obtained against five persons. The small number of convictions to date is due to the fact that none of these cases has yet come to trial. The five convictions have been obtained as a result of guilty pleas. Both the number of persons indicted and convicted are expected to increase substantially during the next six months as the number of current investigations mature and pending indictments come to trial.

On the narcotics there are two specific instances. There may have been many, but one you intercepted a cargo of narcotics coming into the country, some 134 pounds I believe was the figure, with a value of \$8 million.

Attorney General MITCHELL. It was a substantial amount, Senator, but it was packed in fish cans and it was pretty hard to weigh it.

Senator McCLELLAN. Well, I do not remember the pounds, but valued at \$8 million, and here in the District of Columbia you made a successful raid on August 18, a narcotics raid here in the District of Columbia.

The wiretap was granted, I understand, for 30 days, with one 14-day extension. It was in actual operation for 39 days. Five thousand eight hundred and eighty-nine intercepts were made, of which, 5,594 were incriminating. It implicated a real estate broker, a dentist, Metropolitan policemen, and two identified members of the Genovese family of La Cosa Nostra of New York, Enrico Tantillo and Carmen Paladino.

I just mention that for the record.

Do you find that this weapon is working effectively?

Attorney General MITCHELL. There is no question about it, Mr. Chairman. We know that it is saving lives. We know that it is also being very productive in stopping activities because of their concern with respect to it, and the report that Mr. Petersen has laid out there certainly establishes the fact that it leads to the apprehension and indictment of people that participate in these criminal activities.

Senator McCLELLAN. Well, in one instance—in another instance 26 installations were closed down in different parts of the country, gambling installations as a result of a series of wiretappings.

Attorney General MITCHELL. I cannot give you the exact number offhand, Mr. Chairman, but it has happened time and time again, that after the use of electronic surveillance and the apprehension there is a chain reaction in many areas.

Senator McCLELLAN. I see. Another instance, and I do not know whether this letter refers to it or not, but in talking to your staff down

there, your assistants, another instance I recall that you intercepted conversations in which a murder was planned, and also a bank robbery on the same tap. You got that intercept, you got that information?

Attorney General MITCHELL. Yes, sir.

Senator McCLELLAN. And you were able to prevent a murder, save the man's life, and within a few minutes after the bank had been hit, you were able to capture the robbers and recover the money?

Attorney General MITCHELL. Yes, sir; that is correct, and also to be able to return to her home the victim of a kidnaping, which is a clear indication that this is a very productive facility.

Senator McCLELLAN. It has been most productive; has it not?

Attorney General MITCHELL. It certainly has, Mr. Chairman.

Senator McCLELLAN. Let me ask you about another aspect of it. You know, prior to this act our laws were so weak that promiscuous wiretapping was prevalent all over the country. You had to prove "interception" and "disclosure," that is, after showing the interception of conversations, you also had to prove that the interceptor disclosed the information he heard before you could secure a conviction.

Now we have strengthened the law in that respect, where that is no longer required.

What is your judgment about the amount or the number of private detective or promiscuous wiretappings now invading privacy? Have they diminished? Has this new law had some impact on that practice?

Attorney General MITCHELL. To the best of the information that we have, it has become practically extinct because of the penalties involved. We have a few cases in which it develops that there are such illegal wiretaps, there have been a few—but the force of the Federal law and the Federal law enforcement agency has practically run them out of the activities that they carried on in the past.

Senator McCLELLAN. I see. So you would not recommend that that statute be repealed?

Attorney General MITCHELL. Mr. Chairman, if you do that you are going to set us back to where we were when we started here, when we came into office.

Senator McCLELLAN. Senator Hruska.

Senator HRUSKA. On that same point, it has frequently been said that wiretapping is among those measures in recently-enacted legislation which is repressive. If the record cited by our chairman here and discussed with you is indicative it is very repressive against the criminal element in this country, is that not right?

Attorney General MITCHELL. Senator, you are absolutely correct, and that is the only element or only segment of society against which it is repressive.

Senator HRUSKA. And in the recent enactment of the District of Columbia Crime bill the wiretapping provisions are pursuant to the enabling authority in title III of the Omnibus Crime bill of 1968, enacted under the leadership of Senator McClellan, is that correct?

Attorney General MITCHELL. That is correct, sir.

Senator HRUSKA. And, of course, all of the other States have that same privilege, as long as they stay within the frame of reference spelled out in title III of the Omnibus Crime Control Act?

Attorney General MITCHELL. That is true, and already more and more States, of course, are availing themselves of that power and are enacting such legislation.

Senator HRUSKA. Mr. Chairman, in recent days I have received four letters commenting upon H.R. 17825. If they have not already been received by the chairman and included in the record, I should like to ask unanimous consent that they be printed in the record. They are thoughtfully prepared and contain some very, very interesting points on this bill.

Senator McCLELLAN. I understand they are already in the record. If not, they will be put in the record, and the chair would also, without objection, screen the letters that I have received also on the same question and insert some of them in the record.

(The documents referred to appear in the appendix.)

Senator HRUSKA. That would be fine.

Mr. Attorney General, you have been interrogated as to the possible wisdom of disbursing money, at least for a few years, directly to cities for a trial period as opposed to channeling the action money, 85 percent of the appropriation, through the State authority under the so-called block grant system.

Is it not true that if that were undertaken by the Department of Justice, or through the Law Enforcement Assistance Administration, a judgment would have to be made within the Department of Justice as to the competing claims of some 400 cities that have 50,000 population or more weighing their relative need for funds?

Attorney General MITCHELL. Yes, sir. There are 411 such cities of over 50,000 population, and, if that procedure were followed, it would get to the point where it would take on the aspects of a categorical grant program which, of course, would then require the approval of the Federal Government through the administration, the Law Enforcement Assistance Administration, and that is one of the areas that this bill has shied away from, and that I hope that in the administration of it we could keep from following.

Senator HRUSKA. Is it not safe to assume that the State crime commissions of the several States rather than LEAA have a better idea as to the wisdom of these competing claims, within the limitations as spelled out in the basic law?

Attorney General MITCHELL. Well, we believe they do. We certainly hope they do, and if they do not have it they should obtain it very rapidly because, as I mentioned earlier, and as you well know, the obligation for law enforcement in the carrying out of the criminal justice system is within the State, it is the obligation of the State and local governments, and Federal expertise should not be imposed upon that.

Senator HRUSKA. Now, with reference to the administration of the Law Enforcement Assistance Act, resort was made to a body of three men that would administer the funds and determine policy.

I thought in your testimony you pretty well spelled out the rationale that impelled this committee, and later the Congress, to adopt that mechanism. Certainly there is a breadth of experience, there is a balanced judgment which is possible from three men that would not be possible from only one. The gentleman who did head that three-man

body resigned and wrote a letter in which he criticized the administration of the act in that fashion.

He indicated that, in his opinion, the present system was totally unworkable and that it should be succeeded by a system with only one administrator.

What would be your thoughts as to the brunt and the thrust of the letter of criticism by the gentleman who did resign? Would it not be tantamount to saying that the system which is so widely used throughout Government of having either three-member or five-member bodies administer an act of this kind they all should be replaced by a single administrator in each instance?

Attorney General MITCHELL. Well, Senator, I think that, perhaps, the operational aspects of the Government are mixed up with the policy aspects of it and the approach to it, but it is an unwarranted conclusion on his part, in my opinion, so long as we are dealing with this policy matter.

Senator HRUSKA. Pronouncing judgment upon various State plans which are presented to the LEAA would be a policy matter, would it not?

Attorney General MITCHELL. Yes, sir. That is the point that does become policy and where the expertise that is brought by the troika to bear on the question and the awards, or refraining from awards are, I think, quite important.

Senator HRUSKA. And those plans are quite comprehensive. They pertain not only to police departments, but also to prosecutors and to courts, to probation officers, to corrections facilities, to jails, and a host of other things? It was the feeling of this committee, and it was also the feeling of the Senate and the House, that on matters of that kind that have that wide a scope it would be better to get a balanced judgment from a three-member commission rather than to rely on the judgment of one man.

Would you have any comment on that rationale which motivated the committee and the Congress?

Attorney General MITCHELL. Well, I think it is pretty consistent with what I have said here this morning, Senator, and I agree with the concept.

Senator HRUSKA. Now, Mr. Attorney General, I notice that the House bill revises section 306 of the present act to provide that any part of the States' block grant allocation not required or not utilized by the State shall revert to the LEAA for distribution as discretionary funds.

Now, the fact is that the bill also lowers the non-Federal match for discretionary funds to 10 percent under the discretionary section, where the money goes to pursuant to subparagraph 2. Can it be anticipated that some cities may be reluctant to participate with the State in the block grant program on the theory that they would be better off to forego applying for block grant funds which require a 40-percent match, and let those funds revert and be put into a discretionary fund, subject to the disposition of the LEAA with only a 10-percent matching requirement? They would thereby gain a very handsome margin of profit to wit, 30 percent.

Is there some danger in that, and is there any way that you would have to suggest to prevent it?

Attorney General MITCHELL. Yes; there is a problem, Senator, not only with respect to the localities, but also with respect to the States themselves. They can, by refusing to take up the block grants that are allocated to them, allow them to lapse, and it falls, as you say, into the discretionary grant moneys of the LEAA, and undoubtedly the States will be around looking for discretionary allocation, and it may be hard to deny it to them. If they are in a position without matching funds, and the availability of moneys undoubtedly will become more of a problem as these programs get larger or if a State or municipality decides that it is having difficulty putting up the matching moneys, it may very well be induced to drop the block grant, let it lapse, and then come in for the discretionary funds.

Now, I would suggest that this be approached on either one or two bases: That lapsed money not go into the discretionary funds but go back into the action block grants, or if the committee and the Congress feel that it is appropriate, allow the discretion of the LEAA to make the determination whether it would go into discretionary funds or into the block grant action funds for reallocation. But, it is a deficiency in the bill which I think has to be corrected.

Senator HRUSKA. In actual practice, under this proposed provision there is a possible danger that there would be a substantial erosion of the block grant concept. Is that not true?

Attorney General MITCHELL. There may be a substantial erosion of the block grant concept.

Senator McCLELLAN. Will the Senator yield for a moment for an announcement?

Senator HRUSKA. I will be happy to.

Senator McCLELLAN. The Chair would observe that we had two other witnesses scheduled, or three others for this morning's session, and obviously we are taking longer with the Attorney General than we had anticipated, and will not be able to conclude as soon as we expected.

So, as soon as the members are through interrogating the Attorney General, the committee will recess over until 2 o'clock this afternoon, so we will come back at 2 in order to hear the other witnesses who were scheduled to be here today.

Thank you.

Senator HRUSKA. Mr. Chairman, that is all of the questions that I have at this time. Thank you very much.

Senator McCLELLAN. Senator Thurmond.

Senator THURMOND. Thank you, Mr. Chairman.

Today's policeman requires a special kind of man. He must be the strong arm of the law, and at the same time be an understanding and compassionate individual. He must make on the spot difficult legal decisions, have the benefit of being able to retreat to the law library for quiet research.

He must be able to restrain himself when confronted with an unjust abuse and criticism from those who would destroy the very principles on which this country was founded.

In order to attract this kind of an individual to the field of law enforcement we must make it possible for our States to find a means of upgrading their law enforcement facilities and programs.

However, in doing this we must be careful that the Federal Government does not assume the responsibility of operating our local police forces through the manipulation of the purse strings.

I am in favor of giving financial aid to the States so that they may upgrade their law enforcement program, but in my judgment the use and distribution of these funds should be left to the individual States.

I would be pleased to have your reaction to that statement.

Attorney General MITCHELL. Senator, I can agree with the entire statement, and I think that we have the requisite balance under the Law Enforcement Assistance Administration Act with respect to the monitoring which the administration has on the expenditure of the Federal funds by the States and localities. I think the requirement of a comprehensive plan that addresses itself to the total criminal justice system, which in the first instance is provided by the State, is about as far as the Federal Government should go in this area of direction or control.

Senator THURMOND. The longer I serve in public life the more concerned I am about the exercise of Federal power. That applies to all three branches of the Federal Government.

In your opinion, what is the best method for providing LEAA grants to the States?

Attorney General MITCHELL. I have testified constantly on this subject, since I have been in Washington, Senator, that the mechanism provided by title I of the 1968 act which provides for the LEAA operation is as good a system as may be devised. I think the balance between block grants and discretionary grants provides the delivery system that is necessary to get at the total problem of criminal justice within the States, including the so-called problems of law enforcement in the high-crime areas.

Senator THURMOND. We often speak of States having a comprehensive State plan. In your judgment, what should be provided in response to section 201 of title I of the Safe Streets Act?

Attorney General MITCHELL. Well, Senator, it varies from State to State, but the basic outlines are that you should have an appropriate law enforcement system, you should have a proper judicial system, and you should have a proper correctional system which, of course, includes your parole, and pardon, and rehabilitation facilities. Crime is a problem of many facets and we must attack it on all fronts. I mentioned earlier, a moment ago, that perhaps 50 percent of the crimes which were committed in New York, that are committed in New York, that is the violent crimes, are by narcotics addicts, and you can turn that to the number of crimes that are committed by ex-convicts. In other words, the problem of recidivism you find runs as high as 46 or 47 percent in some of the jurisdictions, and if you could get around the problems of recidivism you would eliminate a substantial amount of crime, so we must attack this on all fronts.

Senator THURMOND. Do you think that it would be easier to obtain competent law enforcement personnel if the salaries were comparable to professional salaries in a particular locality?

I am speaking now, for instance, if the law enforcement man possesses as much education and training as a professional, so-called

professional man, should he receive a salary commensurate with the professional man, and if not, why not?

Attorney General MITCHELL. I believe he should, and I believe that we are heading in that direction as fast as funds can be provided to take care of it.

Senator THURMOND. The present law provides that the three members of the LEAA, I believe, have to be unanimous in their decisions. It has been suggested that this should be changed and we should have one man at the head of LEAA. It has also been suggested that it be changed to allow a majority of the three members to make decisions. What is your opinion?

Attorney General MITCHELL. Senator, as I testified a few minutes ago, I believe that the troika setup should be maintained. I also feel that it will not materially affect the operation of that troika if the legal opinion that exists with respect to the necessity of the total agreement of the three is changed by legislation to provide that you would have a majority vote among the three. I do not believe that there will be, in the operation of the administration, so much disagreement as to have a material effect on it, and I think it is appropriate that if there is disagreement in these limited number of cases, that they get on with their programs and not have them hung up by the lack of a unanimous opinion.

Senator THURMOND. The executive director of the law enforcement division in the State of Louisiana is very concerned about H.R. 17825, which has passed the House. I believe a copy of this letter has been put in the record by the distinguished Senator from Nebraska, so I shall not duplicate or repeat the entire letter.

I would like to raise several points that he has raised. Here at the end of his letter, they are seriously opposed to any provision increasing the matching requirements to either State or local governments.

Would you care to express your opinion on that? I believe your statement contained an expression on that.

Attorney General MITCHELL. Yes, it does, Senator. My statement pertained to the requirement that the States provide a quarter of the matching funds for local projects. Knowing of the budgetary cycles of the States, if this provision were to become effective this year, without prior preparation on behalf of the States through the appropriating process, I think it would provide great difficulty. I think that the flexibility should be left with the States to determine whether they are going to provide the matching funds, or whether the localities are, but short of that I would urge that at least there be a delay in the effective date of this provision if it is maintained in the bill. Otherwise, I am afraid a number of States—how many I cannot say, but a number—will not be able to avail themselves of the program under this Law Enforcement Assistance Administration.

Senator THURMOND. So, in brief, your position is similar to that of the executive director of the State of Louisiana on that particular point?

Attorney General MITCHELL. I am not quite sure what his position is.

Senator THURMOND. They are opposed to any provision increasing the matching requirements to either State or local governments.

Attorney General MITCHELL. Yes, sir; I believe we are in accord.

Senator THURMOND. The next point is that they are opposed to any provisions which require an arbitrary percentage to be applied to particular areas of the criminal justice system. In brief, will you express your position on that?

Attorney General MITCHELL. We are in agreement with that, Senator. I believe our statement also addressed itself to that matter with respect to the correction requirements of 25 percent. It is not that we do not think that corrections, in certain instances, should receive 25 percent of the money, but what we point out is that not every State has the same problem, or the same requirement, and flexibility should exist so that the proper problems existing in a State may be addressed by the proper amount of money, or the proper percentage of it that is available.

Senator THURMOND. The next point, they are opposed to any plans to provide discretionary moneys by any guise to the Federal administration beyond the 15 percent which in itself is too high, they say.

Attorney General MITCHELL. If I recognize that statement or question, I think it is the one that I answered for Senator Hruska, where you will have the lapses of money that would then flow out of the block grants into the discretionary funds, thereby increasing them. As I have pointed out, this does present problems with the administration of the act and the concept of the block grant, and I believe I recommended two solutions to Senator Hruska with respect to this problem.

Senator THURMOND. And our next point is that they are opposed to any features which envision expansion of additional Federal agencies or offices in the law enforcement area into the States.

Attorney General MITCHELL. Well, I am not quite sure what the gentleman means in that area.

Senator THURMOND. I repeat, that they are opposed to any features which envision expansion of additional Federal agencies or offices in the law enforcement area into the States. In other words, they want the States to retain as much authority as possible.

Attorney General MITCHELL. Well, we would certainly subscribe to that theory. As you know, as far as the Law Enforcement Assistance Administration is concerned, it has only seven regional offices that are located within the regions of other Federal establishments. They are there to help the States in connection with the preparation of their comprehensive plans, and they should not be considered as law enforcement officers.

Senator THURMOND. Then the last point, they are in favor of abolishing the present LEAA regional offices, since they have no proper function under Public Law 90-351, which places responsibility for planning and funds properly with the Governors of the States and the State planning agencies. I would be pleased to receive your position on that recommendation.

Attorney General MITCHELL. Senator, the regional offices exist for the purpose of providing assistance and expertise, and not dictating the nature of these plans. The only possible objection that I think could be raised to the existence of regional offices is that they eliminate more of the trips that these fellows would otherwise get to Washington.

Senator THURMOND. They take the position that the responsibility for planning and for funds is left with the States and the regional offices are not needed.

Attorney General MITCHELL. As I said, Senator, the regional offices are very helpful to these people in assisting them with respect to the nature of their plans, not directing them as to what the plan should contain. And, I think that that will represent an expression of a very, very, very small minority.

Senator THURMOND. As I understand, these regional offices are not to coerce the States, but to merely offer suggestions and to be helpful along the line of law enforcement without giving direction?

Attorney General MITCHELL. They are to be helpful without giving direction in the preparation of comprehensive plans that are required under the act to be submitted to the Federal Government, and it is more of a planning function. It is not a law enforcement function.

Senator THURMOND. They take the position that planning is left to the States.

Now, are you in agreement with that, or do you think it is left to the regional offices?

Attorney General MITCHELL. No. Planning is left to the States because they are the ones that have to submit the comprehensive plan, but it is quite likely and exists in most all instances that they are delighted to avail themselves of the expertise in the preparation of the comprehensive plan.

Senator THURMOND. And they will not try to impose their wills on the States if the States prefer a different plan?

Attorney General MITCHELL. Certainly not in the regional offices, because that is not their jurisdiction.

Senator THURMOND. So the States will be left entirely free to prepare their own plans, without any interference by the Federal Government?

Attorney General MITCHELL. Yes, sir, so long as their plans are comprehensive and comply with the statutory requirements in the act.

Senator THURMOND. And the regional offices understand this?

Attorney General MITCHELL. I hope they do, Senator, and if they do not, we will make sure that they do.

Senator THURMOND. Thank you very much for your appearance.

Thank you, Mr. Chairman.

Senator McCLELLAN. Thank you very much, Mr. Attorney General, and those who wanted you to be interrogated have had the opportunity, and I appreciate very much your cooperation with the committee.

Attorney General MITCHELL. I was delighted to be here, Senator.

Senator McCLELLAN. The committee will stand in recess until 2 o'clock.

(Thereupon, at 12:20 p.m., a recess was taken in the hearing, to reconvene at 2 p.m., this same day.)

#### AFTERNOON SESSION

Senator McCLELLAN. The committee will come to order.

The next witness will come around, Attorney General Gorton.

Come around, please, and have a seat.

Off the record.

(Off-the-record discussion.)

Senator McCLELLAN. Senator Jackson, the subcommittee is proud to have you appear today and introduce your distinguished attorney general from the State of Washington.

**STATEMENT OF HON. HENRY M. JACKSON, A U.S. SENATOR FROM  
THE STATE OF WASHINGTON**

Senator JACKSON. Thank you, Mr. Chairman. I am very pleased to present to the subcommittee Mr. Slade Gorton, who is the attorney general of the State of Washington. I might point out that he serves in addition as the chairman of the State Commission on Law and Justice, so he wears more than one hat.

The attorney general has been extremely active throughout the State, demonstrating great leadership in the area involving law enforcement. We were talking earlier today and he informs me that he is having to spend more and more of his time on matters pertaining strictly to those urgent areas involving criminal justice, and I must say that we are concerned, as the chairman knows, in the State of Washington with the growing problems of lawlessness, especially in our major metropolitan areas in the Puget Sound sector.

I know that the attorney general, Mr. Chairman, has an important statement to make and I know that you and members of the committee will give serious consideration to his recommendations in connection with the pending measure.

I am very pleased to present Mr. Slade Gorton to the committee this afternoon.

Senator McCLELLAN. Mr. Attorney General, we are glad to welcome you and we are glad to have your distinguished junior Senator present here to introduce you. I have gotten pretty well acquainted with him. Without his help, I would not be able to get a lot of things done that I have been able to get done and partially done, at least, on the Investigating Subcommittee. We work together very, very closely in some vital areas of responsibility here and I am glad to have him come before this committee.

I believe it is the first time you have been before this committee since I have been chairman, since the subcommittee was established in fact.

Senator JACKSON. The chairman is right. I am always appearing before the chairman before another committee on the third floor.

Senator McCLELLAN. We are glad to welcome you here now and we will be glad to have a strong statement on law enforcement from you.

All right, Mr. Attorney General. I see you have a prepared statement. Do you wish to read it?

**STATEMENT OF SLADE GORTON, ATTORNEY GENERAL, STATE OF  
WASHINGTON**

Mr. GORTON. No.

Senator McCLELLAN. Very well, let the statement appear in full at this point in the record and we will be glad to hear from you.

(Prepared statement follows:)

STATEMENT OF SLADE GORTON, ATTORNEY GENERAL, STATE OF WASHINGTON

I appreciate the opportunity to appear before the Committee this morning to discuss the probable impact of certain proposed amendments on the effectiveness of the Omnibus Crime Control and Safe Streets Act of 1968. I have been Chairman of the State Committee on Law and Justice for the past year, and a member since December, 1968. I have been closely involved in the administration of the State's Law and Justice Planning Office, first as majority leader of the State House of Representatives and, since January of 1969, as Attorney General.

Two proposed amendments cause me great concern. The first would require the states to participate in the financing of local law enforcement projects which are assisted through the Omnibus Crime Control and Safe Streets Act. The second establishes a more favorable matching ratio for LEAA "discretionary grants" than the ratios applicable to projects assisted through the state law enforcement planning agencies.

It goes without saying that there is a major political issue involved. The nature of future federal assistance to state and local governments transcends this one grant-in-aid program.

That somewhat abstract issue, however, is not my concern today. The principle matter now in question is the development of the most effective program possible to reduce crime. The proposed amendments will have a negative affect on our ability to achieve that primary goal. The requirement for direct state participation in financing local law enforcement improvements will substantially increase state legislative and administrative involvement in what we generally hold to be matters of local concern. The more favorable ratio for direct federal grants will substantially increase the administrative cost of the program and will ultimately reduce the coordination of law enforcement activities which is now developing.

Speaking from the recent experience of five terms in the Washington state legislature, it is not likely that there will be any net gain to local government arising from the proposal that 25% of the non-federal cost of local projects be paid by the states. Our state, like most, must go through a regular appropriation process in which the needs of local governments, as well as of state agencies, must be considered and acted upon. The proposal before you obviously will not increase the states' resources available for local assistance; nor will it diminish the needs to finance other programs, whether they be state or local, and whether they be for law enforcement, education, health or any of the other governmental services which the states must provide. This additional expense will be appropriated from funds which would, in all likelihood, go to local government in any event, and will not increase the public investment in law enforcement. The cities which advocate this so-called "state buy-in" to the program are deluding themselves if they believe that it will result in greater state aid to the cities.

If the "state buy-in" provision will not have the affect of increasing the total aid to local government, will it have other impact on the program? I believe it will. It will dramatically change the nature of the states' role in determining what local projects are funded under the Omnibus Crime Control and Safe Streets Act. These decisions are presently made either directly by, or under the supervision of, a committee or supervisory board which operates under certain Law Enforcement Assistance Administration guidelines. Pursuant to those guidelines, the committees are representative of state and local law enforcement, general government, and the public. Although structurally a part of a state law enforcement planning agency which is under the jurisdiction of the governor, as required by the act, these committees are not "state agencies" in the ordinary connotation of the term. In our state, as in many others, representatives of state law enforcement and state government are substantially outnumbered by local and public representatives. Decisions are definitely not made from a perspective dominated by state agency viewpoints.

Once state financial support for each local grant must be obtained, a substantial change will occur. The state legislature, presumably either through a legislative committee or through a designated agency, will make the ultimate decision (either in advance or after the fact) with respect to every assisted project. Members of the state committee, whatever their affiliation, cannot ignore this fact, with the result that the present substantial independence from

the political legislative process will not be maintained. A serious political inroad will have been made into the administrative process for no reason whatsoever, other than a supposed benefit to local governments which very few would consider anything other than illusory.

As an aside, I feel compelled to say that requiring the states to "buy in" to the program in exchange for the right to administer it has an appealing sound. However, this is quite beside the point. The question is what level of government can administer the program most effectively. The source of governmental financing is, perhaps, a consideration in determining what governmental unit should undertake its administration. But an emotionally oriented argument that one governmental agency or another ought to make a financial contribution in order to acquire a "right" to administer the program is sophomoric.

The final concern to which I want to direct my attention in this testimony relates directly to the question of the appropriate agency to administer the program. The President's Crime Commission, in its presentation of "A National Strategy"<sup>1</sup> for crime reduction, identified coordination of law enforcement activity as the necessary first step.

"... The police, the courts, the correctional system and the noncriminal agencies of the community must plan their actions against crime jointly if they are to make real headway."

Congress, in enacting the Omnibus Crime Control and Safe Streets Act of 1968, was faced with determining whether this coordination could be effected better through a federally or through a state administered program. Precisely the same question is before the Committee today. The question is masked in the guise of an improvement to the discretionary grant program. This has been the strategy of many advocates of the direct federal grant-in-aid concept, who are unable successfully to contend that the federal government is better equipped to coordinate law enforcement activities than the states. This spring, in hearings before Subcommittee No. 5 of the House of Representatives' Judiciary Committee, it was contended by advocates of a federally administered program that 50% of the action funds should be administered as discretionary grants by LEAA. It was apparent, of course, that this approach not only leaves unresolved the question of whether coordination can best be achieved at the federal or state level, but compromises the issue in the worst possible way—by establishing duplicating machinery within both state and federal governments.

That approach having failed, you are now asked to consider a proposal identical in effect. It sweetens the discretionary grant program in a different way, by reducing the necessary local contribution, or even eliminating it under certain circumstances. I don't contend that there are not certain circumstances when a lower matching contribution, or none at all, may be desirable. But I do contend that there is no valid reason to utilize different matching ratios depending on the agency to which the grant application is sent, unless, of course, there is a desire to make one administrative agency more attractive than another to prospective applicants.

There is certainly wisdom in a portion of the "action funds" being administered at the discretion of LEAA, in order to assist multi-state projects, to focus attention on specific matters of high national priority, and to address specific trouble spots which for one reason or another are not appropriately or adequately addressed by the states. In Fiscal Year 1969 LEAA administered approximately \$3 million in discretionary funds; in Fiscal Year 1970 it was a little over \$30 million and for Fiscal Year 1971 it appears it will be more than \$60 million.

With the marked increase in this appropriation, and the growing awareness of the availability of these funds, there is likely to be a four-fold increase in the number of applications which will be received by LEAA in the current fiscal year, even if the discretionary grant program remains no more attractive to prospective applicants than the bloc grant program. Increase the relative attraction by lowering discretionary grant matching requirements, however, and there is no way to predict what the increased LEAA volume will be. I think it safe to say it would be at least doubled again, and very likely escalated even beyond that. As you well know, there is only one way to meet an increase in work volume of this nature, and that is to increase staff. The unfortunate fact is that this staff will be developed by LEAA to do precisely the work which

<sup>1</sup> The Challenge of Crime in a Free Society, a report by the President's Commission on Law Enforcement and the Administration of Justice, February 1967, Page 280.

the states have developed their own administrative mechanisms to handle already.

The overall result is likely to be an increase both in administrative costs and in the time required to take an application from inception to fruition because so many applications will go first to LEAA and only after its rejection through state agencies.

If this analysis of the impact which increasing the relative attraction of the discretionary grant program would have is correct, and if you concur that it is inappropriate to have duplicative administrative machinery at the federal and state level, then I believe you need to consider this apparently innocuous amendment as going to the fundamental issue of whether the Omnibus Crime Control and Safe Streets Act is to be administered principally by the federal LEAA or by the state law enforcement planning agencies.

In my opinion the state committees, which are the keys to the state law enforcement planning agencies, are one of the most effective governmental mechanisms which I have ever seen in operation. They have brought together, in Washington on a monthly basis, a diversified group of the best informed law enforcement people in our state—persons responsible for correction agencies, courts, probation and parole, police, prosecution—in short the entire criminal justice system. In addition, the views of Model Cities Agencies, educational social welfare agencies, the business community, as well as the general citizenry are represented. This group has acted not only responsibly, but with both caution and imagination in setting priorities for our state in improving law enforcement and the administration of justice. Its ability in this far exceeds that which a federal agency or any other group composed solely of full-time professionals would have in setting priorities for our state.

In addition to the members of the state committee, we have actively involved in assisting them several hundred people of substantial competence and experience who serve on state technical advisory committees in the functional areas of police, adjudication, corrections, youth and delinquency, as well as for special projects (interdisciplinary) and grant management. Further, we have formed local and regional committees which consider problems and make recommendations pertinent to cities, counties or regions of the state. The benefit to the program from the substantial involvement of representatives of the affected operating agencies and the public at all levels of administration of the Omnibus Crime Control and Safe Streets Act is incalculable. The coordination of effort which this carries with it, which goes far beyond the projects funded through the Act, could never be approached by federal administration.

Our state's law enforcement planning agency administrator, James N. O'Connor, on March 11 this year testified before Subcommittee No. 5 of the House of Representatives Committee on the Judiciary:

"With due respect to the Law Enforcement Assistance Administration, which is led and staffed by many of the finest, professionally competent gentlemen it has ever been my pleasure to work with, no federal agency has the magical ability of knowing what methods will work best to reduce crime in the distinctive metropolitan—suburban areas of our states. No program is better than the information which goes into it. I believe that the information which is necessary to the Safe Streets Act program must come from the operating agencies (all of them), and from the citizens, both directly and through their elected representatives. Most of my time, and that of our Law and Justice Planning Office staff, is spent in providing and obtaining information, and translating what we learn from private and public meetings into staff recommendations to, and action by, the State Committee on Law and Justice. In order to do the same job, a federal agency would have to duplicate within the State of Washington the staff which the state now has.

"Currently, we can and do call upon LEAA for technical assistance in various specialties, for the dissemination of information, and for other informational or "clearing house" services which are appropriate for a national agency. LEAA could well improve its services of this nature, but has had trouble in establishing certain positions and attracting appropriate staff in some functional areas. I expect these difficulties will be overcome in time. But I hope you will recognize that LEAA is still unable to perform adequately its present roles; to increase its responsibilities now would more likely than not hinder the states with no offsetting benefit."

I believe that to enact amendments to the Omnibus Crime Control and Safe Streets Act at this time which would change the present role of the states in administering the Act, or which would stimulate development of duplicative

federal administrative machinery, would hinder the nation's best opportunity significantly to reduce the present incidence of crime. Accordingly, I respectfully request that the Committee recommend against passage of those provisions of HR 17825 which would require the states to fund 25% of the non-federal cost of local projects assisted through the Act, and which would make discretionary grants available at more favorable matching ratios than funds administered by the state law enforcement planning agencies.

Thank you for this opportunity to present these views.

Mr. GORTON. Thank you, Mr. Chairman. I appreciate your courtesy in coming back after lunch, and I appreciate Senator Jackson's kind words.

Senator McCLELLAN. I did not know that the whole morning would be taken up with the Attorney General of the United States. We never can judge these things. So I felt out of courtesy to you, out of deference to your convenience, certainly, we should hold this hearing this afternoon. I had not planned to, but we are glad to do it. We are glad to have you come before the committee and give us the benefit of your judgment and recommendations on the legislation the committee is considering.

Mr. GORTON. Thank you very much.

I do not desire to read the statement I have here, Mr. Chairman. Some of the very interesting testimony this morning leads me to make a couple of comments which I hope will be helpful on the overall philosophy of the act, the relationship between LEAA, the States, and local governments.

I am here representing only myself and not the National Association of Attorneys General. I do, however, have a copy of a resolution which was passed on the first of this month by the National Association of Attorneys General, which it has asked me to have introduced into the record if you will accept it.

Senator McCLELLAN. The resolution will be received and printed in the record at this point.

(The resolution follows:)

RESOLUTION ADOPTED BY 64TH ANNUAL MEETING, NATIONAL ASSOCIATION OF ATTORNEYS GENERAL

II. OMNIBUS CRIME CONTROL ACT

The National Association of Attorneys General reaffirms its commitment to vigorous action to control crime in our states and reiterates support for the intergovernmental attack on crime embodied in the Omnibus Crime Control Act of 1968. The Association strongly endorses the block grant concept of this program which encourages states to mount innovative and comprehensive crime control programs by granting state flexibility in establishing spending priorities for program funds. Encouraged by state achievements under this program and the more than requisite state funding of projects, the Association opposes proposed amendments to the Act which would require states to provide one-quarter of all local matching funds. Several states currently exceed this proposed requirement, and such a mandate would be detrimental to present and future statewide projects and would thereby weaken state participation in the program. In addition, the Association opposes a further proposed amendment which would require one-fourth of each state's program funds received from the federal government to be spent for corrections. A majority of states presently maintain prime administrative and fiscal responsibility in the correctional area and the proposed mandatory spending requirement would greatly decrease state spending flexibility under the program and thereby dissipate the comprehensive character of the Crime Control Act.

Mr. GORTON. I have been attorney general of my State for just a year and a half, Mr. Chairman. I was a member of the State house of representatives for 10 years before that and the majority leader of the house during my last 2 years. So in one sense, I have viewed this kind of program from two different points of view.

As you will see from my statement, I am concerned with two of the amendments which were passed by the House and which are here before you at the present time. The first of these requires a 25-percent matching contribution on the part of the State as sort of a "buy-in," as it were, to this part of the program, and the second sets a more favorable matching ratio for discretionary grants from the LEAA than the ratios applicable to the projects assisted through the State law enforcement planning agencies.

Particularly some of the exchanges between Senator Kennedy and the Attorney General this morning seemed to me to go to the basic nature of this problem.

If you will give me a few moments, I would like to describe the way in which the program operates in our States, which I hope is typical of most of the other States in the United States, and some of the peculiar values of the use of State, regional, and local committees such as we have in the State of Washington.

The Committee on Law and Justice of the State of Washington is appointed by the Governor and responsible to him, as the law requires. I am the chairman of that committee which includes almost 40 other persons representing many professions. Five of them are State officials, four of them are members of our legislature. But most of them are local officials, either elected officials or law enforcement officials, or citizens—businessmen, members of the League of Women Voters, persons interested in social welfare agencies. They are divided into a group of technical advisory committees in functional areas, such as police, adjudication, corrections, law enforcement, and the like.

Each of these technical committees has working with it an additional group of citizens who represent the same types of interests and the same backgrounds.

Senator McCLELLAN. Are you a bit overorganized?

Mr. GORTON. I do not think so. I hope that I will get to that point. The various major regions of the State and the larger counties—our counties are quite large in the State of Washington and usually encompass an entire metropolitan area—have local committees. We feel this problem of overorganization and we have established a very rigid schedule pursuant to which an application received by the fifth of any month will be acted upon in one way or another at the meeting of the parent committee, which takes place on the last Thursday of the month.

As a matter of fact, my committee is meeting right now, dealing with applications which have come in during the course of the last 6 weeks.

This has had peculiar and dual value to law enforcement in the State. For the first time, we have had some very real coordination of planning law enforcement throughout the State as a whole.

In the second place, there is some member of the committee, or members of the committee, who are personally familiar with the circumstances surrounding almost every applicant which we receive.

And third, we have for the first time secured the participation of leading citizens of the State in the field of law enforcement and have removed it from the province of pure professionalism, which has been one of the problems, I think, of public acceptance of law enforcement in the past.

The reason that we are able to do this and get the amount of time that we have been able to get from skilled and busy citizens is that they are given very real responsibilities under the 1968 act.

Theoretically at least, they are a State agency and, as you know, you have had objections from various cities and other local governments that the 1968 act centralizes too much in a State agency and that the States, by and large, do not represent urban or city interests.

I do not believe that this is true. In the first place, the vast majority of the members of the committee do not look on themselves as representatives of the State as such, even though they are members of the State committee, because their professional interests are usually much more local in nature.

Secondly, their skills and insights into the problems in the communities of our state could never be matched by professionals alone. We have an excellent professional staff, but it is the balance between what the staff recommends and what this group of citizens actually decides that gives the system its very considerable value.

This morning there was a very lengthy exchange on whether or not you should move significantly from the block grant concept, administered through 50 States, into a system of categorical grants. I made a number of notes of factors that I think militate against that particular change.

Senator McCLELLAN. AS I understand you, you favor the block grants?

Mr. GORTON. I very definitely do.

Senator McCLELLAN. AS the law is now?

Mr. GORTON. Yes.

Senator McCLELLAN. Very well.

Mr. GORTON. In our State, and I think in most other states, the cities, and even the counties, have only a minimal involvement with the courts and the correctional systems. They are, of course, primarily responsible for primary law enforcement. But corrections and courts are almost exclusively, if not exclusively, functions of the State government itself.

So to have a balanced plan which involves all elements of law enforcement, you must deal with a jurisdiction which is not only larger in physical size, but is broader in scope than a city or any other local governmental agency.

Secondly, in our State and in many others, a large number of the programs which fall in the category of State programs are actually much more effective in connection with local law enforcement than otherwise.

One particular example: At our last meeting, where we had a significant number of applications for communications equipment, the largest single grant was made to the Washington State Patrol, which in our State deals exclusively, or almost exclusively, with highway safety.

But this particular grant was to enable it to set up a service system of communications for use by all other local law enforcement agencies in both large and small towns. At least 60 to 70 percent of the use of this system will really be for local law enforcement, but when you look at the percentages on your chart, it will show that this was a grant to a State agency, even though the major beneficiaries are cities and counties.

Senator McCLELLAN. Is that going to substantially take the place of grants to local entities to buy this comparable equipment?

Mr. GORTON. No, sir. It amounted to roughly 40 percent of the money we had for this local equipment.

We also made very significant grants at the same meeting to the City of Seattle, which is our largest city, and to a number of smaller towns.

Senator McCLELLAN. Well, you did make some grants to accommodate the local communities and municipalities?

Mr. GORTON. Oh, the great bulk of them. Roughly 75—

Senator McCLELLAN. Sixty percent, you said.

Mr. GORTON. That 60 percent was a national figure. Sixty percent in this particular communications area would approximate our figure. The overall figure of all grants to local communities in our State would probably be higher.

Senator McCLELLAN. In other words, you feel like the municipalities in your State are in no way being neglected or discriminated against in the way the system operates now?

Mr. GORTON. I feel that they are not only not being neglected, but that they are now planning much more effectively than would be the case if they dealt directly with the Federal Government.

Senator McCLELLAN. In other words, by reason of their channeling it through a State board or a planning commission, you get a coordination that you would not get if each community were running to Washington with a plan?

Mr. GORTON. I have a particular example of that.

Senator McCLELLAN. Am I correct?

Mr. GORTON. Absolutely correct, Mr. Chairman.

Senator McCLELLAN. In other words, if we do not have the block grant system, it means that in each municipality or each county, someone gets up a plan, they have to come to Washington with it?

Mr. GORTON. Exactly.

Senator McCLELLAN. And in a dozen different plans, a dozen different counties, 15 or 20 municipalities, there is no cooperation as cooperation between those communities in their plan?

Mr. GORTON. May I give a specific example?

Senator McCLELLAN. Yes, I am just trying to emphasize the point I think you are making. This is something I have no burning conviction about. I mean I am going to favor this law, whichever system of distribution we have. But this plan, the present system, is under attack.

Mr. GORTON. It is.

Senator McCLELLAN. And I would like to get the record clear and implicit with respect to those of you who are now out in the field and are in a position to know how the system is actually functioning and

operating as of now, and what the difference would be adversely, if adverse, for instance, or the benefits, if additional benefits, of changing the plan from local approach to the Federal Government.

Mr. GORTON. Two months ago, we received applications from two adjacent suburban communities for communications equipment. The equipment for which they made the applications was totally incompatible. In other words, if each of these grants had been acted upon favorably, these two communities would not have had any communication between themselves, even though they were adjacent.

Working through a State committee as we did, we were able to point this out to them. One of the particular types of systems had already been the subject of a favorable decision as far as this whole metropolitan community was concerned, so that the second application was conditionally rejected. It was sent back to the local community to make it consistent with all of the others from adjacent communities. In another month we had an appropriate application and the application was granted.

Senator McCLELLAN. Were they glad when it was pointed out to them to make the change?

Mr. GORTON. Sure, they were. But they are not used to cooperation.

Senator McCLELLAN. Had you had the direct approach from the municipalities to Washington, the two different plans would have come up here. Would they likely have been coordinated by Washington?

Mr. GORTON. We do not claim any particular expertise, Senator. I assume that in Washington, D.C., this problem would have been caught.

I suspect that it probably would have taken several months longer to do so because of the—

Senator McCLELLAN. But what you are saying is, you feel that the local officials or local people are better able to coordinate these things, working together under a State block grant system, than they would be if each of them had come into Washington independently, trying to get a plan approved?

Mr. GORTON. I think that is precisely true. In any event, I imagine you are talking about a certain number of dollars which is going to be distributed. Obviously, if you put more dollars into the program, more applications will be granted. But given a specific number of dollars for a program, I think you are more likely to have applications acted upon speedily with a very real degree of coordination, both among the operating agencies themselves and the supervisory citizens agency if you keep this at the State level with this degree of citizen participation.

Very few cities occupy the entire metropolitan area of which they are a part.

It is not really possible, and we cannot ask the mayor of a city which is only one part of the metropolitan community, obviously, to judge the merits of his application as opposed to an application from a city either in the same metropolitan area or 200 miles away. But a State committee can make this value judgment, can decide that it is more important to meet a particular application as a first order of priority than one other particular application.

The one thing that has been accomplished above all others in the State of Washington, and I suspect in other States, by the present block grant program, is that for the first time there is an overall comprehensive State plan looking toward better law enforcement, a degree of cooperation which has never previously existed in our State.

If you take a significant amount of this authority away from this group of citizen activists, they will find something else to do, Mr. Chairman. They do not want just to decorate the premises. They want to have a part of the action and they are willing to put their time and their effort into it while they do have a part of the action.

Senator McCLELLAN. They feel that they are rendering a service, making a contribution?

Mr. GORTON. Yes, sir.

Senator McCLELLAN. I see.

Mr. GORTON. With that as a sort of background, the two amendments with which we are concerned as this bill passed the House are, first, the provision that the State must provide a 25-percent matching share, more or less to buy into this particular program. At the present time, of course, the State will make a matching contribution when the application is from the State. But it does not have to match applications which come from a local unit of government.

Senator McCLELLAN. I wonder what they conceive to be the reason for this provision, why they want to force the States to buy in on each local project?

Mr. GORTON. I think that the probable reason for it was that the House felt that there would be more money available for the overall program if the States had to contribute to it.

You know, I think they were trying to do the job right. Say that now we have so many millions of dollars. If we can add 25 percent to the amount that is available in toto, we will be able to do the whole job faster.

What I would like to say as a former member of the legislature in my State, and I again suspect we are probably typical, is that I do not think this provision will have that effect. Nothing in this requirement gives the State greater monetary resources to devote to the local problems which a legislature faces. Nothing solves other problems with which a State legislature is faced.

When my legislature meets next January, it will have so many millions or billions of dollars available for all of the programs—education, law enforcement, and everything else—which are its responsibility. If you require us to put up what might very well next year be \$1.5 million to match the funds which are coming in from the Federal Government, it will simply be taken from other programs of aid to cities and counties, which are very substantial in the State of Washington, including a lot of unrestricted funds, which they can use as they will, because of the fact that you will not increase our State's overall resources.

At the same time, however, you will probably increase the involvement of the State legislature as opposed to this citizens' committee, in the actual administration of the grants and add what probably, in this case, is a superfluous entity into it, considering the degree of State and local participation we have at the present time.

So my feeling on this amendment is that it will not help attain the goal which the House intended for it, and that we would be better off continuing the matching program as it is.

The other amendment, Mr. Chairman, is perhaps even more important than the first.

There was an attempt in the House, which was unsuccessful, to increase the discretionary grant program of LEAA to a much larger percentage of the overall program than is the case at the present time. This would have a tendency to bypass the State committees or the State government in its entirety. That failed in the House, but the House did change the provisions relating to discretionary grants from the Law Enforcement Assistance Administration to the point at which the matching fund requirements are much less stringent in connection with an application which goes directly to LEAA than is the case of an application which goes through the State committee on law and justice.

A typical application to the State committee requires 40 percent matching from the local government making the application. The provisions in the House bill would allow discretionary funds to be matched on a 90-10 basis or, under some circumstances, not matched at all.

My feeling is that the inevitable effect of this will be to cause a vast increase in the staff of LEAA here in Washington because it will at least double the number of applications for discretionary grants. Any intelligent mayor will apply to the agency which will give him 90 percent of the money he seeks as opposed to one which can only give him 60 percent. So he will first go to LEAA, and only when he is turned down by LEAA will he come back to the State committee.

This means that more of your money will go into administrative costs and into duplicating on the Federal level the kind of administration that you have on the State level at the present time.

Personally, I think that you should continue for both programs the rather substantial matching fund requirements which are now present in the act. I think that it is good discipline for the cities and the counties to have to come up with a certain percentage of matching moneys. It makes them more careful in their applications.

However, if you should decide that 90-10 is a better matching ratio than 60-40, it should be equally applicable to both programs so that there is no artificial lure in the going in one direction rather than another.

Off the record.

(Off-the-record discussion.)

Mr. GORTON. Mr. Chairman, I really believe that I have finished my formal statement.

Senator McCLELLAN. You have made a very impressive statement, particularly regarding the present block grant system.

On this other, this 25 percent contribution by the State to other local projects, I find that people in my State, those in responsible positions in connection with this program, also are opposed to that feature of the bill.

I do not know how we are going to fare. I may be in the middle as to what my position will be. But I assure you, we will study it, be-

cause indications from my State are that this practically paralyzes the program. We do not want this to happen now. We are moving in on this approach to the crime problem.

I think it is a good program. I think it will become more and more effective as we get sufficiently organized in operating and get means of better law enforcement, better equipped local law enforcement agencies. They cannot help but make some contribution to this crime situation.

I do not want to see this program wrecked. I believe wherever you can strengthen it, sure I would like to see it strengthened in constructive amendments. But we have to guard against what is prepresented to be constructive or is intended to be constructive and what may in actual practice, in practicality, become destructive of the program. So we are very glad to have your testimony and have you emphasize these factors that you think should control in the decision about proposed amendments to this act.

Mr. GORTON. I appreciate very much your permitting me to come and speak to you and changing your own schedule around to do so. I am most appreciative.

Senator McCLELLAN. I do not know if I am the one who can tell you what will ultimately come out of this, but this testimony will all be considered.

I suppose we will have some on the other side, too, as indicated here this morning. But it will be appropriately weighed and the committee will make a judgment and then the Senate, of course, will make the judgment on what the committee does. Then we will go to conference with the House, I suppose.

Mr. GORTON. Thank you.

Senator McCLELLAN. Very well. I appreciate your coming, and I am sorry we had to inconvenience you so to keep you over until this afternoon.

Mr. GORTON. Thank you.

Senator McCLELLAN. Mr. Reed, come around, please.

Identify yourself for the record. You have a prepared statement, I believe.

**STATEMENT OF HUGH P. REED, DIRECTOR, FIELD SERVICES,  
NATIONAL COUNCIL ON CRIME AND DELINQUENCY**

Mr. REED. Yes. My name is Hugh P. Reed. I am the director of Field Services of the National Council on Crime and Delinquency.

Senator McCLELLAN. Very well. You have your prepared statement. It will be received and printed in full in the record at this time.

Do you want to highlight it briefly?

(Prepared statement follows:)

**PREPARED STATEMENT OF HUGH P. REED**

Mr. Chairman, and distinguished members of the committee, my name is Hugh P. Reed and I am the Director of Field Services of the National Council on Crime and Delinquency. The National Council on Crime and Delinquency is a non-profit, non-governmental, agency founded in 1907. It is a standard setting and technical service agency supported and governed by the general public. We have long been associated with the development of juvenile, family, and criminal courts, and correctional programs.

We appreciate the opportunity to appear before you today to lend our support to an amendment to the Omnibus Crime Control and Safe Streets Act of 1968, to authorize a program of grants for the construction of correctional institutions. At the same time we wish to express concern about possible misuse of these funds and suggest revisions to the amendment to reduce the possibilities of its use by grantees for purposes other than those intended by the authors of the legislation and LEAA.

To place my remarks in context; the National Council on Crime and Delinquency recognizes the existence of a small group of dangerous offenders for whom secure custody confinement is required. Such inmates probably do not constitute more than 10 percent of the country's adult institutional population. Next to this group is another 15 to 20 percent who require restraint but are amenable to treatment and education. Finally, we believe that 70 percent of all offenders—juvenile and adult—can be most effectively handled in the community-based programs—including graduated release programs, both before and after commitment.

While we certainly recognize the need for a balanced correctional system, the National Council on Crime and Delinquency contends that the major thrust in correctional improvement must be directed toward non-institutional, rather than institutional correctional programs and facilities. We believe that LEAA grants for correctional programs in 1970 constituted a major step in this direction.

NCCD's study of Corrections in the United States in 1965 for the President's Commission on Law Enforcement and Administration of Justice clearly demonstrated that incarceration alone has not deterred further delinquent or criminal activity. This report also disclosed that large numbers of detention and penal institutions in the United States are physically unsafe, psychologically damaging and equipped and administered from the standpoint of punishment, rather than rehabilitation. But, the same study reported that new or renovated correctional institutions *without good programs* did not bring about more effective rehabilitation of inmates or changes in administrative philosophy.

The biggest shortcoming was the dearth of treatment and educational personnel. In looking at the personnel of State and local institutions, most of the employees had custodial, maintenance, and administrative functions while less than 4 percent represented such professional services as casework, psychology, psychiatry, education, vocational training, et cetera.

Most authorities agree that from one-third to one-half of those now being committed to institutions could be placed on probation or related community programs without any increase in danger to the community, and that in most states the rate of parole can be substantially increased and length of time spent before parole reduced, thereby further cutting the institution populations.

Additional traditional congregate institutional capacity is not needed, but renovation of some of these institutions and the construction of new types of facilities are required. According to the 1965 survey, a 24 percent increase in capacity was planned by 1975 at a cost of over one billion dollars without any subsidy from the Federal government. The increased operating cost for these new facilities was projected at over two hundred million dollars a year—more than was being spent on all probation and parole service at that time.

Large congregate institutions that dehumanize cannot provide the treatment and rehabilitation necessary to release inmates back to the community as law-abiding productive citizens—indeed, experience has shown that in too many instances the institutions have not only heightened recidivism but have made sophisticated, hard core criminals out of minor offenders. Most penal institutions, as bad as some are physically, could serve a more humane and rehabilitative purpose if they were well staffed and programmed.

NCOD recognizes that an incentive in the form of Federal grants can set desirable directions for the construction of detention and correctional institutions. With the safeguards given to the following, we urge that authorization for such grants be given to LEAA for the construction of new types of community-based facilities, regional detention-diagnostic facilities, and specialized regional (intra and interstate) facilities for such relatively rare offenders, as the female offender and the mentally ill. With all of this assistance perhaps the cities and states can handle their own renovation problems without federal aid.

Our deep concern centers around two possible misuses of the funds—despite the best efforts of LEAA to avoid this. We are certain that LEAA staff has no

desire to perpetuate the unsuccessful past in bricks and mortar. We would regard the construction of maximum and medium security mass prisons and adult reformatories, in almost but not all states, as a destructive and unsound use of federal funds. Such requests will be received. We also know that requests will be made for funds to add capacity that is not required to institutions. An example is a state with a hopelessly out of date prison with a capacity of say 650 and a current population of 400. It wants to build a new maximum security institution for 1100. The real needs in that state are a change in sentencing philosophy and practice, a network of community-based programs and a maximum security facility for about 100. The difference in cost between 100 and 1100 beds is about 25 million dollars.

Requests for this kind of construction will be made because the need for it was expressed in several of the state plans for 1969 submitted to LEAA under "Programs and Needs". Based on NCCD's experience in helping states and cities plan new facilities, we know that these requests will not only be made, but also very aggressively pursued. No member of Congress and certainly not the staff of LEAA, will escape the pressure that will be applied—unless safeguards are written into the bill.

The House passed H.R. 17825 before your committee, emphasizes improvement of total correctional programs and practices as well as construction. In addition, it requires state plans to set forth a comprehensive state-wide program for the building of correctional institutions and facilities and the improvement of programs and practices. These provisions are commendable; but based on our experience, may I again state that there will be tremendous pressure brought to bear on LEAA for funds to construct facilities that will not comply with the sound guidelines that are likely to be developed by LEAA as required in the amendment.

For the above reasons, NCCD strongly urges that the following provisions be added to the construction amendment.

A. As a guide for future appropriations, that LEAA be directed to determine the number, type, and estimate capacity of facilities that are seen as needed by state and local governments.

B. That grants for the first and second years be restricted to the development, testing, and demonstration of new facility and program models.

C. That a Construction Advisory Committee be authorized to assist in the development of grant guidelines and to review and make recommendations to LEAA on construction grant proposals. This committee should be representative of the juvenile and adult correctional fields and the reputable professional organizations working in these fields.

D. The diversion of correctional construction funds to purposes other than those specified in the state plan for which the funds were granted, should be prohibited.

By way of emphasis, may I close by saying that buildings last for 50 years or more. Once constructed, program direction has been set for many years to come. The existence of the buildings blocks the development of other services because, once built it must be used.

May I reiterate, my concern is not about intentions or competence of LEAA staff, but rather about the kinds of requests that will be made by some prospective grantees.

Mr. REED. I should point out that we are here in connection with the correctional institution construction amendment that passed the House as part of the amendments to the Omnibus Crime Control Act.

We are here to support this amendment, but at the same time express considerable concern about how it might be used. Now, our concern does not relate to the intentions or the competence of the LEAA staff. We know that they do not want to perpetuate the past, even in large, maximum security institutions that have too often been schools for crime in the past rather than rehabilitation mechanisms.

I could give you a great deal of material, but instead, I am going all the way back to my recommendations—our recommendations—in the hope that they may give rise to questions and we can elaborate as necessary.

Now, I do not know whether these would require revisions to this amendment or whether the intent, if you concur, might be shown in the record in your report.

I think our first suggestion would be that LEAA be asked to determine the number, type, and the estimated capacity of facilities that are likely to be requested through the State plans. I am really saying there that I am not sure that anyone knows what the nature and size of the needs of the country are for correctional institutions at this time. That is something that could be done, I guess, before next year's appropriation.

We would think that because the world of corrections is changing today, there are new types of community-based institutions required. There are no models for them, that for the first year or two, the granting program might be pretty largely restricted to the development, testing, and demonstration of new models of facilities and programs.

I think most importantly, we are suggesting that LEAA have a construction advisory committee which would help them to develop the guidelines that will be used by the States in developing programs for construction, and such a committee could also, and I say this as a protection to LEAA, could make recommendations on grants that will be included in the State plans.

The last recommendation, we have learned, is very important. A State plan is submitted now and under the block grant program, a State plan is submitted. Under these amendments, a part of that would be for institutions as well as programs. We have learned that quite frequently there is a plan submitted. It is approved, but the money is not used in that way; it is diverted to another part of the criminal justice system.

For instance, it is my understanding that of the 1969 money, corrections ended up with only \$2 million. So I am suggesting that the law, I suppose, should read, the act, that the funds for construction should not be diverted to other purposes.

If the plan calls for construction——

Senator McCLELLAN. Unless they are not used. If they are not used——

Mr. REED. Well, not used, of course. But if they come in, say for a regional detention plan for the entire State, we think that is what should be built rather than a prison.

Senator McCLELLAN. All right.

Mr. REED. I guess buildings last for 50 years and more. As a matter of fact, there are 10 central Pennsylvania counties that have jails that are, even one over 100 years old. They last a long time. Once you get a building, it will influence the whole rehabilitation program, not just the institution itself, because that building, because it exists, will block the development of other programs.

Once you build one, it is used. They have a way of being kept full. We know time after time of where the population of an institution gets low, so you increase the average stay and keep the population up.

I might say that this is awfully important to us. I have spent the last 24 years, but the agency has spent more years than that helping community-planned programs.

Quite frequently, this surrounds the need for an institution. I guess we make an average of 20 such studies a year for cities, counties, and

States. I have never understood it, but the emotional involvement that gets into the need for an institution or the numbers game, whether it should be 200 or 150; not only will these kinds of requests be made that I am sure will not come within the guidelines that LEAA will prefer, but it is amazing, the aggressive pursuit of these requests that will follow that.

And I might say that no Senator or Congressman will escape it and certainly not the staff of LEAA.

I think that would complete anything I have to say.

Senator McCLELLAN. Thank you very much.

Do you have anything?

Senator THURMOND. No questions.

Thank you very much for your appearance.

Senator McCLELLAN. Is Mr. Bruce Wilkie here?

(No response.)

Senator McCLELLAN. Mr. Bruce Wilkie is not here. If Mr. Wilkie has a prepared statement, we will place it in the record. (For statement see p. 711.)

This concludes our hearings of the general subject of Federal aid to law enforcement. The record will, however, remain open for 7 days for the submission of statements or additional remarks.

The committee stands adjourned.

(Whereupon, at 2:50 p.m., the committee adjourned.)

#### APPENDIX

STATE OF COLORADO,  
GOVERNOR'S COUNCIL ON CRIME CONTROL,  
Denver, Colo., June 23, 1970.

HON. GORDON ALLOTT,  
The U.S. Senate,  
Washington, D.C.

DEAR SENATOR ALLOTT: Your periodic notices of pending crime legislation are greatly appreciated and I hope you will continue to keep us posted with this timely information as you have in the past.

While most of the proposed amendments to the Safe Streets Act have been constructive and would generally enhance the program, there are, however, two areas in which I have some concern. I understand the House Judiciary Committee has recommended the abolishment of the present troika to be replaced by a director and two assistants. I would hope that this provision would receive strong support in all quarters as this form of organizational structure is administratively unsound and has created an almost untenable situation.

The House Judiciary Committee also recommended that states be required to match 25% of the non-federal share of grants made to local units of government. In principle, I cannot disagree with this proposal; however, in reality such a change in the Act could conceivably cause Colorado to withdraw from the program. I presume you are aware that Colorado is not now participating in the action portion of the Juvenile Delinquency Prevention and Control Act. The primary reason for this is that the Act requires that states contribute 50% of the non-federal share of action grants made to local units of government. I would hope that the day would come when Colorado could make such a financial commitment to this program as it would certainly reinforce our position in the setting of priorities for funding for upgrading the total criminal justice system. The 25% state match provision is a concern which is shared by many state directors throughout the country, particularly those in the midwest for they too feel that their respective states are not prepared to meet this financial commitment. The state directors will be meeting in Chicago on June 25 to discuss this issue and the impact it would have upon the respective states. After this meeting I shall report back to you with their comments.

In closing, may I again thank you for your interest in this most worthwhile program. If I can be of any assistance in providing you with more detailed information with respect to Colorado, I shall be most happy to do so.

Sincerely,

JOHN C. MACIVOR, *Executive Director.*

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STATE OF MONTANA,  
OFFICE OF GOVERNOR,  
*Helena, July 16, 1970.*

HON. JOHN McCLELLAN,  
*Chairman, Subcommittee on Criminal Laws and Procedures, Judiciary Committee, Washington, D.C.*

DEAR MR. CHAIRMAN: I am writing in regard to the 1968 Omnibus Crime Control and Safe Streets Act and H.R. 17825, a bill to amend the Act, which has passed the House of Representatives and is now before your Subcommittee. The House, in passing the continuation of this Act, included this amendment that would require the states to pay a percentage of all approved local programs under this Act.

I wish to go on record as strongly opposing this amendment for the following reasons:

- (1) Montana does not have adequate revenue sources to fund this amendment.
- (2) A major change such as this without proper consideration will effectively destroy the program.
- (3) Montana would of necessity turn down all local applications and therefore throttle the program.

I hope that your committee will strike this amendment.

Sincerely yours,

FORREST H. ANDERSON, *Governor.*

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STATE OF OKLAHOMA,  
OFFICE OF THE GOVERNOR,  
*Oklahoma City, July 24, 1970.*

Re Paragraph (2) of Section 303 of the Omnibus Crime Control and Safe Streets Act of 1968.

HON. JOHN L. McCLELLAN,  
*New Senate Office Building,  
Washington, D.C.*

DEAR SENATOR McCLELLAN: It is the feeling of this office that the proposed "buying-in" amendment to the Omnibus Act would be ill advised because it would shift responsibility from local units of government and place an emphasis on the State to supply funds for projects to locals. If the Act truly envisions local participation as a goal, then it would be contrary to its purposes to have the State assume financial responsibility for projects that should require total local involvement.

In Oklahoma we have made a concerted effort to make the local units of government feel that this is their Crime Control Act and that they are providing the impetus to make the criminal justice system better in their area. To make the State financially responsible in these local projects would negate the efforts made toward involving local citizens and impede the intent of the bloc grant approach.

The State Legislature of Oklahoma has already evidenced an interest in assisting local units of government and in 1970 allocated \$182,000 to match \$1,718,760 of the federal funds to be spent for local projects in the State. This means the Legislature supplied 17.69% of the \$1,028,632 needed to match projects that are for the benefit of local units of government.

We appreciate your efforts on behalf of State government and will be happy to supply you with any further information you may need in this matter.

Sincerely,

DEWEY F. BARTLETT, *Governor.*

OFFICE OF THE ATTORNEY GENERAL,  
STATE OF WYOMING,  
Cheyenne, Wyo., August 7, 1970.

Re Omnibus Crime Control and Safe Streets Act of 1968.

HON. JOHN McCLELLAN,  
U.S. Senator, Chairman, Senate Judiciary Subcommittee on Criminal Laws and  
Procedures, New Senate Office Building, Washington, D.C.

DEAR SENATOR McCLELLAN: I am writing to you as Chairman of the Governor's Planning Committee on Criminal Administration for the State of Wyoming. This committee was statutorily recognized at the 1969 Session of the Wyoming State Legislature by enactment of Chapter 143. The committee was formed, of course, and given statutory recognition so that the State of Wyoming could render effective and implement the Omnibus Crime Control and Safe Streets Act of 1968. In view of my personal background of service as a County and Prosecuting Attorney, and further in view of the obligation imposed upon the Office of the Attorney General, State of Wyoming, in relationship to criminal appeals, post-conviction and habeas proceedings, I have a keen personal interest in the work of the Wyoming committee and in the overall improvement and upgrading of law enforcement throughout the State of Wyoming. I have worked very closely and spent many hours meeting with the administrators of the State agency, the Governor's Planning Committee and the Regional committees organized throughout the State of Wyoming.

It is my opinion that the amendments to the Omnibus Crime Control and Safe Streets Act of 1968 passed by the House would dilute the effectiveness of the Act and the administration in what I consider to be the most meaningful Federal-State-Local program that has even been initiated at the Federal level. There is absolutely no doubt in my mind but that the "block grant" program initiated and implemented under the Omnibus Act has been the most effective and meaningful program even initiated by the Congress.

In my judgment, the communications and correlation between Federal-State-Local Officials is an accomplished fact under the "block grant" system. In Wyoming all action-grant applications have involved the contributing share on the part of the applicant, whether it be an agency of the State of Wyoming, a county agency, or a municipality. There are many great and urgent needs on the part of not only the state, but the counties and municipalities. It has been my experience that the program has been rendered effective in view of the applicant being required to match in order to participate. This, in turn, involves the processes of determining priorities, long-term and comprehensive planning and, of course, a thorough local commitment. I simply cannot imagine how a program could be any more meaningful and responsive than the present block grant program.

In my opinion, the so-called "buying-in" amendment which would require the respective states to contribute 25% of the non-federal cost of local projects, together with the amendment requiring a percentage commitment to the corrections area, would be most detrimental to the operation and effectiveness of the Act in the State of Wyoming.

Respectfully yours,

JAMES E. BARRETT,  
Attorney General,

Chairman, Governor's Planning Committee on Criminal Administration.

U.S. SENATE,  
Washington, D.C., July 27, 1970.

HON. JOHN L. McCLELLAN,  
New Senate Office Building,  
Washington, D.C.

DEAR SENATOR McCLELLAN: Officials in Delaware have expressed to me their concern about certain provisions of H.R. 17825.

It is my understanding that other small states with unified law enforcement agencies have expressed to you and your Subcommittee the same concern. It appears to me that the requirements of Section 7(5) would cause severe hardship for Delaware and other states; and I would urge you to give consideration to their viewpoint.

Enclosed you will find a copy of a letter to me from Mr. Samuel R. Russell, Executive Director of the Delaware Agency to Reduce Crime. I think Mr. Russell's comments adequately describe the problem; and I would appreciate it

very much if his letter would be printed in the record of your Subcommittee's hearings.

Thank you for your consideration of this matter; and with highest regards and best wishes, I am  
Sincerely,

J. CALEB BOGGS.

STATE OF DELAWARE,  
AGENCY TO REDUCE CRIME,  
Wilmington, July 17, 1970.

Re H.R. 17825 ("Omnibus Crime Control and Safe Streets Act Amendments of 1970").

Hon. J. CALEB BOGGS,  
New Senate Office Building,  
Washington, D.C.

DEAR CALE: As a result of the passage of the above Bill by the House, it appears that we may have gone from the frying pan into the fire.

In Sec. 7(5) of H.R. 17825 it is provided that not less than 25 per centum of the amounts appropriated by Congress for the Safe Streets Act shall be devoted to the purposes of corrections, including the probation and parole. However, the Act does not change the 75%-25% local-state funds allocation as set by the original Safe Streets Act.

The net effect is that because Delaware has an entirely State-supported correctional system we would be required to supply *all* of the federal funds allocated to State agencies to the correctional system. This would mean that we could not fund the State Police, the courts system, prosecutors, the Public Defender, the Drug Coordinator, or any other State-supported law enforcement institution.

I submit that this would be a disaster for Delaware and also for the several other states who are in a similar situation because they support law enforcement in a much larger proportion than do local governments in those states. In Delaware, the State pays 66% of the cost of all law enforcement activities in the State.

Another provision of H.R. 17825 which may give us considerable difficulty is Sec. 4(6) which provides that each state must supply not less than one-fourth of the non-federal funding. This means states must pay at least one-fourth of the local matching share of federal subgrants. Although this provision may be desirable in the long-run, it could postpone federal funding until the General Assembly meets again in 1971 and provides the necessary appropriation to meet this new requirement. We estimate it would cost the State of Delaware at least \$115,000 in fiscal year 1971, and more in the fiscal years to come.

We hope that you will explore this situation and that you will conclude that every effort should be expended in order to eliminate the requirement that federal funds be distributed on the basis of 75% to local government and 25% to State agencies. If the Law Enforcement Assistance Administration were given the discretion to vary this proportion in States like Delaware, then many of the problems created by the proposed amendments to the Safe Streets Act would be eliminated.

If we may answer any questions you have concerning this matter, we would be happy to attempt to do so.

With my thanks for your continued cooperation.

Respectfully yours,

SAMUEL R. RUSSELL.

EXECUTIVE DEPARTMENT,  
CRIMINAL JUSTICE COUNCIL,  
Austin, Tex., July 30, 1970.

Hon. JOHN McCLELLAN,  
U.S. Senator, Chairman, Criminal Law and Procedures Subcommittee, New  
Senate Building, Washington, D.C.

MY DEAR SENATOR McCLELLAN: The proposed amendment, H.R. 17825, to Public Law 90-351, Title I, cited as the "Omnibus Crime Control and Safe Streets Act of 1968" has been thoroughly reviewed as to its effect on the original bloc grant concept as created by Congress when it passed the Act in 1968. We wish to register our objections to various sections of H.R. 17825 and respectfully request that this letter in its entirety be made a part of, and printed, in the appropriate

records. We are of the opinion that the concept conceived and passed into law by Congress by Public Law 90-351, Title I, has been a most successful approach and expenditure of federal funds through the combined efforts of federal, state, and local participation in combating crime where it exists—at the local level. We further feel that the proposed amendment erodes and will destroy the ongoing projects at the local level because of the inability of the states to comply with the rigid requirements set forth in the amendment.

The proposed amendment to Section 303 (2) requiring the states to provide 25% of the local non-federal match for all local projects which constitute a minimum of 75% of the total bloc grant funds received by the states, is a requirement that most states and especially Texas will be unable to meet. The Texas Legislature meets every odd year and at that regular session appropriates the monies necessary for the operation of our state government for the succeeding biennium which begins in September 1 of that year. This very clearly means that if this amendment is passed and becomes law, that the Texas Legislature will be unable to act in any manner on this responsibility until 1971 and the appropriations will not be available to the Texas Criminal Justice Council prior to September 1, 1971. Assuming that the new Section 306b also becomes law, then the administration (LEAA), in carrying out the provisions of that Section, would automatically reappropriate to itself, for its discretionary funds, the federal fiscal year '70 and federal fiscal year '71 funds that could not be used by the State of Texas because of its inability to provide to the local projects that required 25% of the local non-federal share of the project cost. This in turn deprives the State of Texas the opportunity to pass through the 75% of the bloc grant funds to the local governments and further deprives the local governments the opportunity to receive their total share as allocated to Texas under the bloc grant concept and available to them because of the 75% pass-through requirement.

While it is conceded that possibly the major metropolitan cities may have an equal opportunity for securing discretionary funds, it is clearly apparent that a city falling below the major-metropolitan class will most likely find its securing of funds from LEAA most difficult. These cities do not have the financial ability to provide the necessary staff for the preparation and presentation of applications to secure the necessary funding to improve law enforcement in their respective city. This in effect provides a true hit-and-miss response to the combating of crime in the streets and destroys the concept so clearly stated in the original act of the development of state comprehensive planning and action programs to totally integrate all efforts of the local, state, and federal resources available.

If we consider the cost of state funds necessary to be appropriated by the Texas Legislature, we readily see that the following amounts are necessary for each federal fiscal year:

Fiscal year 1970.....	\$1, 241, 000
Fiscal year 1971.....	3, 275, 000
Fiscal year 1972.....	5, 000, 000
Fiscal year 1973.....	7, 500, 000
Total .....	17, 016, 000

Since the Texas Legislature will not meet until 1971 and appropriations would be available only after September 1, 1971, Texas will lose all the funds under the bloc grant funding to it because of new Section 306b which reappropriates these funds to the LEAA discretionary funds. Anticipating that the Texas Legislature responds favorably to the appropriations required, Texas then could begin again to fund local projects. Texas would be required to stop funding projects from the effective date of this amendment until September 1, 1971—over a year from now. Ongoing projects would be forced to cease their operations and their efforts to date would be for naught.

The Texas Legislature is confronted with one more problem and that is: Should it appropriate these monies in 1971 and subsequent to this appropriation and prior to the end of federal fiscal year '73, Congress increase the state-match requirements for local non-federal funds, then Texas once again finds itself in the position of being unable to meet those requirements until September 1, 1973. This future action is indicated in Report Number 91-1174, House of Representatives, 91st Congress, 2nd Session.

For these reasons, we respectfully oppose the proposed amendment to Section 303 (2).

The proposed amendment, H.R. 17825, creates Part E—Grants for Correctional Institutions and Facilities and in that part creates a new discretionary

fund for the administration (LEAA). It further sets forth pure discretionary powers with the administration (LEAA) as to the utilization and distribution of these funds throughout the fifty states. It does not assure any state that it will receive its respective pro rata share as is determined by the bloc grant concept.

This new Part E must be taken in conjunction to the proposed amendment to Section 520 which includes a requirement that not less than 25% of the amounts appropriated by Congress shall be devoted to the purposes of corrections, including probation and parole. This, for the first time, sets a minimum percentage that must be strictly adhered to by each of the fifty states and five territories. While Texas would have no problem in meeting this requirement, (Texas had exceeded 35% in the allocation of its bloc grant funds to corrections, including probation and parole) it still places an undue burden on each and every state. It erodes the bloc grant concept and may, in some instances, prohibit total needs of the respective state. The strict determination of the minimum percentage that must be utilized in a particular area is unwarranted. The percentage allocation concept could subsequently be extended to each area of the criminal justice system and thus destroy the ability of each respective state to develop and execute a comprehensive plan according to individual State needs. This concept does not provide the latitude necessary for each state to be responsive to the problems that confront the total criminal justice system within its state.

For these reasons, we respectfully oppose the new Part E and the proposed amendment to Section 520 which establishes the minimum percentage allocation.

The proposed amendments to Section 306a provide that the administration (LEAA) follow a different funding/match requirement than the states under its bloc grant funds. This allows the administration (LEAA) to make grants under its discretionary allocation with a match requirement minimum of 0% and maximum of 10%. The provision is quite clear that the administration (LEAA) may waive any match requirement and totally fund 100% of the costs of a project. The states, under the bloc grant funding, are still required to operate within the framework of the original match requirement (40%) as provided in Public Law 90-351, Title I. This creates an unfair relationship and imbalance of requirements between the administration (LEAA) and the states. Obviously, if a decision that the normal 40% match requirement is onerous and cannot readily be met for administration (LEAA) discretionary funding, then this decision should be uniform to discretionary funds and state bloc grant funds. The same facts exist whether the local applicant applies to his state planning agency or to the administration (LEAA) for assistance in combating local crime problems. The states should have the same match requirements and discretion as the administration (LEAA). If this proposal is considered in light of the discussion in the first several paragraphs of this letter, where we discussed the reappropriation of state bloc grant funds to the administration (LEAA) for discretionary funds, proposed in Section 306b, then it is readily apparent that this places the administration (LEAA) in a very favorable position for funding which in truth and in fact, tends to erode the bloc grant concept.

For these reasons, we respectively oppose the proposed amendment to Sections 306a and 306b unless the same funding ratios be applied to state bloc grant funds.

This office stands ready and willing to supply to you and your committee any information that you may deem appropriate and necessary. We state again, that we feel that Public Law 90-351, Title I, "Omnibus Crime Control and Safe Streets Act of 1968", has been a most enlightened and effective approach that unites the efforts of the federal, state, and local resources in combating the evergrowing problem of crime in our streets. We desire to see this concept strengthened and not eroded.

Sincerely yours,

JOE FRAZIER BROWN, *Executive Director.*

U.S. SENATE,  
Washington, D.C., August 4, 1970.

Hon. JOHN L. McCLELLAN,  
*Chairman, Subcommittee on Criminal Laws and Procedures, Senate Judiciary Committee, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: The Honorable William L. Guy, Governor of North Dakota, has written me the enclosed July 27 letter indicating his opposition to certain features of H.R. 17825.

I would deeply appreciate your Subcommittee's consideration of Governor Guy's letter during its deliberations on this measure.

With kind regards, I am  
Sincerely,

QUENTIN N. BURDICK.

STATE OF NORTH DAKOTA,  
EXECUTIVE OFFICE,  
Bismarck, July 27, 1970.

HON. QUENTIN N. BURDICK,  
U.S. Senator,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR BURDICK: I have asked our North Dakota Law Enforcement Council to review the House amendment H.R. 17825. These amendments would be detrimental to improve law enforcement in North Dakota. Our legislature would be unable to appropriate sufficient money to take advantage of the Federal grants to the state.

The end result would be direct grants to the local units of government. This would have an affect of continuing a system of law enforcement which would be fragmented and would prevent comprehensive planning and improvement. The amendments passed by the House would destroy the block grant concept and would be a step backward toward categorical funding.

I hope you will oppose this amendment.

Sincerely yours,

WILLIAM L. GUY, Governor.

THE UNIVERSITY OF SOUTH DAKOTA,  
July 29, 1970.

HON. JOHN McCLELLAN,  
U.S. Senator from Arkansas, Subcommittee on Criminal Laws and Procedures,  
Senate Office Building, Washington, D.C.

DEAR SEN. McCLELLAN: It is my understanding that your subcommittee is currently considering H.R. 17225, amending the Omnibus Crime Control and Safe Streets Act of 1968.

The purpose of this letter is to register objection to sub-section (6) of Sec. 4 of the bill, which would require the State to provide not less than one-fourth of the non-Federal funding to qualify for grants under the Act. I am sure that you realize that traditionally law enforcement has been considered a local government matter and has been funded from local revenues. The enactment of this bill with the state matching provision would disrupt local autonomy and would in fact place State Government in a position to dictate local policy. This is inconsistent with the concept of the bloc grant and it would be unfortunate if such a course of action were taken at a time when this exciting innovation in grants-in-aid is being undertaken.

As I read the remaining provisions of the bill, I am in general agreement with them. Of particular value is the amendment which will permit payment for books from the Law Enforcement grants.

As a former Senate staffer under the late Senator Francis Case, I appreciate that you have many letters and other communications on this important matter, and recognize the difficult assignment which you have in considering this bill. Thank you for your attention and consideration.

LOREN M. CARLSON,  
Chairman, Region VII,  
Planning and Advisory Commission on Crime.

U.S. SENATE,  
Washington, D.C., August 4, 1970.

HON. JOHN L. McCLELLAN,  
Chairman, Subcommittee on Criminal Laws and Procedures, Committee on the  
Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you with reference to S. 1229, a bill to provide for direct federal grants to Indian tribes under the Safe Streets program. This bill is supported by many Indian tribes with law enforcement responsibilities, especially tribes in states where reservation Indians are not

subject to state jurisdiction. I am enclosing a copy of a telegram from Earl Old Person, President of the National Congress of American Indians, indicating his strong support for this amendment.

I have been advised that Indian tribes in some of these states have not participated in the law enforcement assistance made available to the state governments by "block grants" under the Safe Streets Act. Typically, Indian tribal leaders are not included in state law enforcement planning activities. In South Dakota one tribe (the Oglala Sioux Tribe) has been refused a \$11,000 grant by both the federal and the state authorities for the purpose of financing a reservation-wide law enforcement plan which the International Association of Chiefs of Police had agreed to undertake. The state has formally advised this tribe that state assistance cannot be expected since the state lacks criminal jurisdiction over the reservation.

In Montana, I have been informed that Safe Streets assistance to Indian tribes has been limited to two discretionary fund grants by LEAA. The administration of at least one of these grants has been placed entirely in the hands of the state and of a private college without any requirement for consultation with or approval of staff or curriculum by the nominal tribal grantee (the Blackfeet Tribe).

In its unfavorable report on S. 1229, the Department of Justice has asserted that "the problems and needs of the Indian tribes in the field of law enforcement improvement can best be satisfied within the general framework of the Act pursuant to which the needs of the tribes are provided for as part of a comprehensive plan for the improvement of law enforcement at all levels within the States and regions in which the tribes are located." To aid in this, the Department has added a staff member to analyze the comprehensive state plan "to assure that adequate provision is made for the needs of Indian tribes." The report concludes, "... the needs of the Indian tribes in the country should be assessed and provided for as part of a comprehensive effort touching all areas and aspects of law enforcement within the States."

Mr. Chairman, your subcommittee also solicited the views of the Department of the Interior on my amendment. A favorable report was prepared but, apparently failing to receive approval by the Bureau of the Budget, was never submitted.

While I recognize the proposed Interior report does not represent the views of the Administration, I feel it must be considered in evaluating the soundness of the Department of Justice report. I am enclosing a copy and urge your attention to two paragraphs:

Some States take the attitude that Indians are not a part of the State's tax base, are wards of the United States Government, and therefore not a concern of the State. Some States have assumed criminal and civil jurisdiction over Indian reservations and provide very little or no services to Indians because of low priority ratings given the Indian areas.

In those States where Indian tribes are located, there is a conspicuous absence of Indians on the State level planning agencies designated by Governors to represent the State in planning for the handling of funds provided to States under the provisions of the Act. Planning is the crucial phase in the implementation of the intent of the Omnibus Crime Control and Safe Streets Act of 1968. The amendment, by making the Indians eligible for planning funds, would eliminate their dependence on the various State governments. It would have the added, and very positive, effect of involving Indians in the resolution of their own problems and avoid the questionable expedient of having outside solutions imposed upon them.

This information raises serious questions as to whether Safe Streets assistance is being made available to Indian tribal governments fairly as Congress intended when it enacted Section 601(d) of the Safe Streets Act. I urge that the Subcommittee on Criminal Laws and Procedures report favorably on S. 1229 in order to insure that federal funds are made available to reservation Indian communities on the same basis as to non-Indian communities.

I also request that the Safe Streets Act be amended to authorize a waiver of the requirement of a local contribution by Indian tribes since many tribes lack the funds to pay the required local share of LEAA project costs, which may be as high as fifty percent. I am enclosing language which will provide for such a waiver.

Finally, if the subcommittee feels that this matter requires further study, I ask that the Law Enforcement Assistance Administration be directed to report to the

Judiciary Committee on Indian tribal participation in the Safe Streets program, including the number and amount of grants which have been made to Indian tribes directly by LEAA and by the states from "block grant" funds, the nature of the activities financed thereby, the degree of Indian tribal participation in the planning and implementation of these projects, and the degree of tribal participation in the state law enforcement planning which is being financed through "block grants" to the states.

At a meeting just last week in Denver, official representatives of seventeen Indian tribes in the Plains States adopted a resolution to request direct federal funding of programs to assist Indian people in preference to channeling such assistance through state governments. The uniqueness of the legal framework within which Indian tribal government operates fully justifies the special approach provided for in S. 1229. I am sure that Indians throughout the United States will appreciate the enactment of S. 1229 as a dramatic manifestation of Congressional determination to provide for American Indian communities the same programs of assistance which are available to Americans generally.

With kind regards, I am  
Sincerely,

QUENTIN N. BURDICK.

[Telegram]

EAST GLACIER, MONT.

Senator QUENTIN BURDICK,  
U.S. Senate,  
Washington, D.C.

The Black Feet tribe supports passage of S1229 the so called Indian amendment which provides for direct Federal grants to improve law enforcement for Indian tribes, also 100 percent grants to Indian tribes should be authorized as many Indian tribes lack funds for the 40 percent contribution required at present and also with the provision included that Indian tribes be eligible for direct grants from funds made available under this Act. For the most part Indian tribes are located in isolated areas it has been our experience that programs administered by the State place more emphasis on larger communities or funds for such programs are used to establish State Commissions or to supplement curricula as State Institutions.

Indian people have little voice or influence with such commissions. Consequently they are poorly informed about such activities and receive little direct assistance in upgrading reservation law and order program. Occasionally token gestures of aid are made by the State Agencies to Indian Reservations but usually the same attitude prevails in the law and order field as prevails in other fields. This attitude results from the incorrect reasoning that "Indians are wards of the Federal Government let the Federal Government take care of their problems."

Montana has a law "the constitutionality of which is questionable," which allows the State to assume criminal and civil jurisdiction over Indian Reservations with the consent of the county or counties in which the reservation is located only one of the seven Montana Reservations supported this legislation at the time of its enactments the tribal council for that reservation requested the State assume jurisdiction only over parts of civil and criminal cases.

I would make every effort to attend your hearing to be held July 30 were I not already committed to take part in the program for information and entertainment of foreign diplomat and their families from at least 24 foreign countries I would welcome the opportunity to testify on this legislation at a later date.

EARL OLD PERSON,  
Chairman, Blackfeet Business Council,  
Browning, Mont.

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C.

Hon. JAMES O. EASTLAND,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, D.C.

DEAR MR CHAIRMAN: This is in response to your request for the views of this Department on S. 1229, a bill "To amend the Omnibus Crime Control and Safe

Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments."

We recommend the enactment of S. 1229.

S. 1229 amends section 601(c), which contains the definition of "State" as it applies to title I of the Act, of the Omnibus Crime Control and Safe Streets Act of 1968. The amendment, by specifically including the Secretary of the Interior in the definition of "State", makes Indian tribes which perform law enforcement functions eligible for grants under title I of the Act.

Under the current provisions of the Omnibus Crime Control and Safe Streets Act of 1968, Indian tribal governments that have law and order responsibilities are eligible for benefits to the same degree that non-Indian units of local government are, and are subject to the overall State plan of the State where the Indian tribal government is located. The program priority structure of a particular State determines the degree of participation of an Indian tribe.

Some States take the attitude that Indians are not a part of the State's tax base, are wards of the United States Government, and therefore not a concern of the State. Some States have assumed criminal and civil jurisdiction over Indian reservations and provide very little or no services to Indians because of low priority ratings given the Indian areas.

In those States where Indian tribes are located, there is a conspicuous absence of Indians on the State level planning agencies designated by Governors to represent the State in planning for the handling of funds provided to States under the provisions of the Act. Planning is the crucial phase in the implementation of the intent of the Omnibus Crime Control and Safe Streets Act of 1968. The amendment, by making the Indians eligible for planning funds, would eliminate their dependence on the various State governments. It would have the added, and very positive, effect of involving Indians in the resolution of their own problems and avoid the questionable expedient of having outside solutions imposed upon them.

The enactment of S. 1229 would also provide a vehicle for accelerating the process of governmental self determination.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

\_\_\_\_\_  
Secretary of the Interior.

Encl.

Amend Section 601(d) of Title I of the Safe Streets Act to read:

"(d) 'Unit of general local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, or an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior. *If the Secretary of the Interior is satisfied that an Indian tribe does not have sufficient funds to meet the non-Federal share of the cost of any planning, project or program, he may increase the Federal share of the cost thereof payable under the Act to the extent necessary, notwithstanding the maximum otherwise imposed by this Act on the portion of such cost which may be so payable.*"

\_\_\_\_\_  
STATE OF KANSAS,  
OFFICE OF GOVERNOR,  
Topeka, Kans., July 23, 1970.

Hon. JOHN McCLELLAN,  
U.S. Senator,  
Washington, D.C.

DEAR SENATOR McCLELLAN: It is a pleasure to express my view on the proposed amendment to the Omnibus Crime Control and Safe Streets Act of 1968.

Kansas is opposed to the proposed amendment to section 303 of the Act. The emphasis of responsibility for crime control must remain with our local units of government. With the additional requirement of state money, States would take a more direct role in how the money would be spent, therefore, deleting the authority from the local units. The amendment appears to be an infringement on the important block grant concept under which the program exists.

Enclosed are our latest figures available on the amount of financial assistance being provided from State funds for local criminal justice programs.

It is hoped that this view will be considered in your deliberation.

With every good wish.

Yours sincerely,

ROBERT DOCKING,  
Governor of Kansas.

Enclosure.

#### SECTION IV—EXPENDITURES

Data reported below should be for the most current annual period available (preferably calendar year 1969). To the extent possible, a common annual period should be used for all data. Indicate at the bottom of this page the period used for each type of data. Include capital expenditures.

#### TOTAL EXPENDITURES BY FUNCTION AND BY LEVEL OF GOVERNMENT

Function	Level of government		Total
	State	Other	
1. Police (criminal).....	\$4,651,810	\$22,643,848	\$27,295,658
2. Courts.....	410,741		410,741
3. Prosecution.....	80,000	1,800,000	1,880,000
4. Defense (public).....	1,350,000		350,000
5. Corrections—institutions.....	7,236,481	350,000	7,586,481
6. Corrections—probation and parole.....	407,072	350,000	1,757,072
7. Other <sup>1</sup> .....			
8. Total.....	13,136,104	25,143,848	38,279,952

<sup>1</sup> Indicate types of expenditures included in this category by footnote.

Annual period (or periods) use for making compilation or estimate:

Fiscal year 1969.

Fiscal year 1970 budget, county probationary services.

Total expenditures for court operations (criminal and civil jurisdiction) Supreme Court and district courts, \$2,159,372.

U.S. SENATE,  
Washington, D.C., July 22, 1970.

Hon. JOHN L. MCCLELLAN,  
Chairman, Subcommittee on Criminal Laws and Procedures, U.S. Senate,  
Washington, D.C.

DEAR MR. CHAIRMAN: I am enclosing a copy of a letter which I just received from Mr. David R. Weinstein, the Executive Director of the Connecticut Planning Committee on Criminal Administration, relative to H.R. 17825, which is currently pending before your Subcommittee.

I believe that Mr. Weinstein makes several relevant comments about the proposed legislation and raises several pertinent questions which I believe the Subcommittee might wish to consider before the legislation is reported to the full Judiciary Committee.

I am grateful, as always, for your time and courtesy to me.

With kindest regards.

Sincerely yours,

THOMAS J. DODD.

Enclosure.

STATE OF CONNECTICUT,  
PLANNING COMMITTEE ON CRIMINAL ADMINISTRATION,  
Hartford, Conn., July 13, 1970.

Hon. THOMAS J. DODD,  
Washington, D.C.

DEAR SENATOR DODD: Several weeks ago the House of Representatives passed an extension of the Omnibus Crime Control and Safe Streets Act of 1968 (HR 17825 which is enclosed). Several amendments were made to the 1968 Act by the

House. Two of these amendments are of particular concern to the State of Connecticut and the Planning Committee on Criminal Administration, the State agency designated by Governor Dempsey to administer the 1968 Act. Section 4(6) of HR 17825 (the Omnibus Crime Control and Safe Streets Act of 1970) would amend Section 303(2) of the 1968 Act by requiring the state government to supply at least one-fourth of the non-Federal funding on any project submitted by units of local government to the Planning Committee on Criminal Administration and approved by it for funding. Assuming a federal appropriation under the Act of \$5,000,000 this fiscal year and of \$7,500,000 in fiscal year 1972, and a continuing requirement that 75 per cent of all funds go to units of local government, such units will receive grants totaling \$9,375,000. Assuming a 60-40 federal-local matching ratio of project funding, \$9,375,000 will support \$15,590,000 worth of projects. If the local matching share is \$6,240,000 and the state must pay one-fourth of it, then the State of Connecticut's commitment is \$1,580,000 for fiscal years 1971 and 1972.

It will be a significant burden on state fiscal resources to come up with this funding in the next 18 months. Especially so since there will be no legislative sessions until January of 1971 and no state budget until July 1, 1971. If federal awards are conditional upon the state providing a portion of the local matching share, it will literally be impossible for the state to award any funds out of fiscal year 1971 Safe Streets Act money to units of local government. This condition will persist at least until sometime into fiscal 1972. When annual federal appropriations under the Act reach the \$1,000,000,000 mark (as they seem destined to do), the State of Connecticut will have to assume a burden of over \$1,000,000 per year to pay for local matching shares.

This burden is not one which the State of Connecticut ought to be made to assume. If the State of Connecticut had not undertaken a commitment to its cities and towns, the equities might be different. But, the state has assumed such responsibilities and is presently offering substantial funding to them through its community development program administered by the State Department of Community Affairs. There seems to be no justification for the federal government forcing the State of Connecticut to alter its priorities and procedures to help units of local government by requiring a transfer of funds to them in the guise of providing a portion of a matching share under a federal grant-in-aid program. With the present financial situation being as it is, the state government will be forced to divert resources from other priority areas and apply them to local matching shares. This is contrary to the entire block grant concept which is designed to help the state government decide upon and implement programs to benefit all its citizens. Distorting of resource allocation decisions stands in direct contrast to the block grant concept.

Moreover, the potential effect on units of local government is equally unfortunate. When funding of the Act reaches levels at which cities and towns must provide "hard" cash matching shares, rather than "soft" in-making shares, the true test of local commitment to law enforcement activities will be had. As long as "soft" match is available, cities and towns can use outside funds to improve operations of local police without really reordering their own resource allocation priorities. They are, in effect, getting a free ride. With high levels of funding, there is just not enough "soft" match available. At this point, units of local government must reexamine their priorities. They must either come up with part of the matching share in cash or not get funded. When this resource allocation decision must be made, the localities are faced with the decision of whether or not local law enforcement should be improved at the expense of some other local activity, such as education or recreation. It is my impression that many localities will, when they consider their other pressing needs, not take the necessary steps to improve law enforcement. They really do not want to increase local expenditures on law enforcement at the expense of other goals. To the extent that the State of Connecticut can be called upon to put up some of the matching share, to that extent the towns will participate in higher levels of programming without ever having to make the hard choices between law enforcement and other programs. The required state matching share will serve to distort local as well as state priorities. The Crime Control Act and its "block grant" approach was intended to help local decision makers implement programs they wanted and not to reorder local priorities through federal action.

For these reasons, this requirement should be deleted from the Act. If this is not possible, at the very least, the effective date should be moved up to fiscal

1973 so that the Connecticut General Assembly can act on the proposal and the administrative and financial machinery of the State can be geared up to handle these new program requirements.

Also of concern is the handling of grants for correctional programs under a new provision enacted in Section 7(5) of HR 17825. This provision purports to amend Section 520 of the 1968 Act to require that not less than 25 per centum of the amounts appropriated for any fiscal year be devoted to the purposes of corrections, including probation and parole. While it appears that the purpose of the amendment is eminently desirable, some clarification of language may be in order. If this amendment is interpreted to mean that *each state* must devote 25 per cent of its share of Crime Control Act funds to correctional activities, then unfortunate consequences might ensue for Connecticut. As you know, the State of Connecticut provides to its citizens all law enforcement and criminal justice services and facilities other than local police and some anti-delinquency programs. The Act provides that 75 per cent of all funds must go to units of local government. Thus, the entire state criminal justice community including all the courts, correctional agencies, state police, etc. must compete for the remaining 25 per cent of the funds.

If the amendment was interpreted to mean that correctional agencies must get 25 per cent of all the funds coming into the state, then with a wholly state-run correctional system and a required 75-25 local-state fund allocation, all the money destined for state agencies would go to correctional agencies. The State Police, the court system, etc., would not be able to obtain any funds at all.

I would urge that corrective language be put into the Act so that this undesirable result can be avoided.

The easiest way to achieve this would be to earmark 25 per cent of all federal appropriations specifically for correctional programs under the new Part E of the 1970 Act (Section 6 of HR 17825). This would mean that a portion of federal funds would first be awarded to the states for correctional programs (to be run at either the state or local level). The remainder of the funds would be allocated 75-25 per cent between the units of local government and the remaining state agencies. I believe this was the intent of the drafters of HR 17825 but they never got around to saying it in so many words.

Not only would the approach suggested remove an ambiguity in the bill as it now stands, but it would also alleviate the inequities of the required 75-25 per cent local-state fund division. Although the State of Connecticut provides all law enforcement and criminal justice services and facilities except local policing and a few juvenile delinquency programs, one would logically expect that state agencies could draw a fair share of federal Crime Control Act funds. Because of the requirement that 75 per cent of all "block grant" funds go to units of local government, the state agencies are not receiving an equitable amount of funding and unbalanced rather than balanced improvement in the state's capability to handle problems of crime and delinquency is being promoted. By earmarked 25 per cent of federal appropriations for state correctional activities and requiring a 75-25 split only for the balance of the funds, more money will go to the state agencies which need it.

I know that you will give these comments your usual careful consideration. I will be more than happy to respond to any inquiries you might have.

Sincerely,

DAVID R. WEINSTEIN,  
*Executive Director.*

U.S. SENATE,  
Washington, D.C., July 29, 1970.

HON. JOHN L. MCCLELLAN,  
*Chairman, Subcommittee on Criminal Laws and Procedures,*  
Washington, D.C.

DEAR JOHN: I am taking the liberty of enclosing copies of correspondence which I have received from Mr. Nell Lamont, Executive Director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, concerning H.R. 17825.

I would appreciate it very much if you and the other members of your Committee would give full consideration to the views expressed by Mr. Lamont.

With kindest personal regards and best wishes, I am

Sincerely yours,

ALLEN J. ELLENDER,  
*U.S. Senator.*

LOUISIANA COMMISSION ON LAW ENFORCEMENT AND  
ADMINISTRATION OF CRIMINAL JUSTICE,  
Baton Rouge, La., July 24, 1970.

Senator ALLEN J. ELLENDER,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR ELLENDER: The enclosed letter to Senator McClellan is self-explanatory. Please give it your most serious consideration.

With kindest personal regards, I am

Sincerely yours,

NEIL LAMONT,  
Executive Director.

Enclosure.

LOUISIANA COMMISSION ON LAW ENFORCEMENT AND  
ADMINISTRATION OF CRIMINAL JUSTICE,  
Baton Rouge, La., July 24, 1970.

Senator JOHN McCLELLAN,  
Chairman, Senate Subcommittee on State, Justice, the Judiciary, and Related  
Agencies, Senate Office Building, Washington, D.C.

DEAR SENATOR McCLELLAN: The referenced bill is to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes. Unfortunately the State of Louisiana relied on the Department of Justice, LEAA to bring to the Congress' attention the fact that the referenced legislation will completely destroy the outstanding efforts of Louisiana to solve its crime problem at state and local level. I wish to emphasize the point that the work in Louisiana to date under P.L. 90-351 in its present form has been outstanding and has the full support of the criminal justice community and our major cities. We were misled by LEAA, Department of Justice to believe that Representative Celler's attack on the block grant concept of funding was to be opposed by the Administration. Although they solicited the state's help in preparing their case they either over-estimated their ability to inform the Congress or under estimated the political strength of their detractors for the Congress could not possibly have heard exactly what this legislation will do to the safe streets program and passed it.

The following events will occur in Louisiana if this bill passes in its present form: first, a demand is placed upon the state in the area of matching funds requiring that 25 per cent of all local matching be furnished by the state in addition to the 40 per cent average state match due for the state's own share. For example if this had existed in FY 1970 that would have required the state to fund this agency with \$975,334. Under H.R. 17825 over the projected FYs 71 through 73 using LEAA planning estimates the state would have to supply this agency with \$9,947,759. The present fiscal situation in Louisiana makes the answer quite clear. The state will simply be forced to abandon the entire program or default. In the first instance the purposes of expanding federal police power is accomplished. In the second instance a series of curious events begin: first, the state is forced to default for lack of money. Second, the federal government appropriates back to itself the monies appropriated for the state. Third, these monies are then usable by the federal government at its discretion under a new set of matching ratios of not 40 per cent, but a mere 10 per cent match or 100 per cent give away. Fourth, to insure the federal ability to succeed "Crime Justice Coordinating Councils" are provided to any unit of local government in the state. Fifth, these agencies operating through the regional LEAA offices (already established under the guise of "liaison" but which in fact since their inception have increasingly controlled the planning and action programs of the state) would have operating means and the money to accomplish federal assumption of state police power in direct violation of the Constitutional prohibition.

There is no question in my mind that this is the intended thrust of H.R. 18725. The possible consequences of these amendments to the public and the blow to the entire criminal justice system are stunning. From this view point it takes little imagination to discover that legislators in attempting to aid the states in their fight against crime have actually been misled to where they shortly will be on public record as having destroyed the finest joint effort in our country's history to attack a nation wide problem. Under the present law federal, state and local levels have worked well together with the control having been properly placed by P.L. 90-351 in the hands of the people who actually face

the problem. H.R. 17825 in Louisiana will destroy an outstanding ongoing program developed under the block grant concept and substitutes the discredited federal grant-in-aid approach. Like other grant-in-aid programs administered from federal level it too will never accomplish the goals it purports to seek.

If the Congress wants to strengthen the Omnibus Crime Control and Safe Streets Act it can be done by one simple amendment requiring a 90-10 match for *all funds* provided thereunder. This would continue the program under its present rules and provide relief to those local units of government which may be hard put to raise cash moneys for the projects. So far in Louisiana even this problem has not arisen, since it is usually possible for the locals to produce most of their matching requirements as "soft match."

I am sending a copy of this letter to Senator Ellender and Long of our state urging them to vote against both Senate and House amendments to P.L. 90-351 if as they reach the floor there are: any provisions increasing the matching requirements to either state or local governments; any provisions which require an arbitrary percentage to be applied to particular areas of the criminal justice system; any plans to provide discretionary moneys by any guise to the federal administration beyond the present 15 per cent, which in itself is too high; or any features which envision expansion of additional federal agencies or offices in the law enforcement area into the states. I am also asking Senators Ellender and Long in order to conserve crime fighting funds to reduce the federal LEAA bureaucracy by offering floor amendments abolishing the present LEAA regional offices since they have no proper function under P.L. 90-351 which places responsibility for planning and funds properly with the Governors of the states and their state planning agencies.

Sincerely yours,

NEIL LAMONT,  
*Executive Director.*

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TENNESSEE EXECUTIVE CHAMBER,  
*Nashville, Tenn., August 7, 1970.*

The Honorable JOHN L. McCLELLAN,  
*U.S. Senate,  
Washington, D.C.*

DEAR SENATOR McCLELLAN: It is our understanding that the proposed amendment to the Omnibus Crime Control and Safe Streets Act are being reported out of the Senate Judiciary Committee, and we submit the following observations for your consideration.

The first amendment provides that the state comprehensive plan cannot be approved by LEAA unless it provides an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence. The term "adequate share" is relative in nature, and we believe that it should be determined by the local and state governments rather than by LEAA. We realize that the major metropolitan areas suffer from a greater crime problem than smaller jurisdictions, and the Tennessee Law Enforcement Planning Commission has made available to our four metropolitan areas 37 per cent of the total funds received under the program.

Another amendment provides that in action programs, the state will provide not less than one quarter of the local non-federal funding as match. We agree that relief in matching requirements for localities is needed. We urge, however, that this additional burden not be placed upon the State governments at this time, just as the program is beginning to materialize. We have recommended a uniform matching ratio of 75-25 be adopted on all action projects, which should greatly relieve a burden on State and local governments. If the amendment is passed, it would mean that \$1.9 million would have to be appropriated to match funds allocated to Tennessee in 1971. Such a sizeable allocation by the legislature is highly unlikely in the immediate future and we urge that, at the minimum, this requirement be delayed until a later date.

A third amendment requires that public agencies maintaining programs to reduce crime be included in the commission makeup. Tennessee has recently expanded the Tennessee Law Enforcement Planning Commission from sixteen to twenty-one members. We feel that further expansion would diminish the commission's effectiveness as a policy-making body. The commission presently is representative of all elements of the criminal justice system, both state and local, and has been receptive to any suggestions from all interested organizations.

The amendment easing matching requirements for discretionary monies would seriously erode the planning process which is such an important phase of the Act. If a state or local agency can receive a more favorable match outside the planning process, they are unlikely to support that process.

Also, the allocation of a specific percentage to a functional area harms the block grant concept which Congress very wisely built into the Act. This proposed amendment requires 25 per cent of the total Federal appropriation to be given to the correctional area. Financial need certainly exists in corrections, but these needs vary from state to state and in our view should be dealt with accordingly.

Your consideration of these views is respectfully requested and I appreciate this opportunity to present them.

Sincerely,

BUFORD ELLINGTON.

TENNESSEE LAW ENFORCEMENT PLANNING COMMISSION

Name	Position	Area of representation	Tenure
S. H. Roberts.....	Executive administrator to the Governor Capitol Nashville.	State	
William O. Beach.....	County Judge Montgomery County	Clarksville..	Local government (elected) and the courts.
Walter A. Bearden.....	Director of safety	Knoxville.....	Local law enforcement... Do.
Beverly Briley.....	Mayor	Nashville and Davidson County.....	Local government (elected). Do.
W. D. Frizzell.....	City manager	Union City.....	Local government... Do.
Houston Goddard.....	State senator	Maryville.....	Community and citizen interest. Do.
Charles F. Grigsby.....	Director Tennessee Law Enforcement Training Academy Donelson.		State law enforcement... Do.
Emmet Guy.....	Madison County sheriff,	Jackson.....	Local government (elected), police and corrections (local). Do.
Frank Holloman.....	Director of fire and police,	Memphis.....	Local law enforcement... Do.
Pat Lynch.....	State representative, attorney,	Winchester.....	Community and citizen interest. Do.
Gene McGovern.....	Chief of police,	Chattanooga.....	Local police... Do.
William N. Morris.....	Shelby County sheriff,	Memphis.....	Local government (elected), police and corrections (local). Do.
Greg L. O'Rear.....	Commissioner, Tennessee Department of Safety,	Nashville.	State law enforcement... Do.
David Pack.....	Attorney general, State of Tennessee,	Nashville.	State law enforcement and State court system. 6 months.
Ray L. Reagan.....	Sevier county judge,	Sevierville.....	Local government (elected), juvenile delinquency. 1 year.
Lake F. Russell.....	Commissioner Tennessee Department of Cor- rection, Nashville.		State corrections..... 6 months.

ADVISORY COMMITTEE

Richard W. Jenkins.....	Juvenile judge, Nashville.....	Juvenile and courts.....	New member.
C. O'Dell Horton, Jr.....	Criminal judge, Memphis.....	Courts.....	Do.
Carl Kirkpatrick.....	Attorney general, Kingsport.....	Police and courts.....	Do.
Carl Jones.....	Private citizen, Johnson City (newspaper publisher).	Public.....	Do.
James R. Lawson.....	Private citizen, Nashville (president of Fisk University).	do.....	Do.

THE VIRGIN ISLANDS OF THE UNITED STATES,  
OFFICE OF THE GOVERNOR,  
Charlotte Amalie, St. Thomas, July 8, 1970.

HON. JAMES O. EASTLAND,  
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: It has been brought to my attention that the Committee on the Judiciary is currently considering a Bill, S. 2465, "To Amend the Omnibus Crime Control and Safe Streets Act of 1968" to provide a change in the allocation of grants among the several states.

The rapid growth in the Virgin Islands has brought with it the attendant problems and providing needed community services is creating a severe drain on our resources. Monies thus far provided through the Law Enforcement Admin-

istration have made up a substantial portion of the funds available to update and better law enforcement in the islands. However, because of the population of the Virgin Islands, the amounts allocated have been small and this Government has been dependent on discretionary increases by the Law Enforcement Administration for effective program planning in this area.

I strongly urge favorable consideration of this amendment which will provide a more substantial base amount for those states and territories with small populations.

Sincerely yours,

MELVIN H. EVANS, *Governor.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D.C., July 14, 1970.

Hon. JOHN L. MCCLELLAN,  
*Chairman,*  
*Subcommittee on Criminal Laws,*  
*and Procedures, Washington, D.C.*

DEAR MR. CHAIRMAN: As you know, H.R. 17825, which was recently passed by the House, is now before the Subcommittee on Criminal Laws and Procedures.

Section 407 of H.R. 17825, provides in part, that the Law Enforcement Assistance Administration is authorized "to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law. . . ."

In its report on H.R. 17825 (House Report No. 91-1174), the House Judiciary Committee, at page 13, stated that a purpose of that section was to upgrade training opportunities for units of State and local governments in matters dealing with organized crime.

Enclosed is page H6161 of the Congressional Record of June 29, 1970 which, by remarks by the Chairman of the House Judiciary Committee and that Committee's ranking minority Member, buttresses and underscores the aforementioned purpose and intent of Section 407.

But merely to express the intent of that Section is not sufficient to meet a critical need of the intergovernmental effort against organized crime—the training of State and local prosecuting attorneys on organized crime matters.

The absence of meaningful prosecutor training programs in the complex area of organized crime is a situation which is not without documentation. A study by the National District Attorneys Association revealed that 37 of the 50 comprehensive State law enforcement plans submitted to LEAA for fiscal year 1969 devoted 1% or less of their allotted funds for prosecution-related programs.

To remedy this deficiency and to assure that prosecuting attorneys engaged in organized crime prosecutions maximize the utility of both existing and new legislation aimed at organized crime, I respectfully request that the Committee consider the enclosed amendment to H.R. 17825.

Please advise me if there is any additional information that you wish for me to furnish to the Subcommittee.

Sincerely yours,

DANTE B. FASCELL.

Enclosure.

AMENDMENT TO H.R. 17825, AS PASSED BY THE HOUSE

Page 3, after line 20, insert the following new paragraph:

(3) Part D is further amended by inserting after the section added by paragraph (2) of this section the following new section:

"Sec. 403. (a) The Administration is authorized to establish and conduct a permanent training program for prosecuting attorneys from State and local offices engaged in the prosecution of organized crime. The program shall be designed to develop new or improved approaches, techniques, systems, manuals, and devices to strengthen prosecutive capabilities against organized crime.

"(b) While participating in the training program or traveling in connection with participation in the training program, State and local personnel shall be allowed travel expenses and a per diem allowance in the same manner as pre-

scribed under section 5703(b) of title 5, United States Code, for persons employed intermittently in the Government service.

"(c) The cost of training State and local personnel under this section shall be provided out of funds appropriated to the Administration for the purpose of such training.

[Excerpt from Congressional Record, H 6161, June 29, 1970]

The CHAIRMAN. The gentleman from Florida is recognized.

(Mr. FASCELL asked and was given permission to revise and extend his remarks.)

Mr. FASCELL. Mr. Chairman, I want to compliment the committee for bringing out an outstanding piece of legislation. In addition to authorization for 3 years, which for planning purposes is absolutely essential at the local level, and the increase in funds, I think perhaps the most significant change, other than the construction program, is the fact that recognizing the impossible administrative quandary this organization was in under a three-man board, this committee grabbed a very difficult problem and reversed the situation, appointing a single administrator, so that he could go on with the very important work which must be done.

As part of this entire program, I introduced a bill, H.R. 16133, Mr. Chairman, which will have authorized the establishment and conducting of a permanent training program for prosecuting attorneys at the Federal, State, and local level, specifically dealing with organized crime. I want to compliment the committee because in section 407 of their bill they have instituted a training program for law enforcement at the State and local level.

I would like to ask the chairman of the committee this question: Turning to page 8, section 407—

"Sec. 407. The Administration is authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and enforcement of the criminal law."

In the report I note the committee cites as the prime example of the type of program they wish to see emphasized as one against organized crime. Am I correct that the language of section 407 is broad enough to include prosecutors?

Mr. CELLER. The gentleman is correct in that regard and in his reference to the report.

Mr. FASCELL. As I understand it, Mr. Chairman, section 407, of course, does not include Federal prosecutors either in an organized crime effort or in any other effort.

Mr. CELLER. That is correct.

Mr. FASCELL. But we now have an informal, in-house training program for Federal prosecutors.

Mr. CELLER. That is correct.

Mr. FASCELL. I would hope that at some proper time we could give special emphasis to the program now ongoing in the Department with respect to special training in fighting organized crime, in techniques for our Federal prosecutors. I know we do that, but I think it is important to follow the lead which the gentleman's committee has set with respect to State and local law enforcement officers, and to follow that same lead with respect to the training of Federal prosecutors in fighting organized crime, in the techniques of enforcement, by recognizing it specifically in legislation and giving it the emphasis which only the gentleman's great committee can give it, and make it positive that funds will not be removed from this program. It will give them legislative authority at some point, then we can be sure the Department will continue that program.

Mr. CELLER. Mr. Chairman, I compliment the gentleman from Florida for his statement. I think his statement is the result of a considerable amount of research the gentleman has done. It is a point well taken.

We are now in the throes of consideration of a bill involving organized crime. I can assure the gentleman undoubtedly we will consider the suggestions the gentleman made with respect to Federal attorneys anent organized crime, and the methods of instruction and the techniques, and so forth, to which the gentleman made reference.

Mr. FASCELL. Mr. Chairman, I thank the distinguished chairman.

Mr. Chairman, I wonder if I might ask the ranking minority Member to comment on this suggestion I have made?

Mr. McCULLOCH. Mr. Chairman, if the gentleman will yield, I compliment the gentleman from Florida for discussing this matter today. I think it brings

into focus something that needs to be brought into focus, and we need to continue the activity, which has produced so much in the State and local prosecutor's fields, also in the Federal field.

I am pleased to say I shall bend whatever effort I can summon to that end for that legislation.

Mr. FASOELL. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. FASOELL was allowed to proceed for 2 additional minutes.)

Mr. FASCELL. Mr. Chairman, I asked for the time because I want to get into the Record the fact that the concept of this legislation as a program that should be made permanent in law with emphasis on training in fighting organized crime, in techniques for the Federal prosecutors involved, which is involved in a bill which I have introduced, a great part of which is now in the pending legislation, and the Federal part of it, that is, a training program for the Federal prosecutors will be under consideration by the Committee on the Judiciary, has the support of the following organizations: The National League of Cities, the National Council on Crime and Delinquency, the National District Attorneys' Association, the International Association of Chiefs of Police, the International Narcotic Enforcement Officers Association, and the International Conference of Police Associations. It also has the support of some distinguished eminent gentlemen in the law-enforcement field, such as Virgil Peterson, the former chairman of the Chicago Crime Commission, and Milton R. Wessel, who was a member of a special group appointed by the Attorney General.

Mr. BRASCO. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from New York.

Mr. BRASCO. Mr. Chairman, I join the distinguished chairman of the Judiciary Committee in complimenting the gentleman in the well for the very fine statement he made. I associate myself with the gentleman's remarks.

Mr. Chairman, I rise in support of H.R. 17825, the Law Enforcement Assistance Act Amendments.

The 11th Congressional District which I represent is one of many within the confines of New York City.

Like every other large city in our country, New York City is experiencing increasing difficulty by virtue of the ever rising crime rate.

New York is unable to withstand alone the fear, injury to person, loss of property, and the financial drain produced through the commission of crime.

So all eyes are turned to the Federal Government in search of some relief.

At the outset I want to say that the cost figure for the entire country, of \$650 million for fiscal year 1970, is way below what is necessary to begin to do the job of making our streets safe. However, there are several portions of the bill which I believe will be most helpful.

The Law Enforcement Assistance Administration, established under the bill, may make grants to States having comprehensive State plans approved by it for the following purposes:

First. Public protection, including the recruiting of law enforcement personnel, the training of personnel in law enforcement, and the development, evaluation, implementation, and purchase of methods, devices, facilities designed to improve and strengthen law enforcement and reduce crime in public and private places.

Second. The organization, education, and training of special law enforcement units to combat organized crime.

Third. The organization and education of special law enforcement units for the prevention, detection, and control of riots and other violent civil disorders including the acquisition of riot control equipment.

Fourth. The recruiting, training, and education of community service officers to assist law enforcement agencies in the discharge of their duties and provide community identification with local law enforcement officials.

Fifth. To assist in the construction, renting, or leasing of State facilities including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence.

Further, this line establishes a Criminal Justice Coordinating Council to assure improved coordination of all law enforcement activities.

While there is still much to be done this bill is a step in the right direction.

Therefore, Mr. Chairman, I urge immediate passage of H.R. 17825.

(Mr. BRASCO asked and was given permission to revise and extend his remarks.)

Mr. FASCELL. Mr. Chairman, I thank my colleague, the gentleman from New York.

Mr. Chairman, I thank the chairman of the committee and the members of the committee for their very great consideration which they gave me in connection with my legislative proposal pending before that committee.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17825) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, pursuant to House Resolution 1111, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that further proceedings on this bill be put over until tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

[Telegram]

RICHMOND, VA., August 12, 1970.

Senator JOHN L. McCLELLAN,  
U.S. Senate,  
Washington, D.C.:

With reference to the House amendment to the Omnibus Crime Control and Safe Streets Act now before the Subcommittee on Criminal Laws of the Judiciary Committee, the Commonwealth of Virginia is very much opposed to the following provisions: 1. the language calling for an "adequate share" to high crime areas; 2. the requirement that States contribute or "buy-in" not less than 25 percent of the non-Federal matching share of every grant; 3. the mandate that 25 percent of the total appropriations be provided for corrections; 4. the requirement that LEAA discretionary fund grants be on a 90-10 matching ratio. With reference to item 3. we oppose designation of any funds for particular functional areas. With reference to item 4, we oppose matching formulas for discretionary funds being different from the matching formulas for State subgrants from their block grant funds. All matching formulas should be the same.

RICHARD N. HARRIS,  
Director, Virginia Division of Justice and Crime Prevention, Office of the  
Governor and Executive Director, Virginia Council on Criminal Justice.

COMMONWEALTH OF VIRGINIA,  
OFFICE OF THE GOVERNOR,  
Richmond, Va., August 14, 1970.

Re: House amendments to Omnibus Crime Control and Safe Streets Act of 1968  
now before Subcommittee on Criminal Laws of the Judiciary Committee.

Hon. JOHN L. McCLELLAN,  
U.S. Senate,  
Washington, D.C.

MY DEAR SENATOR McCLELLAN: Please refer to my telegram of August 12 concerning the above.

In addition, we in Virginia are very concerned about the proposed amendment to the third sentence of 203(a) of the Act. The Act now reads, "The State planning agency shall be representative of law enforcement agencies of the State and of the units of general local government within the State." The proposed amendment would change that sentence to read as follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement agencies, units of general local government, and public agencies maintaining programs to reduce and control crime." (Proposed amendments are underlined.)

As you know, we have a system of planning district commissions in Virginia covering the entire state. The state is divided into 22 districts with a commission in each district. These commissions are responsible for all types of regional planning and, in fact, administer many regional programs. Each of these district

commissions has a Criminal Justice Advisory Committee with specific responsibility for the program under the Omnibus Crime Control and Safe Streets Act. I am fearful that if the proposed amendments to Section 203(a) should be enacted, it would seriously jeopardize our regional planning mechanism. The proposed amendment would appear to imply that the planning commissions themselves should be "representative of the law enforcement agencies, and so on." And, as I have indicated, this is not the case since these planning commissions deal with all types of comprehensive planning. Their membership consists of local elected officials and citizens. We have achieved the law enforcement and criminal justice input by the establishment of the Criminal Justice Advisory Committees who work very closely with their respective planning commissions.

I sincerely hope that the proposed language can be changed in such a way as not to jeopardize Virginia's criminal justice planning structure at the regional level.

Very truly yours,

RICHARD N. HARRIS,  
*Director, Division of Justice and Crime Prevention, and  
 Executive Director, Council on Criminal Justice.*

STATE OF ARKANSAS,  
 COMMISSION ON CRIME AND LAW ENFORCEMENT,  
*Little Rock, Ark., May 21, 1970.*

HON. JOHN L. MCCLELLAN,  
*U.S. Senate,  
 Washington, D.C.*

DEAR SENATOR MCCLELLAN: In response to recent developments concerning the amending of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Arkansas Commission on Crime and Law Enforcement has prepared this statement:

The following amendments now being discussed in the House Judiciary Committee would be extremely detrimental to the present operation of the program with its emphasis on State-directed, intergovernmental approach to criminal justice and law enforcement systems.

#### SINGLE ADMINISTRATION OF LEAA

Section 101(b) of the Omnibus Crime Bill is amended to read as follows: "(b) The Administration shall consist of an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall exercise the functions, powers, and the duties vested in the Administration by this title."

Although this is not an amendment to the block grant provisions of the Act, it would mean the elimination of the present bipartisan administration of LEAA. The present bipartisan setup gives a check and balance on the action of the LEAA. This is one agency that should not be tied to either political party. There is already enough politics in our law enforcement system. The need for clear unbiased planning is a must at the national level, as well as at the State level.

#### CITIZEN REPRESENTATION ON STATE AND REGIONAL PLANNING AGENCIES

Section 203(a) is amended to specifically require that "citizen and community interests" must be represented on State and regional planning agencies.

The substance of this provision is already encouraged in the guidelines, but allows flexibility to meet the specific determinations of local elected officials for such agencies as councils of governments. No further language seems necessary and in fact, mandatory national language will not work in many instances.

#### CREATION OF ADDITIONAL COORDINATING COUNCILS

Section 301(b) add new sub-paragraph "(8) The establishment of criminal justice coordinating councils for the State and for any unit of general local government, and combinations thereof, within the State to assure improved coordination of all law enforcement activities, such as those of police, criminal courts and the corrections system."

The objectives of this amendment are being accomplished in Arkansas through the Arkansas Commission on Crime and Law Enforcement and its re-

gional supervisory boards. These regional boards, when combined, cover the entire State.

The Arkansas Commission on Crime and Law Enforcement agrees with the goals of this amendment, but must take issue with the methods by which these goals will be implemented. The proper place for the power to determine where these councils should be located is with the State, based on local planning and research, not with LEAA.

If the amendment is changed to where the power to establish these councils is specifically given to the States, then it would be in line with the original act.

#### ALLOCATION OF ADEQUATE FUNDS TO AREAS OF HIGH CRIME INCIDENCE

Section 303 would be amended by inserting after the first sentence thereof the following new sentence: "No State plan shall be approved unless the Administration finds that the plan provides for the allocation of an *adequate share* of assistance to deal with law enforcement problems in areas of high crime incidence."

This amendment results from criticism by the large cities to the programs that have been developed. This would not apply to Arkansas because there are no large cities, but nevertheless these problems should be worked out between the *State planning agencies* and the large cities. This will keep jealousies down and help insure the success of these programs, whereas, if LEAA is given censorship power, the problems between the large cities and the States will only be nurtured even more. This will also result in a weakening of the block grant concept of the original Act by lessening the power of the States.

The language of this amendment leaves the definition of the vague term "adequate share" to LEAA. By this action, the States would lose the power to decide what is needed in their own State as far as planning is concerned and transfer this power to a Federal agency, thus destroying the concept of State planning as found in the original Act.

#### DOUBLING OF STATE MATCHING REQUIREMENTS

Paragraph (S) of Section 303 would be amended by striking out the semicolon and inserting in lieu thereof the following: "and provide assurance that the State will furnish at least one-half of the non-Federal share of funds required to meet the costs of programs and projects receiving Federal assistance under the State plan;"

In the words of the National Governors' Conference: "This amendment would change drastically the amount of matching funds, requiring the States to furnish one-half of the total non-Federal shares. Currently the State is required to put up one-fourth of the non-Federal matching funds and the locals are required to put up the remaining matching funds for their individual local projects. Under this proposed amendment, there would be a 100% increase in the amount of funds the States are required to contribute in the form of matching funds. The following is an illustration of how this new formula would operate as compared to the present formula. For the purpose of illustration, we have assumed a 40% matching share and we are giving as an illustration a State which would receive a \$600,000 action block grant for a \$1 million project.

#### \$1,000,000 PROJECT; 40-PERCENT MATCHING SHARE

	Present act	Proposed amendment
Action block grant .....	\$600,000	\$600,000
State share .....	150,000	150,000
Local share .....	450,000	450,000
Matching requirements:		
Total match .....	400,000	400,000
State match .....	100,000	200,000
Local match .....	300,000	200,000
Total project funds .....	1,000,000	1,000,000

This particular change in the Omnibus Crime Control Act would double the amount of funds which would be required to be appropriated by the State Leg-

islatures in order for the States to participate in this program. Under the present Act, for every \$3 the State gets to spend on State programs, it must put up \$2. Under the proposed amendment for every \$3 the State gets to spend on State programs, it would be required to appropriate \$4.

The problems which this amendment will create can be further illustrated by using selected figures for a State which would receive a \$6 million action block grant. Again assuming a 40% matching requirement, in order for a State to receive \$6 million Federal action grant under the present Act, the State and local units of government must provide \$4 million in matching funds. Under the present language of the Act the State would be required to provide \$1 million in matching funds to receive (25%) or \$1,500,000 in Federal funds. However, under the proposed language in order for a State to receive a \$1,500,000 Federal grant for State programs, it must provide twice as much money in matching funds, i.e., it must provide \$2 million in matching funds to receive \$1,500,000 in Federal funds."

The problems which would be caused for Arkansas would be unfathomable. The practicable results would be that the Arkansas General Assembly would have to allocate a block of funds to be used for matching purposes. At the present time, this is a highly unlikely prospect and could result in the loss of Federal funds for this State, which is not the purpose of the Act as it was originally written.

This amendment would mean that the less wealthy States would be granted less than the proportionate share that is now given because of their inability to provide the extra matching funds. The result of this would be that these States, which are usually behind the more wealthy States, would fall that much farther behind.

#### LOCAL CERTIFICATION OF STATE PLANS AND PROGRAMS

Insert a new paragraph in Section 303: (13) include "certification by such units of general local government as the Administration may require that the plan adequately deals with the law enforcement problems of such units. The Law Enforcement Assistance Administration is authorized to require certification by as many local units of government as they thought necessary that the comprehensive plan adequately deals with the law enforcement problems of such units."

#### LEAA SURVEILLANCE OF LOCAL CERTIFICATION

Section 303 is further amended by inserting at the end thereof the following new sentence: "Failure to furnish the certification required under paragraph (13) of this section may be taken into consideration by the Administration in making a final determination as to the adequacy of the State plan."

Both of these amendments were wisely rejected by the House Judiciary Subcommittee Number 5.

The passage of these amendments would have propagated local jealousies by giving local people a veto power over the entire State program. The confusion that would have resulted would have made planning under the Omnibus Crime Bill totally unmanageable.

As the planning agency for criminal justice in the State of Arkansas, we strongly recommend that the preceding comments be given serious consideration in connection with any action you may take regarding amendments to Public Law 90-351.

Sincerely,

JOHN H. HICKEY, *Director*,  
ARKANSAS COMMISSION ON CRIME  
AND LAW ENFORCEMENT.

THE STATE OF WISCONSIN,  
EXECUTIVE OFFICE,  
*Madison, Wis., August 5, 1970.*

The Honorable Senator JOHN McCLELLAN,  
*Chairman, Subcommittee on Criminal Laws and Procedures,*  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR McCLELLAN: I wish to address to your subcommittee the concerns of Wisconsin in regard to the amendments of the Omnibus Crime Control and Safe Streets Act as proposed in H.R. 17825. This program is of dire interest to the states as it is the only tangible evidence of the block grant concept.

Our first objection pertains to the following amendment: "No state plan shall be approved unless the Administration finds that the plan provides for the allocation of an *adequate share* of assistance to deal with law enforcement problems in areas of high crime incidence." The concept of providing assistance proportionate to the area crime incidence rate is one with which I concur. However, authority of the Administration to determine "adequate share of assistance" is an erosion of the state planning agency's authority under the block grant concept. The principle of establishing state planning agencies and requiring the states to submit plans to the federal government was in response to a recognized capability that the states had in the administration of programs because of their fuller knowledge of the problems that exist in the particular states. Under this concept it is the federal government's role to establish national program objectives and some administrative guidelines necessary for program evaluation. Beyond that it becomes the state's responsibility to determine its own priorities, align them within the framework of national program objectives, and then distribute its resources accordingly. Wisconsin has sufficiently demonstrated this management capability to the satisfaction of the state, local, and federal government. This amendment also designates "areas of high crime incidence", without definition. Such areas cannot be objectively defined due to a lack of uniform crime reporting. Crimes assume different levels of significance dependent upon the size of population and area. If we are to assume that your subcommittee means that adequate funds must be devoted to large city problems, then Wisconsin is already complying with this amendment. We therefore feel that such language is unnecessary and unwarranted in a block grant program.

My second and greatest objection is with the following language—"and that with respect to any such program or project, the State will provide not less than one-quarter of the local non-federal funding". Again, this amendment undermines the original intent of the Omnibus Crime Control program. Congress originally recognized that the state and cities were incurring tremendous crime problems with lack of adequate fiscal resources to combat their problems. Therefore the block approach to federal assistance was instituted to enable the states to develop innovative methods of law enforcement and crime reduction, and to provide federal dollars to stabilize or reduce state and local input in this area. At that time Wisconsin, through its duly appointed and representative Council on Criminal Justice, considered the question of local support and due to a lack of finances decided that local *action* projects would receive no state supplement. However state support is provided to pay the entire local share for planning grants. In addition, Wisconsin ranks next to the top among the 50 states in the amount of shared taxes that the state returns to the local units of government. These shared taxes are in effect block grants because they are not earmarked for any specific purpose at the local level. In the present budget, 34% of the revenues generated are returned to the localities in the form of shared taxes. Wisconsin's programs are budgeted and approved on a biennial basis, and therefore the budget for 1970-71 does not provide funds to cover the increased cost that this amendment would require. (We estimate that this amendment would cost approximately \$900,000 additional state funds for FY 1971, and up to \$1.75 million in FY 1972.) A large proportion of the states operate on a biennial system, with 1970 as the "off" year. Since the amendments would carry an immediate effective date, these state legislatures would not be in session to review such a change.

In this age of budget deficits and increasing demands for governmental services, state governments cannot be forced into additional burdens. Therefore, we recommend the following alternative. We strongly encourage you to consider amending the Act to lower the contribution percentages necessary to receive grants under this program. This would ease the problem of budget restrictions at the state and local levels.

The amendment to Section 203(a) requiring that "public agencies maintaining programs to reduce crime" must be represented on regional planning agencies is directly contradictory to the national movement supported by state and local governments to consolidate planning agencies. By requiring additional specific representation, the regional planning bodies under the Omnibus Crime Act will be cemented in structure, and the consolidation efforts hindered. While we recognize the importance of both citizen and agency participation, we don't think that cementing them in a separate agency will be advantageous in the long run. In Wisconsin we are attempting to create several general govern-

mental planning bodies, one for each of several geographical areas, which would have the umbrella characteristics of a comprehensive planning agency. I am certain the agencies which are described in the amendment would be represented but there is no need to specifically provide for membership through legislation.

The amendment to Section 301(b) adding a new sub-paragraph authorizing the establishment of criminal justice coordinating councils is supported. We hope that the report will make it clear that these coordinating councils are not in lieu of, or in addition to, local and regional planning agencies already created, but rather that this amendment enhances their power and provides additional funds for their operation. It would be in the best interest of our state to support the existing bodies which we are now calling planning agencies, and include in that body the powers of a coordinating council. This we will do if given the authority as proposed.

And finally the amendment affecting the percentage of funds to be devoted to correctional activities raises the question of Congress initiating another categorical grant in the midst of a block grant model. Also, the major emphasis of part B ("Grants for Correctional Institutions and Facilities") appears to be on construction of facilities, although program improvement is mentioned. State government has no guarantee that the administrative regulations will not heavily stress bricks-and-mortar projects via project approvals, regardless of possible Congressional intent.

We are, in Wisconsin, enthusiastic about the way our program has operated in the past two years. Certainly there have been some difficulties in mounting the effort. But looking forward, we can see a most positive effect and a very fair distribution of funds to the variety of interested representatives in our state. We were especially pleased with the inclusion of a three-year authorization which will afford Congress periodic review authority, and facilitate the efforts of all state governments to successfully conduct this most important program.

I urge your strong consideration of these issues before voting on any amendments to the Omnibus Crime Control and Safe Streets Act. Thank you for your consideration.

Sincerely,

WARREN P. KNOWLES,  
Governor.

WILKINSON, CRAGUN & BARKER,  
Washington, D.C., August 12, 1970.

Hon. JOHN L. McCLELLAN,  
Chairman, Subcommittee on Criminal Laws and Procedures, Committee on the  
Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are attorneys for the Arapahoe Tribe of the Wind River Reservation, Wyoming, the Hoopa Tribe of the Hoopa Valley Reservation, California, the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, the Quinault Tribe of the Quinault Reservation, Washington, and the Confederated Salish and Kootenai of the Flathead Reservation, Montana. All of these urge enactment of S. 1229, which would amend the Omnibus Crime Control and Safe Streets Act to authorize direct federal grants to Indian tribes to improve their law and order programs.

Although Congress provided in the Safe Streets Act for assistance to Indian tribes in their law and order programs, such assistance has been channeled through the states and Indian tribes have not received their fair share of available funds.

While we understand that efforts are being made by the Department of Justice to improve the situation, the most effective way of providing enforcement assistance to the Indian tribes is through direct federal grants channeled through the Department of Interior as provided in S. 1229.

On behalf of our Tribal clients we urge you to support S. 1229 and we respectfully request that favorable action be taken on the bill by your Subcommittee as quickly as possible so that the bill can be considered by the full Judiciary Committee and reported to the Senate in time for final action during the present Congress.

Sincerely,

WILKINSON, CRAGUN & BARKER,  
By: GLEN A. WILKINSON

U.S. SENATE,  
OFFICE OF THE MAJORITY LEADER,  
Washington, D.C., July 29, 1970.

HON. JOHN MCCLELLAN,  
Chairman, Subcommittee on Criminal Laws and Procedures, Committee on the  
Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing with respect to H.R. 17825, a bill to amend the 1968 Omnibus Crime Control Safe Streets Act.

If adopted as presented, this amendment would have a profound and far-reaching detrimental effect upon present and future crime control activities in the State of Montana. It is my understanding that you have received correspondence from Forrest Anderson, Governor of Montana, and I want to take this opportunity of reiterating his expressed concern.

I am enclosing, for your consideration, a copy of a memorandum prepared by the Governor's Crime Control Commission which I hope you will bring to the attention of the Committee.

Thanking you for your consideration in this matter, and with best personal wishes, I am

Sincerely yours,

MIKE MANSFIELD.

Enclosure.

GOVERNOR'S CRIME COMMISSION,  
Helena, Mont., July 21, 1970.

Re: H.R. 17825

To: All SPA Directors

From: Brinton B. Markle

I have found the following breakdown of H.R. 17825 to be helpful. It shows clearly that the attack on the bloc grant concept of funding continues, but in a less perceptive way.

Assume your state's total Part C allocation is \$8. \$6 of those \$8 must be made available to units of local government (75-25 split).

On a 60-40 matching basis, local government must provide \$4 of non-federal funds at the local level—or, in this case \$1.

Using the 8 to 1 formula, you can easily estimate the amount of money your legislature will be required to provide in upcoming years. But remember, this amount represents only a portion of the funds which must be appropriated by the state. Again assuming a 60-40 match, the remaining \$2 (state's 25% share) must be matched by about \$1.33 non-federal funds.

When you add it all up it shows a 29% contribution by the state.

Well and good if your state can provide that amount of revenue. It is highly unlikely that the Montana legislature, with its limited revenue resources, will appropriate close to a million dollars to support state and local action projects which, at appropriation time, cannot be described or defined in any specific or meaningful detail. (Montana's legislature meets every 2 years for 60 days and appropriates funds for the biennium).

Also, as H.R. 17825 stands, if you do attempt to meet the 25%, "buy-in" mandate, that requirement would also apply to discretionary funding as presently awarded on a matching basis to units of local government. With this in mind, the 8 to 1 ratio, and/or the 29% contribution figure, are both inaccurate. How much did you say you would request from your legislature?

According to H.R. 17825 amendments, what happens if your state *does not* appropriate adequate funds to match action projects?

As I read H.R. 17825, the ability of a state to pay 25% of the local match in hard cash is a *condition precedent* to any award of bloc grant funds to units of local government. If your legislature fails to come up with the cash, you will not be able to distribute 75% of your total Part C allocation.

But don't worry! The authors of H.R. 17825 have considered this possibility. If, for whatever reason, you do not spend your bloc grant funds within a certain period of time (unspecified but presumably within the fiscal year), the money reverts to LEAA's discretionary fund, which, again according to H.R. 17825 amendments, can then be made available to your cities, counties and towns on a 90-10 match basis, or, in hardship cases, on a 100% non-match basis.

In short, H.R. 17825 places a condition precedent on the states which most states cannot meet, then takes the money back so LEAA can give it away to units of local government. (As an aside, you probably remember that the authors of this bill originally fought for a 50% state "buy-in").

Furthermore, H.R. 17825 *also* provides for the establishment of a "Criminal Justice Coordinating Council" for any unit of general local government in your state. To me, this sounds like the creation of a local agency which could easily administer direct grants from Washington, D.C. in the event SPA or the state legislature fail to conform to the mandatory requirements of H.R. 17825.

There is no question in my mind about the intent behind H.R. 17825. The possible consequences of these amendments are stunning.

One final statement: It is true, at least in this state, that local units of government may, eventually, be hard-put-to-it to raise cash match-money. In-kind match is also limited at the local level. In short, local government may need help in the future.

This problem is easily solved, however, if the Omnibus Act is amended to require a 90-10 match for all funds provided thereunder.

As you know, H.R. 17825 went through the House of Representatives virtually unopposed. It is now in Senator John McClellan's Judiciary Committee—Subcommittee on Criminal Laws and Procedures. Hearings are in progress. It is predicted that the Senate will act promptly.

I urge you to do the same.

[Telegram]

COLUMBIA, S.C.

Hon. JOHN L. McCLELLAN,  
*U.S. Senator, Senate Office Building,*  
*Washington, D.C.:*

Proposed amendments to Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351) (H.R. 17825) strongly urge that the provision requiring States to contribute 25 percent of non-Federal share of funding necessary to support program of local government receiving Federal assistance be stricken from this proposed amendment. This would kill the Omnibus Crime Control Act in South Carolina.

South Carolina already shares revenue with local governments in the amount of \$43 million or 8 percent of total State revenue annually. Additional money is not available in South Carolina for this very worthwhile and needed program. I urge your committee not to recommend approval of this provision.

ROBERT E. McNAIR,  
*Governor of South Carolina.*

STATE OF ALASKA,  
OFFICE OF THE GOVERNOR,  
*Juneau, Alaska, July 31, 1970.*

Hon. JOHN L. McCLELLAN,  
*Chairman, Subcommittee on Criminal Laws and Procedures,*  
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: I am advised that one of the House-passed amendments pertaining to the Omnibus Crime Control and Safe Streets Act, and now before the Senate Judiciary Committee, provides that the states contribute not less than one-fourth of the local non-Federal matching share.

While such a provision may be equitable in many of the other states, I must state my opposition to such an amendment. Alaska, at least, already shoulders the majority of the responsibility for the criminal justice system, and, in addition, distributes sizable sums to local governments for police and other services through our revenue-sharing legislation.

Alaska, perhaps more than the other states, already has the responsibility for a large proportion of the criminal justice system. Due to our tremendous size, small population, great distances between towns, and about one-third of our population being governed directly by the State Legislature, the entire court system, prosecution, and correctional components, in addition to the regular State police services, are funded and carried out by State Government. Only local police departments are the responsibility of local government. Latest statistics

indicate that State Government pays in excess of 75 per cent of the expense of maintaining the criminal justice system.

In addition to this large burden, the State further assists its citizens who live in a municipality through the provisions of revenue-sharing legislation. This program, now in its second year, requires the State Government to pay the sum of \$10 per person to local governments that have assumed police responsibilities; and other sums are paid on the basis of miles of paved roads, hospital beds, pollution control, recreational facilities, fire protection, and land-use planning.

Preliminary calculations indicate that a total in excess of \$5.7 million will be distributed to local governments this year, of which \$1.3 million will be distributed on the basis of police services. These totals assume great significance to a state with only 280,000 people.

To further require Alaska to provide one-fourth of the local non-Federal matching share for action projects desired by the local governments would add to what I consider an already heavy responsibility by the State in the field of criminal justice. By the same reasoning, I object to the requirement that 75 per cent of action funds be passed on to local governments. This requirement simply does not recognize the relative responsibilities of state and local governments in Alaska.

I urge that the proposed amendment to the Act be deleted and some relief be provided from the 75 per cent "pass through" requirement.

Best personal regards.

Sincerely yours,

KEITH H. MILLER, *Governor*.

OFFICE OF THE GOVERNOR,  
Frankfort, Ky., July 21, 1970.

Hon. ROMAN LEE HRUSKA,  
U.S. Senator,  
Washington, D.C.

DEAR SENATOR: I would like to express my support for that portion of H.R. 17825 which authorizes increased appropriations under the Omnibus Crime Control and Safe Streets Act. It is my belief, however, that a \$2 billion federal commitment in FY 1973 could be effectively administered by the states and absorbed by criminal justice agencies. For Kentucky, a \$2 billion national commitment would mean almost \$20 million a year and I am confident that our law enforcement agencies, including courts and corrections, will require at least this amount before the criminal justice system can begin to adequately deal with our rising crime rates.

While in basic agreement with the rapid expansion of the Safe Streets program envisioned in H.R. 17825, I find several of the proposed amendments detrimental to the interest of the states and to the bloc grant concept:

(1) Kentucky has led the nation by budgeting \$2 million to match *Safe Streets* funds over the next biennium. A portion of these funds will be used to reduce the local matching share and thereafter the state is, in the Committee's words assuming "a greater financial responsibility" for law enforcement. The requirement that each state provide  $\frac{1}{4}$  of the match for local projects, however, will both discourage the maximum local input and inevitably result in the failure of some states to file an acceptable annual plan. All states would be faced with an Act that permits them to receive only 25% of the action funds and yet forces them to provide approximately 44% of the combined local-state match.

(2) Law enforcement responsibilities are distributed in Kentucky in such a way that the state now provides 45% of the financial support of all criminal justice agencies. The *Safe Street Act* permits only 25% of available funds to go to the state and therefore many state-run agencies (particularly courts and juvenile as well as adult correctional programs) are slighted. The 25% limitation on state projects should be removed and a flexible formula substituted that permits distribution of bloc grant funds in proportion to current criminal justice expenditures in the various states.

(3) Additional funds for construction and renovation of correctional facilities are needed by the proposed amendment gives LBJAA complete discretion to determine the recipients of these funds. I would recommend that at least 85% of these monies pass to the states on a population basis, with the remaining 15% left for distribution by LBJAA.

(4) LBJAA should not be given authority to award discretionary funds on a 90% federal—10% local basis while states are restricted to the 60% federal—

40% local formula. This situation will assure local dissatisfaction with the states and encourage reliance upon Washington at a time when we are trying to build state responsibility. As the level of funding under *Safe Streets* increases, it is my view that the 60% federal—40% local formula must be relaxed to permit greater federal support. When this is done, however, it should apply equally to LEAA discretionary funds and the state-administered bloc grant monies.

Yours truly,

LOUIE B. NUNN, *Governor.*

[Telegram]

PINE RIDGE, S. DAK.

Senator J. L. McCLELLAN,  
*Washington, D.C.*

On behalf of the Ogalalla Sioux tribe I strongly support that the law enforcement assistance administration be amended to provide direct grants to Indian tribe on July 27 and 28, 1970. Seventeen tribes met in Denver and supported the following resolution: Therefore be it resolved that the assembled tribes respectfully request and strongly urge that the block concept on grant be immediately suspended and the federal agencies fund all programs directly to the tribes with no state interference.

JEROLD ONE FEATHER,  
*President, Ogalalla Sioux Tribe, Pine Ridge, S. Dak.*

BOARD OF SUPERVISORS,  
COUNTY OF LOS ANGELES,  
*Washington, D.C., July 22, 1970.*

HON. JAMES O. EASTLAND,  
*Chairman, Senate Judiciary Committee,*  
*Washington, D.C.*

SIR: The Los Angeles County Board of Supervisors has authorized me to inform you of its support of H.R. 17825 and S. 4066. The attached resolution, adopted by the Board, indicates the Board's reasons for taking this position on this particular legislation.

The Los Angeles County Board of Supervisors serves as the executive and legislative head of the largest and most complex County government in the entire United States. It is charged with the responsibility of representing over seven million people, a population greater than any other county in the nation and exceeded in population by only seven states.

Vital services provided to citizens by Los Angeles County include law enforcement, judicial administration, property assessment, tax collection, public health protection, public social services, flood control, water conservation, fire prevention, disaster and civil defense, air pollution control, animal control, inquests, military and veterans affairs, schools, roads, libraries, parks, beaches, hospitals, botanical gardens and museums.

In addition to providing vital services to its unincorporated areas, the County offers contract services to its seventy-seven incorporated cities.

Because of the size of its population and the vital functions performed by the County of Los Angeles for its citizens, the Board of Supervisors has asked that you take into consideration its position regarding this legislation.

Very truly yours,

JOSEPH POLLARD,  
*Legislative Consultant.*

Attachment.

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES IN SUPPORT OF H.R. 17825 AND S. 4066 TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

Whereas the Los Angeles County Board of Supervisors represents a population in excess of seven million people; and

Whereas the County of Los Angeles is charged with the legal responsibility of providing judicial administration on a County-wide basis to all of its citizens; and

Whereas the County is also charged with the responsibility of providing police services to all of its unincorporated territories and to 30 incorporated cities on a contract basis; and

Whereas the County is faced with serious problems of congestion and delay in both its criminal and civil courts, and overcrowding in its correctional facilities; and

Whereas H.R. 17825 would require states to provide 25% of the non-Federal share of local program costs; thereby increasing the amount of funds received by local government; and

Whereas House Bill 17825 would further improve the Safe Streets Act by providing funds for construction, renting, and leasing of correctional facilities; and

Whereas Senate Bill 4066 would amend Title I of the Omnibus Crime Control and Safe Streets Act to provide the Law Enforcement Assistance Administration with the authority to render assistance to state and local civil courts: Now, therefore, be it

*Resolved*, That this Board of Supervisors of the County of Los Angeles is in support of H.R. 17825 as introduced by Congressman Celler, and S. 4066 as introduced by Senator Tydings.

Passed and adopted by the Board of Supervisors of the County of Los Angeles this twenty-first day of July, 1970.

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ARIZONA STATE JUSTICE PLANNING AGENCY,  
Phoenix, Ariz., August 10, 1970.

Senator JOHN McCLELLAN,  
Chairman, Subcommittee on Criminal Laws of the Senate Judiciary Committee,  
Senate Office Building, Washington, D.C.

DEAR SENATOR McCLELLAN: The Senate subcommittee on Criminal Laws will begin this week to mark up House Bill 17825 amendments to the Omnibus Crime Control Act.

Your attention is called to one of the amendments which will defeat the State block grant concept.

This amendment would change paragraph 2, section 303 of the Act to require that the State must provide at least 25% of the nonfederal funding for all local projects and programs. Inasmuch as it would not be possible for the State to provide "in-kind" match to local projects, this in effect would require a sizeable appropriation by the Arizona State Legislature each year.

Further, it would be impossible to secure such an appropriation in time for the submission of Arizona's 1971 Comprehensive State Plan, which must be sent to the Law Enforcement Assistance Administration not later than December of 1970. Thus Arizona would be ineligible to receive federal funds (about 2.7 million) which are needed to improve law enforcement.

Therefore, the effective date of any amendment which will require an additional state appropriation should be postponed until at least 1973.

Our thinking on this amendment is strongly influenced by the great success of the program in Arizona over the past two years.

We urge you to work for its defeat or at least postponement of the effective date until 1973.

Sincerely,

CHAIRMAN OF THE GOVERNING BOARD,  
GARY NELSON, *Attorney General*.  
ALBERT N. BROWN, *Executive Director*.

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U.S. SENATE,  
COMMITTEE ON LABOR AND PUBLIC WELFARE,  
Washington, D.C., July 30, 1970.

Hon. JAMES O. EASTLAND,  
Chairman, Committee on the Judiciary,  
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I would very much appreciate it if you would make the attached letter from the Vermont Governor's Commission on Crime Control and Prevention dated July 23, 1970, part of the record on S. 3171. This supplements

the testimony of Frederick Parker, Vermont's Assistant Attorney General on June 24, 1970, before your Committee.

Sincerely yours,

WINSTON PROUTY,  
U.S. Senator.

STATE OF VERMONT,  
GOVERNOR'S COMMISSION ON CRIME CONTROL AND PREVENTION,  
Montpelier, Vt., July 23, 1970.

HON. GEORGE D. AIKEN and  
HON. WINSTON L. PROUTY,  
Senate Office Building,  
Washington, D.C.

DEAR SENATORS AIKEN AND PROUTY: For over a year now the appropriate officials from the State of Vermont have been in communication with you and with Congressman Stafford and with various officials of LEAA concerning the statutory provisions of the Omnibus Crime Control and Safe Streets Act of 1968, as it applies to federal funding in the State of Vermont. Everyone concerned is fully aware of the magnificent opportunities which this funding has made available to various agencies in the law enforcement community of Vermont. We are also well aware of some of the particular problems which we have had in administering the Act in the State of Vermont. We have all been carefully observing the progress of the various amendments to the Act which have now cleared the House of Representatives and are in the Senate. Correspondence has been exchanged and Deputy Attorney General Fred Parker has actually testified before a sub-committee of Congress concerning the Vermont needs.

At this point, having carefully studied the available information concerning the amendments from various sources, such as the National Governors' Conference, the Council of State Governments, the League of Cities and Towns, and Congressman Celler's Committee on the Judiciary, I feel that it is absolutely incumbent upon me to advise you in writing concerning my *personal* views of the proposed amendments. Let me apologize in advance for the length of this letter, which I realize now must be several pages. I earnestly hope that you will bear with me through the course of this communication because of its importance to law enforcement in the State of Vermont. I could be considerably more brief if it were not for the number of amendments which are being proposed.

First let me say that I wholeheartedly endorse the "block grant" concept incorporated in the Safe Streets Act. I believe that the concept should be strengthened rather than weakened, and most of my comments which will follow are based upon this premise.

The Safe Streets Act of 1968 established the Law Enforcement Assistance Administration (LEAA) to assist State and local governments to control crime and violence and to improve the quality of criminal justice. Law enforcement was contemplated to include police, courts, and corrections. The law contemplated the encouragement of preparation and implementation of comprehensive law enforcement plans, through grants to States and units of local government. Action funds were appropriate to implement programs and projects based upon the planning. Of the funds appropriated by Congress, all planning grants and 85% of the action grants were required to be channeled to the States according to population formulas. The remaining 15% of action grant funds could be dispersed by LEAA in their discretion. To assure that local governments participated, the Act required that 40% of each state's planning funds and 75% of action funds be made available to units of general local government (this is the pass-through requirement commonly referred to as the 75-25 requirement).

This requirement was intended to correspond to the overall national pattern of criminal justice expenditures for police, corrections and courts by State and local governments. However, it is now apparent that this formula was originated on a consideration of police expenditures only, and further that it was based upon some national averages which are not applicable to certain small states such as Vermont, Alaska, Connecticut, Delaware, Maine, Maryland, Nevada, Rhode Island, and Wyoming. Many of the states which are small in size or population support all law enforcement and criminal justice agencies, facilities and services except for those of local police departments. This means that in these few states, the total law enforcement budget is supported to a considerably higher percentage by the State than by local units of government. Vermont, for example, pays for the criminal justice system by approximately 80% of the

total dollars coming from the State and the other 20% coming from local units of government. The following statistics should demonstrate my point; they are from the Bureau of the Census, a publication entitled *Criminal Justice, Expenditure and Employment for Selected Large Governmental Units*:

1. For *per capita criminal justice expenditures* for 1966-67 the average was \$7.19 and the median was \$7.23; Vermonters spent \$15.55, ranking third in the nation for a 216% over average figure. For 1967-68 Vermont again ranked third in the nation, and spent \$17.70 per capita.

2. For *full-time employment of all criminal justice agencies as a percentage of total State employment* for 1966-67, the median was 6% and Vermont ranked fourth in the nation with a percentage of 9.6, which was 137% above average. For 1968 Vermont ranked eighth in the nation, with a percentage of 8.5, 21% over average.

3. For *expenditures of all criminal justice agencies as a percentage of total State expenditures*, for the years 1966-67, the median was 2.5% and Vermont ranked sixth in the nation with a percentage of 3.8, which was 146% over average. For 1967-68 Vermont ranked seventh in the nation with a 3.6 percentage, which was 38% over average.

4. For *judicial activities*, the *per capita expenditures* by Vermont in 1966-67 ranked fifth in the nation; the median was 88 cents and Vermont spent \$3.98 per capita, which was 428% over average. For 1967-68 Vermont ranked sixth in the nation with a per capita expenditure of \$3.88, which was 277% over average.

5. For *judicial activities the percentages of total State employment*, in 1966-67 Vermont ranked fifth in the nation, the median of which was .6% and the Vermont percentage being 2%, which was 333% over average. For 1967-68, Vermont ranked fifth in the nation with a 1.6%, which was 167% over average.

6. For *judicial activities, percentage of total State expenditures*, in 1966-67 Vermont ranked fifth in the nation, which had a .3% median, Vermont having a 1%, which was 333% over average. For 1967-68 Vermont ranked sixth in the nation with an .8%, which was 168% over average.

7. For *corrections, per capita expenditures*, for 1966-67 Vermont ranked sixth in the nation which had a median of \$3.76, Vermont spending \$6.73 per capita, which was 170% over average. For 1967-68 Vermont ranked sixth in the nation with a per capita expenditure of \$6.74, 54% over average. For *corrections, percentage of total State employment*, for 1966-67 Vermont ranked fourteenth in the nation which had a median of 3.4%, Vermont having a 4.1% which was 103% over average.

8. For *corrections, percentage of total State expenditures*, for 1966-67 Vermont ranked tenth in the nation which had a median of 1.3%, Vermont having a 1.6%, 107% over average.

9. For *police, per capita expenditures* for 1966-67 Vermont ranked second in the nation which had a \$2.29 median, Vermont spending \$4.85 per capita, which was 212% over average. For 1967-68 Vermont ranked third in the nation which had a median of \$2.77, Vermont spending \$6.85 per capita, 152% over average.

10. For *police, percentage of total State employment*, 1966-67 Vermont ranked fourth in the nation which had a 2.2% median, Vermont having a 3.5 percent, which was 146% over average. For 1967-68 Vermont ranked sixth in the nation which had a 2.2% median, Vermont having 3.3%, which was 38% over average.

11. For *police, percentage of total State expenditures*, for 1966-67, Vermont ranked seventh in the nation which had a .9% median, Vermont having a 1.2%, which was 150% over average. For 1967-68 Vermont tied for third place with a national median of .8%, Vermont having 1.4%, which was 56% over average.

The reason for my citing these statistics is to show that for the State of Vermont there is no logical justification for the 75-25 local/State action grant allocation formula. The State of Vermont supports a very large Department of Public Safety (state police), supports the Sheriffs Departments, supports the Prosecutorial System, supports the entire Court System, and supports the entire Corrections System. As I said before, this amounts to approximately 80% of the total criminal justice budget. To require that Federal assistance to criminal justice in Vermont be limited to 25% for the State is almost a complete reversal of the way money is actually being spent. Lopsided development is the result and comprehensive planning and implementation are made almost impossible. Coordinated growth cannot be accomplished in this manner. A good example of what happens when resources must be allocated according to some arbitrary formula rather than by a comprehensive plan is Vermont's Law Enforcement

Training Council. The Training Council is a State agency whose functions relate solely to training local law enforcement officers. Such training councils have been widely recommended by the President's Commission and are one of the accepted manners for accomplishing training of local law enforcement officers. Although the sole direct beneficiaries of its training services are local police officers, the new Law Enforcement Training Council is considered to be a "State" agency and can only apply for funds out of the 25% share of the State of Vermont's action funds from Safe Streets Federal money, unless waivers are obtained from local units of government. The remedy is not to send the Training Council out to get waivers from units of government, which are not necessarily favorable to such action, but rather to modify the 75-25 formula.

I am fully aware of the political problems which faced the Congress when it enacted Section 302(2). I have no desire to see rural-dominated State governments siphon off funds which should go to urban areas; however, a blanket 75-25 requirement is too strong a medicine for the disease. It threatens to choke off orderly planned improvement in States such as Vermont, which has a heavy concern and participation in criminal justice and law enforcement.

It is my understanding that the House amendments to the Safe Streets Act did not specifically authorize LEAA to waive the pass-through provisions of the Act. I think that they should.

Another amendment which was approved by the House and which is related to the one I just discussed, is the requirement that not less than 25% of the amounts appropriated for any fiscal year be devoted to the purposes of Corrections (including probation and parole). Apparently the purpose of the amendment is desirable, but when considered as it relates to the 75-25 formula, in the State of Vermont it would mean that the entire State share would go to Corrections and that there would be absolutely nothing left for the State participation in police functions and the court system. I think that corrective language could be added to this amendment to achieve the desired result (mainly boosting Federal assistance to correctional systems) by earmarking 25% of Federal appropriations specifically for correctional programs under the new Part E of the 1970 Act (Sec. 6 of HR17825). This would mean that a portion of Federal funds would first be awarded to the State for correctional programs (to be run either at the State or local level). The remainder of the funds would be allocated 75-25% (or whatever the case may be) between the units of local government and the remaining State agencies. Probably this was the intent of the drafters of HR17825, but the result does not so indicate.

Another proposed amendment which could present great difficulty to the State of Vermont, is the requirement that the State contribute one quarter of the non-federal share of funding for programs of local government receiving assistance through the State Comprehensive Plan. Vermont will have no legislative sessions until January of 1971 and no new State budget until July 1, 1971. The Governor's Commission on Crime Control and Prevention is already administering 1970 funds, which go to December 31, 1970, and will be able to start expending 1971 funds late in 1970. If Federal awards are conditioned upon the State providing a portion of the local matching share, it will literally be impossible for the State to award any funds out of fiscal year 71 Safe Streets Act money to units of local government. This condition would persist at least until sometime into fiscal 1972. These burdens aside, it strikes me as inequitable to require the State of Vermont to increase its percentage of financial participation in the criminal justice system beyond its present 80%. There might be some justification for doing so, at least on a voluntary basis, if it became evident that the local units of government could not utilize the available Federal assistance because of the inability to meet their matching share; however, that situation has not yet been demonstrated and I would feel that it would be inadvisable to anticipate it with some statutory requirement for State participation. In a tight State budget situation (which Vermont presently has) such a requirement by Federal law might result in the necessity for the State government to divert its resources from other priority areas to assist local matching requirements. This seems to be entirely contrary to the block grant concept and it also seems to place the State budget at the mercy of local units of government who might decide to utilize Federal assistance with or without the consent of the State. I really don't think that the authors of this amendment had such a result in mind. For these reasons, this requirement should be deleted from the proposed amendments. If for some reason, this provision is entirely inescapable, I would personally feel that at least its effective

date should be no earlier than July 1, 1972. This would give the Legislature an opportunity to act upon the requirement.

The length with which this letter has already reached precludes me from commenting upon additional amendments which are being offered. I have restricted myself to the ones I consider absolutely essential to the State of Vermont. I must, however, mention before closing that if there is nothing that you can do to insist upon the specific inclusion of a provision in the Act which would allow LEAA to waive the pass-through provisions, you should at the very least make a pronouncement on the floor that you are assuming that in cases where the level of a State's law enforcement expenditures substantially exceed the total expenditures of local government within the State, for criminal justice purposes, existing Sections 203(c) and 303 of the Act will permit LEAA to partially relax the pass-through requirements. This assumption was made by Congressman Celler's Committee on the Judiciary and included in its Report which accompanied HR17825. It is my understanding from General Counsel of LEAA, that LEAA intends to act accordingly but that it would be supported by a firm indication of legislative intent which might appear from the discussion of the proposed amendment as reported in the Congressional Record.

Please accept my appreciation in advance for anything which you may see fit to do to support the interest of the people of the State of Vermont in improving law enforcement and our criminal justice system. We appreciate that major laws for national application cannot be specifically tailored to the particular problems of certain small states, but we do think that said laws could be written in a way that they would be workable, through waivers or otherwise (carefully safe-guarded by the discretion of a responsible agency such as LEAA). Your help will be very much appreciated. If there is anything which I can do to clarify our needs, feel free to call upon.

Sincerely,

ROBERT K. BING,  
*Executive Director.*

U.S. SENATE,  
*Washington, D.C., June 23, 1970.*

HON. JOHN L. McCLELLAN,  
*Chairman, Committee on the Judiciary,*  
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: It has recently come to my attention that the Omnibus Crime Control bill, as reported by the House Judiciary Committee, includes a provision which would require states to contribute a minimum of 25 percent of the local share of any federal matching grants under the Act.

I can readily understand the merits of this section in states where law enforcement is organized and financed principally by local governments. The provision would then be an incentive to states to contribute additional state money to municipalities for crime control.

But, Alaska is not organized in this way. Our state government already foots the bill for all prosecution, court systems, correctional and probational, parole and state police activities, with local governments supplying only local police forces. Our state government already contributes over 75 percent of all funds expended for criminal justice in Alaska. Under these circumstances the additional requirement that the state contribute 25 percent of local matching funds will further increase this already heavy burden on the state.

The State of Alaska would very much appreciate the Senate Judiciary Committee including in this bill a more realistic provision which takes into account the relative share of criminal justice costs already being borne by a state. A simple way might be to credit against the state's 25 percent requirement expenses borne by the state for other criminal justice programs.

Your careful consideration of the needs of states such as Alaska is greatly appreciated.

With best regards.

Cordially,

TED STEVENS,  
*U.S. Senator.*

U.S. SENATE,  
Washington, D.C., July 24, 1970.

Hon. JOHN L. McCLELLAN,  
Chairman, Subcommittee on Criminal Laws and Procedures, Committee on the  
Judiciary, Washington, D.C.

DEAR MR. CHAIRMAN: I commend to your attention a letter I recently received from Oliver Welch, who directs the Bureau of State Planning and Community Affairs for the State of Georgia.

Oliver makes reference to certain amendments which are pending before your subcommittee. I have not had an opportunity to familiarize myself with the merits of the various amendments which have been offered, but I know Mr. Welch has done an extremely good job of directing the State Planning Office in Georgia, and he has taken a special interest in the implementation of the Omnibus Crime Control and Safe Streets Act.

I would greatly appreciate your consideration of his views.

With best wishes and kindest personal regards, I am,

Sincerely,

HERMAN E. TALMADGE.

Enclosure.

OFFICE OF THE GOVERNOR,  
BUREAU OF STATE PLANNING AND COMMUNITY AFFAIRS,  
Atlanta, Ga., July 17, 1970.

Hon. HERMAN E. TALMADGE,  
347 Old Senate Office Building,  
Washington, D.C.

DEAR SENATOR TALMADGE: The purpose of this letter is to express my views on proposed amendments before the Senate Judiciary Committee which would modify the Omnibus Crime Control and Safe Streets Act of 1968.

In general terms I fully endorse and reaffirm the points made by the Honorable Richard Ogilvie, Governor of Illinois, in his testimony before the Subcommittee on Criminal Law and Procedures on behalf of the National Governor's Conference. His testimony was an articulate and sound presentation on behalf of resistance of further conditions and restrictions and abolishment of those existing restrictions which presently undermine genuine comprehensive planning and the block grant concept.

In particular, we in Georgia feel that the mandatory "pass through" of 75% of Federal action funds to local units of government is a requirement that should not have been part of the Act. We support Senator Hruska's Bill, S. 3541, which would amend this provision.

If block grants are to be genuine and comprehensive state planning a reality, the states must be permitted to spend Omnibus Crime Control funds where the greatest needs and priorities exist, regardless of the level of jurisdiction. In many states a considerable burden of the criminal justice system's financial responsibility is carried by the state.

In Georgia the role of corrections has been filled by the State entirely. The same is true of parole. Except for eight urban probation operations, this area too is the responsibility of State agencies. The rehabilitation of youthful offenders is a function of a State agency. The supreme court, courts of appeal, the many superior courts, juvenile court service workers, court reporting, and district attorneys are all a State expense. Arson investigation, enforcement of revenue laws, drug inspection, crime laboratory, and intelligence work are all carried out at the State level. The fact is that the budget for 1970-71 for criminal justice expenditures on the State level is \$47,706,071. This amount does not include such related areas as anti-crime education and research at the University level, vocational rehabilitation services provided by the Department of Education, and so on. In this situation, it is absurd that no more than 25% of Omnibus Crime Control funds can go to State agencies responsible for all these functions.

The State expenditures already mentioned were exclusive of the \$41.4 million granted directly this year to municipalities and counties for public purposes as they deem appropriate such law enforcement. These direct grants are one reason why we oppose the amendment which would require the states to provide one-fourth of the Non-Federal expense of each grant under the program. This provision allows the state no latitude such as using its resources to provide most or all of the Non-Federal share for projects of highest priority and/or where grantees cannot afford local match and at the same time require most or all

Non-Federal support to be funded locally for lower priority projects and/or where the grantee can well afford the expense.

Another amendment, providing that 25% of LEAA action funds be expended on corrections may have merit if applied to LEAA funds as a whole, but should not be a requirement of each state individually. To illustrate the dangers of all these proposed restrictions, suppose the 25% corrections minimum were to pass and be applied to each state and the 75% "pass through" minimum was not modified. Then in Georgia, where corrections is almost exclusively a state function, the entire 25% state agency share would have to go to corrections in spite of relative need and to the exclusion of all other state agencies.

We further believe that other restrictions in the present law should be removed. The limitation that no more than one-third of a state's action funds may be used for personnel compensation is a deterrent to comprehensive planning, especially where the primary need in criminal justice is more people as is frequently the case.

I hope you are in agreement with these positions and will support them in the Senate. We sincerely feel that only through resistance of some changes proposed and support of others, as before mentioned, can we preserve the merits of this program, block grants and comprehensive state planning.

With kindest personal regards, I am,  
Sincerely,

H. OLIVER WELCH.

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EXECUTIVE DEPARTMENT,  
GOVERNOR'S COMMISSION ON LAW ENFORCEMENT  
AND THE ADMINISTRATION OF JUSTICE,  
*Cockeysville, Md., July 9, 1970.*

Senator JAMES O. EASTLAND,  
*Chairman, Senate Judiciary Committee,  
New Senate Office Building,  
Washington, D.C.*

DEAR SENATOR EASTLAND: As the Executive Director of the planning agency with the responsibility for administering the Omnibus Crime Control and Safe Streets Act in the State of Maryland, I have followed the progress of one of the proposed amendments to this Act through the House of Representatives with growing concern. The proposed amendment of concern to me is the one that would require the states to pay at least one fourth of the non-federal share of the costs of all local projects funded under the provisions of this Act.

I believe that if this amendment is passed by the Senate and signed into law, is likely that the Maryland General Assembly, prior to allocating the required matching share for local projects, would insist on a detailed budgetary and program review. In effect, this would mean that the General Assembly could exercise a veto over both the Governor's Commission on Law Enforcement and the Administration of Justice whose membership conforms to the Law Enforcement Assistance Administration's representation requirements for Safe Streets Act supervisory boards and the local government that proposed the project in the first place. As this amendment would require the state to pay only one dollar in ten for a project funded on a 60%-40% basis, this appears to me to be a case of "the tail wagging the dog."

The benefits that could be gained by a local government as a result of this amendment are much too inconsequential when compared to the harm that could be done by this potential legislative veto. I urge you to reject the House proposal that would allow this to happen.

Sincerely,

RICHARD C. WERTZ,  
*Executive Director.*

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STATE OF CONNECTICUT,  
PLANNING COMMITTEE ON CRIMINAL ADMINISTRATION,  
*Hartford, Conn., July 14, 1970.*

Hon. ABRAHAM RIBICOFF,  
*821 Old Senate Office Building,  
Washington, D.C.*

DEAR SENATOR RIBICOFF: Several weeks ago the House of Representatives passed an extension of the Omnibus Crime Control and Safe Streets Act of 1968 (HR 17825 which is enclosed).

Several amendments were made to the 1968 Act by the House. Two of these amendments are of particular concern to the State of Connecticut and the Planning Committee on Criminal Administration, the State agency designated by Governor Dempsey to administer the 1968 Act. Section 4(6) of H.R. 17825 (the Omnibus Crime Control and Safe Streets Act of 1970) would amend Section 303 (2) of the 1968 Act by requiring the state government to supply at least one-fourth of the non-Federal funding on any project submitted by units of local government to the Planning Committee on Criminal Administration and approved by it for funding. Assuming a federal appropriation under the Act of \$5,000,000 this fiscal year and of \$7,500,000 in fiscal year 1972, and a continuing requirement that 75 per cent of all funds go to units of local government, such units will receive grants totaling \$9,375,000. Assuming a 60-40 federal-local matching ratio of project funding, \$9,375,000 will support \$15,590,000 worth of projects. If the local matching share is \$6,240,000 and the state must pay one-fourth of it, then the State of Connecticut's commitment is \$1,580,000 for fiscal years 1971 and 1972.

It will be a significant burden on state fiscal resources to come up with this funding in the next 18 months. Especially so since there will be no legislative sessions until January of 1971 and no state budget until July 1, 1971. If federal awards are conditioned upon the state providing a portion of the local matching share, it will literally be impossible for the state to award any funds out of fiscal year 1971 Safe Streets Act money to units of local government. This condition will persist at least until sometime into fiscal 1972. When annual federal appropriations under the Act reach the \$1,000,000,000 mark (as they seem destined to do), the State of Connecticut will have to assume a burden of over \$1,000,000 per year to pay for local matching shares.

This burden is not one which the State of Connecticut ought to be made to assume. If the State of Connecticut had not undertaken a commitment to its cities and towns, the equities might be different. But, the state has assumed such responsibilities and is presently offering substantial funding to them through its community development program administered by the State Department of Community Affairs. There seems to be no justification for the federal government forcing the State of Connecticut to alter its priorities and procedures to help units of local government by requiring a transfer of funds to them in the guise of providing a portion of a matching share under a federal grant-in-aid program. With the present financial situation being as it is, the state government will be forced to divert resources from other priority areas and apply them to local matching shares. This is contrary to the entire block grant concept which is designed to help the state government decide upon and implement programs to benefit all its citizens. Distorting of resource allocation decisions stands in direct contrast to the block grant concept.

Moreover, the potential effect on units of local government is equally unfortunate. When funding of the Act reaches levels at which cities and towns must provide "hard" cash matching shares, rather than "soft" in-making shares, the true test of local commitment to law enforcement activities will be had. As long as "soft" match is available, cities and towns can use outside funds to improve operations of local police without really reordering their own resource allocation priorities. They are, in effect, getting a free ride. With high levels of funding, there is just not enough "soft" match available. At this point, units of local government must reexamine their priorities. They must either come up with part of the matching share in cash or not get funded. When this resource allocation decision must be made, the localities are faced with the decision of whether or not local law enforcement should be improved at the expense of some other local activity, such as education or recreation. It is my impression that many localities will, when they consider their other pressing needs, not take the necessary steps to improve law enforcement. They really do not want to increase local expenditures on law enforcement at the expense of other goals. To the extent that the State of Connecticut can be called upon to put up some of the matching share, to the extent the towns will participate in higher levels of programming with out ever having to make the hard choices between law enforcement and other programs. The required state matching share will serve to distort local as well as state priorities. The Crime Control Act and its "block grant" approach was intended to help local decision makers implement programs they wanted and not to reorder local priorities through federal action.

For these reasons, this requirement should be deleted from the Act. If this is not possible, at the very least, the effective date should be moved up to fiscal 1973

so that the Connecticut General Assembly can act on the proposal and the administrative and financial machinery of the State can be geared up to handle these new program requirements.

Also of concern is the handling of grants for correctional programs under a new provision enacted in Section 7(5) of H.R. 17825. This provision purports to amend Section 520 of the 1968 Act to require that not less than 25 per centum of the amounts appropriated for any fiscal year be devoted to the purposes of corrections, including probation and parole. While it appears that the purpose of the amendment is eminently desirable, some clarification of language may be in order. If this amendment is interpreted to mean that *each state* must devote 25 per cent of its share of Crime Control Act funds to correctional activities, then unfortunate consequences might ensue for Connecticut. As you know, the State of Connecticut provides to its citizens all law enforcement and criminal justice services and facilities other than local police and some anti-delinquency programs. The Act provides that 75 per cent of all funds must go to units of local government. Thus, the entire state criminal justice community including all the courts, correctional agencies, state police, etc., must compete for the remaining 25 per cent of the funds.

If the amendment was interpreted to mean that correctional agencies must get 25 per cent of all the funds coming into the state, then with a wholly state-run correctional system and a required 75-25 local-state fund allocation, all the money destined for state agencies would go to correctional agencies. The State Police, the court system, etc., would not be able to obtain any funds at all.

I would urge that corrective language be put into the Act so that this undesirable result can be avoided.

The easiest way to achieve this would be to earmark 25 per cent of all federal appropriations specifically for correctional programs under the new Part E of the 1970 Act (Section 6 of H.R. 17825). This would mean that a portion of federal funds would first be awarded to the states for correctional programs (to be run at either the state or local level). The remainder of the funds would be allocated 75-25% between the units of local government and the remaining state agencies. I believe this was the intent of the drafters of H.R. 17825 but they never got around to saying it in so many words.

Not only would the approach suggested remove an ambiguity in the bill as it now stands, but it would also alleviate the inequities of the required 75-25% local-state fund division. Although the State of Connecticut provides all law enforcement and criminal justice services and facilities except local policing and a few juvenile delinquency programs, one would logically expect that state agencies could draw a fair share of federal Crime Control Act funds. Because of the requirement that 75 per cent of all "block grant" funds go to units of local government, the state agencies are not receiving an equitable amount of funding and unbalanced rather than balanced improvement in the state's capability to handle problems of crime and delinquency is being promoted. By earmarking 25 per cent of federal appropriations for state correctional activities and requiring a 75-25 split only for the balance of the funds, more money will go to the state agencies which need it.

I know that you will give these comments your usual careful consideration. I will be more than happy to respond to any inquiries you might have.

Sincerely,

DAVID R. WEINSTEIN,  
*Executive Director.*

NATIONAL CONGRESS OF AMERICAN INDIANS,  
*Washington, D.C., July 23, 1970.*

Hon. JOHN L. McCLELLAN,  
*U.S. Senate, Washington, D.C.*

DEAR SENATOR McCLELLAN: We understand that a Bill (S. 1229) is pending in the Senate Judiciary Subcommittee on Criminal Laws and Procedures which would authorize the Federal Government to make direct grants to Indian tribes to improve their law enforcement programs. As you are well aware, Indian tribal governments generally lack the financial resources to carry on adequate law enforcement programs. This is one of the reasons why, for example, juvenile delinquency rates on many Indian reservations exceed five times the national rural average.

Under the present Omnibus Crime Control and Safe Streets Act financial assistance for Indian law enforcement programs is primarily channeled through State Governments. It is wholly unlikely that states which generally lack criminal jurisdiction on Indian reservations will provide tribes with a fair share of law enforcement assistance. For this reason, the enactment of S. 1229 is absolutely necessary if Indian tribes are to receive Safe Streets Act assistance as Congress clearly intended.

Your assistance on this vital measure will be appreciated by Indians throughout the United States.

Sincerely,

BRUCE A. WILKIE,  
*Executive Director.*

STATE OF CALIFORNIA,  
CALIFORNIA COUNCIL ON CRIMINAL JUSTICE,  
*Sacramento, Calif., July 15, 1970.*

Hon. JAMES O. EASTLAND,  
*Chairman of Senate Committee on the Judiciary,*  
*New Senate Office Building, Washington, D.C.*

DEAR SENATOR EASTLAND: In considering the proposed amendment to the Omnibus Crime Control and Safe Streets Act of 1968, please be advised that the California Council on Criminal Justice adopted a policy statement at its last meeting strongly favoring a change in the current match requirements to 90% federal and 10% local matching in all categories. The basis for this position is the recognition of the serious financial situation facing all agencies of local and State government.

It is essential, in view of the increasing crime rate, that strong action be taken to increase the effectiveness of the criminal justice system in all aspects. While the Council recognizes the importance of a local commitment to programs funded under this Act, as evidenced by the local matching requirement in the current version, nevertheless, we believe that the need to take immediate steps to aid law enforcement is so great as to offset the former general considerations.

In the same vein, we oppose the stipulation that one-quarter of the non-federal funds be provided by the State. The budget crisis which the State of California just went through highlighted the critical financial position of the State and it would be virtually impossible to attempt to allocate any State funds for match purposes in the current fiscal year. Any proposal to require the State to furnish a given percentage of the non-federal funds should provide sufficient lead time to enable the State budget to reflect this.

Although we are in general support in the other proposed changes, we do have some reservations about the requirements that one-quarter of the funds be utilized for corrections. We fully recognize the importance of providing additional funds in the badly neglected areas, but believe that restrictive conditions set forth in the legislation which affect the flexibility with which we can utilize these funds to meet California's problem should be minimized.

Sincerely,

THOMAS C. LYNCH, *Chairman.*

U. S. SENATE,  
*Washington, D.C., July 30, 1970.*

Hon. JOHN L. McCLELLAN,  
*Chairman, Subcommittee on Criminal Laws and Procedures, Committee on the Judiciary, Room 2206 Senate Office Building, Washington, D.C.*

DEAR JOHN: Recently I received a letter from the Executive Director of the Delaware Agency to Reduce Crime in which he comments on the possible adverse affects that Section 7(5) of H.R. 17825 would have on the State of Delaware if it is adopted in its present form.

I am enclosing a copy of Mr. Russell's letter for your information with the request that you give every possible consideration to the points which he raises as you proceed with your work on this legislation.

Yours sincerely,

JOHN J. WILLIAMS.

Enclosure.

STATE OF DELAWARE,  
AGENCY TO REDUCE CRIME,  
*Wilmington, Del., July 17, 1970.*

HON. JOHN WILLIAMS,  
*New Senate Office Building, Washington, D.C.*

DEAR SENATOR WILLIAMS: As a result of the passage of the above Bill by the House, it appears that we may have gone from the frying pan into the fire.

In Sec. 7(5) of H.R. 17825 it is provided that not less than 25 per centum of the amounts appropriated by Congress for the Safe Streets Act shall be devoted to the purposes of corrections, including probation and parole. However, the Act does not change the 75%-25% local-state funds allocation as set by the original Safe Streets Act.

The net effect is that because Delaware has an entirely State-supported correctional system we would be required to supply *all* of the federal funds allocated to State agencies to the correctional system. This would mean that we could not fund the State Police, the courts system, prosecutors, the Public Defender, the Drug Coordinator, or any other State-supported law enforcement institution.

I submit that this would be a disaster for Delaware and also for the several other states who are in a similar situation because they support law enforcement in a much larger proportion than do local governments in those states. In Delaware, the State pays 66% of the cost of all law enforcement activities in the State.

Another provision of H.R. 17825 which may give us considerable difficulty is Sec. 4(G) which provide that each State must supply not less than one-fourth of the non-federal funding. This means states must pay at least one-fourth of the local matching share of federal subgrants. Although this provision may be desirable in the long-run, it could postpone federal funding until the General Assembly meets again in 1971 and provides the necessary appropriation to meet this new requirement. We estimate it would cost the State of Delaware at least \$115,000 in fiscal year 1971, and more in the fiscal years to come.

We hope that you will explore this situation and that you will conclude that every effort should be expended in order to eliminate the requirement that federal funds be distributed on the basis of 75% to local government and 25% to State agencies. If the Law Enforcement Assistance Administration were given the discretion to vary this proportion in States like Delaware, then many of the problems created by the proposed amendments to the Safe Streets Act would be eliminated.

If we may answer any questions you have concerning this matter, we would be happy to attempt to do so.

With my thanks for your continued cooperation.

Respectfully yours,

SAMUEL R. RUSSELL.

STATE OF ALABAMA,  
ALABAMA LAW ENFORCEMENT PLANNING AGENCY,  
*Montgomery, July 29, 1970.*

Senator JOHN McCLELLAN,  
*Chairman, Subcommittee on Criminal Laws and Procedures,  
U.S. Senate, Washington, D.C.*

DEAR SENATOR McCLELLAN: We wish to express our opposition to certain parts of the House-passed amendments to the Omnibus Crime Control and Safe Streets Act.

The requirement that the State contribute one-quarter of the non-Federal share of funding for programs of local government receiving assistance under the State Plan would mean a substantial increase in costs to the State. Our thinking is that this would destroy the effectiveness of the Act, due to some States not being financially able to take advantage of the Federal Funds by paying 25% of the local governments' matching requirements.

The present crime situation is a nation-wide problem, and must be dealt with as such, and not as an area-wide problem to be limited to States that are financially able to meet the 25% requirements set out in the amendments.

The President's Commission on Crime recognized the fact that State government and local governments were in dire need of financial assistance in the fight against crime and recommended Federal assistance to both.

The State of Alabama is contributing a considerable amount of funds to localities in the form of direct aid for law enforcement programs and services to local governments at the present time. Some of them are:

1. The required 10% match on Federal Planning Funds for local governments is paid by the State.

2. Probation Officers: The State has 71 professional probation officers which are based throughout the State who work with and assist all local governments.

3. All correctional institutions are State operated, with local governments only operating temporary "holding" jails.

4. The State operates a Police Academy which is available for training local governments' officers.

5. The State Troopers take care of all traffic enforcement outside of city limits, and are available to local agencies and for other services when needed.

6. The Alabama Department of Pensions and Security handles local problems in juvenile delinquency.

7. Thirty-seven State Criminal Investigators are stationed throughout the State which are available to local law enforcement agencies.

8. One hundred State Alcoholic Beverage Control Agents are stationed throughout the State who work directly with local law enforcement agencies.

9. The State maintains an access line to the National Crime Information Centers in Washington, D.C. This is made available to local agencies by teletype from State Trooper Stations or direct by radio or telephone.

10. The Trade Industrial Education Section of the State Department of Education provide training to local law enforcement officers through training seminars set up throughout the State all during the year.

11. The State operates the Department of Toxicology and Criminal Investigation, with laboratories in Huntsville, Birmingham, Montgomery, Auburn and Mobile. These services are available to local law enforcement agencies at no cost. In 1969 5,498 requests for investigations were received from agencies throughout the State.

12. All Game Wardens, Conservation Officers, etc. are furnished by the State.

13. The Department of Public Safety maintains a fully equipped and trained riot control unit which is available to all local agencies.

14. The State maintains a Narcotic Squad which is available to local agencies. There are many other direct and indirect aids to local units of government which are financed by the State.

Although, language is contained in the House Committee Report (Page 4-5) which would allow a limited waiver of the present requirement to pass-through to local governments 75% of the action funds, there is a need for specific amendatory language in the Act to accomplish this flexibility. The State carries a major share of the expenditure for law enforcement and criminal justice. It is unreasonable to restrict them to use of only 25 per cent of the block grant for their own programs.

We respectfully offer these thoughts for your consideration.

Sincerely,

LELDON W. WILSON,  
*Planning Specialist.*

#### RESOLUTION OPPOSING H.R. 17825

Whereas, the President of the United States on the third day of August, 1970, at Denver, Colorado, charged the Directors of the State Criminal Justice Planning Agencies to jointly discuss their problems of mutual concern and to thereafter let their views be known to the Attorney General of the United States with respect to such problems, and;

Whereas, the Executive Directors of the State Criminal Justice Planning Agencies in meeting assembled on the fourth day of August, 1970, at Colorado Springs, Colorado, at the Second Annual Law Enforcement Assistance Administration Conference for State Criminal Justice Planning Agencies have considered certain problems (including legislative problems) affecting the operation of their collective agencies and programs thereunder under Public Law 90-351, and;

Whereas, H.R. 17825 now before the Committee on the Judiciary of the Senate of the United States in the 91st Congress, Second Session, contains certain proposed amendments deemed by the consensus of the Assembly of the Directors of the State Criminal Justice Planning Agencies to be detrimental to the continuance

of the block grant concept of Public Law 90-351, 90th Congress, H.R. 5037, passed June 19, 1968; the principle of which the Executive Directors of the State Criminal Justice Planning Agencies strongly support:

*Therefore be it Resolved:*

1. That this assembly opposes the specific amendment of paragraph two (2) of section 308, H.R. 17825 wherein States "will provide not less than one-fourth of the non-Federal funding."

2. That this Assembly supports the uniform matching ratio to be made applicable to block grant monies and discretionary grant monies under Part C of the Act and Part E of the proposed amendments thereunder;

3. That this Assembly deems the 40 per cent matching ratio under Part C of the Act, particularly with increased Federal funding under the Act, to be unrealistic with respect to the financial compliance abilities of States and local units of governments to comply therewith and that said matching ratio should be lowered;

4. That this assembly is opposed to the threatened change of the block grant concept through any allocation of any specific percentage allocation to any portion or category of the criminal justice system, such as the proposed amendment to Section 520 contained in H.R. 17825 that "not less than 25 percentum of the amount appropriated shall be devoted to the purposes of corrections, including probation and parole;"

5. That this Assembly supports the concept of increased funding to corrections and that any funds appropriated under proposed Part E, H.R. 17825 "Grants for Correctional Institutions and Facilities" be allocated to the States in the same funding ratio as contained in Section 306, Title I of the Omnibus Crime Control and Safe Streets Act of 1968 as originally enacted.

*Be it further resolved:*

That copies of this Resolution be delivered to the President of the United States, the Attorney General of the United States, the Honorable John McClellan, Chairman of the Criminal Laws Subcommittee of the United States Senate and to the Honorable Roman Hruska, the ranking Minority Member of the Senate Judiciary Committee.

Done at Colorado Springs, Colorado, this Fourth Day of August, 1970.

JOHN F. X. IRVING, *Chairman.*

NATIONAL GOVERNORS' CONFERENCE,  
OFFICE OF FEDERAL-STATE RELATIONS,  
Washington, D.C., July 29, 1970.

Hon. JOHN L. McCLELLAN,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR McCLELLAN: The proposed amendments to the Omnibus Crime Control and Safe Streets Act of 1968 are now before your Subcommittee on Criminal Laws and Procedures. The principal amendment would call for states to provide 25 percent of the local non-federal matching share for all grants under this program. This proposal is based upon several presumptions which do not reflect the facts. It would seriously disrupt the present efforts of states to curb crime in urban areas.

The enclosed memorandum outlines certain of these issues and cites several facts concerning state financial assistance to local governments which will be of interest to you. I would be happy to discuss this matter with you or a member of your staff.

Sincerely,

JAMES A. R. JOHNSON,  
*Special Assistant.*

NATIONAL GOVERNORS' CONFERENCE,  
OFFICE OF FEDERAL-STATE RELATIONS,  
Washington, D.C., July 22, 1970.

MEMORANDUM

Subject: Implications of the "Buying-In" Requirement in the proposed amendments to the Omnibus Crime Control and Safe Streets Act.

Before dealing with several specific points it is important to have in mind certain facts which will add to the full understanding of this issue.

I. Underlying the general support for a buying-in requirement is the premises that state relationships with their local governments, particularly their cities, are characterized by a lack of concern for urban problems; by lack of adequate financial assistance to local units of government; and by "rural" domination of state government to the exclusion and detriment of urban citizens. It is alleged that states care little about urban law enforcement problems.

These allegations are not supported by the facts:

A. The International City Management Association, the principal fact-finding organization for city governments, published in the September 1969 issue of Urban Data Service a report of a national survey made in June 1969, of all 859 cities over 25,000 in population on the Omnibus Crime Control and Safe Streets Act of 1968. This is the only complete survey of city opinion made on this Act. Among the very interesting findings of this survey are these facts:

1. Table 9, page 14 of the ICMA report indicates that on the question of city evaluation of the attitude and actions of State Government regarding City crime problems, 60 percent of the total local officials responding rate the states as "usually" or "nearly always sympathetic and helpful" in dealing with their problems. Fifty-five percent of the general administrators, and 71 percent of the local police officials felt this way.

2. Tables 12 and 13 on page 20 indicate that in response to questions about distribution of federal aid, 59 percent of the local officials favored the block grant to states approach as an improvement over direct categorical grants. Sixty-seven percent of the officials endorsed the concept of the block grants, but 68 percent also supported direct federal grants. This would seem to indicate that the cities' need for financial assistance outweighs political considerations of the method of distribution.

3. Fifty-nine percent of the local officials indicated that they thought city officials were sufficiently represented on the state criminal justice planning board. (Table 17.) On the whole, 59 percent of the city officials said they participated in planning at the state level. For cities over 500,000 this participation jumped to 89 percent. At the regional or local level, 85 percent of all city officials participated in criminal justice planning, with 100 percent participation on the part of cities of 500,000 population or over. (Table 17.)

4. Less than a quarter of the cities (22 percent) said they had local criminal justice coordinating committees of any kind. (Table 5.) Fifty-five percent of the cities said they experienced difficulty in achieving at the local level close cooperation and joint effort among court, corrections, policy officials and others involved in the law enforcement system. (Table 6.)

5. Local governments were asked their preferences for administrative mechanisms for planning and distribution of funds: (Table 36.)

—33 percent of all cities favored the use of state planning districts;

—22 percent favored counties as planning units;

—Only 20 percent favored the use of cities themselves.

B. The recent survey of 48 states by the staff of the Advisory Commission on Intergovernmental Relations revealed the following: (ACIR Bulletin 70-5)

1. Of the action subgrants going to cities, municipalities over 25,000 received 86 percent of the total funds awarded. Urban counties (over 25,000 population) received 83 percent of the action money going to counties.

2. The ACIR study shows that 17 of the 48 states reporting passed through more than the required 75 percent of action funds.

3. Thirty-six states charged all or part of the cost of programs of direct benefit to local jurisdictions to the State share of the action grant funds.

4. As of February 28, 1970, 22 states had made cash or in-kind contributions to help match passed-through funds; 34 states are assuming 75 percent or more of combined state-local corrections expenditures, and 18 states account for 25 percent or more of total State-local police outlays.

5. The ACIR report points out, "that the amount of financial involvement may be small because the 1969 Federal action funds were not awarded to the States until the end of the fiscal year (in June 1969), after some legislatures had adjourned.

C. The U.S. Attorney General testified to the House Judiciary Committee (page 594, House Hearings) that the Nation's 411 cities of 50,000 or more contain less than 40 percent of the total population and have 62 percent of the serious crime. "It is our initial estimate that these cities have been granted 60 percent of all action funds distributed to local government by the State governments up to De-

ember 31, 1969." Additional data will indicate that these cities are receiving much more than this 60 percent. This figure does not include state expenditures of direct benefit to the cities.

D. A brief survey of the States indicates the following examples of State appropriated funding for law enforcement assistance to local governments: (Letters from States are contained in attachment A.)

1. Delaware appropriated \$1,000,000 in FY 1970 for state assistance to local law enforcement agencies. Wilmington received \$542,808, and surrounding New Castle County, \$141,845. In FY 1971, \$650,000 for state assistance, \$65,000 for local planning costs, and \$270,00 for a detoxification center serving local governments.

2. New Jersey provided \$12,050,650 in direct assistance to local governments in FY 1970. In addition the state provides \$8,400,000 for salaries of Police Departments in the State's six largest cities. (Newark received \$5 million, and Jersey City, \$1.7 million under this program.) The State further provides all matching funds for local governments receiving planning grants under the Act.

3. Illinois appropriated \$7,532,800 in state funds for FY 1970 aid to local governments. (\$150,000 for planning grants, and \$1,270,300 for action grants from state funds.) In FY 1971 state funds amounting to \$4,387,500 were appropriated, including \$150,000 for planning assistance, and \$2,200,000 for action grants to local governments. Illinois' new state income tax is shared with local governments with no strings attached. And the 5% state sales tax is reallocated back to cities with no strings attached. Localities can use these additional revenues for law enforcement programs.

4. Virginia in FY 1971 will contribute \$808,120 for state law enforcement aid to localities; with an additional \$868,000 in FY 1972. The money is for direct aid, rather than matching of federal grants.

5. Washington State has absorbed the costs of administering and paying the unfunded liabilities of the police retirement systems for all local governments. This represents a state appropriations commitment for at least the next forty years.

6. Wisconsin expended \$5,863,000 for local law enforcement programs in FY 1970, most of which was for salaries for county district attorneys, county circuit court judges, and public defenders. The State has traditionally shared most of its revenues directly with local units of government. Of these funds local units used \$105,000,000 for law enforcement and criminal justice improvements and programs in police, courts, prosecution, public defense, corrections, probation and parole. 44.2 percent of Wisconsin's total revenue was shared with local units of government in FY 1970.

7. Arizona appropriated \$700,000 in state funds in FY 1970 for direct assistance to local governments for local police training costs, judges salaries, and narcotics and alcohol control programs.

8. California appropriated \$24,582,385 in state funds for local assistance in the criminal justice system in FY 1971. The major items are \$14,750,000 for community based correctional programs, and \$5,168,770 for peace officer training.

9. Wyoming appropriated \$524,566 for state assistance to provide local criminal justice services including salaries for county district judges, county prosecuting attorneys, and investigative and identification services. A request for an additional \$197,000 is pending before the Legislature.

10. The States of Alaska, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maryland, Nebraska, North Carolina, North Dakota, South Carolina, Tennessee, and Utah report state appropriations for limited assistance to local governments for the matching of federal law enforcement grants.

E. The Census Bureau report on Criminal Justice expenditures for FY 1968 shows that State expenditures for criminal justice programs rose over \$200,000,000 or 13 percent from 1967 or 1968. On a per capita basis expenditures rose \$.94 from \$7.19 to \$8.13. This increase came prior to the enactment of the Omnibus Crime Control Act. Direct State expenditures were more than \$1.6 billion in FY 1968.

#### II. Some Specific Allegations:

A. It has been alleged that States do not have responsibility for or interest in, law enforcement and crime control action. Much criticism has been leveled at the Congress for giving the States, under the Omnibus Crime Control Act, a large degree of control over the planning and implementation of programs under this Act. The Congress intended, by adopting the block grant, to provide for a com-

prehensive and coordinated program to improve all aspects of the criminal justice system.

The history of the fragmentation of law enforcement efforts at the local level of government are well documented in the Report of the President's Crime Commission. There are more than 40,000 separate police agencies in the United States. They average nine policemen for each police chief. According to FBI reports, approximately 85.6 percent of all crimes are committed in the 227 Standard Metropolitan Statistical Areas (as defined by the Bureau of the Budget in March 1967). These areas contain about 127,477,000 people, or about 64.3 percent of our population. These 227 sprawling metropolitan areas comprise 404 counties, and 4,977 municipalities. Each of these 5,381 jurisdictions has its own police force. In addition, these SMSA's contain 3,255 townships, but from the data available, it is difficult to determine whether all of these have their own police force.

The Congress, by adopting the block grant, rejected the option to continue and reinforce this fragmentation by providing project-by-project grants for law enforcement. Instead, the Congress chose to take advantage of the political reality that only the States have the comprehensive jurisdictional and legal authority to deal with crime in a coordinated manner.

B. States have been criticized for allegedly spending small percentages of their total budgets on criminal justice programs. Some critics have sought to illustrate this charge by comparing budget percentages of States with those of the 43 largest cities in the nation, using reports of the U.S. Bureau of the Census. On page four of its "Criminal Justice Expenditures Report for FY 1968," the Census Bureau warns:

"... The available sources did not consistently provide full itemizations of expenditures or employment for functional subcategories presented in this report. As a result, itemized breakdowns may be incomplete for particular governmental units.

*"Readers should be cautious in comparing governments, remembering that these data are not the product of a survey design specifically developed to elicit criminal justice information and that there are various limitations on the comparability of governmental finance and employment data.* For example, some State governments directly administer certain activities which elsewhere are undertaken by local governments, with or without fiscal aid. Also, the relative financial scale of counties and cities in the several population size groups is strongly affected by variations in the scope of responsibilities of the individual governments for various services and activities."

As an example, according to the Census Bureau, the Federal Government spent a mere 0.4 percent in FY 1968 on criminal justice activities. This would include the entire budget for the Justice Department, and all federal courts. Does this small percentage mean that the Federal Government was impotent in FY 1968 in the war on crime? No. It means that the major expenditures of the very large federal budget went for expenditures which are uniquely the responsibility of the federal government: such as national defense, public works, space research, post office, health and welfare, veterans' aid, foreign aid, and agricultural subsidies. All of these activities do benefit States and local governments which carry the greater responsibility for criminal justice.

To criticize states for spending an average of 2.7 percent of their FY 1968 budget for criminal justice activities is pointless when we consider that states spend most of their large budgets for items of direct benefit to local governments and their citizens, which are uniquely the responsibility of state government: such as education, health, public welfare, highways, natural resources, hospitals, and social and unemployment insurance.

The claim which is made that the largest 43 cities spent an average of 12.5 percent on criminal justice programs must be closely examined. We find that 10.1 percent of this is solely for police salaries and police related operations. Police expenditures are but one part of the total expenditure for the entire criminal justice system. The police expenditure is uniquely the responsibility of local governments in most states. Many local governments spend far more than 10 percent of their budget on police because that is almost the only public function or service they provide their citizens. They are able to spend large portions of their budgets on police operations and salaries because state and federal governments, as well as numerous special purpose districts, have relieved them of numerous other governmental functions. It was never the intent of the Congress that the Omnibus Crime Control program should provide federal funds for local police salaries. Nor would it be in the spirit or intent of the original Act to adopt

any amendments to compel State governments to put up 25 percent of the local non-federal share for police projects. Police salaries are but a part of the criminal justice expenditure burden, one which has been uniquely the responsibility of local government. The Omnibus Crime Control Act was designed to improve the *entire* system, and to encourage consolidation and cooperation among the fragmented local law enforcement agencies.

A further difficulty with comparing the police salary expenditure of the largest 43 cities is the fact that they are not typical cities. Three of the cities listed (New York, Chicago, and Los Angeles) are larger in population than 27 states. Twenty-two of the top cities are larger than four states. The top 411 cities over 50,000 in population contain less than 40 percent of the people of the nation. And there are more than 18,000 cities, 17,000 townships, and 3,000 counties. The 50 states, on the other hand, contain 100 percent of the nation's population.

C. It has been contended that by forcing the States to put up 25 percent of the local non-federal matching share there will be a substantial increase in the state interest in, and concern for, urban areas, where state involvement for the criminal justice system has been limited. This contention does not reflect the results of the research and hard data found in the ICMA report cited earlier. Fifty-five percent of the local officials and 71 percent of the local police officials questioned felt that their State Government was "usually" or "nearly always helpful and sympathetic" in dealing with their law enforcement problems. States spent in FY 1968 \$1.618 billion in state funds for criminal justice expenditures which directly benefited local governments.

D. A federal mandate requiring States to "buy-in" will not give Governors a valuable piece of leverage with their state legislatures in their efforts to seek higher funding for criminal justice programs, as some claim. The multiplication of federal funding mandates already laid upon state governments, state budgets, state governors and legislators are what have prompted the national movement in support of block grant funding, and federal revenue sharing. These federal mandates have created problems of intergovernmental relations rather than solved them. Federal administrative guidelines and regulations often restrict and confine state budgeting actions and program innovation. State legislatures have had to hold up final action on their own budgets because of federal inaction and delays in appropriating and allocating grant funds.

The Governors of the States do not need clubs to "force" their legislatures to make decisions on this issue. They need, rather, flexibility in developing and proposing innovative programs for state aid to localities for criminal justice programs. Each state has unique constitutional and fiscal laws and policies. Each state has a unique system of criminal justice administration. These factors require that each state Governor have the freedom to propose programs that fit his state's situation.

Mandating that the state put up 25 percent of the local non-federal matching share substantially reduces this needed flexibility. Had this been a requirement in the Act Washington State would not have been able to commit its resources to pay the entire unfunded liability for all police retirement systems in the state. By assuming administration of the police retirement systems the State very substantially and directly aids local governments in their law enforcement costs. Had the 25 percent buy-in requirement been in the Act, New Jersey would probably not have been able to appropriate \$8.4 million for police salary aid to the state's six largest cities; and Illinois would not have been able to make statewide purchases of equipment for distribution to all local police departments. Instead, they would have had to hold the money for use strictly to match local grants.

The mandate of 25 percent buy-in by States does not recognize the fact that various local governments have varying capacities for providing their own matching funds. Every local government applicant for block grant funds does not need the 25 percent assistance from the state. Yet the amendment would require that the State put up 25 percent for them. Many local governments may need more than 25 percent assistance. Yet the amendment would limit the state to providing a maximum of 25 percent assistance, because it would have to hold back enough money to insure the wealthy cities their minimum 25 percent.

E. It has been charged that local governments do not receive adequate financial assistance from their state governments. Some say that states are not making any attempt to raise additional revenues; and that cities are the only units of government financially pressed. The facts, as reported by the Census Bureau, and by the Federation of Tax Administrators, do not support this contention:

1. In FY 1968 total appropriations and expenditures by states amounted to \$66,254,175,000. Of this, nearly one third, \$21,949,685 went for direct aid

to local governments. This was greater than the Federal expenditures of \$18,053,000 for all forms of aid to all states, all counties, all cities, all school districts, and all other special purpose districts in FY 1968. Of the \$21.949 billion going to local governments from state treasuries, cities over 25,000 in population (numbering 859 according to the International City Management Association) received \$4,730,000,000, or nearly one-fourth, of all state aid to localities in FY 1968. During the same year the Census Bureau reports that these same 859 cities over 25,000 in population received a mere \$941 million in aid directly from the Federal Government.

Perhaps these same cities would complain that they are receiving only a fourth of the pot of state aid. Significantly, more than half of state aid in FY 1968 (\$13,321,275,000) went for the educational needs of local districts. School systems are rarely the responsibility of city governments, so city officials are often unaware of this assistance to their citizens. Yet these separate local districts are always located where the children are—in urban areas. Local law enforcement officials are recognizing more and more the importance of the school system as an ally in the war on crime. Much of the state funding for narcotics control and juvenile delinquency prevention and control goes to local school districts.

When we recall that there are more than 40,000 police forces in the country, it is interesting to note that consolidation among school districts has been exemplary. Starting with an all time high in 1942 of 108,579 school districts, the number has been consolidated to 21,782 in 1967. In 1942 there were 16,220 cities, 18,919 townships, and 3,050 counties. In 1967 there were 18,048 cities, 17,105 townships, and 3,049 counties. During the same time span special districts, providing various vital public services, such as water, sewage disposal, street lighting, roads, housing, mass transit, air pollution control, parks, airports, harbors, and hospitals have increased from a 1942 low of 8,299 to a 1967 high of 21,264. It would seem that city government has not generally taken responsibility for providing essential public services for urban citizens.

2. The Federation of Tax Administrators reports a phenomenal State tax effort. During the decade from January 1960 through December 1969 State Legislatures instituted 28 new taxes, and increased taxes 363 times. Eighty-seven of these taxes increases came during the 1969 legislative sessions. An additional 28 taxes in 12 states have been increased during the first six months of 1970.

In 1970 the following number of states were collecting these taxes: (1960 figure included for comparisons of changes)

Tax	Number of States taxing		Range of tax rates (1970)
	1960	1970	
Excise:			
Sales.....	34	45	2-6 percent.
Gasoline.....	50	50	5-9 cents.
Cigarettes.....	46	50	2-18 cents.
Distilled spirits.....	32	33	\$1.20-\$4.00.
Income:			
Individual.....	31	37	2-22 percent.
Corporation.....	36	42	2-12 percent.

State tax collections surged up in FY 1969, surpassing the record gain of the year before. The Census Bureau reports that state taxes yielded \$42.0 billion in FY 1969, an increase of \$5.6 billion, or 15.3 percent, over the preceding year. In FY 1968 state tax collections rose \$4.5 billion, or 14 percent, and in FY 1967 they were up \$2.5 billion, or 8.7 percent.

"The record upswing in state tax revenues in FY 1969 reflected both the huge volume of tax increases enacted at the 1968 and 1969 legislative sessions and the effect of economic growth and inflation on consumer spending and income," according to the Federation of Tax Administrators. General sales taxes, the largest state revenue producer, jumped 19.2 percent to \$12.4 billion. Individual income taxes rose 21.6 percent to \$7.6 billion in 1969. Corporation net income taxes had the largest gain of any major tax, rising 26.3 percent to \$3.2 billion in 1969.

These facts speak for themselves. The States have outpaced both the federal and local governments in taking dramatic action to institute new taxes, raise existing ones, and increase revenues.

F. Legislative action to provide for state compliance with a mandatory 25 percent buy-in amendment, should it be adopted by the Congress, is not a simple matter, as has been claimed. It is correct that only two states, Kentucky and Virginia, are not scheduled to have legislative sessions in 1971. But it is important to also realize that 25 states have biennial budget cycles, with Hawaii initiating this practice in calendar 1971. Although the Legislatures in 28 states meet every year, and those of 21 additional states meet in odd years, not every state takes up its budget every time the Legislature meets.

The buying-in amendment becomes effective immediately upon enactment and signing by the President. This would mean that States would have to come up with 25 percent of local share of matching in FY 1971, or be forced out of the block grant program. Even those states considering budgets (both annual and biennial) in calendar 1971 will be acting to appropriate funds for FY 1972 and FY 1973.

To further complicate this problem is the fact that state budget cycles are almost as long as that of the Federal Government. Executive agencies in states must have a certain length of time by statute and regulation, ranging from 6 to 18 months, to prepare the State budget, and to propose new tax legislation to raise the additional revenues. State governments, unlike the Federal Government, cannot operate on deficit budgets. Many states have constitutional requirements for balanced budgets.

States will have difficulty in raising revenues to match the existing block grant without having to deal with an additional burden of 25 percent of the local non-federal matching share.

G. The Advisory Commission on Intergovernmental Relations, although having a long-standing policy of favoring state buying-in in a general way, specifically rejected a policy statement which would have endorsed the House passed amendment requiring 25 percent State buy-in. This action was taken at its San Clemente, California, meeting on June 12, 1970. After full discussion of the issues involved, the motion to reject the buying-in requirement was made by Mayor Jack Malfeater of San Leandro, California, President of the U.S. Conference of Mayors. The motion was unanimous, and also involved a full endorsement of the present block grant contained in the Omnibus Crime Control and Safe Streets Act of 1968.

H. The National Governors' Conference adopted the following policy statement in 1969 by a unanimous vote:

"The National Governor's Conference restates and reemphasizes its commitment to vigorous and effective action to control the burgeoning crime problem in the urban areas of our states. Recognizing that the plague of crime knows no jurisdictional boundaries, the Governors of the States pledge their active support to the comprehensive planning and intergovernmental action called for in the Omnibus Crime Control Act of 1968. The Governors are firmly committed to the need for a working partnership with elected and other policymaking officials in the counties and municipalities of our states to accelerate efforts in developing comprehensive metropolitan crime control programs and facilities."

The Committee on Law Enforcement, Justice and Public Safety has this year recommended that the following statement be added to the above policy:

*"We support and encourage voluntary state assistance to local governments for criminal justice programs."*

The Governors of the States are in no way arguing against the principle of state assistance to local governments. The record is clear. The States have put their dollars where their citizens problems and needs are. They have made this commitment to aid local communities in unique and innovative ways, and on a voluntary and responsive and flexible basis. They have moved forward to meet the growing demands of citizens upon their governments. They have raised taxes faster and higher than all other levels of government combined; they have appropriated large budgets; they have granted billions of dollars to cities and urban counties.

The request of the States and their leaders is simply that the Congress recognize the progressive and good faith efforts of the States, and that national legislation, including the proposed amendments to the Omnibus Crime Control Act, reflect the roles of States as the full partners with the national government in the federal system.

There are more than 1,000 federal grant-in-aid programs. Wisely, the Congress did not include a mandatory "buying-in" requirement applicable to state government in any of these programs. The national government has preferred to use its powers of persuasion, encouragement, and technical assistance to work

cooperatively with states, and local governments, to accomplish certain common goals. To force the States to expend a portion of their revenues for a specific functional purpose, or for the matching of federal grant funds going to local governments, would be an unnecessary departure from the traditional pattern of intergovernmental cooperation. It would violate the very essence of the "federal system" created nearly two centuries ago.

If even one of the 1,000 federal aid programs required a mandatory buy-in by state governments, as is proposed in the House amendments to the Omnibus Act, the ability of the states to respond to the priorities and needs of their own citizens would be drastically reduced. To force a state to expend its revenues for programs and purposes established by federal law is to violate in the most serious way the principles of local representative government, and community control.

By enacting the pioneering Omnibus Crime Control and Safe Streets Act in 1968, the Congress took the first brave step to reverse the trend of fragmented, spotty and chaotic governmental responses to public problems. The block grant, with its delegation of decision-making and discretion to the state governments, is intended to consolidate the participation of the federal government in criminal justice assistance efforts into a single manageable program. The alternative would have been to create numerous additional bureaucracies to administer dozens of separate law enforcement and criminal justice programs to thousands and thousands of individual grant applicants. The genius of the block grant, as Congress created it in the Act, is that it brings together the expertise and superior revenue raising powers of the federal government, and the responsiveness, innovation and first-hand experience of state and community decision-making. Mandating the expenditure of state revenues, as is proposed, would destroy the block grant as an administrative tool to accomplish our national goal of keeping government power in the hands of the people.

GOVERNOR'S PLANNING COMMITTEE  
ON CRIMINAL ADMINISTRATION,  
Cheyenne, Wyo., July 21, 1970.

Mr. JAMES A. R. JOHNSON,  
*Special Assistant, National Governors' Conference, Office of Federal-State Relations, Washington, D.C.*

DEAR MR. JOHNSON: Reference your letter of July 10, 1970, concerning administration of the Omnibus Crime Control Act in the State of Wyoming.

With regard to your first question I'm advised by my Financial Officer that we have experienced no difficulty in operating under letter of credit procedures for obtaining funds under the Omnibus Act. There are some time delays but these are not critical.

In reference to your second question it is difficult on the spur of the moment to come up with complete and accurate figures concerning the amount of money being allocated by the State of Wyoming for the benefit of local agencies of the criminal justice system. For this reason the figures which I intend to give you I hope you will treat as approximations, although I do believe that they are reasonably reliable. I have arranged these figures in several categories indicating the kind of commitment involved.

*Direct Appropriations for the Benefit of Local Agencies Under the Omnibus Act:* \$5,400.00—10%—cash match for planning funds (1969)

*In-Kind Matching for Action Programs:*

\$8,000.00—state match for State Drug Investigator designed to assist local agencies almost exclusively.

\$2,710.00—state match for local use of NCIC and national LETS machines located at Wyoming Highway Patrol.

*State Payments for Local Services:*

\$345,000.00—state payment of salaries for District Judges whose exclusive jurisdiction is in a county court.

\$38,450.00—state payment for expenses of Wyoming Bureau of Identification used almost exclusively by local agencies.

\$125,000.00—state salaries and expense for criminal appeals prosecuted by the State Attorney General's Office on behalf of county and prosecuting attorneys.

Total—524,500.00.

All of the above figures have been adjusted to reflect the actual degree of local and county benefit received from each of the named agencies. As an example of this the work load statistics of the Wyoming Highway Patrol Communications Division indicate that 88% of all messages received and sent are originated by local agencies. Thus the \$2,710.00 represents 88% of the actual expense to the State of Wyoming for this purpose.

I'm also including a copy of our Volume IV of the Wyoming Comprehensive Law Enforcement Plan for 1970. The last page of this volume you will find a projection of requested expenditures on the part of the State of Wyoming for the benefit of local law enforcement over the next two years. As you see this request is in the amount of \$197,000.00 in as allocated to the program listed on page 73.

I hope that this information will be of value to you. If you have any questions please feel free to contact me.

Sincerely,

JOHN B. ROGERS, *Administrator.*

STATE OF CALIFORNIA,  
GOVERNOR'S OFFICE,  
Sacramento, July 20, 1970.

HON. JAMES O. EASTLAND,  
*Chairman of Senate Judiciary Committee,*  
2241 New Senate Office Building,  
Washington, D.C.

DEAR SENATOR EASTLAND: H.R. 17825 to amend the Omnibus Crime Control and Safe Streets Act of 1968 has a major implication for California which I am sure will be of as much concern to you as it is to me.

The proposed amendment to require that the states contribute one-quarter of the nonfederal share of funding would create very serious problems in California in the light of our fiscal situation. The bill authorizes an appropriation of \$650 million for fiscal year 1970-71. It would be anticipated that California's allocation from that amount would be approximately \$43 million. To assure the full expenditure of this amount, it would be necessary for us to provide up to \$7 million from state funds to meet the requirements of this proposed amendment. It would be manifestly impossible for us to find funds to meet this obligation which would mean that the implementation of the Act would be virtually halted in California this year should this amendment be enacted into law.

However, it should be pointed out that our budget for 1970-71 includes \$24,582,385 in state funds allocated for local assistance in the criminal justice system. The major items are \$14,750,000 probation subsidy to maintain selected convicted persons in the community instead of sending them to state prison, and \$5,168,770 for peace officer training under the Commission on Peace Officer Standards and Training.

It would appear, therefore, that California is in fact buying into the criminal justice system on the local level in substantive fashion.

The whole question of matching requirements is assuming increasing importance as the amount of available federal funds increases. Local agencies are facing a financial crisis in simply meeting expenses for existing programs. For them to assume 25-50 percent match requirements, even for programs they regard as highly desirable, will be increasingly difficult.

This bill proposes to change the match requirements for discretionary funds to 10 percent, which may be waived by LEAA. The California Council on Criminal Justice adopted a resolution at its last meeting requesting that all of the grants made under the Omnibus Crime Control and Safe Streets Act be on a 90/10 basis. I strongly endorse this. Massive infusion of funds is essential to accomplish the objectives of criminal justice planning and more effective crime control. Unfortunately, this money is now only available from federal sources because of our tax structure and the limitations of tax sources available to us at the state and local level.

Your support of modifications of HR 17825 to accomplish these objectives would be in the best interests of California.

Sincerely,

RONALD REAGAN, *Governor.*

ARIZONA STATE JUSTICE PLANNING AGENCY,  
Phoenix, Ariz., July 20, 1970.

MR. JAMES A. R. JOHNSON,  
Special Assistant, National Governors' Conference,  
Washington, D.C.

DEAR MR. JOHNSON: Concerning your request of July 10, 1970:

1. Experience has shown that there is too much delay in getting funds adjusted and available when it is necessary to change the fixed allocated quarterly amount.

2. During the year 1970 the State of Arizona allocated state appropriated money for direct assistance for local criminal justice programs as follows:

a. Superior Court (one-half the salary of all judges)-----	\$560, 000
b. Law Enforcement Officers' Advisory Council (direct reimbursement of local police training costs)-----	80, 000
c. Alcohol and Drug Abuse, State Health Department (local narcotics and alcohol programs)-----	60, 000
<b>Total</b> -----	<b>700, 000</b>

If further information is needed, please do not hesitate to contact me.

Very truly yours,

ALBERT N. BROWN,  
Executive Director.

STATE OF WISCONSIN,  
DEPARTMENT OF JUSTICE,  
Madison, July 16, 1970.

NATIONAL GOVERNORS' CONFERENCE,  
Charles A. Byrley, Director,  
c/o James A. Johnson,  
Office of Federal State Relations,  
Washington, D.C.

DEAR MR. JOHNSON: In regard to your letter of July 10, you requested information on two questions, one relating to the "letter of credit" method, and also concerning our state's aid to local government units on law enforcement.

Since we initiated the implementation of the Omnibus Crime Act in the State of Wisconsin, we have experienced no problems of any significance with the "letter of credit" method of transmitting Federal funds to the state. The system is operating efficiently at present, and the state has given us no indication of any impending problems with the method.

In regard to your second question, I am deeply concerned about the amendments to the Act now under consideration by the Senate and already passed in the House. In our state, I feel very strongly that the requirement that Wisconsin provide 25% of the matching share would prove disastrous to full continuation of our program efforts. Additionally, at a regional meeting of SPA directors in Chicago this July, the measure was firmly denounced. The Attorney General has written President Nixon, requesting him to veto the amendments.

The information pertaining to our state's direct aid to local law enforcement agencies and units of government is enclosed as you requested.

Sincerely,

ROBERT G. WALTER,  
Executive Director.

Enclosure.

STATE AIDS TO LOCAL AND LOCAL EXPENDITURES FOR LAW ENFORCEMENT AND CRIMINAL JUSTICE IMPROVEMENT IN WISCONSIN

STATE EXPENDITURES—LOCAL

1. State law sets certain minimum salaries for district attorneys with the population of the county and nature of the position (full-time or part-time) serving as variables which affect salary. However, the state pays each county \$4,500 of their District Attorney's salary every year. In addition, the state provides \$3,000 every year as a base salary for every full-time deputy district attorney and full-time assistant district attorney.

Estimated Expenditure 1969-70, \$530,000.

2. The state has fifty-one circuit judges that serve in twenty-six judicial circuits. Circuit Courts serve as both a court of original jurisdiction and of limited appeal. The Circuit Court is the major trial level court in the state. The state pays the salary and travel expenses of all circuit judges and their court reporters.

Estimated Expenditure 1969-70, \$2,017,100.

3. Each of the state's 72 counties have at least one county judge except four which share two judges. Including various court branches within counties there are 123 county judges in the state. County court has exclusive jurisdiction for probate and juvenile cases but generally handles fewer criminal cases than Circuit Courts. The state pays the salary of all county judges and is reimbursed for half the expenses by the county in the next year. The state also pays the salary of county court reporters but is reimbursed half this cost monthly.

Estimated 1969-70 Expenditure, \$3,473,000; estimated 1969-70 Revenue from County, \$1,491,000.

4. The state underwrites the costs over \$10,000 of trials involving indigent defendants. The county absorbs the first \$10,000 in cost of such a trial.

Estimated 1969-70 Expenditure, \$70,000.

5. The state Department of Health and Social Services licenses private foster homes for the care of delinquent children. These homes are privately run, and the state provides the funds to operate them. The children involved are in the legal custody of the state department.

Estimated 1969-70 Expenditure, \$706,600.

6. The state Public Defender handles indigent criminal appeals which have "arguable merit." The expense of defending such indigents at the trial level is borne by the county.

Estimated 1969-70 Expenditure, \$57,000.

7. When the state Public Defender cannot handle an indigent appeal, the state supreme court appoints private counsel. The state pays for such private counsel.

Estimated 1969-70 Expenditure, \$500,000.

The total of the foregoing direct state expenditures for local law enforcement purposes is: \$5,863,000.

Expenditures not related here, which are either combined closely with state expenditures, included in other related areas but still went for criminal justice purposes, or miscellaneous, bring the total, as listed in the last budget to: \$6,600,000.

#### LOCAL EXPENDITURES

The above figure by no means represents the state's total commitment to law enforcement. Many areas in law enforcement are handled by the state for local units. This is true in the areas of rehabilitation and corrections, legal defense, prosecution, juvenile delinquency and research.

Secondly, and most important, the state has traditionally shared most of its revenues directly with local units of government, with few strings attached. From these sums, the local units used \$105,900,000 for law enforcement and criminal justice improvement, in the following areas:

1. Police (criminal);
2. Courts;
3. Prosecution;
4. Defense (public);
5. Corrections (institutions);
6. Corrections (probation—parole);
7. Other.

44.2% of Wisconsin's total revenue in-take was shared with the local units of government last year. This represented \$1,458,872,000. About 10% of that went to law enforcement and improvement of criminal justice.

STATE OF NEW JERSEY,  
STATE LAW ENFORCEMENT PLANNING AGENCY,  
*Trenton, July 14, 1970.*

Mr. JAMES A. R. JOHNSON,  
*Special Assistant, National Governor's Conference,  
Washington, D.C.*

DEAR MR. JOHNSON: Reference is made to your letter dated July 10, 1970 to all State Criminal Justice Planning Directors requesting certain information concerning the administration of the Omnibus Crime Control Program.

In answer to your first question, the New Jersey Law Enforcement Planning Agency has had no difficulty with the "letter of credit" method of transmitting federal funds to New Jersey under the Omnibus Crime Control Act.

Concerning your question on the amounts of state appropriated money being allocated for direct assistance to local governments for criminal justice programs, in the FY 1969-1970 the State of New Jersey provided \$12,050,650 for direct assistance to local governments for criminal justice programs. This included \$50,650 which the state provided as a cash match for the Project "ALERT" Radio Communication system that is used by municipalities at the scene of riots or civil disorders.

In addition, in FY 1969-70 and FY 1970-71 the state provided \$8,400,000 under the urban aid program for the salaries of Police Departments in New Jersey's 6 largest cities. Of this total, Newark, New Jersey's largest city, received \$5,000,000 and Jersey City received \$1,700,000.

In the same fiscal periods, the State of New Jersey provided annually \$3,600,000 towards the local Police Pension and Retirement funds.

Thus, in supplying \$12,050,650 to Local Criminal Justice Programs, the State of New Jersey far exceeds the federal block grant funds that were allocated to New Jersey during the 1970 fiscal year.

It might be pointed out also that the State of New Jersey appropriated the 10% matching funds required normally to be put up by local units of government that receive federal planning grant funds. LEAA requires that at least 40% of the federal planning monies be awarded to local units of government. In New Jersey, county and municipal units of government receive 50% of these planning funds and have not been required to put up any of the non-federal matching share in either 1969 or 1970.

I trust this information will be of some assistance in the argument to the U.S. Senate against the proposed mandatory requirement by which the state would have to pay 25% of the local non-federal matching share.

Sincerely yours,

T. HOWARD WALDRON,  
*Acting Executive Director.*

ILLINOIS LAW ENFORCEMENT COMMISSION,  
*Chicago, Ill., July 14, 1970.*

MR. JAMES A. R. JOHNSON,  
*Special Assistant, National Governors' Conference,  
Office of Federal-State Relations,  
Washington, D.C.*

DEAR MR. JOHNSON: In response to your letter of July 10, 1970, I offer the following comments:

1. The State of Illinois Law Enforcement Commission has experienced no problems at all with the transmitting of federal funds thru the Omnibus Crime Control Act via the "letter of credit" system. As a matter of fact we find it a very efficient technique and insures that undue sums of money are not created by the federal government and moved to the states where they might remain idle pending disbursement to sub-grantees. I would say that if other states are experiencing any difficulties with the letter of credit method then they had best examine their internal procedures as we find it an extremely easy technique to administer.

2. For Fiscal 1970, (period ending June 30, 1970) the state legislature appropriated to this Commission a sum of \$7,532,800, a portion of which was for sub-granting at the discretion of this Commission to units of local government. More specifically, the legislature appropriated \$150,000 to support planning grants to units of local government and \$1,270,300 to support action grants to units of local government. There were no strings attached to this money and it could be awarded at the discretion of this Commission.

In some cases, the state money was used to support a unit of local government who were unable to supply the matching funds while in other cases the money was used to provide 100% funding for certain special activities such as management studies of police departments.

For the Fiscal Year 1971 (period ending June 30, 1971), the state legislature appropriated a sum of \$4,387,500, most of which is available to this Commission to award to units of local government at its discretion. More specifically, the appropriation called for \$150,000 to be made available for planning grants to

units of local government and \$2,200,000 for action grants to units of local government. There is a third category totalling \$1,027,500 which is available for either state or local agencies for programs not covered by federal matching.

Let me make one additional observation relative to the proposed amendment to the Omnibus Crime Control Act where the states would be required to supply 25% of the local match. In Illinois, the state legislature over the past two (2) years has shifted a portion of its revenues to units of local government. For example, the newly enacted state income tax provides for a portion of receipts to be sent to cities with no strings attached. In addition, the 5% state sales tax was reallocated to provide a greater portion of the revenues collected to be distributed back to the cities with no strings attached. It would seem that the blanket requirement that states provide a portion of the local match would be unfair to those states who have already taken steps to strengthen the finances of units of local government. In any event, as the act allows in-kind contributions on the part of the local government the ability to provide the local match does not present a problem for almost all the cities in the State of Illinois.

I trust that the above will provide you with some useful information so that you might prepare your testimony before the appropriate Congressional Committee. Please call me if you need additional details or background information.

Very truly yours,

WILLIAM G. BOHN,  
*Chief Fiscal Officer.*

STATE OF INDIANA,  
*Indianapolis, July 15, 1970.*

NATIONAL GOVERNORS' CONFERENCE,  
*Office of Federal-State Relations,  
Washington, D.C.*

DEAR SIR: We are in receipt of your letter dated July 10, 1970 requesting certain information concerning the state administration of the Omnibus Crime Control program.

Our experiences with the letter of credit has been satisfactory once the amounts have been approved and set up.

There seems to be an apparent hold up between the time the request leaves our office and the final approval is received by the Federal Reserve Bank.

Please be advised that of the \$64,658 appropriated in 1969-70 and \$75,342 appropriated in 1970-71 for the Omnibus Crime Control program only \$25,000 per year was set aside for the state's share of action grant matching funds. The balance of the appropriation was used to match the planning funds.

It is apparent from the above information that this state would not be able to meet any mandatory federal requirement for the 25 percent buying-in.

The present state administration is now preparing budgets for the next bi-annum which will include legislation permitting a local option tax rather than the state making any distribution directly to the local units.

Sincerely,

ROSCOE F. WALTERS, Jr., *Fiscal Officer.*

STATE OF HAWAII, STATE LAW ENFORCEMENT  
AND JUVENILE DELINQUENCY PLANNING AGENCY,  
*Honolulu, July 23, 1970.*

Mr. JAMES A. R. JOHNSON,  
*Special Assistant, National Governors' Conference,  
Office of Federal-State Relations,  
Washington, D.C.*

DEAR MR. JOHNSON: This is in reply to your inquiry of July 10, 1970, regarding information concerning the state administration of the Omnibus Crime Control program. The following information is provided:

1. The "letter of credit" method of transmitting federal funds to states under the Omnibus Act has been very acceptable to us. Processing time (including preparation, presentation to commercial bank and crediting our account) has averaged approximately four working days.

2. The State Legislature has appropriated a total of \$269,633 in State general fund monies to assist in matching our total 1970 Action grant of \$768,900. More

than 50 per cent of the total general fund appropriated will eventually be subgranted to local units of government. For fiscal year 1969 Action funds, \$47,432 in general fund monies were subgranted to local units of government to assist in matching the LEAA Action funds required for their respective subgrants.

Sincerely,

IRWIN TANAKA, *Director.*

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INTERAGENCY LAW ENFORCEMENT PLANNING COUNCIL,  
OFFICE OF THE GOVERNOR,  
Tallahassee, Fla., July 29, 1970.

Mr. JAMES A. R. JOHNSON,  
*Special Assistant, National Governors' Conference,*  
*Office of Federal-State Relations,*  
*Washington, D.C.*

DEAR MR. JOHNSON: With reference to your letter to state criminal justice planning directors, dated July 10, 1970, the Florida State Planning Agency has incurred no problems with the current letter of credit procedure. We wish to go on record, however, as supportive of the quarterly period for letters of credit. The flexibility needed for meeting the requests of subgrantees is assured through the quarterly letter of credit. More frequent letters of credit would cause rigidity which would not be responsive to the needs of state and local units of government.

Regarding the proposed amendment to require states to pay 25 percent of the local non-federal matching share, Florida has appropriated a total of \$474,000 cash match, with the balance as in-kind match, for its FY 1970 federal action award of \$5,597,000. This state views the purpose of state cash match as funds to be applied for state and/or local agencies where said agencies, after having explored available opportunities for *other* cash or in-kind match, cannot obtain the match for themselves. We, therefore, estimate that less than \$100,000 state cash match funds will flow to local units of government in FY 1970.

This amendment may produce the undesirable side effect of enticing units of general local government to rely more heavily upon federal and state governments to provide needed goods and services to their sectors of the criminal justice system. Therefore, this amendment may create problems in enforcing paragraph (10) of Section 303, i.e., that federal funds under PL 90-351 will not be used to supplant state or local funds.

If we may be of further assistance, please advise.

Sincerely,

ALLAN C. HUBANKS, *Administrator.*

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STATE OF IDAHO,  
LAW ENFORCEMENT PLANNING COMMISSION,  
Boise, July 28, 1970.

Mr. JAMES A. R. JOHNSON,  
*Special Assistant, National Governors' Conference,*  
*Washington, D.C.*

DEAR MR. JOHNSON: This is in answer to your memorandum of July 10, 1970 requesting information regarding the state administration of the Omnibus Crime Control program.

1. We have experienced no difficulty in working with the letter of credit method of transmitting funds. Last year we experienced a small time lag in setting up the initial authorization at the end of the fiscal year, however, the time lag this year caused no difficulty whatsoever.

2. The State of Idaho 40th Legislative Session appropriated \$194,000 to be used as match funds for Omnibus Crime Control funds. The State Law Enforcement Planning Commission allocated this entire amount to be used by the local jurisdictions as part of their match for fiscal years 1970-71. In FY-1970, the state portion of the local match amounted to 27.6% as a direct cash allocation. Indirectly, the state has appropriated \$99,536 for the Peace Officer Standards & Training Academy for FY-70 and 71. Seventy-five percent of the class capacity is reserved for local trainees. This indirect state participation in local activities amounts to an additional 6.5%.

It is anticipated that the next legislative session will appropriate an amount in excess of \$240,000 for the 1972-73 FY biennium.

This information is included as an appendix to our 1970 Comprehensive Plan, a copy of which we have mailed to you under separate cover. If additional information is required we will furnish it upon request.

Sincerely,

ROBERT C. ARNESON, *Director*.

STATE OF DELAWARE,  
AGENCY TO REDUCE CRIME,  
Wilmington, July 17, 1970.

Re H.R. 17825 ("Omnibus Crime Control and Safe Streets Act Amendments of 1970").

Hon. J. CALEB BOGGS,  
*New Senate Office Building,*  
*Washington, D.C.*

DEAR CALE: As a result of the passage of the above Bill by the House, it appears that we may have gone from the frying pan into the fire.

In Sec. 7(5) of H.P. 17825 it is provided that not less than 25 per centum of the amounts appropriated by Congress for the Safe Streets Act shall be devoted to the purposes of corrections, including probation and parole. However, the Act does not change the 75%-25% local-state funds allocation as set by the original Safe Streets Act.

The net effect is that because Delaware has an entirely State-supported correctional system we would be required to supply *all* of the federal funds allocated to State agencies to the correctional system. This would mean that we could not fund the State Police, the courts system, prosecutors, the Public Defender, the Drug Coordinator, or any other supported law enforcement institution.

I submit that this would be a disaster for Delaware and also for the several other states who are in a similar situation because they support law enforcement in a much larger proportion than do local governments in those states. In Delaware, the State pays 66% of the cost of all law enforcement activities in the State.

Another provision of H.R. 17825 which may give us considerable difficulty is Sec. 4(6) which provides that each state must supply not less than one-fourth of the non-federal funding. This means states must pay at least one fourth of the local matching share of federal subgrants. Although this provision may be desirable in the long-run, it could postpone federal funding until the General Assembly meets again in 1971 and provides the necessary appropriation to meet this new requirement. We estimate it would cost the State of Delaware at least \$115,000 in fiscal year 1971, and more in the fiscal years to come.

We hope that you will explore this situation and that you will conclude that every effort should be expended in order to eliminate the requirement that federal funds be distributed on the basis of 75% to local government and 25% to State agencies. If the Law Enforcement Assistance Administration were given the discretion to vary this proportion in States like Delaware, then many of the problems created by the proposed amendments to the Safe Streets Act would be eliminated.

If we may answer any questions you have concerning this matter, we would be happy to attempt to do so.

With my thanks for your continued cooperation.

Respectfully yours,

SAMUEL R. RUSSELL.

TABULAR REVISION OF BUDGETING BY THE STATES—TABLES III, IV, V, VII, IX, XII

THE COUNCIL OF STATE GOVERNMENTS, LEXINGTON, KY.

TABLE VII.—BUDGET CALENDAR

Year prior to legislative session (1970)											Year of session 1971 for fiscal year 1972 budget, session convenes—	
Forms to agencies	Authori- zation	Estimates submitted	Authori- zation	Recommen- dation prepared	Authori- zation	Document released by	Authori- zation	Document to legislative session by	Authori- zation	Preparation period (in months)		Year of budget session
Alabama <sup>1</sup>		Feb. 1	L	Mar. 1	L	14 days	L	5th day	L		0	1st Tuesday, May.
Alaska	Sept. 1	L	Nov. 1	L				3rd day	L	4	A	2d Monday, January.
Arizona	July 1	L	Sept. 1	L				5th day	L	6	A	Do.
Arkansas	Aug. 1	R	Oct. 15	L				do	L	5	0	Do.
California	May, June	R	Nov. 17	L				30th day	L	8 to 10	A	1st Monday, January.
Colorado	June 30	A	Aug. 25	L				10th day	L	6½	A	Wednesday after 1st Tuesday, January.
Connecticut	Aug. 1	L	Sept. 1	L	To Govern- nor Nov. 15.	L		Feb. 14, plus 1 day.	L	6½	0	Wednesday after 1st Monday, January.
Delaware	do	L	Sept. 15	L				5th day	L	5 to 6	A	2d Tuesday, January.
Florida	Aug. 15	R	Nov. 1	L	Dec. 15		Feb. 15	1st day	L	7	A	Tuesday after 1st Monday, April.
Georgia	July 15	R	Sept. 1	L				5th day	L	6	0	2d Monday, January.
Hawaii	June	R	Oct. 1	R			Dec. 31, approx.	1st day	L	6 to 7	A	3d Wednesday, January.
Idaho	May, June	R	Aug. 15	L			Nov. 20	5th day	L	5 to 6	0	2d Monday, January.
Illinois	Nov. 1	L	Jan. 15	L	Mar. 1	R	Apr. 1	Apr. 1	L	5	A	Wednesday after 1st Monday, January.
Indiana	June, July	U	Sept. 1	L	December	U	January	Jan. 7-10	U	7	0	Thursday after 1st Monday, January.
Iowa	July 1	R	do	L				Feb. 1	L	7	0	2d Monday, January.
Kansas	do	R	Oct 1 (O)	L				3 weeks	L			
Kentucky	do	R	Sept. 15(E)	R				2 days	L	7	A	2d Tuesday, January.
			Nov. 15	R					Optional <sup>2</sup>	L	6	E
Louisiana	Nov. 1	L	Jan. 15	L				7th day <sup>3</sup>	L	6½	A	2d Monday, May.
Maine	July	R	Sept. 1	L				2d week	L	5½	0	1st Wednesday, January.
Maryland	July 1	R	do	R				1st day <sup>4</sup>	L	6½	A	3d Wednesday, January.
Massachusetts	do	R	Sept. 15	L				3 Weeks	L	6½	A	1st Wednesday, January.
Michigan	July, August.	R	do	R				10th day	L	4 to 6	A	2d Wednesday, January.
Minnesota	Sept. 1, May 15,	L R	Oct. 1	L				3 weeks	L	8	0	Tuesday after 1st Monday, January.
Mississippi	June 1	R	Aug. 1	R	November		Dec. 15	Dec. 15	L	6	A	Do.

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TABLE VII.—BUDGET CALENDAR—Continued

Year prior to legislative session (1970)												
Forms to agencies	Authori- zation	Estimates submitted	Authori- zation	Recommen- dation prepared	Authori- zation	Document released by	Authori- zation	Document to legislative session by	Authori- zation	Preparation period (in months)	Year of budget session	Year of session 1971 for fiscal year 1972 budget, session convenes—
Missouri.....	July 1.....	R	Oct. 1.....	R	December.....			30th day.....	L	6.....	A	Wednesday after Jan. 1.
Montana.....	do.....	L	Aug. 1.....	L	To Govern- ment Dec. 1.....			1st day.....	L	6.....	O	1st Monday, January.
Nebraska.....	July 15.....	L	Sept. 15.....	L				30th day <sup>8</sup> .....	L	6½.....	O	1st Tuesday, January.
Nevada.....	July 1.....	R	Sept. 1.....	L	December.....	L		10th day.....	L	6.....	O	3d Monday, January.
New Hampshire.....	do.....	R	Oct. 1.....	L	do.....			Feb. 15.....	L	7½.....	O	1st Wednesday, January.
New Jersey.....	June 30.....	R	do.....	L	Dec. 31.....	L		3d Tuesday <sup>8</sup> .....	L	6½.....	A	2d Tuesday, January.
New Mexico.....	July 15.....	L	Sept. 1.....	L				25th day <sup>7</sup> .....	L	6½.....	A	3d Tuesday, January.
New York.....	June.....	R	Sept. 5.....	R				2d Tuesday <sup>8</sup> .....	C	7.....	A	Wednesday after 1st Monday, January.
North Carolina <sup>1</sup> .....	Jan. 15.....	R	Sept. 1.....	L				1st week.....		13.....	O	Wednesday after 2d Monday, January.
North Dakota.....	July 1.....	R	July 15.....	L	Dec. 1.....		Dec. 1.....	1st day.....	L	6.....	O	Tuesday after 1st Monday, January.
Ohio.....	Sept. 15.....	L	Nov. 1.....	L				2d Monday.....	L	4.....	O	1st Monday, January.
Oklahoma.....	July.....	R	Sept. 1.....	L				1st day.....	L	6.....	A	Tuesday after 1st Monday, January.
Oregon.....	July 1.....	L	do.....	L				Dec. 1.....	L	5.....	O	2d Monday, January.
Pennsylvania.....	May, June.....	L	Nov. 1.....	L				January.....	L	7 to 8.....	A	1st Tuesday, January.

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Rhode Island	June 15	L	Oct. 1 <sup>9</sup>	L	24th day	L	6½	A	Do.
South Carolina	July 1	R	Sept. 15	R	1st day	L	4	A	2d Tuesday, January.
South Dakota	July 1	R	Oct. 15	L	5 days before session.	L	6	O	Tuesday after 3d Monday, January.
								E	Tuesday after 1st Monday, January.
Tennessee	Sept. 15	R	Dec. 1	L	Jan. 14	L	4	A	1st Tuesday, January. <sup>10</sup>
Texas <sup>1</sup>	March	R	June, July	R	Dec. 15	L	10	O	2d Tuesday, January.
Utah	July	R	Sept. 15	R	4th day, 2d day.	C	6	O	2d Monday, January.
Vermont	June 1	R	Sept. 1	L	3d Tuesday	L	6½ to 7	A	Wednesday after 1st Monday, January.
Virginia	April	R	Aug. 15	R	5th day	L	9	E	2d Wednesday, January.
Washington	do	R	do	R	do	L	9	O	2d Monday, January.
West Virginia <sup>1</sup>	Aug. 1	R	do	L	10th day	L	5½	A	2d Wednesday, January.
Wisconsin	February	R	September, October.	R	Nov. 20	L	12	O	2d Tuesday after Jan. 15.
Wyoming	July 15	L	Oct. 1	L	5th day	L	6	O	2d Tuesday, January.
Puerto Rico	July	R	Sept. 30	R	1st day	C	6	A	2d Monday, January.
Virgin Islands <sup>1</sup>	July 1	R	Sept. 1	R	do	C	6½	A	Do.

<sup>1</sup> Reflects 1966 information.

<sup>2</sup> As Governor desires.

<sup>3</sup> New Governor, 12th day.

<sup>4</sup> In the case of newly elected Governor, an additional 10 days is permitted after convening of the General Assembly.

<sup>5</sup> 30th day after inauguration of Governor.

<sup>6</sup> The budget must be presented on or before Feb. 15 in inauguration years.

<sup>7</sup> Custom requires presentation by 1st few days.

<sup>8</sup> Feb. 1 in inauguration years.

<sup>9</sup> Usual custom Aug. 31.

<sup>10</sup> Session convenes on 1st Tuesday in January to organize and introduce bills reconvenes on 4th Tuesday in February.

Code: A—Annual session; C—By constitution; E—Even years; L—By law; O—Odd years; R—By administrative regulation.

TABLE IX.—LEGISLATIVE BUDGET ACTION

	Legislative fiscal staff			Legislative budget committees					
	Number of staff	To whom responsible		Separate House and Senate committees	Joint standing committees	Open	Hearings		Governor has item veto
		In session	Interim				Closed	Held jointly	
Alabama <sup>1</sup>	NA	NA	NA	X	NA	NA	NA	X	
Alaska	2	J	C	X			X	X	
Arizona	4	J	J		X	X		X	
Arkansas	21 <sup>2</sup>	J	C		X		X	X	
California	55	J	J	X		X		X	
Colorado	6	J	J		X	X		X	
Connecticut	1 <sup>3</sup>	L	L		X			X	
Delaware	2	C	C	X		X		X	
Florida	5	L	L	X		X		X	
Georgia	3 <sup>2</sup>	L		X		X		X	
Hawaii	21	L		X		X		X	
Idaho	3	L	L	X			X	X	
Illinois	4	J	J	X		X		X	
Indiana	4	C	L	X	X	X		X	
Iowa	2 <sup>2</sup>	L	L	X		X		X	
Kansas	1 <sup>2</sup>	C	C	X		X		X	
Kentucky	2	C	C	X		X		X	
Louisiana	None <sup>2</sup>			X		X		X	
Louisiana	4	J	C		X	X		X	
Maine	8 <sup>2</sup>	L	C	X		X		X <sup>4</sup>	
Maryland	8 <sup>2</sup>	L	C	X		X		X	
Massachusetts	13 <sup>2</sup>	L	L	X		X		X	
Michigan	8	L	L	X	X	X		X	
Minnesota	5 <sup>2</sup>	L	L	X		X		X	
Mississippi	None <sup>2</sup>			X		X		X	
Mississippi	4 <sup>2</sup>	L	J	X		X	X	X	
Missouri	4 <sup>2</sup>	L	J	X		X		X	
Montana	4 <sup>5</sup>	L	C	X		X		X	
Nebraska	5	C	C		U	X	X	X	

Nevada	2 <sup>2</sup>	C	C	X		X		
New Hampshire	Some	L	L	X		X		
New Jersey	16	C	C		X		X	X
New Mexico	6 <sup>4</sup>	L	L	X		X		X
New York	Some	L	L	X		X	X	X
North Carolina <sup>1</sup>	None				X		X	
North Dakota	1	L	LC	X		X	X	X
Ohio	3 <sup>2</sup>	C	C	X				X
Oklahoma	(9)	L	C	X		X		X
Oregon	11 <sup>2,6</sup>	J	J		X		X	X
Pennsylvania	Some	L <sup>7</sup>	L <sup>7</sup>	X		X	X <sup>8</sup>	X
Rhode Island	2 <sup>2</sup>	L	L	X		X		
South Carolina	None			X				X
South Dakota	None				X	X	X	X
Tennessee	None <sup>2</sup>			X	X <sup>9</sup>	X		X
Texas <sup>1</sup>	7	L	LB	X		X		X
Utah	5 <sup>2</sup>	LJ	BA		X	X	X	X
Vermont	None <sup>2</sup>			X	X <sup>10</sup>	X		X
Virginia	None <sup>2</sup>			X		X <sup>11</sup>	X <sup>11</sup>	X
Washington	5	L	L	X		X	X <sup>8</sup>	X
West Virginia <sup>1</sup>	Temp. <sup>12</sup>	L	L	X		X		X
Wisconsin	7 <sup>2</sup>	L	L		X		X	X
Wyoming	None				X		X	X
Puerto Rico	5	L	L	X		X		X
Virgin Islands <sup>1</sup>	None				X	X		X

<sup>1</sup> Reflects 1966 information.

<sup>2</sup> Executive budget office regularly provides assistance to legislative fiscal committees.

<sup>3</sup> Executive director of the legislative management committee.

<sup>4</sup> Right of item veto on supplementary appropriation bills only.

<sup>5</sup> Plus one legislative fiscal analyst employed by the legislative council.

<sup>6</sup> Includes clerical staff.

<sup>7</sup> Legislature has a permanently staffed "Legislative Budget and Finance Committee" which is independent of the standing committees of either house but does work for both houses. In addition, each appropriations committee has staff members.

<sup>8</sup> Fiscal review committee composed of members of both houses with executive director and staff.

<sup>9</sup> Some are held.

<sup>10</sup> Joint fiscal review commission composed of 8 members, 2 each in House and Senate, appropriations and finance committees.

<sup>11</sup> Public joint committee hearings. House appropriations committee holds open and closed hearings.

<sup>12</sup> Legislative auditor's office.

Code: C—Legislative council or reference service or its head; J—Joint committee or its chairman; U—Unicameral legislature; BA—Legislative budget, audit committee; LB—Legislative budget board; NA—Information not available; Temp.—Temporary staff only; Some—Staff, number not reported; None—No reported staff.

TABLE XII.—CAPITAL BUDGET—AUTHORITY, PREPARATION AND EXECUTION

	Long term State construction plan (showing number of years in formal plan)	Authority for capital budget making <sup>1</sup>	Preparation and execution by <sup>1</sup>	Have architectural and engineering help	Other agencies consulted
Alabama <sup>2</sup>		None	None		
Alaska	5	Division of planning and research, office of Governor.	Division of planning and research, office of Governor		
Arizona	5 <sup>3</sup>	Governor	Finance department		
Arkansas		None	None		
California	5	Governor	Budget office	X <sup>4</sup>	Department of general services.
Colorado	5	do	do	X	Various departments.
Connecticut	(3)	Legislature	Budget office, other executive agency, executive board	X	
Delaware	6	Governor	State planning office		Do.
Florida	10	do	Department of administration	X	
Georgia	5	do	Budget office		
Hawaii	6	do	Other executive agency	X	Various executive departments.
Idaho		None	None		
Illinois	4	Governor	Bureau of budget	X <sup>4</sup>	Illinois building authority, department of general services, board of higher education, school building commission.
Indiana	(3)	Governor, budget office, budget committee.	Budget office	X	Various executive departments, universities and colleges.
Iowa	(3)	Governor	do	X	Various.
Kansas	(3)	do	Budget office, other executive agency	X	Division of architectural service.
Kentucky	(3)	do	Budget office	X	
Louisiana	5	do	Other executive agency		
Maine	5	do	do	X	Budget bureau and bureau of public improvements.
Maryland	5	Other executive agency	Other executive agency, executive board	X	Budget, public improvement.
Massachusetts	5	Governor	Budget office	X	Division of building construction.
Michigan	5	Other executive agency	do	X	Building division.
Minnesota	10	Governor	Other executive agency	X	State architect division.
Mississippi	(3)	Budget commission	Building commission		Departments, agencies, and institutions.

Missouri	(3)	Governor	Division of planning and construction	X <sup>4</sup>	
Montana	10	do	Division of architecture and engineering	X	
Nebraska	6	do	Other executive agency		Department of administrative services.
Nevada	5	do	Executive board	X	
New Hampshire	6	do	Budget office	X	Department of public works and highway and others.
New Jersey	Variable	do	do	X <sup>4</sup>	State development commission and others.
New Mexico	(3)				
New York	5	Governor	Budget office	X <sup>4</sup>	Transportation office of general services and other agencies.
North Carolina <sup>2</sup>	(3)				
North Dakota	(5)	Governor	Budget office		
Ohio	6	do	do	X	Public works department.
Oklahoma		None	None		
Oregon	6	Governor	Budget office		
Pennsylvania	6	do	Budget Bureau		Planning board department of property supplies.
Rhode Island	5	Other executive agency, budget officer.	Other executive agency, budget officer	X <sup>4</sup>	
South Carolina		Budget office	Budget office	X	
South Dakota	6	do	do	X	Various departments.
Tennessee		None	None		
Texas <sup>2</sup>		do	do		
Utah	10	Executive board	Executive board	X <sup>4</sup>	
Vermont	14	Budget office	Budget office		Do.
Virginia	(3,5)	Governor	Budget office, other executive agency	X	
Washington	6	do	Budget office	X	Division of engineering and architect department of general administration.
West Virginia <sup>2</sup>		None			
Wisconsin	6	Governor, quasi-legislative board	Building commission, department of administration.	X <sup>4</sup>	Various departments.
Wyoming		None	None		
Puerto Rico	4	Governor	Planning board		
Virgin Islands <sup>2</sup>		None	None		

<sup>1</sup> More than 1 entry indicates joint authority.

<sup>2</sup> Reflects 1966 information.

<sup>3</sup> Long range planning is done but not in a formal program.

<sup>4</sup> Architects and/or engineers serve on the staff of the budget agency.

<sup>5</sup> Capital budget planning limited to the biennium.

NATIONAL GOVERNORS' CONFERENCE,  
OFFICE OF FEDERAL-STATE RELATIONS,  
Washington, D.C.

THE STATES AND THE OMNIBUS CRIME CONTROL PROGRAM, TWO YEARS AFTER THE  
SIGNING OF THE ACT

I. OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—ITS PURPOSES

June 19, 1970, marks the second anniversary of the signing of the Omnibus Crime Control and Safe Streets Act of 1968. Seldom has a program of such short duration been the object of such controversy and scrutiny. There are at least two reasons for this interest in the program. The first is the great public concern about crime and the other is the block grant approach of the program. Under the block grant approach, 85 percent of federal funds are awarded to the states which allocate money to local governments. States are required to pass-through 40 percent of the planning funds and 75 percent of the action funds to local government. Under federal guidelines each state must prepare a comprehensive criminal justice plan covering both state and local programs.

This brief report is designed to show what has happened in the two years since the act was signed. We will seek to document what the states and localities have done and plan to do with help of the federal block grant funds. On the basis of these findings the National Governors' Conference concludes that the program is growing and improving and that prospects are good for continued improvement in the criminal justice system.

To determine whether the program has been successful, it is necessary to examine the intent of the Act and the procedures for achieving these goals. Congress described the act's purposes as follows:

To prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government. It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance.

Congress established the Law Enforcement Assistance Administration in the Department of Justice to administer the federal program, award the block grant funds, and provide the first major intergovernmental attack on crime. With federal funding, states, counties and cities joined together to modernize the entire criminal justice system—police, courts, and corrections, prosecution, defense, probation, control of narcotics, and juvenile delinquency, etc.

II. WHY BLOCK GRANTS TO THE STATES

The Omnibus Crime Control Act was designed to improve the entire criminal justice system at all levels of government. For this reason the Congress decided to provide block grants to the states to coordinate this *comprehensive law enforcement effort*.

The National Council on Crime and Delinquency (NCCD) noted in October 1967,

"Few believe that effective police action and vigorous prosecution alone deter crime. Equally important in crime control is improving the institutions which are responsible for preventing convicted criminals from committing crimes again. This fact—that law enforcement and criminal justice agencies do not exist in isolation, but are part of a system—is the central theme of the multi-volume report of the President's Commission on Law Enforcement and Administration of Justice."

The NCCD said that when law enforcement is seen as a total system, the importance of state government is made clear. Even before the Omnibus Act was passed states ran prison and parole systems, controlled bail and justice-of-the-peace systems, and had systems of prosecution. More than half had a public defender system. All states operated or subsidized adult courts and probation systems and in 47 states the Attorney General is the chief law enforcement official with broad authority. All states operated central statewide crime laboratories and investigation units.

III. HOW HAS THE PROGRAM WORKED

States, have broad authority and responsibility and are best able to coordinate the various parts of the criminal justice system. State, local, and federal

officials believe that the block grant approach has been working well in bringing together the parts of the system. The director of Arizona state law enforcement planning agency has written,

"We believe the success of Arizona's program is directly attributable to the fact that we have managed to create a meaningful dialogue among various levels of federal, state and local government as they interact in the planning and action programs developed under the Omnibus Crime Control Act. The creation of this dialogue has been a major accomplishment in this area in view of the traditional barriers between such governments and between various disciplines involved in law enforcement. These barriers created by ignorance, fear and mistrust, tend to break down quickly as men of good will demonstrate their willingness to work together towards the common objective envisioned by the Omnibus Crime Control Act. We know of no other federal program which creates this framework for such a high degree of both inter and intra-governmental dynamics at all levels."

The Columbia Region Association of Governments (Portland Metropolitan Area) of Oregon passed a resolution supporting the block grant and noting that the program has reduced "grantsmanship" and is strengthening planning at the local-state level.

The major administrative goals of the block grant include: 1. Comprehensive planning and program development; 2. uncomplicated intergovernmental relationships; 3. elimination of federal domination of grant-in-aid programs; 4. state government authority to establish program priorities and allocate federal funds according to community needs and priorities.

During the two years since the beginning of the program significant progress toward these goals has been made. The Maricopa Council of Governments (Phoenix Metropolitan Area) has said that "from its inception, helpful and cooperative working relationships have existed between state, regional and local officials. We at the local level have had a very real input into the content of the State plan and workable approaches have been developed to the problem of allocation of funds on the basis of need."

Not only are the state law enforcement planning agencies providing leadership and assisting local governments to improve their law enforcement agencies, but, for the first time local elected officials, local law enforcement officials and private citizens are guiding and influencing the states' program as members of the state law enforcement advisory boards. Of a total of approximately 1,061 members of state planning agency supervisory boards, in all fifty states, 489 are from local governments, 391 from state government and 170 are private citizens. (See Appendix B, Chart 3, for a breakdown by State.) This is an entirely new kind of local participation in state programs.

In 45 states regions have been established for local law enforcement planning. The growth of crime has not been limited to city or county boundaries. This demands a regional approach to crime fighting. The 212 metropolitan areas of the country have 4,457 police departments and their effectiveness suffers from overlap, inadequate communication and insufficient cooperation. These problems are being solved in many places and are at least being discussed in most areas as a result of this new program. Without these state and regional bodies this type of communication would not have occurred. Area-wide, regional law enforcement cooperation cannot be overlooked as an important contribution in the fight against crime.

#### IV. HAVE THE BIG CITIES GOTTEN THEIR SHARE?

A recent survey of the Advisory Commission on Intergovernmental Relations showed that 75.3 percent of Fiscal Year 1969 action funds have been awarded by states to cities and counties over 50,000 population. These 411 cities have less than 40% of the Nation's population and 62% of the crime. The attached Charts I and II, Appendix B show allocations of 1969 block grants by the States as of March 31, 1970. States have until June 1970 to allocate 40 percent of the planning funds. Eight states received waivers from LEAA for the State to do all or most of the planning or spend more than the 60 percent because of local governments inability to plan or spend all of their allocated planning funds during the first year of the program. As of March 1970, 20 states have passed-through to their local governments more than the required 40 percent. The states have until June 1971 to allocate 75 percent of the 1969 action funds to local governments. As of this March, 16 states had already allocated more than the required 75 percent of action funds to local governments.

Delays in getting money to high crime areas have been caused by federal administrative and fiscal inaction. Although the Omnibus Crime Control Act was signed in mid-June 1968, the first federal administrators were not appointed until late October 1968. States did not receive Fiscal Year 1969 planning funds until January 1969. And 1969 action funds were not awarded until June, 1969, the end of the fiscal year. States did not receive 1970 planning funds until January, 1970, nor action funds until June, 1970. (See Appendix A for a Chronology of the program.)

One of the problems faced by states in allocating funds to big cities, has been the failure of some cities to apply for funds. Attorney General Mitchell described some of these problems in his testimony on March 12, before the House Judiciary Committee:

"Other cities have simply failed to display initiative in applying for grants. San Francisco and Oakland applied for one State grant of about \$20,000 each and these grants were awarded. But Los Angeles has so far received \$564,000. Cleveland made only one request for \$58,000 and it was granted. In other instances, cities such as Chicago were simply not prepared because of organizational problems to draw up sufficient plans for fund applications."

Cities are getting themselves organized for this program and it is expected that in the future more applications will be made by big cities.

The following are examples of percentages of block grant action funds states have granted to their big cities and urban areas:

*Arizona*.—63.8% of funds to Tucson, Phoenix, Flagstaff, Yuma and surrounding counties.

*Minnesota*.—82% of funds to Minneapolis, St. Paul, and surrounding counties.

*Missouri*.—85.7% of funds to St. Louis, Kansas City and Springfield.

*New Jersey*.—53% of funds to Newark, Trenton, Jersey City, Camden, Elizabeth all of which have 31% of the state's total crime.

*New York*.—70% of all funds to five metropolitan areas including New York City which received more than 50% of all grants.

*Oregon*.—48% to Portland and its metropolitan area.

*Pennsylvania*.—42% of funds to Philadelphia and Pittsburgh in 1969; 58% of 1970 funds.

*Tennessee*.—42.6% of funds to Chattanooga-Hamilton County, Knoxville-Knox County, Nashville-Davidson County, Memphis-Shelby County.

The Advisory Commission on Intergovernmental Relations study of the Omnibus Crime Control program found that 32 states used the state portion of their block grant for programs of direct benefit to local governments. In 18 states over 45 percent of the state share was used for these purposes.

States also giving their own financial assistance to local governments include:

*Delaware*.—\$1,000,000 was appropriated by the General Assembly for state assistance to local law enforcement agencies. Wilmington received \$542,808 and surrounding New Castle County \$141,845.

*Illinois*.—State appropriated \$3,232,800 for Fiscal 1970 to provide local matching funds "Action now started in October 1969 provides for \$1 million for police community relations, police management surveys and criminal justice training. Within four weeks of applying the state provides localities with 100 percent of funds up to \$10,000.

*New Jersey*.—State provided urban grant recipients with the 10 percent local matching share.

*Virginia*.—In Fiscal 1971 State will contribute \$804,120 for local matching and \$865,000 in Fiscal 1972.

The program is now reaching the point where officials from various parts of the state and local criminal justice system—policemen, judges prosecutors, parole officers, elected officials—are beginning to understand each other's problems and can see the need for change. This spirit of cooperation for mutual improvement is the essence of what the 1967 President's Crime Commission called for.

Many of the state and local programs receiving federal funds show recognition of the need for new and innovative techniques.

Alabama is involving local civic clubs in the fight against crime.

Arizona is developing a statewide automated information system to serve all law enforcement agencies. Five small towns outside Phoenix have joined together to improve their communications system.

Arkansas will institute in Criminal Trial Courts the mandatory use of a model set of criminal jury instructions prepared by a committee of judges, prosecutors

and defense attorneys. In Little Rock and four other metropolitan areas law enforcement officers will be required to collect information from citizens in analyzing and identifying community problems before any police-community relations programs are funded.

California will conduct Operation Cable Splicer III with law enforcement officers from 78 cities and counties participating to test state and local readiness to cope with civil disorders, natural disasters and the effects of nuclear war. The Los Angeles Regional Criminal Justice Information System will combine all criminal justice information systems in Los Angeles County (which has 40% of all criminal cases in the state) to provide information to district attorneys, public defenders, courts, probation and law enforcement officers so each will know what the other is doing.

Colorado's Youth Service Training Project will train and retain delinquency prevention control and treatment personnel from police agencies, schools, community centers, youth bureaus and probation offices. The Denver Police Department will use closed circuit television to transmit pictures of potentially dangerous situations from the ground or a helicopter to command headquarters.

Florida will operate a therapeutic self-help residential community for drug addicts in Miami similar to the Synanon-Daytop Program. A statewide computer reporting system is being designed to provide statistics for administrative and operational use by police and criminal justice agencies.

Georgia will establish a child and youth service center in a high delinquency community. Atlanta will conduct an inservice retraining program for police.

Hawaii is developing a program to relate community support to development of preventive programs in the schools. It will include review of education programs to consolidate and refocus them for prevention. In Honolulu a joint state-city police-court pilot intern program to train graduate juvenile delinquents has started. University graduate students will live in houses with the delinquents.

Illinois has expanded the state public defender system to the appellate level. Chicago received \$1.2 million in February 1970 for the Police Department to hire 422 community service aides for six community storefront service centers. Project Step Up, will provide group treatment of pre-delinquent adolescents by professional social workers in three inner-city Chicago high schools.

Indiana will establish in three big cities youth services bureaus to mobilize community resources, develop new resources and collect data. They will coordinate private and public agencies concerned with juveniles.

Iowa will support expansion of the Des Moines Police-School Liaison Program. Detectives wearing school blazers work with children, parents and teachers in the school. Thus far the program has resulted in a marked decrease in vandalism and a better understanding of police.

Kentucky is revising its criminal law as are 9 other states.

Louisiana provided \$207,022 to New Orleans for expansion of probation and parole services because of the need for community based correctional programs. New Orleans will also establish a special facility for detoxification and vocational rehabilitation of chronic alcoholics.

Maine will improve police through a comprehensive education and training program in cooperation with the University of Maine.

Maryland conducted a nine-day workshop using such techniques as psychodrama with participants from corrections and law enforcement agencies and offenders from the state penitentiary.

Massachusetts is making a major effort to improve state capabilities in delinquency prevention programs by testing and evaluating various types of prevention program, including innovative recreation—educational enrollment programs. This will lead to the development of a comprehensive state delinquency program. Intensive programs are being developed to meet law enforcement needs and problems in a limited geographical high crime area in big cities.

Michigan has established an Office of Drug Abuse in the Governor's office to sponsor public education programs. The state is training jail employees. The state police, sheriffs and local police are cooperating to combat criminal gangs.

Minnesota has established regional detention and treatment programs for juveniles and is studying regional jails.

Mississippi has a state intelligence unit on organized crime and a special program in 10 urban areas to train local police to handle riots, so that community based control is maintained.

Missouri has established a committee to revise its entire criminal code. A criminal Justice Training Institute is being developed for the Kansas City Metropolitan Area. Land and buildings for the institutions which will provide training for police, court, correction and juvenile personnel were donated by Jackson County. St. Louis will institute a computerized court docket system to supply up-to-date information on cases so that unnecessary delays and confusion are eliminated.

Montana's Law Enforcement Academy will have a full-time director and will offer three times as many courses to many more policemen than ever before.

Nebraska has established a law enforcement training center and requires training and certification for all police and sheriffs. The City of Omaha will construct a new police building with local funds and will install a new communication system tying together the two-country metropolitan area with state funds.

New Hampshire is trying to reduce and control juvenile delinquency by financing full-time police juvenile officers, by furnishing delinquency training for small departments, training teachers about drug abuse and establishment of a single office of youth services at the community level.

New Jersey's statewide Organized Crime Investigatory and Prosecutorial Units have provided a cohesive effort to prosecute organized crime. The state also conducted the first organized crime school for local officials. Specific problem-oriented research such as studying the role of the police officer in a big city will seek to increase the efficiency and effectiveness of the criminal justice system.

New Mexico will provide basic police training to sheriffs and small police departments.

New York is making a comprehensive attack on narcotics addiction including mandatory treatment and new state police enforcement unit. The state penal law, has been revised and new criminal procedures law. In Rochester specially-trained teams in non-police vehicles will pick up alcoholics, transport them to a hospital for rehabilitative services. This will free crime-fighting agencies to fight crime.

North Dakota has repealed the law making public intoxication a crime Intervention Unit in Charlotte. They will be trained to handle domestic conflicts.

North Dakota has repealed the law making public intoxication a crime and is developing a detoxification center staffed by doctors and nurses to serve as a halfway house and provide counseling.

Ohio funds a Cadet Police Organization which conducts meetings with high school students in the Cleveland Police Academy. Qualified students may join the force.

Oklahoma has established two community based correctional treatment centers in Oklahoma City and Tulsa offering counseling, education and job oriented work release programs.

Oregon's summer intern program for law students in district attorney's office hopes to attract promising students to this type of career.

Pennsylvania is reforming its entire correctional system and has completed the first comprehensive assessment of the state's criminal justice system.

Rhode Island has a new crime laboratory for the use of all police departments.

South Carolina is using educational television to provide closed circuit training for police throughout the state.

Tennessee is funding a new program using volunteers at the Shelby County Penal Farm, and is training supervisory personnel in state correctional system.

Utah supports Neighborhood Probation Units with teams of specialists to aid in all aspects of rehabilitation.

Vermont established a single state communications system for all police agencies. This was the number one priority of the Vermont Police Chiefs Association.

Virginia is financing an electronic information retrieval system for Norfolk, Virginia Beach, Portsmouth and Chesapeake to improve the detection and apprehension of criminals.

West Virginia's prison inmates are receiving training and education along with other rehabilitation and work-study programs.

Wisconsin is training new prosecutors and has prepared a prosecutors' manual.

Wyoming conducted a training conference for traffic court judges.

## APPENDIX A

## CHRONOLOGY OF OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

June 19, 1968: Act signed by President Johnson.  
 August, 1968: Congress appropriates FY 1969 LEAA funds.  
 August, 1968: Council of State Governments' conference of state officials on implementing Act.  
 August 30, 1968: Forty-two states receive special grants for riot control and prevention.  
 October, 1968: States receive 20 percent planning advances.  
 October, 1968: Council of State Governments/National Governors' Conference meeting on state implementation.  
 October 21, 1968: First LEAA Administrators take office.  
 November, 1968: First federal guidelines issued.  
 December 19, 1968: All states have established State Planning Agencies; have submitted applications for planning funds.  
 January, 1969: FY 1969 planning funds awarded to states.  
 February, 1969: Simplified guidelines issued calling for one-year plan instead of five years.  
 February, 1969: Administrator and one Deputy leave office.  
 March, 1969: New Administrator and Associate Administrator appointed by President Nixon (first appointees approved by Congress) take office.  
 April, 1969: FY 1969 state plans submitted [first state plans] (covering June, 1968 through July, 1969).  
 June 30, 1969: All state plans approved; states receive FY 1969 action funds.  
 December, 1969: Congress appropriates FY 1970 LEAA funds.  
 January, 1970: States receive FY 1970 planning grants.  
 April 15, 1970: State plans for FY 1970 (covering July, 1969 through December, 1970).  
 June 1, 1970: Second Administrator leaves office.  
 June 30, 1970: States to receive FY 1970 action grants.  
 December, 1970: States to submit FY 1971 plans (covering December, 1970–December, 1971 and four additional years as originally requested in first guidelines).

## APPENDIX B

"Pass Through" of FY 1969 planning funds to local units March 31, 1970—  
 Chart I  
 "Pass Through" of FY 1969 action funds to local units March 31, 1970—Chart II  
 Membership of State Planning Agencies Supervisory Board in 1970 plans—  
 Chart III

## APPENDIX B

CHART I.—"PASS THROUGH" OF FISCAL YEAR 1969 PLANNING FUNDS TO LOCAL UNITS, MAR. 31, 1970<sup>1</sup>

States	Block grant	Amount to subgrantees	Percent "pass through"	States	Block grant	Amount to subgrantees	Percent "pass through"
Alabama.....	\$337,600	\$135,040	40	Maine <sup>7</sup> .....	\$165,475	\$64,703	39
Alaska <sup>2</sup> .....	118,000	(*)	(*)	Maryland.....	347,050	139,200	40
Arizona.....	209,890	91,200	43	Massachusetts.....	464,500	185,800	40
Arkansas.....	232,300	92,900	40	Michigan.....	677,800	271,120	40
California.....	1,387,900	720,556	51	Minnesota.....	340,300	75,000	22
Colorado.....	232,840	53,330	22	Mississippi.....	257,950	103,180	40
Connecticut <sup>1,3</sup> .....	297,100	108,180	36	Missouri.....	409,150	179,506	44
Delaware <sup>4</sup> .....	135,235	(*)	(*)	Montana <sup>5</sup> .....	147,115	27,451	19
Florida.....	503,650	223,844	44	Nebraska.....	196,525	91,405	47
Georgia.....	403,750	234,347	58	Nevada <sup>4</sup> .....	129,835	29,556	22
Hawaii.....	149,680	60,000	40	New Hampshire.....	146,170	81,631	55
Idaho.....	146,980	66,286	45	New Jersey.....	571,150	231,331	40
Illinois.....	833,050	391,865	47	New Mexico.....	167,500	36,519	22
Indiana <sup>4</sup> .....	436,150	306,581	70	New York.....	1,332,550	811,027	60
Iowa.....	284,950	115,399	40	North Carolina <sup>6</sup> .....	438,850	311,290	71
Kansas.....	252,550	116,584	46	North Dakota.....	142,930	49,358	34
Kentucky.....	314,650	125,860	40	Ohio.....	803,350	583,991	72
Louisiana.....	355,700	138,280	40	Oklahoma.....	267,400	154,300	58

## APPENDIX B

CHART I.—"PASS THROUGH" OF FISCAL YEAR 1969 PLANNING FUNDS TO LOCAL UNITS, MAR. 31, 1970<sup>1</sup>—Con.

States	Block grant	Amount to subgrantees	Percent "pass through"	States	Block grant	Amount to subgrantees	Percent "pass through"
Oregon.....	\$234,460	\$138,709	59	Washington.....	\$307,900	\$197,622	64
Pennsylvania <sup>1</sup> .....	881,650	352,660	40	West Virginia.....	220,960	88,384	40
Rhode Island.....	160,480	73,189	46	Wisconsin.....	382,150	216,260	57
South Carolina.....	274,150	109,660	40	Wyoming <sup>12</sup> .....	121,195	21,316	18
South Dakota.....	145,360	58,200	40	American Samoa.....	-----	-----	-----
Tennessee.....	361,900	98,394	27	Guam.....	-----	-----	-----
Texas.....	830,350	339,965	41	Puerto Rico.....	-----	-----	-----
Utah.....	168,850	67,540	40	Virgin Islands.....	-----	-----	-----
Vermont <sup>10</sup> .....	128,080	29,873	23				
Virginia <sup>11</sup> .....	405,100	117,965	29	Total.....	-----	-----	-----

<sup>1</sup> This information was obtained by telephone calls to LEAA regional offices and includes financial information as of Mar. 31, 1970, except as noted. States have the year of award plus 1 additional year to "pass through" planning funds. States which have not received waivers have until June 30, 1970, to award 40 percent of fiscal year 1969 planning funds to local governments. States have the year of award plus 2 additional years to "pass through" action funds. States have until June 30, 1971, to award 75 percent of fiscal year 1969 action funds to local governments.

<sup>2</sup> Alaska—Received a waiver for State to do all planning.

<sup>3</sup> State does all planning.

<sup>4</sup> Information as of Dec. 31, 1969.

<sup>5</sup> Connecticut—Will award an additional 4 percent of 1970 planning funds to localities because State was able to give only 36 percent of 1969 funds.

<sup>6</sup> Delaware—Received a waiver for State to do all planning.

<sup>7</sup> Maine—Will award an additional 1 percent of 1970 planning funds to localities because State was able to give only 39 percent of 1969 funds.

<sup>8</sup> Montana—Received a waiver for State to do most of the planning.

<sup>9</sup> North Carolina—These figures include both 1969 and 1970 funds because the State is on a 2-year cycle.

<sup>10</sup> Vermont—Local governments agreed that the State should do most of the planning for 1969, therefore, State received waiver.

<sup>11</sup> Virginia—Planning funds for 1969 were made available to all cities and counties. Those units which do not belong to a planning council or economic development district and that elected not to formulate their own plans, waived their funds to the Higher Education Law Enforcement Advisory Committee which prepared plans for them using staff from 4 universities to compile all data and render a local plan.

<sup>12</sup> Wyoming—Received a waiver for State to do planning for certain local governments which did not apply for funds.

CHART II.—"PASS THROUGH" OF FISCAL YEAR 1969 ACTION FUNDS TO LOCAL UNITS MAR. 31 1970<sup>1</sup>

States	Block grant	Amount to subgrantees	Percent "pass through"	States	Block grant	Amount to subgrantees	Percent "pass through"
Alabama.....	\$433,840	\$309,619	71	New Hampshire.....	\$100,000	\$54,750	55
Alaska.....	100,000	99,523	99	New Jersey.....	860,285	759,602	89
Arizona.....	200,651	196,199	97	New Mexico.....	123,250	61,645	50
Arkansas.....	241,570	225,749	93	New York.....	2,250,545	1,933,935	85
California.....	2,351,610	1,374,508	58	North Carolina.....	618,715	407,854	65
Colorado.....	242,556	177,589	73	North Dakota.....	100,000	86,946	87
Connecticut <sup>2</sup> .....	359,830	252,337	70	Ohio.....	1,284,265	755,095	58
Delaware.....	100,000	74,928	75	Oklahoma.....	305,660	195,242	63
Florida.....	737,035	598,995	81	Oregon.....	245,514	194,397	79
Georgia.....	554,625	329,260	59	Pennsylvania <sup>2</sup> .....	1,427,325	909,839	63
Hawaii.....	100,000	87,255	87	Rhode Island.....	110,432	97,085	87
Idaho.....	100,000	84,257	84	South Carolina.....	317,985	157,350	49
Illinois.....	1,338,495	760,349	56	South Dakota.....	100,000	70,451	70
Indiana <sup>2</sup> .....	613,785	148,611	24	Tennessee.....	478,210	314,847	65
Iowa.....	337,705	259,260	76	Texas.....	1,333,565	1,002,324	75
Kansas.....	278,545	131,325	47	Utah.....	125,715	88,021	70
Kentucky.....	391,935	230,572	58	Vermont.....	100,000	28,655	29
Louisiana.....	448,630	336,473	75	Virginia.....	557,090	424,573	76
Maine.....	119,552	45,687	38	Washington.....	379,610	240,110	63
Maryland.....	451,095	319,259	70	West Virginia.....	220,864	111,025	50
Massachusetts.....	685,500	451,730	67	Wisconsin.....	515,185	378,870	73
Michigan.....	1,055,020	789,125	75	Wyoming.....	100,000	85,394	85
Minnesota.....	438,770	355,177	76	American Samoa.....	-----	-----	-----
Mississippi.....	288,405	105,074	36	Guam.....	-----	-----	-----
Missouri.....	564,485	412,400	73	Puerto Rico.....	-----	-----	-----
Montana.....	100,000	62,225	62	Virgin Islands.....	-----	-----	-----
Nebraska.....	176,248	130,376	73				
Nevada <sup>1</sup> .....	100,000	78,674	79	Total.....	-----	-----	-----

<sup>1</sup> This information was obtained by telephone calls to LEAA regional offices and includes financial information as of Mar. 31, 1970, except as noted. States have the year of award plus 1 additional year to "pass through" planning funds. States which have not received waivers have until June 30, 1970, to award 40 percent of fiscal year 1969 planning funds to local governments. States have the year of award plus 2 additional years to "pass through" action funds. States have until June 30, 1971, to award 75 percent of fiscal year 1969 action funds to local governments.

<sup>2</sup> Information as of Dec. 31, 1969.

## APPENDIX B

## MEMBERSHIP OF STATE PLANNING AGENCY SUPERVISORY BOARD IN 1970 PLANS

	Total	State <sup>1</sup>	Local <sup>1</sup>	Police	Courts defense <sup>2</sup> prosecu- tion	Probation correc- tions	Juvenile delin- quency	Citizens <sup>3</sup>	General local elected
Alabama.....	30	9	17	11	5	4	2	4	3
Alaska.....	6	4	1	2	2			1	
Arizona <sup>4</sup> .....	10	3	5	2	2	1		2	3
Arkansas.....	13	5	7	4	3	2	1	1	2
California.....	20	9	9	2	4	1	1	2	5
Colorado.....	18	7	9	8	5	1		2	2
Connecticut.....	29	18	5	5	11	2	1	4	1
Delaware.....	23	7	8	3	6	2	1	5	4
Florida.....	29	16	9	9	3	2	2	4	2
Georgia.....	22	6	10	4	5	2	1	6	3
Hawaii.....	15	4	10	3				1	5
Idaho <sup>5</sup> .....	18	9	6	5	5	1	1	2	2
Illinois.....	30	9	15	7	6	3	1	4	3
Indiana <sup>6</sup> .....	13	4	8	2	4	1		1	3
Iowa.....	29	9	11	6	6	3	3	3	2
Kansas.....	24	10	12	6	7	2		8	4
Kentucky <sup>7</sup> .....									
Louisiana <sup>8</sup> .....	33	11	9	4	6	1	2	13	2
Maine <sup>9</sup> .....	19	2	11	5	3		1	5	4
Maryland.....	24	9	11	5	3	3	2	3	3
Massachusetts.....	33	7	21	7	12	3	2	3	3
Michigan.....	28	9	17	6	8	1	2	2	4
Minnesota.....	32	6	18	12	6	1	1	8	3
Mississippi.....	38	16	17	8	6	2	1	5	7
Missouri.....	19	7	10	6	5	2		2	1
Montana.....	15	6	5	3	3	3		2	2
Nebraska.....	21	7	9	4	5	2	2	4	1
Nevada.....	17	4	10	7		2		2	1
New Hampshire.....	29	11	13	8	6	5	2	5	3
New Jersey.....	14	9	5	4	4	1		1	1
New Mexico.....	19	11	8	3	2	3	1		6
New York.....	20	6	8	3	5	2	1	4	4
North Carolina.....	26	12	10	6	5	4		3	3
North Dakota.....	15	8	7	5	3	1	1		3
Ohio.....	21	9	11	4	5	1	2	1	2
Oklahoma.....	47	10	21	14	7	3	2	14	3
Oregon.....	22	6	10	3	3	1	3	5	4
Pennsylvania.....	12	4	5	2	3	2		1	2
Rhode Island.....	22	14	6	3	5		2	2	2
South Carolina.....	11	3	5	3	1	2	1	3	1
South Dakota.....	15	9	5	5	3	2	1	1	2
Tennessee.....	21	8	11	7	4	1	1	2	3
Texas.....	20	7	11	6	3	1	1	2	5
Utah.....	17	4	10	4	2	1	1	3	4
Vermont.....	21	8	12	7	3	1		1	2
Virginia.....	16	8	6	3	3	2	1	2	1
Washington.....	35	9	17	5	4	2	3	9	5
West Virginia.....	24	5	11	7	2	1	3	7	2
Wisconsin.....	12	4	6	3	3			2	2
Wyoming.....	23	6	11	5	5	2	1	4	3

<sup>1</sup> Actual employees of this level or representative of level such as state municipal league.<sup>2</sup> Attorney General, Coronors, Medical Examiners under courts.<sup>3</sup> Attorneys and others unaffiliated with State or local government under citizens.<sup>4</sup> 10 voting, 6 advisory.<sup>5</sup> 1969 figures.<sup>6</sup> 13 voting, 12 advisory.<sup>7</sup> New board July 1.<sup>8</sup> 19 voting, 5 ex officio members.<sup>9</sup> 11 voting, 5 nonvoting members.

# Law and Disorder II

State Planning and Programming  
Under Title I of the  
Omnibus Crime Control and  
Safe Streets Act of 1968

Prepared by The  
National Urban Coalition

**The National Urban Coalition**

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## Introduction

Crime is gripping our cities with fear, destroying lives and property, consuming fiscal and human resources. Urban systems of criminal justice — including the police, the courts, and corrections institutions — are incapable of halting rising crime rates and unresponsive to the needs of the communities they serve. For decades these agencies have operated beyond public scrutiny, lacking either adequate support or constructive criticism. The public has refused to make the financial commitment necessary for the system to work. Few basic questions have been asked about crime, criminals, or the operation of the agencies set up to deal with them. Fewer answers have been found.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968, the grant program administered by the Law Enforcement Assistance Administration (LEAA) of the Department of Justice, is the only existing major federal program which has the potential to stop the rise in crime

FUNDING — TITLE I OMNIBUS CRIME AND SAFE STREETS ACT OF 1968

	fiscal 1969	fiscal 1970	fiscal 1971
	million \$19	million \$21	million 26
Planning			
Action	29	215	400
National Institute	3	8.5	19
Academic Assistance	6.5	18	21
Other	5.5	5.5	14
Total	\$63	\$268	\$480 (minimum)

and to modernize the agencies of the criminal justice system. In 1969, \$63 million in block grants were made available to the states for the creation of state planning agencies and the funding of action programs to improve the operation of both state and local criminal justice agencies; in 1970, appropriations under the Act were increased to \$268 million; and funding proposals for fiscal 1971 range from \$480 million to over \$1 billion. Once the billion mark is reached, the federal investment in the operation of the nation's criminal justice agencies will represent one-sixth of the total national expenditure in this area.

Because of the great potential of the Safe Streets Act program for dealing constructively with one of the most frightening and costly of all urban problems, the National Urban Coalition has followed its developments with great expectations. In June, 1969, the Coalition published a report, "Law and Disorder: State Planning Under the Safe Streets Act of 1968," which pointed out that evolving patterns in the state planning process threatened to impair the effectiveness of the federal grant program.

Based on an examination of 12 urbanized states (California, Florida, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and Texas) the report observed that: Participation in the planning process was limited to a narrow group of officials, criminal justice professionals, and local government representatives — the same people who administered the system in need of reform. No effort was being made to provide linkages to the many private and public agencies concerned with the development of human resources that are essential to the prevention of crime or the rehabilitation of criminals. Nor were the insights of those who have been "processed" by the system being sought. Many states had created, at the suggestion of LEAA's guidelines, a regional substructure under the state agency that was not functionally relevant to the problems of the criminal justice system and that was either inoperative or ineffective in serving its intended purpose as a conduit for local participation.

Partly because of the regional structures and partly because of the structure of the state agencies, the planning process was reinforcing rather than overcoming the traditional fragmentation of the criminal justice system so that none of the agencies involved was taking into consideration its relationship to the others.

With few exceptions, planning efforts were suffering from a lack of know-how, both in terms of structuring a state operation and in terms of creating substantive programming goals. The report found that the Justice Department was doing little to overcome this deficiency.

This report is an updating of the June, 1969, findings, prepared from data gathered at federal, state, and local levels. It focuses on the Title I planning process developed by the states and on the action programs funded by LEAA under the state plans. It does not include an analysis of the academic assistance program established by Title I or a detailed discussion of the programs of the National Institute of Law Enforcement and Criminal Justice.

## Summary

Despite one full year of operation under the Act, many state programs have not gotten off the ground. There is evidence that in many cases the planning process is a paper exercise, unrelated to the actual distribution of action funds. Planning funds are not reaching local governments but are going to regional entities which in most cases have no operational responsibilities. State agencies — the final repositories of decision-making power — are dominated by officials of the criminal justice agencies and representatives of general units of state and local government. There is little or no representation from "citizen and community interests" (as stated in LEAA's guidelines) or from social service agencies having rehabilitative resources. Where there is minority representation, it does not adequately reflect inner-city interests. For the most part, these state-level deficiencies are not corrected by the composition of regional or local boards.

Program grants are being dissipated — geographically and programmatically — in part because of the structural difficulties which were outlined in "Law and Disorder," in part because of a lack of leadership by both federal and state agencies, and in part because of a lack of public commitment. The broad dissipation of action funds has meant that the money is not being focused on major impact programs, has little likelihood of preventing or reducing crime, and in some cases is not going to the urban population centers — where the crime is. The National League of Cities, in a report issued in February, 1970, showed that such cities as Cleveland, Toledo, Scranton, Houston, San Francisco, and Albany have received none or only small amounts of their states' fiscal 1969 funds. Our survey supported that picture.

Almost all of the 1969 action money went for police expenditures — usually communications equipment or other hardware — while only negligible attention was given to such areas as corrections, juvenile treatment, narcotics control, or court reform. This heavy emphasis on police, if continued, could cause a serious dislocation in the entire system of criminal justice. Little evidence

has been produced to show that more sophisticated police equipment produces measurable results in preventing crime. On the other hand, it has been shown that meaningful treatment in corrections institutions brings down recidivism rates, that controlling narcotics addiction does away with those crimes of violence caused by the compulsion for drugs, and that effective juvenile programs halt rising crime rates in that segment of the population where crime has been increasing most rapidly. Applying simple cost-effectiveness standards, it would seem that investments in these latter areas should receive priority over the former. Yet, to date, they have been largely ignored.

As of March, 1970, only \$1,109,776 had been committed to corrections in the 12 states surveyed, while \$11,563,738 — more than 10 times as much — had gone for police projects, and approximately 58 per cent of this latter amount for equipment expenditures. A total of \$1,140,708 had been spent on court reform. A look at the specific states reveals that, in Ohio, 92 per cent of fiscal 1969 state expenditures were in the police category; in Indiana, 81 per cent; in Illinois, 79 per cent; and in Pennsylvania, 80 per cent.

The President's Commission on the Causes and Prevention of Violence and the U. S. Conference of Mayors have shown that cities and states alone cannot halt the rising crime rates, and that substantial increases are needed in federal expenditures for crime control. The Violence Commission recommended a doubling of the nation's investment in the administration of justice and the prevention of crime, with the lion's share to be carried by the federal government. Because of its present administrative and structural inadequacies, the Title I program cannot effectively handle greatly increased levels of funding. Until measures are taken to insure that planning and action funds will be used effectively, LEAA funding should be held at its present level or restricted to \$480 million, as the Attorney General recommended on March 12, 1970. — Sarah C. Carey

## A Failure of Federal and State Leadership

The Justice Department played only a minimal supervisory role in handing out the \$63 million in grant money appropriated for Title I in 1969. Although LEAA's annual report points to an impressive structure of regional assistance offices and contains numerical tabulations of technical assistance, telephone responses, and meetings, the Administration in fact provided little leadership in the establishment of priorities, the proper structuring of regional and local planning mechanisms, or the development of sound action programs. Nor did LEAA set up a clearinghouse operation to disseminate among the states the limited information that does exist about the effectiveness of various anticrime programs.

This lack of direction has resulted in great confusion among the states on such important questions as whether the division of a state into regions is optional or mandatory; whether private agencies active in such fields as juvenile treatment and corrections can be the recipients of action grants; or whether juvenile programs are restricted to Department of Health, Education, and Welfare funds, or can be supported by LEAA grants. On another level, that of substantive impact, the lack of standards and guidelines has resulted in a tremendous duplication of effort among states and localities attacking similar problems. It has also produced such undesirable developments as the investment of "riot control" funds in small, even rural, municipalities or townships, and financial support to obsolete, irrationally constituted police departments which would either consolidate or go out of existence without the federal funding.

In many instances state agencies are looking for meaningful goals, measurements, and guidance. This year's Coalition survey showed that at least one state-agency chairman had had no contact with his regional LEAA representative. A state-agency executive director, when asked the extent of his contact with LEAA, said he would like to "get on their mailing list." And several agencies complained that the Justice Department had not even provided them with information about projects or reform proposals similar to their own being developed in other states or cities. For some states, the highest compliment paid LEAA was, "They haven't told us how to run our shop." The problem

was particularly acute in the Midwest where the directorship of the LEAA regional office in Chicago remained vacant for several months.<sup>1</sup>

LEAA has attempted to justify its limited leadership role by asserting that crime is a "state and local problem" and that Congress did not intend LEAA to direct the states in their program efforts. However, the language of Title I, Sections 515(b) and 515(e), authorizes LEAA to play a leadership role by evaluating "the programs and activities assisted under this title" and by rendering "technical assistance to states, units of general local government, combinations of such states or units, or other . . . agencies in matters relating to law enforcement." Recently, the Attorney General acknowledged that LEAA was "designed to provide leadership . . . and technical assistance to help the states and cities," but there is no indication to date that this has, in fact, become Departmental policy.

The chief mechanism provided in Title I for Justice Department direction and evaluation of the state programs is the annual plan. To obtain its action funds, each state must annually submit a comprehensive plan analyzing the problems of its criminal justice system and describing the ways in which it proposes to invest the federal money to meet those problems. LEAA is authorized by Title I to fund only those states which have submitted "comprehensive plans" that encompass the activities of all agencies of the criminal justice system. Among other requirements, the plans must "incorporate innovations and advanced techniques," must show that federal funds are not being used to supplant state or local funds, and must show that 75 per cent of federal action funds are going to local governments for crime-control programs.

LEAA effectively cut itself off from a meaningful review of fiscal 1969 plans by failing to require states to show where the action money would be spent geographically or for what specific purposes. Instead, plans described general categories such as "crime prevention" without including sufficient information with which to

<sup>1</sup> In general, criticisms of Justice Department performance did not extend to the National Institute of Law Enforcement and Criminal Justice. Indeed, many state-agency officials singled out the Institute's work as particularly effective.

gauge the nature or impact of the program. A consultant hired by LEAA to assess the state plans concluded that the vagueness and lack of comprehensiveness in action-grant proposals made meaningful evaluation impossible.

Even if the plans had been more reflective of the proposed distribution of action funds, there is no reason to believe that LEAA would have played a stronger role in setting and encouraging priorities. Where the 1969 plans omitted or showed an insubstantial commitment to major elements of the criminal justice system, such as the courts or corrections, LEAA still distributed the action money — along with a weak warning that future plans should be more comprehensive.<sup>1</sup>

In fact, LEAA's acceptance of the heavy emphasis on police programs at the expense of other areas of the criminal justice system raises serious questions about the Justice Department's interpretation of the term "comprehensive." Moreover, LEAA has not been willing to use the leverage provided in the other Title I plan requirements discussed above.

Although changes made by LEAA in its guidelines for fiscal 1970 require that state plans provide more specifics in regard to the geographical and categorical distribution of action money, this improvement was offset by the Administration's agreement, announced in early February, to make 50 per cent of fiscal 1970 funds available to the states on the basis of the 1969 plans.

Not all of the blame for the low level of performance in 1969 rests with the Justice Department. Neither public interest nor government commitment was high at state and local levels. One state consultant working on this survey reported that the operation of his state agency had gone "largely unnoticed and unreported." Another commented, "The program has not received attention among the public at large. There is no thoughtful middle-ground dialect on the issue." A third stated, "The fact that money is available under the Safe Streets Act is still a fairly well-kept secret."

The states generally did not succeed in providing the leadership which the LEAA was so willing to transfer to them. As of April 1, 1970, several states had fallen far behind in the distribution of 1969 action funds. A number complained that they had no applicants for the money. These states had not generated a sufficient volume of project proposals because they had either failed to get information about the program out to the cities and localities or had transmitted conflicting information which made it difficult, if not impossible, for local governments to respond. Local governments in California, for example, complained that frequent changes in directives from the state agency made it virtually impossible to complete project applications.

Other states set inadequate guidelines or failed to enforce guidelines, once established. For example, In-

diana set forth 14 objectives for local planning agencies, only three of which could be interpreted as encompassing purchases of equipment. Yet, as of March, 1970, over 55 per cent of the state's committed action money for fiscal 1969 had gone for equipment. Other states allowed funds to go for routine expenditures — lighting, police uniforms, basic office equipment — which had been neglected before the federal dollars became available.<sup>2</sup>

Some governors failed to support the implementation of the program, Indiana, as part of an overall cost reduction effort, had a staff of two professionals (with an executive director earning \$15,000) administering the fiscal 1969 action program of over \$715,000. In Florida, the agency administrator claimed that he could not take steps to broaden his regional planning units to end police domination of the program because, without the law-enforcement lobby at the state level, he would be unable to obtain the matching funds necessary to trigger the federal grants. Although some state legislatures, such as Illinois' and North Carolina's, have exceeded the matching funds required for LEAA grants,<sup>3</sup> a number of state agencies are experiencing difficulty in getting legislative support. This represents a serious threat to the program, particularly since many local governments are finding it extremely difficult to come up with the required match for action grants.

Finally, some of the blame rests with the cities. Participation at the city level has in many cases been deficient, in part because of the restricted role which the Act itself and the state administrators have carved out for the cities, and in part because many city officials have not placed a high priority on the program. A few mayors reached in the Coalition survey were not even aware of how much money had been committed to agencies within their cities or who had participated in the planning process. The Act itself does not require support to citywide planning entities,<sup>4</sup> but it is clear that unless such mechanisms are established by the mayors on their own initiative, the role of the cities in the program will continue to be restricted.

<sup>1</sup> Of the 12 states surveyed by the Coalition, Ohio was censured for insufficient attention to court reform, and Texas for lack of programming in the corrections and organized crime categories. A number of states not in the survey, such as Wisconsin, Nevada, Iowa, and Rhode Island, were told to include a court component in their next year's plan; South Carolina, Nevada, and Wisconsin were required to plan for corrections reform in 1970. Despite these insufficiencies, no action was taken to hold up or reduce the 1969 action funds for these states.

<sup>2</sup> Many of these expenditures are clearly outstanding obligations of the local government and appear to violate the Section 303(i) requirement that federal funds not be used to supplant local funds. However, neither LEAA nor the states have interpreted them in that way.

<sup>3</sup> Illinois has also provided the required matching funds for economically depressed areas such as Calro and East St. Louis. The House Judiciary Subcommittee No. 5, which held hearings on LEAA funding in the spring of 1970, has recommended that the states be required to absorb 25 per cent of the matching funds for local action grants.

<sup>4</sup> The Act simply requires that 40 per cent of planning funds be made available to units of local government or combinations of such units to enable them to participate in the development of the state plan. As is shown later, most states have fulfilled this requirement by making planning grants to regional units within the state.

## Operation of the State Agencies

Each state was required by Title I to establish a state planning agency under the governor — supported by staff — to be responsible for the development of the annual comprehensive plan and for administering the grants made by LEAA after the submission of the plan. All of the 12 states surveyed by the Coalition had planning agencies — ranging in size from 8 to 41, and supported by staff ranging from 6 to 56.<sup>1</sup>

Some of the states have also created task forces or panels of experts to advise the state boards and staff in such specific substantive areas as court reform, juvenile delinquency, and community relations. In addition, all but one of the states — New Jersey — have been divided into regions, each with its own board, staff, and, in some cases, advisory committee. This apparatus serves as an intermediate level between the cities and the states, developing plans and screening program proposals.

### A. Who Does the Planning?

State planning agencies suffer from an across-the-board shortage of representatives from public and private social service agencies or from "citizen and community interests." For fiscal 1969, in the 12 states surveyed, 302 persons served on state planning agencies, of which 62 per cent were criminal justice officials, 26 per cent represented general units of state and local government, 7 per cent were from public and private social service agencies, and only 5 per cent represented citizen and community interests.<sup>2</sup>

New Jersey's 14-man board and North Carolina's 26-member board had no representatives other than criminal justice professionals; Florida's 29-member board had only three persons outside this category, and Michigan's 28-member board had only two. New York was an exception to the general pattern of limited board representation; that state's agency, after careful planning, succeeded in including some minority persons with strong community ties.

Many states assert that representation at the state level can be limited to the "professionals" and need not be broadly diversified. Diversification, they say, can be achieved at the regional and local levels. Our review of regional structures, however, showed that in many

states a heavy emphasis on criminal justice personnel was carried over to the regions. In Florida, for example, each of the seven regions is composed of four sheriffs, four police chiefs, a fiscal officer, and a hired planner. In North Carolina, 233 of the 383 members of the 22 regional policy boards are criminal justice officials, 130 represent general units of local government, and only 20 represent social service agencies or citizen interests.<sup>3</sup> In Ohio and Indiana, a sampling of regional boards and advisory committees indicated a similar imbalance in favor of professionals and government officials.

Those states, such as Pennsylvania, which have attempted to broaden planning and programming participation through additions to their regional boards have failed to alter the decision-making process which places final responsibility for deciding where state funds should go at the state-board level. Despite Justice Department assertions that participation in the planning process would be broadened during fiscal 1969, the domination of criminal justice officials has continued.<sup>4</sup>

LEAA has claimed that there is substantial minority

<sup>1</sup> Several of the states surveyed were not yet fully staffed. Staff sizes as of the end of 1969 were:

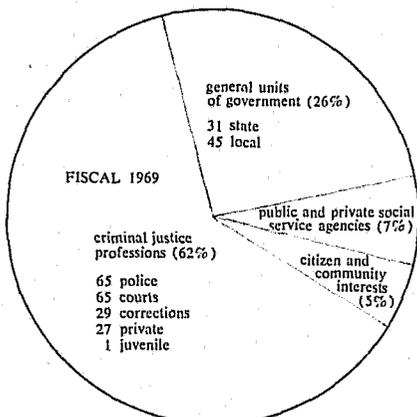
	PROFESSIONAL	CLERICAL	TOTAL
California	18	22	40
Florida	5	6	11
Illinois	24	19	43
Indiana	5	1	6
Massachusetts	39	17	56
Michigan	18	7	25
New Jersey	22	13	35
New York	23	16	39
North Carolina	6	3	9
Ohio	22	16	38
Pennsylvania	24	15	39
Texas	8	6	14

<sup>2</sup> These figures have changed in recent months. As of May, 1970, 278 persons were serving on state planning agencies, with 60 per cent from criminal justice agencies, 28 per cent from local and state government, 8 per cent from social service agencies, and 4 per cent from "citizen and community interests."

<sup>3</sup> The last figure may be high: nine of the individuals listed were in one region — Cumberland. Individuals who could not be identified also were placed in this category.

<sup>4</sup> Charles Rogovin, LEAA Administrator until June 1, 1970, made clear his intention that "planning participation should be broad." In a May 2, 1969 speech before the Stark County Bar Association in Canton, Ohio, he said the boards should have "representation from the general community. That is, representatives from many diverse groups, who have no professional ties to the criminal justice system, also should be included on advisory boards. Some of them should be Negroes and members of other minority groups. And it further means that all the community representatives be given a meaningful role to advise, consult, express their concerns, give their judgments, help shape the best programs possible. This process should occur not only at the state level, but also at the local level, where cities and counties develop advisory boards to help draft programs for meaningful local law enforcement improvements." LEAA has not used its power to achieve this goal.

## REPRESENTATION ON STATE PLANNING BOARDS



participation on the planning agencies. But our figures show that, although there are some minority participants, almost all of them are either local government representatives or criminal justice officials.

Before April, 1970, Massachusetts had no minority members on its state board (it has since added blacks and Puerto Ricans). Mississippi is being challenged in court under Title VI of the Civil Rights Act of 1964 because of the composition of its board. The allegations in that case are that the narrow composition of the board is having a detrimental effect on the kinds of programs funded by the state, with little or no emphasis being given to programs that strengthen ties between criminal justice agencies and the community. To date, the Justice Department has failed to develop clear Title VI policy guidelines for the LEAA program. The Civil Rights Commission has reported that the Administration has no mechanism for measuring performance in this area and no staff person with responsibility for determining whether the program is in conformance with civil rights laws.

Officials of the Community Relations Service of the Department of Justice have reported that LEAA has not tried to alert community groups to the program nor to work with them, and that state agencies have provided no machinery to prompt minority interests. Even where mechanisms already provide for such participation, they are apparently being ignored.

The state agencies have not provided adequately for the participation of persons who have links to community groups and community problems. Nor have they included private interests which possess important resources for treatment, rehabilitation, and crime prevention — such as business, labor, and social service

agencies.<sup>1</sup> Without the inclusion of these interests, the program will continue to lack both the resources and the commitment necessary to make it work. The lack of adequate participation on the planning boards, resulting in the closed nature of the planning process, has already had a negative impact on the Title I program. It explains in large part the striking lack of innovative programming in the states and the tendency to "buy more of the same old stuff." It also accounts for the over-emphasis of law enforcement programs during 1969. And, at least two states reported that a number of community-based programs were rejected at the regional level because law enforcement officials dominated the regional boards.

The isolation of the criminal justice system from other influences and resources in society is a major cause of the system's backwardness. Until linkages are made with private agencies, civic organizations, volunteer groups, and grass-roots organizations, it will be difficult to develop effective crime prevention programs or improved community relations.

Most states have not yet begun to think of the valuable resources that could be tapped by extending the planning process beyond criminal justice professionals.

#### B. The Regional Structures

With the exception of New Jersey, which scrapped an ineffective regional network in order to deal directly with its cities and counties, all the states surveyed by the Coalition have created regional substructures under the state agency with responsibility for developing a regional contribution to the state plan, and assisting with and approving action-grant applications from localities situated within the region. Most states superimposed the criminal justice planning function on pre-existing state planning districts, regional planning commissions, or councils of government; a few created new regional entities.

In some states, major cities — such as New York City and Philadelphia — constitute regional entities in themselves. In Massachusetts and New Jersey, the cities relate directly to the state agency. Only less urbanized areas are combined into regions in Massachusetts. In New York, cities with a population of 500,000 or more are allowed to become separate planning and programming entities. In the majority of states, however, local governments participate in the Title I program only through regional structures which are often the results of arbitrary geographic carving up of the states.

Many regional structures have failed to give adequate representation to major cities within their borders. Detroit and Wayne County, for example, with 40 per cent of Michigan's population and half of its serious crime, are grouped together with six other

<sup>1</sup> One exception is the planning board for New York City — the Criminal Justice Coordinating Council — which includes both private and public groups that have rehabilitative resources.

counties into one region, while less populous cities such as Lansing are in regions with only two or three counties. The City of Cleveland has only 6 per cent representation in Ohio's Region IV, yet it contains 25 per cent of the region's population. (The mayor has filed suit against the regional council challenging the regional composition.) Similarly, Gary, Indiana, has only two representatives in Indiana's Region I and no representation on the state planning agency.

In at least one state, Texas, major cities have veto powers over those parts of their regional plan which directly affect them.<sup>1</sup> Other states, such as Michigan, require that regional plans show two sets of priorities — one for the region, the other for localities within the region. By far the majority of states, however, submerge the interests and needs of their cities within the regional structure.

The major failing of the regional networks is that most of them are artificial structures devoid of legal or political powers. The preexistent state planning regions were notorious because of their lack of authority and resources to carry out the lengthy, complex plans which their staffs produced. The criminal justice planning regions suffer from the same problem. The regions are not governing entities having tax powers and funding available to them other than the money granted by the state planning agency. In many cases that money is distributed with little or no relation to the regional plan.

Most states require the regions to develop comprehensive plans which are financed up to 90 per cent by the LEAA grant, each region receiving a grant based on a formula which usually takes into account either population or crime rates, or both.<sup>2</sup> Most states surveyed do not provide planning funds to local units

of government even though planning at the local level would unquestionably have a greater impact on action programs; the regional grant is viewed as fulfilling the Act's provision that 40 per cent of the planning money must be made available to units of local government to enable them to participate in the formation of the state plan.

Although it is too late to prevent the formation of regions, there is a serious question whether the regional structures imposed by some of the states are authorized under Title I. The language of the Act authorizes state plans to "encourage units of local government to combine or provide for cooperative arrangements." It does not suggest compulsory joinder. Regional units should be authorized only if they serve a functional purpose, if they are voluntary, and if they accommodate the fundamental planning needs of the cities.

<sup>1</sup>Texas' "Policies and Procedures Governing Grants for Comprehensive Law Enforcement Planning" specifies that "regional planning grant applicants must provide evidence that will satisfy the governor and the Criminal Justice Council that (a) the central city (or cities) in the regional planning agency concurs that the application for a planning grant will meet its planning requirements . . ."

<sup>2</sup>ORGANIZATION AND FINANCING OF STATE CRIMINAL JUSTICE PLANNING REGIONS

State	Eligibility for Funding		Basis for Funding	
	Only Regions Funded	Both Regions & Localities Funded	Population	Crime Index
California		X	X	X
Florida	X		X	X
Illinois	X		X	X
Indiana	X		X	X
Massachusetts		X	X	X
Michigan		X	X	X
New York	X		X	X
North Carolina	X		X	X
Ohio	X		X	X
Pennsylvania		X	X	X
Texas		X	X	X

## The Planning Process

In most of the states surveyed, the development of the annual comprehensive plan was a lengthy, time-consuming process which frequently did little to improve the distribution of the action funds or to make the program more effective. While the process in some states helped to bring the various elements of the criminal justice system together in a coordinated effort, it is doubtful whether that alone was worth the cost.

Title I allows for a diversity of planning levels to meet a range of operational needs. State planning should deal with those problems dependent on the state for resolution, including reform of the criminal law and the laws pertaining to the operation of local criminal justice agencies, upgrading the many state law enforcement agencies, and coordination of statewide problems. The state should also provide guidance and innovative ideas for localities with major crime problems. Regional structures should be used to maximize the limited resources of small jurisdictions through sharing and joint investments, and to overcome jurisdictional limitations which prevent localities from effectively dealing with crime and criminals. Cities, as the Violence Commission and others have pointed out, should engage in citywide or metropolitanwide comprehensive planning for the reform of locally based agencies of criminal justice. Of the three levels, planning at the city level is the most important for improving the operation of criminal justice agencies and controlling the incidence of crime.

This is not the way Title I is working. In most states no planning funds are reaching those cities which do not constitute regions to assist them in the development of local plans or to enhance their participation at the regional level. In some cities police chiefs, prosecutors, and other criminal justice officials serve on regional boards, or lobby directly for state funds without citywide clearance.

Generally each of the regional units within the state prepares its own comprehensive plan, which is then submitted to the state agency for "consideration" in the development of the state plan. The scope of the regional plans in 1969 exceeded the resources available to the regions to such an extent that many critics called the

entire process a paper exercise. This conclusion is reinforced by the fact that many regions relied on outside consultants to prepare the plans. In Michigan, for example, four out of 11 regional plans were developed by consultants. Regional planning in Texas was similarly characterized by heavy use of consultants.

Few regions were operational — developing plans and receiving funds for those programs which should appropriately be conducted on a regional basis. Many regions were either like California's Los Angeles sub-region — generating complex regional plans which had little impact on the state plan and no relationship to action funds — or like Indiana's and Illinois' regions which did little more than sign the regions' applications to the state agency.

In 1969, the states, like the regions, engaged in a planning exercise that was totally unrelated to the action resources available or to the general level of knowledge about crime in the states. A critic of the process has commented: "The state that can include the longest shopping list, decorated with the most impressive narrative — which usually means language mixing science with sociology in large doses — wins the prize." The Massachusetts plan, for example, was 1,600 pages long, and California's totaled 5,896 pages and weighed 48 pounds. But neither conveyed adequately the nature of the action programs proposed for funding, their relationship to the problems described in the plan, or their likelihood for reducing crime.

The states tended to go to two extremes. Some developed overly detailed plans which in effect precluded localities from developing their own priorities by requiring them to fit into one of the state's preferred categories. Others avoided planning responsibilities entirely by filing plans which were so general in nature that almost any subsequently submitted proposal could be tailored to fall within the plan. To illustrate the former, Illinois submitted a list of 24 program areas in its 1969 plan, but as of March, 1970, funds had not been granted in 12 of those areas because no request had been made for the designated programs. States suffering from the latter problem tended, as did Ohio, to fund numerous, scattered, small-impact programs,

## Distribution of the Action Funds

By June 30, 1969, the states had all received their allotted action funds.<sup>1</sup> By law, 75 per cent of these funds were required to go to units of local government or to combinations of such units. The remaining 25 per cent could be used for expenditures by state agencies, such as the highway patrol or the state prison; for statewide programs which would benefit a range of local agencies within the state, such as crime information systems; or for additional distribution to local governments. New Jersey, for example, distributed 88.9 per cent of its action funds to local governments.

Some states, such as Massachusetts, distributed the 75-per-cent local funding directly to local units of government for projects that had been cleared through the regional and state planning mechanisms. Others, such as North Carolina, distributed all the action funds to the regions for regional programs or for redistribution to local programs which had been approved by the state agency. Some states, such as Illinois, Indiana, and Massachusetts, had developed at the state level programs which they felt to be appropriate for local agencies but which had not been cleared by those agencies; these states were required to go out and look for participants in the designated programs. As late as April, 1970, at least two of these states were still looking for willing candidates for some of their programs. Many states requested lump sums for general categories of program activity; instead of obtaining project proposals through the planning process, they first obtained the federal grant and then opened their doors for program applicants who could tailor their needs to the broad program categories.

Title I provides federal funding on a matching scale, ranging from 33½ per cent for salaries to 75 per cent for riot control or organized crime programs. Construction expenditures receive only a 50-per-cent match, all other programs get 60 per cent. The sliding scale has produced a number of rather strange distortions. For example, the high funding for riot control has in some states led to grants to small communities which have no campuses or significant minority populations, and which probably will never be faced with a situation justifying the use of the equipment. In other

states, planners have attempted to fund police-community relations programs with riot-control money in order to get the favorable match.

The restricted one-third match for salaries and the prohibition against funding to private entities have both been major hurdles to innovative program development. In such areas as crime prevention, rehabilitation, and community involvement, private organizations have far greater capabilities than do public agencies. A number of private agencies, such as the Vera Institute of Justice in New York City, have a demonstrated capacity for developing new operational models for the police or the courts. The major cost to these groups — or to planning or research units of public agencies seeking to develop new programs — is salaries.

In most states, fiscal 1969 action funds were widely scattered geographically and focused primarily on alleviating long-standing resource deficiencies within the criminal justice agencies. For the most part, there was little effort to develop major impact programs, the preference being to "show we're in operation by reaching a broad number of grantees." Michigan, for example, gave a local grant of \$600 for training; Pennsylvania \$509 for equipment; Indiana \$60 for the purchase of a narcotics detection kit; and Ohio \$94.80 for training. A minority of states did not fall into this category. Examples of major impact programs are Michigan's juvenile court and probation staff training program; Massachusetts' comprehensive reforms of the criminal and juvenile codes and its Youth Resources program; Illinois' police management studies program aimed at consolidation of small, ineffective depart-

### ACTION-GRANT AWARDS BY STATE

(Amounts in parenthesis are the special grants awarded in August, 1968, for riot prevention and control.)

State	1969		1970
California	\$2,351,610	(\$414,989)	\$17,287,000
Florida	737,035	(130,065)	5,597,000
Illinois	1,338,495	(235,202)	9,877,000
Indiana	613,785	(103,290)	4,565,000
Massachusetts	548,050	(117,450)	4,902,000
Michigan	1,055,020	(186,180)	7,817,000
New Jersey	860,285	(151,814)	6,372,000
New York	2,230,545	(397,154)	16,592,000
North Carolina	618,715	(77,000)	4,625,000
Ohio	1,284,265	(226,634)	9,563,000
Pennsylvania	1,427,235	(240,524)	10,591,000
Texas	1,333,565	(235,344)	9,926,000

ments; and the efforts of California and other states to develop meaningful data on the characteristics of crime, criminals, and the agencies which deal with them.

Many states failed to pose fundamental operational questions in defining priorities for the various agencies which submitted grant requests. As a result, the programs to reform criminal law or to restructure criminal justice agencies were few in number and small in scale. The tendency was to ask the operating agencies for their list of priority expenditures without determining whether performance would be better improved by altering the whole method of operation so that the expenditures would be unnecessary. One priority list submitted by a state corrections department contained 19 items ranging from increased salaries to a dishwasher for a prison dining room to plumbing renovation, with no reference to training, treatment, or other aids for inmates.

Police programs clearly dominated the first year of grants. This, in part, reflected the fact that Title I as presently written — particularly Section 301(b)(1) through (7), suggesting appropriate action grants — focuses almost exclusively on the police. In addition, police tended to be better prepared in pulling together proposals, to have substantial political backing, and to be viewed as the prime actors for reducing crime and bringing about criminal justice reform. The largest single funding category was equipment, representing 58 per cent of the police expenditures. Generally, police equipment expenditures varied in sophistication, reflecting existing funding levels for local departments within the states; lower-funded departments such as those in Indiana, Florida, and Ohio received such basic equipments as cameras, radios, and cars, while better-funded department such as those in Michigan and California received sophisticated communications systems, management systems, and training. A large number of grants were so small in size and so insignificant in purpose as to insure little improvement in present operations. This was particularly true of some of Indiana's, North Carolina's and Pennsylvania's police grants.

By and large, police expenditures went to support present practices and methods of operation. There was little innovation, functional reform, or alterations in the relationship of police departments to the neighborhoods they serve, even though these categories of expenditure tend to cost less than equipment. Although great emphasis was placed on sophisticated intelligence systems and on increased efficiency in apprehending offenders and processing them through the system, relatively little attention was given to prevention or to building community structures to help reduce the incidence of crime. Eight per cent of the police funds went to police-community relations programs which tended to focus on educating the community about the police or on assigning functions to the police which could

better be performed by City Hall. There were few new "grievance resolution mechanisms," "community patrols," or "neighborhood participation" programs as suggested by Section 301(b)(7) of Title I.<sup>1</sup>

Expenditures on court reform in the 12 states constituted 7 per cent of the total,<sup>2</sup> with major emphasis given to studies of present court procedures and some to building prosecution and defense resources.

Professor Harry I. Subin of the New York University School of Law, an LEAA consultant on state proposals for court reform, has pointed out that much of the money was going for studies — in many cases, for problems or programs such as bail reform that had already been extensively studied, suggesting that the states needed information more than money. Professor Subin deplored the lack of action programs and of new approaches to court reform. The Coalition survey reinforces Professor Subin's findings.

Despite verified statistics on the failure of present corrections institutions to provide the treatment and training necessary to enable their inmates to return to play a constructive role in society, and despite rising recidivism rates, corrections programs received only 7 per cent of the total action money in the 12 states surveyed. In two major states, California and Texas, only 1 per cent of local action funds went to corrections. Of the total corrections expenditures, the largest investment went to training programs for corrections personnel. An LEAA consultant evaluating the state training proposals described them as conveying "a picture of confusion — a picture that may cost a great deal of money and produce very little."

It is essential that expenditures in the corrections area be increased and that linkages be established between existing corrections institutions and public, private, and community groups possessing education, job training, counseling, and other supportive resources.

Two other fields with a proved relationship to rising crime rates — juvenile programs and narcotics control — received less than 6 per cent and 2 per cent respectively of the 12-state funding. This is particularly low in view of the fact that the Coalition survey focused on urban states where juvenile delinquency and drug addiction are major problems. Effective programs in either of these areas could unquestionably have a major impact in the reduction of crime. In some states, planning agencies seem to be confused over the division of responsibility between the Department of Health, Education, and Welfare and the Justice Department in the juvenile area, even though most states have attempted to combine the planning mechanisms for both programs. Although increased HEW funding, with related resources in health, education, and other sup-

<sup>1</sup> Notable exceptions were New York's Youth Patrol for Harlem and North Carolina's "Public Grievance Office" for Cumberland-Hoke County.

<sup>2</sup> This is higher than the national average: at least 35 per cent of all 54 plans had no court programs.

portive services, would probably be the best way for financing juvenile programs, past patterns of funding indicate that LEAA has far better chances than does HEW for obtaining substantial program funds.<sup>1</sup> If this is correct, it is imperative that LEAA direct the states to make a more substantial commitment to this important area of the criminal justice system.

The task of reducing crime and reforming the institutions of our criminal justice system is an extremely difficult one, but one that is essential to our survival as a nation. The time has come to translate unceasing rhetoric about the crime problem into tangible reform programs that confront the problems seriously and realistically. The first two years of operation of the Law Enforcement Assistance Administration and the

action program created under Title I of the Safe Streets Act have been beset with problems; but they have succeeded in raising many important questions about crime and about the operation of the police, the courts, and corrections institutions. Further, the beginnings of a national planning and reform network have been created. The next few years will determine whether the Title I program is simply a new and cumbersome bureaucracy handing out money in a fashion that reinforces the existing problems of the criminal justice system, or whether it is in fact a serious effort to achieve institutional reform.

<sup>1</sup> Last year the Health, Education, and Welfare appropriation under the Juvenile Delinquency Program Act was \$5 million; in fiscal 1970, it will reach \$10 million.

## Recommendations for Improving the Title I Program

1. The Law Enforcement Assistance Administration has failed to assume an effective leadership role in the Title I program. Yet Title I and the funds available under it provide substantial leverage for federal encouragement of excellence in programming at the local level. The problem of crime is too serious not to use that leverage while at the same time encourage local innovation. Therefore, LEAA should begin immediately to implement the following activities:

a. Provide technical assistance for substantive planning and programming, including the establishment of priorities;

b. Utilize fully the review power provided in the Act for determining whether state plans and program objectives are truly "comprehensive," "innovative," and consistent with the requirements of the Act;

c. Develop effective program evaluation procedures.

2. LEAA's guidelines for plan requirements are overly detailed, confusing, and lacking in focus. LEAA should change these guidelines to tailor plans to the resources available, to focus less on lengthy descriptions of the problems and more on the solutions proposed to address those problems, and to provide sufficient data on the proposed programs to indicate where action money will go and how it will be spent.

3. A vital and necessary prerequisite to reform of the criminal justice system is the development of comprehensive citywide or metropolitanwide programs. The cities must take the initiative to create offices of criminal justice (as recommended by the Violence Commission) or criminal justice coordinating councils (as recommended by the Crime Commission). The states must be willing to make planning funds available to such entities once they have been created. And both the states and LEAA should provide assistance in program development, particularly in such areas as courts, corrections, and narcotics control, which are not now receiving adequate attention.

4. Most regional networks, as they are presently constituted, add nothing to criminal justice programs except an unnecessary additional layer of bureaucracy. These regional networks should be abolished unless they are operational, are carrying out programs which

require a regional body, and constitute voluntary combinations of units of local government. Major cities whose interests cannot be properly addressed when submerged in a regional organization should be allowed to deal directly with state agencies.

5. Many states require from their regions lengthy comprehensive plans that bear little relation to the distribution of action funds. These requirements should be eliminated. Regional planning should either relate to operations to be conducted on the regional level or should be abolished in favor of data collection and project development. Where regional plans affect cities within their borders, the approval of these cities should be required, as is done in Texas.

6. The sliding scale of matching funds gives preferential treatment to programs for riot control and organized crime, and places negative restrictions on salaries — restrictions which are particularly harmful in demonstration programs. The sliding scale should be abolished.

7. The present restriction against direct-action grants to private entities prevents the program from tapping valuable resources for seeking solutions to problems of criminal justice. This restriction should be abolished.

8. Almost all of the Title I action money is being spent on police expenditures, while only negligible amounts are going for programs that could help to reverse the rising crime rate. Therefore, LEAA and state guidelines should impose a ceiling on police expenditures or specify minimal expenditures — that are enforced — for court reform, corrections, juvenile programs, and drug abuse. Further, the states should be required to earmark a defined percentage of state appropriations for much-needed experimentation at the neighborhood level for community-based or administered criminal justice reform programs. A similar earmarking should be required for efforts to reform state criminal laws and the laws pertaining to the agencies of the criminal justice system.

9. The entire planning process, from the local to the federal level, suffers from an across-the-board shortage of representatives from public and private social service agencies or from "citizen and community interests." The process should be opened up to broader

participation. At the federal level, a national advisory committee of private citizens should be created to advise LEAA on overall program goals, to assess long-range planning and short-run programming, and to report to the Congress on an annual basis with recommendations for strengthening the performance of the government in achieving reform of the criminal justice system. Finally, the states should include on their planning boards — and should require inclusion on regional and local planning entities — greater representation from social service, civic, and community organizations.

10. So little is known about what actually works in the crime control area that most states have few

criteria for deciding how to spend their money effectively. While this report does not analyze the operations of the National Institute of Law Enforcement and Criminal Justice, it is clear that the Institute has the power to engage in far-reaching research and program development and has projected ambitious goals. Therefore, greatly increased appropriations should be provided to the Institute to expand its efforts in researching the causes of crime and the most effective ways of treating these causes. Some of the answers should be found — through the vehicle provided by the Institute — before LEAA funding levels are increased greatly.

## State-by-State Breakdown

(Unless otherwise stated, all material was current  
as of mid-March 1970)

### California

**Council on Criminal Justice (28 members)**  
(A 25-member state council was established in 1967 and expanded in 1968 to meet the requirements of Title I.)

#### Representation

9 members representing the criminal justice system  
15 members representing state and local government  
2 members representing private and public social service agencies  
2 members representing citizen and community interests  
(Two of the members are minorities. There has been little participation from the business community or minority groups.)

#### Structure and Procedures

The council has an authorized staff of 40, of which 34 positions had been filled by March, 1970. The staff is divided into three units: the business staff, operations (dealing with the task forces and the regions), and development and planning. In addition, the council is assisted by nine task forces: corrections; education and training; judicial process; juvenile delinquency; organized crime; police services; riots and disorders; narcotics, alcohol, and alcohol abuse; and science and technology. (The functions of the task force on science and technology are performed by the California Crime Technological Research Foundation, a public corporation established by state legislation.)

Membership of task forces is concentrated on professional expertise rather than broad community representation. "Nor," as a council staff member has put it, "is there any special effort to learn community opinion."

All program and plan proposals are reviewed by the appropriate task force before being submitted to the council. One task force — on police services — provides detailed priority listings; the others allow the regions to determine their own priorities. The council also has an operations committee composed of the nine task force chairmen. The committee decides which task force should review a funding application and approves or disapproves the subsequent task-force recommendation to the council. Generally, the operations committee's decision prevails, although it has occasionally been overruled by the board.

Local applications are filed with both the region and the state council. The state often acts without receiving the regional input, and in many cases overrides regional recommendations.

#### Regions

A regional planning structure of 11 units set up in 1964 by the California State Planning Advisory Committee was adopted by the California council for planning purposes. Since then the Los Angeles area has split into four subregions. Other major cities, such as San Francisco, Oakland, and Sacramento, remain emerged in regions which include several counties.

The administrative setup of the regions parallels the state structure. Each region has paid staff, an advisory board, and task forces similar to those at the state level. The state agency claims that over 1,500 persons are involved in the regional planning process. Each region was required in fiscal 1969 to develop

a comprehensive regional plan. The regions received planning grants of a \$10,000 base with additional amounts determined by population and crime rates. The planning-grant formula remains unsettled. The regions provide planning assistance to the cities and recommend consultants where needed.

In addition to its planning function, each region also reviews specific action proposals from localities within its borders. During the first year of the program, there was little correlation between regional plans and state-approved action grants. The latter were distributed directly by the state, and in many instances the regions were not informed of the distribution. Local officials in California have complained of a lack of clear directives from the state agency or of constantly changing directives.

#### Action Funds

	Grants	% of Total
<b>Local Grant Money: \$959,038</b>		
Police	\$573,887 <sup>1</sup>	59
Courts	13,500	1½
Corrections	11,946	1¼
Juvenile	119,863	12
Drug Abuse	69,372	7
Organized Crime	—	—
Criminal Justice System	170,470	19
<b>State and Local Grant Money: \$1,630,832</b>		
Police (riot control included)	\$764,119	47
Courts	43,500	3
Corrections	11,946	1
Juvenile	269,863	17
Drug Abuse	105,934	6
Organized Crime	200,000	12
Criminal Justice System	235,470	14

<sup>1</sup> \$244,757 of this was spent on riot control, representing 23 per cent of total grants and 42 per cent of police grants.

Recipient	Purpose of Grant	Amount
<b>Police</b>		
Los Angeles	Training system development	\$ 93,000
Los Angeles County	Information system	45,735
Los Angeles County	Crowd-control training	16,541
Los Angeles County	Training	5,760
Los Angeles County	Personnel	5,000
Compton	Communications facility	53,555
Ventura County	Community relations, education	39,519
<b>Tulare</b>	Police in schools for Justice Department	23,653
Davis	Preventive education	20,049
Covina	Training in criminal justice system	15,790
Covina	Management research	3,000
Colton	Community relations	11,056
Orange County	Training	6,480
Vallejo	Community relations	5,000
South Lake Tahoe	Equipment	900
College of the Redwoods	Training	4,092
	<b>Total</b>	<b>\$349,130</b>

<b>Riot Control</b>			
Los Angeles	Airborne television system	\$ 55,100	
Los Angeles County	Emergency communications equipment	29,700	
Alameda County	Riot-control equipment and communications van	23,645	
San Francisco	Communications equipment	20,200	
Oakland	Riot-control equipment	18,750	
Richmond	Communications equipment	18,750	
Contra Costa County	Video equipment	9,542	
San Jose	Riot-control training program and equipment	9,221	
Ventura	Riot-control equipment and communications	8,640	
San Bernardino	Riot-control equipment	8,422	
Long Beach	Riot-control equipment	6,000	
Sacramento	Communications equipment	5,300	
Sacramento County	Communications equipment	5,300	
Modesto	Riot-control equipment and portable radios	3,186	
Anaheim	Riot-control equipment	3,000	
State Disaster Office	Emergency communications equipment	118,180	
State Department of Justice	Emergency communications equipment	22,100	
State Department of Justice	Development of riot prevention and community relations program	20,027	
State Highway Patrol	Riot-control equipment	29,925	
	<b>Total</b>	<b>\$414,988</b>	
<b>Criminal Justice System</b>			
Los Angeles County	Data system	\$146,350	
State Military Department	Military local LEAA's coordination	65,000	
California State College at Long Beach	Training	3,000	
San Diego County	Communications and data system study	21,120	
	<b>Total</b>	<b>\$235,470</b>	
<b>Corrections</b>			
Calaveras County	Inmate work furlough	\$ 7,800	
Modoc County	Facilities	4,146	
	<b>Total</b>	<b>\$ 11,946</b>	
<b>Juvenile</b>			
San Bernardino	Treatment	\$ 48,901	
Orange County	Data system	27,002	
Salvation Army	Drug treatment	20,000	
State Delinquency Prevention Commission	Youth service	150,000	
UCLA Neuropsychiatric Institute	Drug prevention	18,000	
Drug Information & Youth Crisis Center	Counseling	5,960	
	<b>Total</b>	<b>\$269,863</b>	
<b>Drug Abuse</b>			
Monrovia	Drug prevention and counseling	\$ 39,372	
Tuolumne County	Counseling	30,000	
Governor's Office	Information and coordination	36,562	
	<b>Total</b>	<b>\$105,934</b>	
<b>Organized Crime</b>			
State Department of Justice	Intelligence	\$200,000	

**Courts**

Regents of the University of California	Training of judges	\$ 30,000
San Bernardino and Monclair	Systems study	13,500
	<b>Total</b>	<b>\$ 43,500</b>

Los Angeles (city and county), with half of the crime reported in the state and 40 per cent of the population, received only 19 per cent of the action grants. The Bay Area received \$145,000, with only a limited sum going to San Francisco — and that primarily for riot control. The city reportedly did not seek additional funding.

The California expenditures for fiscal 1969 placed heavy emphasis on communications, the development of an information storage and retrieval system for the criminal justice system, and riot control. Little attention was paid to community-based programs of prevention or treatment, Court reform and corrections programs were both underfunded.

In fiscal 1970, projections for California action funds include the following (figures indicate the federal investment plus the state matching requirement): \$800,000 for a coordinated intelligence system, with information on crime trends as well as movements of individuals; \$250,000 for basic research; \$120,000 for anti-riot training programs for local officers; \$360,000 for a statewide communications system; \$250,000 for devising speedier ways of getting help from neighboring cities and counties; and \$482,000 for community-relations programs — most of which involve grants to police departments. The state agency has said it plans to place major emphasis on heading off riots on campuses and in slums and on trying to devise new ways of cooling off communities beset by racial or academic violence.

**Members of Council on Criminal Justice**

Stanley Arnold, Judge, Lassen County  
Louis P. Bergna, District Attorney, Santa Clara County  
Yvonne W. Brathwaite, State Legislator  
Wayne H. Bornhoff, Chief of Police, City of Fullerton  
Allen F. Breed, Director, State Department of Youth Authority  
Bernard J. Clark, Sheriff, Riverside County  
Allen Cleveland, Secretary and General Counsel, Douglas Oil Company  
John T. Conlan, Supervisor, Ventura County  
George Deukmejian, State Legislator  
Douglas F. Dollard, Mayor, City of Compton  
Herbert Ellingwood, Legal Affairs Secretary, Governor's Office  
Howard Gardner, Associate Director, League of Cities  
Dr. C. Robert Guthrie, Professor, Long Beach State College  
James A. Hayes, State Legislator  
Dr. William W. Herrmann, Research Scientist, Systems Development Corporation  
Harvey Johnson, State Legislator  
Patrick G. LaPointe, Supervisor, Shasta County  
Joe E. Levitt, President, Radio Station KXRX  
Thomas C. Lynch, State Attorney General  
William R. MacDougall, General Counsel and Manager, County Supervisors Association  
Gene S. Muehleisen, State Official  
Raymond K. Proconier, Director, State Department of Corrections  
Raymond C. Simon, Councilman, City of Modesto  
Frederick E. Stone, Presiding Justice, Court of Appeals  
Harold W. Sullivan, Commissioner, State Highway Patrol  
Spencer Williams, Secretary, State Human Relations Agency  
Clifford Wisdom, Board of Supervisors

<b>Florida</b>
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Interagency Law Enforcement Planning Council  
(29 members; chaired by the Governor)

**Representation**

18 members representing the criminal justice system  
8 members representing state and local government  
2 members representing private and public social service agencies  
1 member representing citizen and community interests  
(Two of the members are minorities.)

**Structure and Procedures**

The council is assisted by seven task forces: organized crime; drug and alcohol abuse; juvenile delinquency; corrections, probation, and parole; law enforcement training and education; public information and community involvement; research and review of the criminal justice system. The task force on public information and community involvement was not organized until 1970 and is just getting into operation.

State task forces tend to be dominated by the state agency officials with insufficient representation from city officials. The task forces pass on project proposals coming from the regions and can also respond directly to a local government proposal where the region has failed to endorse it. Some action funds (15 per cent) are given directly to the task forces for funding local programs. This gives them the opportunity to promote their own priorities.

The state has a staff of five professionals assisted by three part-time Ph.D. students. The work of the staff is supplemented by experts from other state agencies, such as the Youth Services Department, which assist the council in its work and provide technical assistance to localities. An employee of the Office of State Planning (urban renewal, model cities, health, etc.) is a part-time employee of the council.

**Regions**

The state is divided into seven regions based on population. Each region has an advisory board composed of four sheriffs, four police chiefs, and a staff composed of a fiscal officer and a hired planner. The regions hold monthly meetings, some of which are open. The state has been reluctant to change the composition of the regional boards because it relies on the sheriffs' and police chiefs' associations to lobby the state legislature for matching funds.

As the composition of the state and local planning agencies indicates, elected city and county officials have been left out of the programming process.

During fiscal 1969 Florida's planning grant was allocated among the regions as follows:

Region I: \$2,384  
Region II: \$11,192  
Region III: \$22,384  
Region IV: \$33,576  
Region V: \$47,007  
Region VI: \$15,669  
Region VII: \$71,632

The remaining \$279,000 of the planning grant was distributed among the task forces, to the Florida Department of Law Enforcement, and to the council itself. (The latter grant involved \$112,806.)

In 1970 each region received \$32,857 in planning funds, for a total of \$230,000. The remaining \$345,000 went to the council for its overall planning functions, including staff services for the task forces.

**Role of the Justice Department**

The assistance of the Department was described by council staff members as "top-notch."

**Action Funds**

	Grants	% of Total
<b>Local Grant Money: \$478,331</b>		
Police	\$345,855	72
Courts	—	—
Corrections	113,555	24
Juvenile	8,921	2
Drugs	10,000	2
<b>State and Local Grant Money: \$563,723</b>		
Police	\$361,225	64
Courts	16,800	3
Corrections	113,555	20
Juvenile	28,583	5
Drugs	43,560	8
Recipient	Purpose of Grant	Amount
Police		
Dade County Public Safety Department (Miami)	Video tape training program	\$ 86,066
Dade County Public Safety Department (Miami)	Riot control	25,072
Tampa Regional Police Laboratory	Narcotics lab	36,189
Hillsborough County (all police agencies within county)	Riot control	25,000
City and County of Jacksonville	Riot control	25,000
Region I (Tallahassee)	Mobile training unit	21,296
Region VI	Mobile crime lab	17,750
Orlando Police Department	Law library for police legal advisor	7,800
Orlando Police Department	Riot control	7,500
Miami Police Department	Riot control	15,000
Daytona Beach Police Department	Regional communications center	13,660
Alachua County	Riot control	11,520
Tallahassee Police Department	Riot control	9,950
Winter Park (Region IV headquarters for 62 police departments)	Training resources center	8,165
Pinellas County	Riot control	8,023
Panama City	Training equipment and materials	7,044
Kisimmee Police Department	Mobile crime lab	6,600
Regional basis	Radio communications equipment inventory	6,220
Broward Junior College, Fort Lauderdale	Training and education	5,000
West Palm Beach Police Department	Riot control	3,000
	<b>Total</b>	<b>\$345,855</b>
<b>Drug Abuse</b>		
Miami Beach	Operation re-entry, rehabilitation, prevention, and public awareness	\$ 10,000
<b>Corrections</b>		
Tampa	Adult offender rehabilitation complex	\$ 53,738
Jacksonville	Community treatment center	27,000
Lakeland	Residential group home care	17,817
Duval County Juvenile Court	Intensive short-term probation	15,000
	<b>Total</b>	<b>\$113,555</b>

Juvenile Lake County	Community-based youth services feasibility study	\$ 8,921
<b>State Funds</b>		
Juvenile Bureau of Statistics, Division of Youth Services	Planning and evaluation capacity (juvenile delinquency)	\$ 19,662
Courts Court System	Study of data system for courts prosecution and defense	\$ 16,800
Drugs Narcotics Agency	Education and dissem- ination of material on narcotics through- out the state	\$ 16,460
Narcotics Agency	Narcotics file (state- wide educational tool)	11,100
Narcotics Agency	Two-day state-national governors conference on narcotics and dangerous drugs	6,000
	Total	\$33,560
Police Florida Department of Law Enforcement	Strategy to strengthen law enforcement in Florida	\$ 8,000
(Not Indicated)	Study of state crime laboratories	7,370
	Total	\$15,370

In fiscal 1969 the action funds were distributed among 10 funding categories: upgrading law-enforcement personnel; prevention of crime; prevention and control of juvenile delinquency; improvement of detection and apprehension of criminals; improvement of prosecution and court activities; increase in effectiveness of correction and rehabilitation; reduction of organized crime; prevention and control of riots and civil disorders; improvement of community relations; and research and development. (No programs were funded for the improvement of community relations.)

Of the \$361,225 spent on police programs, \$246,745 was invested in equipment and facilities. Some of the police grants made sound use of shared resources: regional mobile crime labs or mobile training units. Considerable emphasis was placed on riot-control programs. Probably the most innovative programming was in the corrections area where the state funded, among other things, a community treatment center in Jacksonville, a residential group home care center in Lakeland, and an intensive short-term probation program in Duval County Juvenile Court. The state agency has not yet undertaken a law reform program.

#### Members of Interagency Law Enforcement Planning Council

Claude Kirk, Governor (Chairman)  
Hugh Adams, President, Broward Junior College  
K. C. Alvarez, Police Chief, City of Ocala  
Hopps Barker, Chairman, State Probation and Parole Commission

Dr. James Bax, Director, State Department of Health and Rehabilitation Services

Raymond E. Beary, Director, State Division of Beverages (former Police Chief, Winter Park)

Dale Carson, Sheriff, Duval County

Robert H. Carswell, President, Florida League of Municipalities

Fred O. Dickinson Jr., State Comptroller

Earl Faircloth, State Attorney General

Alberto Gander, United Cuban Civil Association  
William Heidman, Sheriff, Palm Beach County  
Shelby Highsmith, Attorney  
Robert Jagger, Public Defender, City of Clearwater  
O. J. Keller Jr., Director, State Youth Services  
Jack Ledden, Director, State Police Standards Council  
Frederick D. Lewis Jr., Dean, School of Law, University of Miami

Gerard Mager, Legal Counsel to the Governor (ex officio)  
David L. McCain, Judge, Fourth District Court of Appeal  
Ray C. Osborne, Lieutenant Governor  
Wilson "Bud" Purdy, Director, Dade County Department of Public Safety (Sheriff) — Greater Miami

Richard L. Rachin, Deputy Director of Group Treatment, State Division of Youth Services  
William L. Reed, Commissioner, State Bureau of Law Enforcement

Dr. W. D. Rogers, Director, State Division of Mental Health  
Bruce J. Scott, President, Florida Association of County Commissioners

Dr. Charles U. Smith, Professor, Florida A&M University  
Edward J. Stack, Sheriff, Broward County  
Louie L. Wainwright, Director, State Division of Correction.  
Richard W. Weitzenfeld, Sheriff, Manatee County  
Broward Williams, State Treasurer

**Illinois**

Illinois Law Enforcement Commission (31 members)  
 Located in Governor's office: main office in Chicago; small office in Springfield.

**Representation**

- 24 members representing the criminal justice system
- 4 members representing state and local government
- 2 members representing private and public social service agencies
- 1 member representing citizen and community interests (Three of the members are minorities.)

**Structure and Procedures**

The commission has a five-man executive committee with limited powers as well as a 24-member advisory board whose members—combined with commission members—are distributed among eight task forces or standing committees, each with a substantive area of concern: police, courts, corrections, crime prevention, civil disorders, education and training, organized crime, and science and research.

The commission is supported by a staff of 45 people, eight of whom are assigned to task forces.

During 1969, the state agency did not actively promote programs. Executive Director John Irving described the agency as being "like a maiden who wants to be wooed." This somewhat passive posture, according to one state official, may have resulted in a disproportionate number of grants going to smaller cities as opposed to large urban areas such as Chicago.

Projects coming into the state commission have come either directly from local units of government or through the regions. Generally, the project proposals are reviewed first by the staff, then by the appropriate task force and then by the commission.

**Regions**

During 1969, the state agency dealt directly with 80 counties plus the City of Chicago in the development of the state plan. A number of these units were later consolidated, and the state is now divided into 35 regions. Each of these regions has its own board and is serviced by an executive director. As of March, 1970, the regions were not fully functioning but were "serving solely as a conduit of paper." Since the state has succeeded to date in operating without a regional network, there seems to be little good reason for activating one now.

The 1970 planning funds were distributed to the regions according to a formula which took into consideration both population and crime rates. Since some of the 1969 planning money was left over, it also was distributed according to this formula. The state commission is taking steps to activate the regions and has attempted to see that regional boards include a fairly broad range of interest groups. At present, of the 690 members serving on these boards, 392 represent criminal justice professionals, 178 general units of government, 65 social services or social sciences, and 55 general citizens. Meetings tend to be dominated by the law-enforcement representatives.

**Role of the Justice Department**

LEAA provided "no technical guidance." The Chicago regional office was not open; and Illinois planners were forced to deal with the Philadelphia, Pennsylvania, office.

**Action Funds**

	Grants	% of Total
<b>Local Grant Money: \$747,835</b>		
Police	\$619,694	83
Courts	37,560	5
Corrections	44,141	6
Juvenile	46,440	6

**State and Local Grant Money: \$5,342,806**

Police	\$4,197,735 <sup>1</sup>	79
Courts	385,056	7
Corrections	300,629	6
Juvenile	169,982	3
Action NOW Program	289,404	5

<sup>1</sup> Includes \$236,041 in 1968 riot-control funds.

Recipient	Purpose of Grant	Amount
<b>Police</b>		
Collinsville	Facility	\$ 125,269
East St. Louis	Training	113,989
Springfield and Central Illinois Area-wide Committee on Local Criminal Justice	Facility	71,712
Peoria	New personnel: police in local schools	41,675
East St. Louis Police Department	New personnel: community relations, recruitment	32,286
Will County Law Enforcement Commission	New personnel: community relations	25,392
Rockford-Winnebago County Comprehensive Law Enforcement Program	New personnel: minority recruitment	21,000
Monroe County	Facilities	20,580
DuPage County Law Enforcement Commission	Management	17,310
Kane County Law Enforcement Commission	Management	14,900
Greater Egypt Regional Planning and Development Commission	Training	14,000
Decatur Police Department	New personnel: community relations	12,304
Rock River Development	Training	12,000
Lawrence County Law Enforcement Commission	Management: county and municipal police departments	12,000
Alton Police Department	Training: riot control	9,375
Cairo Police Department	New personnel: community relations	8,500
Vermilion County Law Enforcement Commission	New personnel: community relations	8,400
Morgan County Crime Prevention Commission	New personnel: hire unemployables for staff	7,200
Greater Egypt Regional Planning and Development Commission	New personnel: community relations	6,000
Woodford County	Training	852
State Department of Law Enforcement	Communications equipment	1,881,578
Law Enforcement Agencies Data Service (state)	Communications equipment	540,000
State Bureau of Criminal Identification	Crime statistics	300,000
State Bureau of Criminal Identification	Facility	300,000
State Board of Higher Education	Training: higher education	125,000
State Department of Public Safety	Communications equipment	118,422
Local Government Law Enforcement Officers Training Board (state)	Training: staff personnel	12,000
University of Illinois	New personnel: social workers	11,100
	<b>Total</b>	<b>\$3,862,844</b>

<b>Corrections</b>		
Cook County Jail	Facility	\$ 44,141
State Youth Commission	Training	108,088
State Department of Corrections	Facilities	81,000
State Department of Corrections	Statistics	55,000
	<b>Total</b>	<b>\$ 288,229</b>
<b>Courts</b>		
Greater Egypt Regional Planning and Development Commission	New procedures	\$ 19,000
Peoria County	New procedures: court counselor program	18,660
Illinois Public Defender Association	Training: defenders	300,346
State Council for the Diagnosis and evaluation of Criminal Defendants	New procedures: model legislation for sentencing	36,050
Administrative Office of Illinois Courts	Training	11,000
	<b>Total</b>	<b>\$ 385,056</b>

(In addition to the above sums, 1968 riot-control funds in the amount of \$236,041 were granted, on a local and state basis, for equipment and sensitivity training. Funds totaling \$239,404.58 were expended in the Action NOW program according to the following breakdown: management studies, \$72,780; community relations studies, \$15,165; and criminal justice training, \$201,459.58. Action NOW grants are for \$10,000 or less and have been distributed to local and state grantees.)

The Illinois state legislature appropriated \$5 million in excess of the amount required to match the LEAA grant in fiscal 1969. In addition, the state absorbed the local matching costs for action grants in such economically depressed areas as Cairo and East St. Louis. It also established a special program known as Action NOW which was fully covered by state and federal funds with no local match required. This program, which involved a \$1-million fund, set up a mechanism for giving direction to local units of government and avoiding unnecessary involvement of commission members in small grants. The grants were given to three main areas: police management, including efforts to consolidate small departments and intergovernmental cooperative arrangements; consultants to develop police-community relations programs; and education and training programs for all elements of the criminal justice system. Grants from the Action NOW fund, each under \$10,000, were approved by the executive director without commission review.

The 1969 Illinois plan included 24 program areas into which all project applications had to fit. Once the federal money was obtained, applications were received for only 12 of the specified areas, with no applicants for the remainder. Because LEAA had approved the specifics of the plan, money in the underutilized 12 areas could not be used for fiscal 1969. When the state attempted to avoid a similar situation for 1970 by setting up less specific categories, LEAA criticized it for being too vague.

Since both the police management and police-community relations programs within Action NOW fall within the police category, the total expenditure in this area for Illinois was somewhere above 80 per cent. No funds were disbursed out of the state's fiscal 1969 appropriations for either narcotics control or organized crime programs.

Generally, Illinois succeeded in avoiding a large number of small grants — by channelling them through the Action NOW program. Among the major programs funded by the state were initial steps in establishing a statewide public defender's service, including the provision of legal appellate services to indigents; the establishment of an emergency radio network under the State Department of Law Enforcement, tying in all governmental units of the state; the beginning of a uniform crime reporting system and data system for collecting crime statistics; and the establishment of a system of satellite laboratories under the Bureau of Criminal Identification and Investigation,

#### Members of Law Enforcement Commission

Seymour J. Adler, Director  
 John Ardapple, Coroner, Whiteside County  
 Miss Elizabeth Begg, Director, Corrections Division, Department of Human Resources, Chicago  
 Peter Bensingher, Director, Department of Corrections, Chicago  
 Arthur J. Bilek,<sup>1</sup> Director, Administration of Criminal Justice Curriculum, College of Liberal Arts & Science  
 Powl G. Boesen, Coordinator, Illinois Work Release Center, Peoria  
 W. F. Brissenden, Retired Businessman (child and family services)  
 Herbert D. Brown,<sup>1</sup> Director, Department of Law Enforcement, Springfield  
 Warren B. Browning, City Manager, Champaign  
 John C. Carroll, Sheriff, McHenry County  
 James B. Conlisk, Superintendent of Police, Chicago Police Department  
 Bernard G. Cunningham,<sup>1</sup> Village President, Park Forest  
 W. Bruce Dunbar, City of Zion  
 The Rev. John H. Francisco Jr., (Prison Chaplain), St. Peter's A.M.E. Church  
 Gerald W. Getty, Public Defender of Cook County  
 Edward W. Hanrahan, State's Attorney of Cook County  
 Arthur V. Huffman, State Criminologist  
 James M. Jordan,<sup>1</sup> Superintendent, Audy Home Juvenile Court, Circuit Court, Cook County  
 Honoratus Lopez,<sup>1</sup> Attorney (Spanish-speaking)  
 James T. McGuire, Superintendent, State Police  
 Ben S. Meeker, Chief U.S. Probation Officer, U.S. Court House, Chicago  
 John O'Brien, Director of Court Services, Juvenile Court of Cook County  
 George Peters, President, Aurora Metal Company (former Police Commission Trustee)  
 Delbert E. Peterson, Chief of Rockford Police Department  
 Melvin A. Pettis, John Deere & Company (civil rights)  
 Daniel Roberts, Circuit Court Judge, Galesburg  
 Joseph Schneider, Circuit Court Magistrate, Chicago  
 John Sullivan, President, Chicago Bar Association  
 James R. Thompson, Chief, Criminal Justice Division, Department of Law Enforcement and Public Protection  
 William L. Waldmeier, Mayor

<sup>1</sup> Member of Executive Committee

## Indiana

### Criminal Justice Planning Commission (13 members)

#### Representation

- 8 members representing the criminal justice system
  - 4 members representing state and local government
  - 0 members representing private and public social service agencies
  - 1 member representing citizen and community interests
- (Two of the members are minorities.)

#### Structure and Procedures

In addition to the commission, there is a 13-member advisory committee which includes — among others — state legislators and criminal justice experts. There is no representation from Gary on either the commission or the advisory committee. Neither body has any representation from inner-city community groups, and there is no feeling that such persons should be included.

During fiscal 1969, when the agency was responsible for a federal grant of over \$716,000, there were only two staff professionals, with the director salaried at \$15,000. During the year a public information coordinator and fiscal officer were added. For fiscal 1970 three more professionals were added; but the agency remains understaffed. The Governor has refused to appoint additional staff, and all staff members are required to have political clearances before qualifying.

The state commitment has been minimal, and the agency is said to be operating without strong support from the Governor. As one city official put it, the executive director "is swimming upstream" without adequate statehouse support. This may be one reason why the state has been slow in distributing its fiscal 1969 funds or in obtaining applications for grants. As of March 19, 1970, several hundred thousand dollars specifically earmarked for certain programs in the 1969 plan were lying idle. The state agency has had to solicit applications — even from cities such as Indianapolis, which had sought only \$41,118 as of March, 1970. In some categories, such as organized crime, the state found no takers.

#### Regions

The state is divided into eight regions, specifically created for the Title I program. Two regions — Lake County-Gary and Marion County-Indianapolis — have almost 50 per cent of the state's population, yet contain a large number of counties.

Regional staff directors, boards, and board directors are selected by the state agency and serve with the approval of the Governor. Directors, in many cases, are individuals with police or FBI training. They are salaried at \$11,000 to \$15,000. Criminal justice officials constitute over 65 per cent of the regional boards. In one region (3), there is no other category of representation.

In 1969 the regions received 70 per cent of the state's planning money; in 1970, they will receive 54 to 55 per cent. No planning funds went to city governments. The breakdown:

Regions	Fiscal 1969	Fiscal 1970
1	\$65,262	\$50,737
2	27,703	22,504
3	28,558	23,069
4	35,083	27,963
5	55,452	43,773
6	23,775	19,681
7	25,695	20,622
8	25,053	19,869

In fiscal 1969, the regions had to match the state grant with a 10-per-cent contribution. The state is considering providing 100-per-cent funding for planning in the future.

The planning function of the regions was minimal in fiscal 1969. Their major role was to review project proposals, with the power to reject proposals which they deemed inappropriate. The heavy law-enforcement representation on the regional boards is said to have resulted in the rejection of proposals for community-based programs. Little technical assistance was pro-

vided by either the state or the regions to localities during fiscal 1969. There are indications that the regions are now playing a greater role in plan development.

The fiscal 1969 state plan was prepared by a consultant from Ernst and Ernst.<sup>1</sup> The plan provided for 20 funding categories, each with a specific allotment.

#### Role of the Justice Department

The commission has had little contact with the regional office, which is described as just another bureaucratic layer causing delay on project approvals, etc. LEAA directives concerning the plans were described as limited to "just basic format, quantitative information, statistical data."

<sup>1</sup>This firm prepared all or part of the 1969 plans in Maine, Louisiana, New Mexico, Minnesota, and Arizona. In fiscal 1970 the firm was active in Ohio and Wisconsin, as well as Indiana. Other consulting firms provided planning expertise in other states.

#### Action Funds

	Grants	% of Total
<b>Local Grant Money: \$456,606</b>		
Police	\$436,356	94
Corrections	—	—
Courts	18,000	4
Public Education	2,250	.5
<b>State and Local Grant Money: \$561,623 (state: \$112,256)</b>		
Police	\$463,595	81
Corrections	44,778	8
Courts	45,000	8
Public Education	8,250	1.5
Juvenile	—	—
Recipient	Purpose of Grant	Amount
Police		
Gary	Reducing racial and community tensions	\$ 12,439
Gary	Improved riot response	7,161
Gary	Emergency center	45,000
Gary	Equipment: microfilm, microphone, video tape recorder	14,700
Fort Wayne	Training: polygraph operators	1,778
Fort Wayne	Reducing racial and community tensions	12,046
Fort Wayne	Personnel: legal adviser	15,000
Fort Wayne	Personnel: community relations cadet program	35,700
Indianapolis	Personnel: police legal adviser	15,000
Indianapolis	Equipment: surveillance	4,634
Indianapolis	Equipment: camera	2,358
Indianapolis	Equipment: lighting	533
Indianapolis (Marion County)	Communications system	23,829
Evansville	Equipment: drug detection kits	89
Evansville	Riot prevention and community relations	13,624
Evansville	Reducing racial and community tensions	4,500
Evansville	Equipment: video recorder	3,100
Evansville	Personnel: legal adviser	12,000
Evansville	Drug-abuse education	112
Elkhart	Training: riot control	186
Elkhart	Equipment: teleprinters	31,848
Elkhart	Training (not specified)	360
South Bend	Personnel: cadet program	13,700
South Bend	Equipment: riot control	15,000
South Bend	Equipment: projector, intelligence files	3,000

Hammond	Equipment: riot and crowd control	5,610
Hammond	Personnel: police adviser	15,000
Anderson	Training: supervisory	188
Anderson	Equipment (not specified)	2,862
Anderson	Equipment: riot	13,880
Shelbyville	Equipment (not specified)	6,712
Shelbyville	Equipment: radio	8,283
Richmond	Equipment: riot	9,735
Richmond	Equipment: voice adapters	3,099
Bloomington	Training (not specified)	804
Bloomington	Equipment: riot control	11,783
Muncie	Supervisory training	191
Muncie	Formal training for police officers	459
Muncie	Equipment: polygraph	1,080
Muncie	Equipment: camera and surveillance	2,760
Muncie	Equipment: photography	600
Muncie	Equipment: riot and crowd control	6,750
Allen County	Equipment: riot control	7,313
Noblesville	Equipment: radio	6,714
East Chicago	Equipment: riot control	5,610
Mishawaka	Equipment: scrambler	5,160
Lafayette	Equipment: riot guns and vests	1,740
Lafayette	Training (not specified)	900
Lafayette	Equipment: polygraph	1,080
Newton County	Equipment: emergency generator	2,400
East Gary	Equipment: crime lab	2,400
Arcadia	Equipment: radio	2,220
Jeffersonville	Equipment: walkie-talkie	2,061
Jeffersonville	Training: supervisory	211
North Judson	Equipment: radio	2,220
Prince's Lake	Equipment: radio	2,195
Michigan City	Equipment: video tape	1,800
Hendrick's City	Training (not specified)	1,620
Angola	Equipment: radio	1,620
Summitville	Equipment: scrambler	1,400
Knox County	Equipment (not specified)	1,308
Lebanon	Equipment: radio	1,200
Lebanon	Equipment: radio	1,158
Franklin	Equipment: polygraph	810
Elwood	Equipment: riot control	800
Princeton	Equipment: lab	800
Crown Point	Equipment: scrambler	720
Bedford	Training (not specified)	669
Alexandria	Equipment: riot control	653
Sullivan	Equipment: communications	572
Hartford City	Equipment: riot control	540
Terre Haute	Equipment: video aides	497
Spencer	Equipment: radio	475
Greencastle	Training: two categories (one for drugs)	433
Brazil	Equipment: communications	366
Monroe County	Training (not specified)	270
Settlersburg	Training (not specified)	247
Perry County	Equipment: 12-gauge shotgun	80
Daviers County	Equipment: narcotics detection kits	60
	Total	\$436,356
<b>Courts</b>		
Marion County	Bail bond project	\$ 18,000

Public Education		
Highland	Drugs	\$ 3,840
Angola	Crime prevention and education	2,250
	Total	\$ 6,090
<b>State Funds</b>		
Police		
State Military Department	Equipment: radio	\$ 7,239
State Police	Narcotics control	20,000
State Department of Corrections	Training: work release clerical equipment	44,778
State Judicial Study Commission	Revision of criminal law and study of defense	27,000
Indiana University	Public education	6,000
	Total	\$105,017

Within the police category, over half of the 1969 funds allocated (but not necessarily distributed) went for equipment, with the remainder for personnel, training, and facilities — in that order. The heavy emphasis on equipment contradicted state-agency guidelines which set 14 action program objectives — only three of which could be interpreted as encompassing equipment. Indiana grant approvals as of March, 1970, had exceeded 1969 funding and run over into 1970 monies in the following categories: acquisition of technological equipment, by \$84,000; purchase of riot and crowd control equipment, by over \$72,000; reducing racial and community tensions, by \$36,000 (much of which also involved equipment); and improving the easy identification and appropriate response to potential riot situations, by \$6,570. Other categories, such as a "trial court program" and a program to develop intelligence files on organized crime, had not found applicants.

Indiana's action grants, in addition to overemphasizing equipment purchases and expenditures for the prevention of riots (in a state that has had little experience with riots), also suffered from geographical dissipation. Many grants were so small as to preclude any significant impact. One explanation of this is "the highly political focus in the distribution of action funds." Another is the lack of leadership from the state agency. A large number of grants under \$200 were made for equipment, and even training. These grants all had to be reviewed by the state commission.

Indiana has succeeded in launching major law reform efforts in the areas of the court system and judge selection, the criminal law, and the services of public defenders. Since most of these efforts involve study, the impact will not be measurable for some time. The state also has succeeded in promoting the concept of police legal advisers in several departments and has initiated a bail reform project in Marion County for those accused of misdemeanors. State staff consider the bail project highly innovative.

#### Members of Criminal Justice Planning Commission

William T. Sharp, Chairman  
 Donald Blue, Mayor, City of Lafayette  
 William Crowe, Municipal Probation, Marion County  
 Walter P. Helmcke, Prosecutor, Fort Wayne  
 Robert Konkle, Superintendent, Police  
 Richard C. Lugar, Mayor, City of Indianapolis  
 Horace McCann, Sheriff, Wayne County  
 Frank F. McDonald, Mayor, City of Evansville  
 Mrs. Margaret Moore, Citizen representing general public  
 William Obermiller, Judge, City Court, Whiting  
 Donald Phillips, Assistant Commissioner of Corrections  
 Theodore Sendak, State Attorney General  
 E. Spencer Walton, Judge, Superior Court, South Bend

### Massachusetts

Committee on Law Enforcement and the Administration of Criminal Justice (35 members)  
(The committee was created in September, 1966, and became the official state planning agency after the passage of the Safe Streets Act.)

#### Representation

23 members representing the criminal justice system  
6 members representing state and local government  
4 members representing private and public social service agencies  
2 members representing citizen and community interests  
(Five of the members are minorities.<sup>1</sup>)

The state plan makes a specific commitment to broad community involvement, stating: "It is essential that a constructive plan be developed to involve the total community. . . ." Massachusetts did better in fiscal 1969 than most states, but funded few community-based or community-run programs.

<sup>1</sup> As of March, 1970, there were no minority representatives on the Committee. Since that time the membership has been enlarged to include five minority representatives.

#### Structure and Procedures

The committee is assisted by eight technical advisory boards in the following areas: police, courts, juvenile delinquency, science and technology, corrections, organized crime, administration of justice, citizen participation and education. Some of these panels, such as citizen participation and education and juvenile delinquency, are broadly representative. The latter, for example, includes teenage probationers, Boston's juvenile court judge, and representatives from Boston halfway houses, Springfield's model cities program, a Boston neighborhood health center, OEO Legal Services in Cambridge, and the Massachusetts Committee on Children and Youth.

In addition to the panels, seven members of the committee constitute a proposal review board. Project applications are reviewed first by the committee staff, then by the appropriate panels, by the staff again, and finally by the proposal review board which makes the final decision.

As of March, 1970, there were 14 professionals on the staff working in two main divisions: planning and program development, and implementation and field services. In addition to staff work, the committee worked with localities through a statewide crime control conference convened in November, 1969.

Major cities in the state deal directly with the committee; less populous areas are combined into regions. The cities and regions have technical advisory panels and advisory boards which parallel the state structure. In many cities—Boston in particular—the police dominate the local planning and programming council.

In fiscal 1969 the state plan was a shopping list of 79 projects. Once the federal funding was provided, localities were free to select those projects which most fit their needs, conforming their requests to the state plan. A number of localities accepted state-defined projects "reluctantly"; the state committee's field staff worked to make the acceptance more complete. Although the state plan included a number of "integrated" projects—reform programs having several related elements—localities were frequently willing to accept only a part of the program design, thereby destroying the "integration" at the implementation level.

The state plan was lengthy (1,600 pages) and general in nature, with inadequate attention to specific programs. It was difficult to discern the connecting link between the general objectives set forth by the state and the programs proposed to fulfill those objectives.

#### Role of the Justice Department

State staff members have had good contacts with the National Institute of Law Enforcement and Criminal Justice. The Justice Department has not disseminated information on programming and has had "little if anything to contribute toward formulating the specifics of the state plans of 1969 or 1970."

### Action Funds

	Grants	% of Total
<b>Local Grant Money: \$612,565</b>		
Police	\$288,355	64
Courts	88,375	19
Corrections	—	—
Juvenile	75,000	17
<b>State and Local Grant Money: \$612,565</b>		
Police	\$361,110	59
Courts	107,275	18
Corrections	54,330	8
Juvenile	75,000	12
Organized Crime	14,850	3

Recipient	Purpose of Grant	Amount
Police		
Boston Police Department	Forensic science improvement (crime laboratory modernization)	\$ 5,000
Boston Police Department	Riot-control equipment	5,000
Boston Police Department	Riot-control training program	21,830
Boston Police Department	Local law-enforcement recruitment	18,000
Boston Police Department	Data handling and communications; technical assistance and equipment	30,300
Boston Municipal Police	Data handling and communications; technical assistance and equipment	15,000
Cambridge Police Department	Police-community relations	12,715
Newton Police Department	Riot-control equipment	1,359
Newton Police Department	Police cadets	8,000
Quincy Police Department	Riot-control equipment	1,800
Quincy Police Department	Police Department management survey	14,615
South Metropolitan District	Data handling, technical assistance, and equipment	15,000
Frammingham Police Department	Riot-control equipment	1,359
Lawrence Police Department	Police juvenile officer training	6,000
Bedford Police Department	Police sensitivity training	15,000
Bedford Police Department	Police dispatching analysis	12,000
Southeastern Regional Planning and Economic Development District	Police juvenile officer training	2,000
Southeastern Regional Planning and Economic Development District	Regional crime information bureau	8,000
Southeastern Regional Planning and Economic Development District	Police agency pooling and sharing analysis	8,000
Attleboro Police Department	Data handling and communications; technical assistance and equipment	6,200
Worcester Police Department	Riot-control equipment	10,080
Auburn Police Department	Police Department management survey	8,870
Marlboro Police Department	Police Department management survey	5,745
Springfield Police Department	Riot-control equipment	8,500

Springfield Police Department	Data handling and communications; technical assistance and equipment	15,000	
Holyoke Police Department	Riot-control equipment	1,359	
Chicopee Police Department	Riot-control equipment	1,358	
Barnstable County Police Department	Riot-control equipment	2,765	
Barnstable County Police Department	Data handling and communications; technical assistance and equipment	10,000	
Franklin County Police Department	Data handling and communications; technical assistance and equipment	15,000	
Richmond Police Department	Data handling and communications; technical assistance and equipment	2,500	
	<b>Total</b>	<b>\$288,355</b>	
<b>Courts/Police</b>			
Boston Police Department	Administration of criminal justice under emergency circumstances <sup>1</sup>		\$ 5,000
<b>Courts</b>			
Boston Juvenile Court	Intensive juvenile probation <sup>2</sup>		\$ 25,000
Suffolk County	State prosecutors council	7,875	
District Attorney of Suffolk County and Boston University Law School	Student prosecutor program	5,000	
Suffolk County	Prosecutor training program	5,000	
Suffolk County	District Attorney management survey	16,000	
Court, Eastern Middlesex County	District court prosecutors	11,500	
District Attorney of Northern District and Harvard Law School	Student prosecutor program	5,000	
District Attorney of Plymouth County	District Attorney management survey	8,000	
	<b>Total</b>		<b>\$ 83,375</b>
<b>Juvenile/Courts</b>			
Superior Court Probation Officer, Southern District (Bristol County)	Specialized probation caseloads		\$ 8,000
Cambridge Juvenile Court	Youth Resources Bureau <sup>3</sup>		\$ 23,970
Cambridge	Youth Resources Bureau evaluation	4,715	
Plymouth County Juvenile Court, Brockton	Youth Resources Bureau	25,850	
Bedford Juvenile Court	Youth Resources Bureau	12,465	
	<b>Total</b>		<b>\$ 67,000</b>

<sup>1</sup> The objective of this project is to develop a plan for the administration of justice during periods of civil disorder.

<sup>2</sup> This project will allow for new approaches in an already existing juvenile probation program in Boston Juvenile Court. In essence, the program means that the probation officer devotes significantly more time and energy to each of his cases and that increased community services are provided to youths on probation.

<sup>3</sup> The function of this bureau would be to serve as an alternative to court, particularly for those on their way to community offenses, those whose offenses would not be crimes if they were adults (i.e. family-related, such as runaways), and those who are first offenders.

#### State Funds

Department of Public Safety	Forensic science improvement program (crime scene search training)	\$ 8,000
Department of Public Safety	Riot-control communications equipment	12,525
Department of Public Safety	Data handling and communications	20,000
Metropolitan District Commission	Riot-control communications equipment	16,800
Department of Attorney General	Organized crime investigation training program	9,900
Department of Attorney General	Preliminary design of technical assistance center for organized crime control	4,950
Department of Parole Service	Specialized parole caseload	8,000
Department of Correction	Correction pre-release center	12,330
Department of Correction	Research in vocational rehabilitation	17,000
Department of Correction	Halfway House study	12,000
Municipal Police Training Council	Activities of council	15,430
Massachusetts Superior Court	Judicial sentencing conference	4,950
Massachusetts Defenders Committee	Public defenders training	4,950
Massachusetts Defenders Committee	Neighborhood office	9,000
Office of the Commissioner of Probation	Probation Management Institute	5,000
	<b>Total</b>	<b>\$160,835</b>

Boston received 24 per cent of all action funds (state and local) and 35 per cent of the local action money. Greater Boston received 57 per cent of the local action grants. Law enforcement agencies took about \$2 of every \$5 distributed in Massachusetts.

The action programs reflected a heavy emphasis on "systems analysis" with a major commitment to data processing and communications. A total of 28.5 per cent of the funds went to this category. The state did, however, implement a number of outstanding programs. For example, the Governor's Committee will submit to the state legislature in fiscal 1971 comprehensive reforms of the criminal and juvenile codes. The fiscal 1969 plan encouraged the pooling of police resources: communications, training, crime laboratories, and purchasing. In addition, the committee supported state legislation to permit the consolidation of local police departments. The state also committed \$97,000 to youth resources bureaus in four cities to develop alternatives to court and to provide a whole range of social services for young people in trouble or likely to be in trouble. Finally, the state joined in a number of interstate programs pooling intelligence information and cooperating in combating organized crime.

Perhaps the greatest achievements of the fiscal 1969 programming were the development of alternatives to incarceration in the field of corrections, and the development of a number of new programs to assist juvenile offenders. On the debit side, Massachusetts' planners attempted to affect too many problem areas with a consequent reduction in impact.

In fiscal 1970, Massachusetts is funding a number of neighborhood-based programs of great promise. Among these are the creation of police auxiliaries, the development of police recruit training (including work with neighborhood social service agencies); community residential treatment centers for juveniles, and a detoxification program for alcoholics. The fiscal 1970 program projections remain heavy on systems analysis, but the emerging reliance on community-run programs is a positive development.

**Members of Committee on Law Enforcement and Administration of Criminal Justice**

Robert H. Quinn,<sup>1</sup> Attorney General (Chairman)  
 Robert L. Anderson, District Attorney, Plymouth District  
 Frank E. Bailey, Chairman, Police-Community Task Force, Springfield Model Cities Agency  
 George G. Burke, District Attorney, Norfolk District  
 John P. S. Burke,<sup>1</sup> District Attorney, Eastern District  
 Garrett H. Byrne, District Attorney, Suffolk District  
 Paul K. Connolly,<sup>1</sup> Judge, Wallham District Court  
 Martin Davis, Chairman, Parole Board  
 Edmund Dinis, District Attorney, Southern District  
 Paul Doherty, Chief, Capitol Police  
 John J. Dronney, District Attorney, Northern District  
 John S. Fitzpatrick, Commissioner, Department of Corrections  
 Oscar Grife, District Attorney, Northwestern District  
 Peter Gudenus, Superintendent, Lowell Police Department  
 Livingston Hall,<sup>1</sup> Chairman pro tem, Judicial Council  
 Charles W. Hedges, Sheriff, City of Norfolk  
 Mrs. Gwendolyn Jefferson, Program and Planning Director, Roxbury-North Dorchester Area Planning Action Council  
 Walter Kalliter, Mayor, City of Malden  
 Robert Liddy, President, Massachusetts Police  
 Francis J. McGrath, City Manager, Worcester  
 Edmund L. McNamara, Police Commissioner, Boston  
 Dr. Jerome Miller, Director, Department of Youth Services  
 H. Bernard Monahan, Chairman, Board of Selectmen, Rockland  
 Robert M. Mulford, General Secretary, Children's Protective Service  
 David Nelson  
 Lt. James O'Leary, Cambridge Police Department  
 James H. Ottaway Jr.,<sup>1</sup> Publisher, New Bedford Standard Times  
 William Powers, Commissioner, Department of Public Safety  
 Alex Rodriguez, Senior Regional Planner, Region 6, United Community Services  
 Matthew J. Ryan, District Attorney, Western District  
 C. Eliot Sands,<sup>1</sup> Commissioner of Probation  
 John Sears, Commissioner, Malden District  
 Donald Taylor, Executive Director, South End Neighborhood Area Program  
 James Vorenberg,<sup>1</sup> Professor, Harvard Law School

<sup>1</sup> Member of Proposal Review Board.

**Michigan**

Commission on Law Enforcement and Criminal Justice (28 members; chaired by the Governor)

**Representation**

18 members representing the criminal justice system  
 8 members representing state and local government  
 2 members representing private and public social service agencies  
 0 members representing citizen and community interests  
 (Three of the members are listed as "citizen and community interest" but all are identified with criminal justice agencies. Three of the members are minorities, but inner-city interests are not reflected among those members. Michigan commission officials commented that no interest had been shown in the program on the part of the business community or from poverty and minority groups and that these groups were underrepresented on the regional boards.)

**Structure and Procedures**

The members of the commission are divided into six task forces: police services, administration of criminal justice, prevention and community relations, juvenile delinquency, organized crime, and corrections. The chairmen of the task forces serve as an informal executive committee, with powers only when delegated by the commission or in emergency situations.

There are 25 staff members, six of whom work with the specialized task forces. Action proposals coming into the commission are reviewed by staff, then go to the appropriate task force, and finally to the commission itself. The task forces and commission have the power to override regional vetoes at the request of local units of government.

The state provided the minimal match to the program in fiscal 1969. The commission is, however, exploring the possibility of providing state funds to cover the matching requirements for some local action grants.

**Regions**

The state is divided into 11 planning regions which have structures similar to that of the state commission. The regions predated the Safe Streets Act and were used for planning in such areas as state highway construction, conservation, and mental health services.

In terms of population and crime problems, the regions have been described as lopsided in structure. Regions 2, 4, 5, and 6 each comprise three counties.

From 400 to 500 individuals are involved in regional boards and task forces. A sampling of the boards showed heavy representation from criminal justice agencies and general units of local government. Some regions, however, have attempted to include representatives of social service agencies and, to a lesser extent, spokesmen for inner-city groups.

Planning funds for fiscal 1969 were distributed among the regions according to a formula which started with a fixed allotment, with increments based on population and crime rates. No money was made available to local units of government to engage in planning at the city level, and little technical assistance was provided to them in the development of proposals. Most of the funds were used to hire regional planners. At least four regions — Regions 1, 6, 7, and 11 — relied on consultants to prepare their regional plans.

Each region was required to submit a comprehensive regional plan indicating both regional and local priorities. State officials claim that the state plan was based on a review of the regional plans supplemented by state-established priorities. Once the state plan was completed, it was resubmitted to the regions for review and comment. For the most part, regional priorities were treated seriously. Local action grants were given to the regions in a lump sum for redistribution at the local level.

## Action Funds

	Grants	% of Total
<b>Local Grant Money: \$657,424</b>		
Police	\$491,994	75 <sup>1</sup>
Courts	73,000	11
Corrections	91,830	14
Public Education	600	.1
<b>State and Local Grant Money: \$919,324</b>		
Police	\$520,894	57
Courts	274,000	29
Corrections	123,830	13
Public Education	600	.06

<sup>1</sup> Percentage figures are rounded off.

Recipient	Purpose of Grant	Amount
<b>Police</b>		
Warren Police Department	Equipment: video recorder for training	\$ 11,500
Ludington	Training: police officers	17,000
Traverse City	Training: regional training coordinator	22,000
Albion	Cadet program: recruitment and training	3,240
Albion	Personnel: community relations	5,000
Battle Creek	Cadet program: recruitment	2,150
Benton Harbor	Police-juvenile relations: new personnel, hiring youths	4,471
Detroit	Equipment: computer management information system	65,000
Detroit	Equipment: rental of computer terminal	4,800
Detroit	Equipment: street crime surveillance	35,000
Detroit	Equipment: fingerprint transmittal system	67,000
St. Clair County	Equipment: dispatch facilities	71,000
Iosco County	Training (not specified)	600
Jackson	Equipment: radio system	22,500
21 grantees <sup>2</sup>	Equipment: radio	62,998
Muskegon (also Civil Rights Commission)	Training: police-community relations	16,941
Monroe County Sheriff's Department	Training: police-community relations	3,300
Kalamazoo	Training: police-community relations	4,900
Fraser	Equipment: infrared vacrocanner	1,650
Fraser	Equipment: 16mm surveillance camera	1,275
Flint	Equipment: to combat organized crime	2,058
Warren	Equipment: to combat organized crime	4,785
Wayne County Sheriff's Department	Equipment: to combat organized crime (cars, radios, surveillance equipment)	62,826
	<b>Total</b>	<b>\$491,994</b>

<sup>2</sup> Centerline Police Department, Macomb County, Clinton Township Police Department, Fraser Police Department, Berrien County Sheriff's Department, East Lansing Police Department, Village of Saugatuck, Alpena Police Department, Macomb County Sheriff's Department, Benton Harbor Police Department, Isabella County Sheriff's Department, Midland County Sheriff's Department (2), Grafton County Board of Supervisors, Ogenaw County Sheriff's Department, Saginaw County Sheriff's Department, Village of Caro, Lexington Police Department, Village of Cass City, Osceola County Sheriff's Department.

<b>Public Education</b>		
Big Rapids Human Relations Commission	Community forum for discussion of police-community relations project	\$ 600
<b>Courts</b>		
Wayne County Circuit Court	Bail reform: pretrial release	\$ 18,000
Supreme Court Administrator	Management study of paper in Detroit Recorder's Court	25,000
Genesee County Circuit Court	Management study of administrative procedures and paper flow	30,000
	<b>Total</b>	<b>\$ 73,000</b>
<b>Corrections</b>		
Wayne County Board of Supervisors and Detroit House of Corrections	Training: jailor staff	\$ 20,000
Jackson Community College	Training (not specified)	5,330
Delta County Board of Supervisors	Training: probation aides to work with misdemeanants	15,100
Kalamazoo District Court Probation Office	Training: probation officers, group treatment	3,500
Kent County Board of Supervisors	Facilities: vocational training center	5,700
Genesee County Board of Supervisors	Feasibility study for residential treatment centers	5,900
Jackson 12th and 13th District Courts	Training and recruitment for probation aides	16,300
Ingham County	Inmate services: new educational and vocational programs	20,000
	<b>Total</b>	<b>\$ 91,830</b>
<b>State Grants</b>		
<b>Police</b>		
Michigan Law Enforcement Officers Training	Training: statewide correspondence course	\$ 7,500
Michigan Law Enforcement Officers Training	Equipment: for training "sight-sound" instruction	21,400
	<b>Total</b>	<b>\$ 28,900</b>
<b>Corrections</b>		
State Department of Corrections	Training: jailors	\$ 10,100
State Department of Corrections and Michigan State University	Training: prison counselling	15,900
Michigan State Library	Treatment resources: library expansion, bookmobile for state prisons	2,000
State Department of Corrections	Training (not specified)	500
Paris State College	Training: adult and juvenile corrections specialists	3,500
	<b>Total</b>	<b>\$ 32,000</b>
<b>Courts</b>		
Superior Court Administrator	Training: juvenile court staff, probation aides	\$104,000

Superior Court Administrator	New technique: crea- tion of statewide office of appellate defender	45,000
Prosecution Attorneys Association of Michigan	Training: county prosecutors	27,000
Supreme Court	Management: auto- mated record-keeping system for five counties	25,000
	Total	\$201,000

The Michigan program has been criticized for "nickel and diming." For example, Grand Rapids, a city with a population of over 200,000, received \$188 for two cameras and a fingerprint kit. The Department of Corrections received a \$500 training grant while the Human Relations Commission of Big Rapids got \$600 for a public education program. A large number of rural counties (over 20) received grants ranging from \$135 to \$700 for radio equipment.

Major investments at the state level were made for a statewide criminal justice information system, an information storage and retrieval system for data on convicted felons, including past record and personal history (involving total expenditures of \$165,000), and for in-service training for juvenile court and probation personnel in 83 counties (involving \$104,000).

Two innovative programs included in the state plan for fiscal 1969 were the development of a statewide public defender program at the appellate level and the establishment of a state commission on investigation to deal with problems of organized crime and corruption.

Generally, programs for crime prevention and community relations have moved very slowly. A state commission official commented that these programs tend to depend on private agencies and civic groups for resources, and that during fiscal 1969 the state had been slow to involve these groups.

To avoid underinvestment in such important areas as juvenile programs and organized crime, the state has established the following percentage goals for distribution of action funds in 1970:

Police services	36.46
Juvenile programs	20.17
Prevention and Community Relations	12.79
Corrections	12.15
Administration of Justice	10.11
Organized Crime	8.32

#### Membership of Commission on Law Enforcement and Criminal Justice

William G. Milliken,<sup>1</sup> Governor (Chairman)  
Col. Frederick Davids, Director, State Police (Vice Chairman)  
Donald T. Anderson, Education Director (courts)  
Thomas E. Brennan, Chief Justice, State Supreme Court  
Noel C. Bufe, Director, State Office of Highway Safety Planning  
William L. Cahalan, Prosecuting Attorney, Wayne County  
Robert L. Drake, Deputy Court Administrator  
Maurice D. Foltz, Chief of Police, Sterling Heights  
Horace W. Gilmore,<sup>1</sup> Circuit Court  
Delos Hamlin,<sup>1</sup> Oakland County Board of Supervisors  
Gus Harrison, Director, State Department of Corrections  
Henry Heading, Recorder's Court  
Harold R. Johnson,<sup>1</sup> School of Social Work, University of Michigan  
Frank J. Kelley, State Attorney General  
James Kellogg, Executive Assistant to the Governor  
The Rev. Hubert G. Locke, Director, Office of Religious Affairs, Wayne State University  
Henry G. Marsh (former Mayor, City of Saginaw)  
Patrick V. Murphy, Police Commissioner, City of Detroit  
Kenneth L. Preadmore, Sheriff, Ingham County  
James W. Rutherford, Chief of Police, City of Flint  
Miss Rosemary Scott  
Mrs. Audrey Seay  
Chris H. Sonneveldt, Mayor, City of Grand Rapids  
Don C. Stewart,<sup>1</sup> City Manager  
Leslie Van Beveren, Chief of Police, City of Holland  
Dr. Andrew S. Watson, University of Michigan  
Johannah Spreen (Former Commissioner)

<sup>1</sup> Chairman of task force and member of Executive Committee

## New Jersey

State Law Enforcement Planning Agency (SLEPA) (14 members)

## Representation

8 members representing the criminal justice system  
6 members representing state and local government  
0 members representing private and public social service agencies  
0 members representing citizen and community interests  
(Two of the members are minorities.)

The state Attorney General is chairman, ex officio, and plays a strong leadership role.

New Jersey was commended by LEAA upon the award of its fiscal 1969 grant for achieving extensive outreach to county and municipal officials. SLEPA itself reports that it held 505 office conferences, 1,623 telephone conferences, and 407 field conferences with local officials.

## Structure and Procedures

SLEPA has 22 staff members. The agency's executive director, who is salaried between \$21,000 and \$22,000 a year, served under less than ideal conditions during fiscal 1969. He commuted three days a week to Cambridge, pursuing his studies for an advanced degree. This may have, in part, accounted for some of the disarray and lack of leadership at the state level. There are no specialized task forces or advisory groups assisting SLEPA.

During fiscal 1969, the state staff held monthly training classes for local planning officials. In addition, the state has created a department of Law and Public Safety to provide management and consultant services to help cities professionalize their police personnel.

## Regions

In the early part of fiscal 1969 the state had a regional structure; this was scrapped in May or June of 1969. The state now deals directly with local communities. During fiscal 1969 planning funds were distributed to 16 municipalities and 13 counties on the basis of crime and population. The funds were distributed to the following local governments:

Newark	\$27,400 <sup>1</sup>	Morristown	\$ 3,850
Jersey City	18,449	Asbury Park	5,000
Faterson	17,000	Burlington County	11,280
Elizabeth	16,800	Monmouth County	10,757
Camden	16,495	Bergen County	10,000
Trenton	15,586	Somerset County	6,957
Plainfield	7,130	Gloucester County	5,845
Atlantic City	6,567	Cumberland County	4,490
Hackensack	6,500	Warren County	2,611
New Brunswick	6,460	Salem County	2,373
Perth Amboy	5,770	Sussex County	2,337
East Orange	5,360	Hunterdon County	2,333
Paramus	5,000	Cape May County	1,934

<sup>1</sup> Fiscal 1969 funds went through the model cities agency in Newark. Since that time the city has established a coordinator of comprehensive law enforcement projects who clears all of Newark's proposals and develops plans for the cities.

New Jersey's planning funds in many cases were tailored towards specific action programs rather than for planning in general. For example, Camden received a grant for "comprehensive law-enforcement planning with emphasis on record keeping, effective use of computer services, police-community relations, and training."

Planning funds were actually distributed in September or October. After that, proposals for action money were filed. The state has approved the total number of action programs for fiscal 1969 funds, but as of March, 1970, had not yet distributed the money. Many grants were in need of revision to meet technical requirements, including both state and local signoffs.

## Action Funds

	Grants	% of Total
<b>Local Grant Money: \$614,958</b>		
Police	\$381,174	62
Courts	—	—
Corrections	93,039	15
Juvenile	72,577	12
Drug Control	60,998	10
Public Education	7,170	1
<b>State and Local Grant Money: \$854,669</b>		
Police	\$628,055	73
Courts	—	—
Corrections	93,039	11
Juvenile	72,577	8
Drug Control	60,998	7
Public Education	7,170	1

Recipient	Purpose of Grant	Amount
<b>Police</b>		
Newark Police Department	Youth aid services	\$ 34,075
Newark Police Department	Equipment: walkie-talkies	30,768
Newark Police Department	Equipment: teleprinters in patrol cars	17,070
Trenton Police Department	Equipment: portable TV units	11,329
Trenton Police Department	Equipment: office	4,957
Jersey City Police Department	Equipment: electronic surveillance, alarm	27,549
Jersey City Police Department	Improve police-juvenile relations	31,688
Camden Police Department	Equipment: electronic filing system for warrants	4,578
Camden Police Department	Training: police-community relations	24,282
Camden Police Department	Equipment: lie detector team	7,357
Elizabeth Police Department	Equipment: alarm	21,250
Elizabeth Police Department	Public education on prevention	6,530
Plainfield Police Department	Training: police-community relations	17,063
Bayonne Police Department	Personnel for juvenile aid bureau	28,383
Orange Police Department	Training: police-community relations	25,715
New Brunswick Police Department	Training: police-community relations	28,005
East Orange Health Department	Equipment: alarm and communications	25,000
Fort Lee Police Department	Equipment: alarms for high-rise apartments	13,350
Bloomfield Police Department	Equipment: dictating and recording	12,420
Cape May County	Equipment: mobile investigating unit	9,805
	<b>Total</b>	<b>\$381,174</b>
<b>Corrections</b>		
Essex County Probation Department	Rehabilitation of juveniles: community-based projects	\$ 47,122
Mercer County Department of Probation, and Social Agency	Community support instead of reform school	45,917
	<b>Total</b>	<b>\$ 93,039</b>
<b>Drug Abuse</b>		
Newark Departments of Health and Welfare	High school prevention	\$ 31,684
Willinboro School System	Public Education	29,314
	<b>Total</b>	<b>\$ 60,998</b>

Public Education	
Newark Human Rights Commission	Students re criminal justice system \$ 7,170
<b>Juvenile</b>	
Trenton Model Cities	Prevention programs \$ 65,407
<b>State Funds</b>	
State Police	Organized crime (equipment, salaries, training) \$ 95,067
State Police	Riot, 1968 151,814
	Total \$246,881

New Jersey received \$151,854 in riot-control funds. These were distributed to 25 cities to participate in an Allied Law Enforcement Radio Tie program. The cities were selected on the basis of geography and potential for civil disturbance. Under the program, they are all tied into an emergency radio alert system which is backed by helicopters purchased by the state to be used should civil disturbances arise in these cities or in areas between them. The equipment was purchased by the state police and redistributed to the municipalities. This particular program was one recommended both by the New Jersey Riot Commission and the Kermer Commission.

The only other state expenditure was in the area of organized crime: \$95,000 for training law-enforcement officials, hiring new officials, and purchasing special surveillance equipment.

The most promising programs in New Jersey were in the juvenile area. In Mercer County, for example, over \$45,000 was committed to a community-run program for working with potential juvenile offenders. In Newark, which received one-fifth of total state action funds, the juvenile programs funded were a criminal justice education program for senior high school, development of a citywide federation to prevent narcotic abuse which included a prevention program involving student-led units in all the high schools, and a youth aid and services program supported by small teams of civilians set up under the Police Youth Aid Bureau. Newark also received grants for hand-held radios to improve police communications between patrols and headquarters, and a rapid "individual communications system" to provide miniature teleprinters in patrol cars to send printed information back to headquarters in a shorter time than a patrolman could write it out. Since the programs funded with the action money were not in operation at the time of writing of this report, it is impossible to evaluate their impact.

New Jersey seems to have successfully coordinated its efforts with model cities programming. Many of its city programs are joint programs with model cities, with either the SLEPA grant going to the model cities agency or both agencies contributing to a new program.

#### Members of Law Enforcement Planning Agency Advisory Council

William Anderson, Chief of Detectives, Essex County Prosecutor's Office  
 Arnold E. Brown, Attorney (former State Assemblyman)  
 Guy Calissi, Prosecutor, Bergen County  
 Edwin Forsythe, Dairy Farmer (former President, New Jersey State Senate)  
 Henry Carton Jr., Mayor, City of Vineland, and President, New Jersey Conference of Mayors  
 Col. David B. Kelly, Superintendent, State Police  
 Raymond Mass, Chief of Police, City of Shrewsbury, and President, New Jersey Chiefs of Police Association  
 Edward McConnell, Administrative Director, State Court System  
 Dr. Lloyd McCorkle, Commissioner, State Department of Institutions and Agencies  
 Ralph Orisello, Sheriff, Union County  
 Arthur J. Sills, State Attorney General  
 Albert Smith, Assemblyman (former Speaker, State Assembly)  
 Stanley Van Ness, State Public Defender (former Counsel to the Governor)  
 Dr. Paul Ylvisaker, Commissioner, State Department of Community Affairs

## New York

### Crime Control Council (20 members)

#### Representation

12 members representing the criminal justice system  
 4 members representing state and local government  
 2 members representing private and public social service agencies  
 2 members representing citizen and community interests  
 (Three of the members are minorities, with good ties to inner-city groups.)

#### Structure and Procedures

There are no task forces at the state level. The agency has a staff of approximately 40 individuals divided into four general units; a small planning division works with units of local government in the development of plans, in data collection, and in assembling information; a program development unit helps to develop state and local program priorities; a third unit deals with the administrative management problems of the various institutions of the criminal justice system; and a legal unit handles the legal problems of the council and also focuses on problems dealing with the courts. The state council provides technical assistance to localities and also makes such assistance available from other state agencies, such as the State Division for Local Police, which has experience and expertise in the development of police training programs; the New York State Identification and Intelligence System, which helps localities with the structuring of data collection systems on crime and criminals; and the State Division of Probation, which performs a similar function regarding probation programs.

The state agency has exercised leadership in a number of areas. For example, to avoid the problem of police departments overpurchasing unnecessary communications equipment, the state has arranged for an analysis of statewide communications needs and a survey of the kinds of equipment best suited to meet those needs. From that information, a master plan will be developed against which individual applications in the communications area will be measured. The state agency has also insisted that most programs proposed at the local level include an evaluation component so that it will be possible to judge whether they are workable on a statewide basis or should be discontinued.

Periodically, project proposals can go directly to the state planning agency or through the regions. The regions have no veto power, but simply comment on the proposals and pass them on to the state.

#### Regions

The state is divided into 13 regional planning units, each with its own board and staff. The regions, which predated the Safe Streets Act, are composed of counties that chose to join together as planning entities. Each region already had a board which was supplemented for the crime program by technical advisory committees made up of representatives of the criminal justice agencies, units of local government, and in some cases broader interests. Some of the boards, such as New York City's Criminal Justice Coordinating Council, include representation from business, labor, and social service agencies, as well as criminal justice professionals and government officials.<sup>1</sup>

In developing the crime component for its regional planning units, New York allowed cities with populations of one-half million or more to become separate units. New York City is a separate unit; Nassau County has separated, leaving Suffolk County as an independent entity also. The primary role of the regions is data collection to be used in the state plan. They also help in eliciting project proposals.

<sup>1</sup> New York's regional boards range in size from 17 to 88. The smaller boards overemphasize representation from the criminal justice system. It is only when the boards become so large as to be cumbersome that there is any "general citizen and community interest" participation. The Suffolk and Erie-Niagara Regional Planning Boards are exceptions to this rule, as is the New York City Planning Board discussed above. It has 59 members, with less than half in the criminal justice field and eight in the general citizen category.

The New York State plan is a flexible one which does not list specific proposals but provides a general design for meeting the crime problems of the state. The general design can then be accommodated to fit specific proposals coming to the council from the regions after federal funds have been received. Although most action proposals are received after federal money is handed out, the council has used some of its planning funds for action-oriented projects. Auburn Community College, for example, received a planning grant to develop an education program for inmates, and the Nassau County Regional Planning Board received a grant to develop a narcotics clinic.

#### Action Funds

	Grants	% of Total
<b>Local Action Money: \$1,923,622</b>		
Police	\$1,474,939	76
Courts	108,800	6
Corrections	79,133	4
Juvenile	144,000	7
Drugs	100,000	5
Public Education	16,750	.8
<b>State and Local Action Money: \$2,229,666</b>		
Police	\$1,527,439	68
Courts (no state money)	108,800	5
Corrections	195,704	9
Juvenile	182,000	8
Drugs (no state money)	100,000	5
Public Educations (no state money)	16,750	.75
Others (research and community relations)	69,750	3

Recipient	Purpose of Grant	Amount
Police		
New York City	Equipment: Police Narcotics Bureau	\$ 50,000
New York City	Training: management auditing	50,000
New York City	Training: systems analysis of records	50,000
New York City	Study: Police Department's clerical and report-writing procedures	50,000
New York City	Study: development of criteria to evaluate Police Department's Detective Bureau	20,000
New York City	Equipment: police-fire emergency reporting system	30,360
New York City	Personnel: improved testing for selection and promotion of officers	42,000
New York City	Training: development of manual defining police responsibilities under various circumstances	20,000
New York City	Personnel: minority recruitment	25,000
New York City	Training: development of guidelines for control of demonstrations	40,000
New York City	Training: college campus disorders	40,000
New York City	Equipment: narcotics detector	59,040
New York City	Training: command personnel	51,600

New York City	Equipment: computer inquiry terminal	30,000
New York City	Training: precinct service officers (police-community relations)	18,850
New York City	Equipment: stress analyzer for training	38,725
New York City	Equipment: automatic robbery alarm system	86,726
Buffalo	Equipment: rumor control center	36,101
Buffalo	Equipment: command and control center	74,398
Nassau County	Equipment: community-relations bus	20,500
Nassau County	Equipment: PAGE system communications	17,500
Nassau County	Community relations offices	53,827
Southern District	Organized crime	98,660
Suffolk County	Personnel: community relations	16,568
Suffolk County	Equipment: mobile communications	25,468
Suffolk County	Police-community relations	33,780
Niagara Falls	Youth-community relations	21,150
Niagara Falls	Police-community service units	51,795
Mt. Vernon	Training: tactical patrol	16,157
Mt. Vernon	Equipment: surveillance	32,000
Mt. Vernon	Equipment: micro-filming Police Department records	9,180
Newburgh	Training: community relations	3,418
Newburgh	Riot prevention	5,447
Newburgh	Equipment: personnel alerting system	26,078
Syracuse	Personnel: community service nid	36,530
Syracuse	Equipment: riot control	6,304
Rochester	Police-youth program	6,390
Rochester	Equipment: defense	5,310
Rochester	Training: Hispanic police	12,788
Rochester	Youth workshop	14,036
Yonkers	Equipment: motor scooter con patrol	12,000
Yonkers	Equipment: mobile crime vehicle	22,200
Utica	Equipment: radio	1,300
Utica	Community relations	18,400
Utica	Equipment: report writing	2,000
Onondaga	Equipment: command control vehicle	21,589
Monroe County	Facilities: regional crime vehicle	20,381
New Rochelle	Personnel: community service officer	17,250
Schuyler County	Equipment: communications	13,561
White Plains	Equipment: walkie-talkies	4,800
White Plains	Police-community relations	1,800

Eric County Watertown	Equipment: CCTV	4,796
	Equipment: breathalyzer	576
	Total	\$1,466,339
<b>Courts</b>		
New York City	Administration of justice under emer- gency conditions	\$ 41,000
New York City (District Attorneys Association)	Training of prose- cutors	1,800
New York City	Analysis of caseload in city criminal court to improve court calendaring	66,000
	Total	\$ 108,800
<b>Drugs</b>		
New York City	Methadone mainte- nance demonstra- tion project	\$ 100,000
<b>Juvenile</b>		
New York City	Youth dialogue	\$ 36,000
New York City (private)	Crime Prevention (East Harlem Youth Employment Service Inc.)	108,000
	Total	\$ 144,000
<b>Corrections</b>		
Nassau County	Operation Midway program to avoid sentencing	\$ 68,133
Eric County	Training: officers	11,000
	Total	\$ 79,133
<b>Public Education</b>		
Nassau County	Law courses for high school students	\$ 13,000
Schenectady County	Youth crime control and prevention	3,750
	Total	\$ 16,750
<b>State Funds</b>		
<b>Juvenile</b>		
Institute for Child Mental Health	Juvenile detention, in-service training	\$ 29,000
State Division of Youth	New Careers program	8,000
	Total	\$ 37,000
<b>Organized Crime</b>		
NCCD	Public education: seminars	\$ 30,000
<b>Corrections</b>		
State Department of Corrections	Training: computer usage, inmates	\$ 20,000
State Department of Corrections	Personnel: para- professional in probation	96,571
	Total	\$ 146,571
<b>Community Relations</b>		
State Division of Human Rights	Police-community relations	\$ 55,797
<b>Police</b>		
State Identification and Intelligence System	Organized crime intelligence pilot program	\$ 37,500
State Identification and Intelligence System	Modus-operandi program	15,000
	Total	\$ 52,500
<b>Research</b>		
State University of New York	Deterrence and criminal justice study	\$ 14,176

New York has not devised a formula based on population and/or crime rates for distribution of either its planning or action money. The funds are distributed on the basis of "need" only. In fiscal 1969, action funds were allocated in four installments in August, October, December, and February, with all funds being distributed by late February. Combined state and local action grants amounted to \$2,229,665.97.

The distribution was criticized by the Justice Department for underemphasis of corrections programs.

A number of localities had difficulty in providing matching funds. The state attempted to acknowledge, wherever possible, in-kind contributions such as space, office facilities, etc., to make the match. In addition, the state tried to help localities with their project proposals to shape them to meet the general objectives of the plan. Generally, most areas in the state were reached, although the city of Albany neither applied for nor received action money for fiscal 1969.

Although police expenditures were fairly high (\$1,527,438, with over \$690,000 going to equipment), the state agency has tried to focus its funds on six areas, not just on police. These are crime prevention, police, adjudicatory process, prosecution, defense, and treatment (including probation, parole, and institutional custody). The state has funded a number of innovative programs, including a special minority recruitment program for the police. In addition to increasing the number of minority patrolmen, the program is attempting to measure the characteristics and qualities desirable for senior police personnel and to devise ways of recruiting and identifying individuals with those qualities. In the corrections area, the state has funded a program to train inmates in computer programming and operation—a field in which there is high job demand. In the drug area, the City of New York has launched a major methadone maintenance program, community-based, and staffed entirely by minority professionals and supportive staff. The program is one of the few joint community-city agency efforts in the drug treatment area in the country.

The general counsel of the agency expressed the hope that "If we can put substantial sums into prevention, perhaps there will be no need to put additional monies into police." Because the state agency has felt that the police have a head start on the other agencies in terms of development of project proposals, it has made a special effort to elicit proposals from the other agencies, including courts and corrections. The state has had an ongoing program in law reform that predated the Safe Streets Act. Since the implementation of Title I the council has promoted a revision of the law of criminal procedure.

#### Members of Crime Control Planning Board

Richard J. Bartlett, Head, State Law Reform Commission  
(Chairman)

Bartolo Bulges, President, Hispanic Bus Drivers Association  
Maurice F. Dean, Sheriff, Schuyler County, and President, State Sheriffs Association

Richard O. Evans, Chairman, Board of Supervisors, Chautauque County

Frank S. Hogan, District Attorney, New York City

William Kirwan, Superintendent, State Police

Howard R. Leary, Commissioner, New York City Police

Louis J. Lefkowitz, State Attorney General

Milton Luger, Director, State Division of Youth

Robert MacCrute, Attorney

John Martin, Professor of Social Science, Fordham University

Thomas F. McCoy, Administrator, State Judicial Conference

Paul D. McGinnis, State Commissioner of Corrections

Mrs. Wesley J. Meng (represents civic groups working with preventive agencies)

The Rev. Earl B. Moore, St. Paul's Baptist Church

Lawrence W. Pierce, Chairman, State Narcotics Addiction Control Commission

Sydney M. Spector, Director, Legal Aid Society of Westchester

John B. Tutuska, County Executive, Erie County (Buffalo)

William F. Walsh, Mayor, City of Syracuse

James N. White, District Attorney, Montgomery County

## North Carolina

North Carolina Division of Law and Order (26 members)  
A division of the State Department with members appointed by the Governor.

### Representation

18 members representing the criminal justice system  
8 members representing state and local government  
0 members representing private and public social service agencies  
0 members representing citizen and community interests  
(Two of the members are minorities.)

Both staff members and Justice Department officials have commented that the state committee needs broadening, but to date there has been no action. The narrowness of the committee and the regional boards (discussed below) may be one reason why little interest has been shown in the program by the black community, poverty groups, or the business community.

### Structure and Procedures

The division is staffed by seven professionals, some of whom work with specific task forces. Two staff members are planning analysts who help state and local agencies in the development of plans. The division is assisted by five task forces for the following areas of specialties: apprehension and suppression (the police), courts, corrections (not yet appointed as of March, 1970), the criminal justice system and the public, and juvenile delinquency (appointed but not announced).

Approximately 60 persons participated in the operation of the task forces. The task forces hold hearings for various groups in the state on their areas of speciality.

The division deals directly with 11 state agencies as well as the 22 regions set up within the state. Generally, local units of government prepare grant proposals which are submitted to the regions. The regional boards vote on all proposals, set their priorities, and submit them to the state committee where they are reviewed by the staff and the full committee. There is little if any direct relationship between local units of government and the state agency.

The state has been a strong supporter of the "law and order" program. The state legislature appropriated \$350,000 above the required amount to match the federal grant. However, the state agency has been somewhat slow in distributing its fiscal 1969 action funds even though the allocations have been made.

### Regions

The state has 22 regions. No cities constitute regions in themselves. Members of the regional boards are appointed by local units of government (counties and municipalities) and not by the Governor.<sup>1</sup> A total of 383 persons serve on the regional boards; 233 of these represent criminal justice professionals, 130 general units of local government, and 20 social service agencies or community and citizen interest groups. The executive director of the state agency has admitted that "Law enforcement is overrepresented on the local planning and policy level." Others have commented that because the boards are appointed by local governments, the composition will be difficult to change.

There is no formula for distribution of either planning or action money among the regions. During fiscal 1969 the regions did not submit comprehensive regional plans and were primarily involved in the submission of action proposals. The North Carolina state plan was so general in its funding categories that almost any local action application fit the categories. State officials say that in fiscal 1970 there will be more planning activity at the local level.

### Role of the Justice Department

North Carolina rated the regional Atlanta LEAA office helpful in plan development. It also felt that the National Institute on Law Enforcement and Criminal Justice had been helpful in

<sup>1</sup> Two counties, Northhampton and Johnston, refused to participate at all in the regional structure or in the state program, saying that they wanted no part of any federal funding.

the development of research projects. However, it complained of a lack of clearinghouse services by the Justice Department.

### Action Funds

	Grants	% of Total
<b>Local Grant Money: \$423,107</b>		
Police	\$375,361	89
Courts	9,874	2
Corrections	26,172	6
Grievance Mechanism	11,700	3
<b>State and Local Grant Money: \$582,196</b>		
Police	\$401,359	69
Courts	39,379	7
Corrections	106,083	18
Juvenile (state project)	18,675	3
Public Education (state project)	5,000	.8
Grievance Mechanism (local money only)	11,700	2

Recipient	Purpose of Grant	Amount
South Central Law Enforcement Planning District	Equipment: communications (inter-jurisdictional)	\$ 7,134
Law and Order Planning Unit No. 2	Equipment: communications	12,094
Fifth Judicial District Law Enforcement Planning Unit	Training	24,075
Gaston Crime Control Agency	Central record filing	5,914
Myner and Upper French Broad Law Enforcement Planning Agencies	Training	17,314
Sixteenth Judicial Planning Agency	Equipment: dictating	1,322
Piedmont Law Enforcement Planning Agency	Equipment: mobile crime detection labs to serve all law-enforcement agencies in four counties	12,000
Neuse River District	Equipment: communications	36,000
Southeastern Law Enforcement Council	Equipment: communications	4,147
Mideast Planning Division	Equipment: communications	17,608
Mideast Planning Division	Equipment: mobile crime lab	6,282
Mideast Planning Division	Equipment: training	6,229
Mideast Planning Division	Training: decentralized system for rural areas	6,199
Mideast Planning Division	Equipment: photography	1,593
Central Regional Planning Commission	Administration: central buying program	411
Central Regional Planning Commission	Equipment: lighting	10,400
Central Regional Planning Commission	Equipment: radio base station	569
Central Regional Planning Commission (Pinetops)	Equipment: radio	901
Albemarle Law and Order Association	Equipment: not control	7,066
Albemarle Law and Order Association	Equipment: communications	20,606
Albemarle Law and Order Association	Training: establishment of new school	15,824
Albemarle Law and Order Association	Administration: uniform system of record	1,241
Cumberland-Hoke Counties Law and Order Commission	Equipment: radio communications	19,380

Western Piedmont Council of Government	Equipment: communications	16,800
Cleveland-Lincoln Planning Unit	Equipment: communications (walkie-talkies)	1,620
Cleveland-Lincoln Planning Unit	Equipment: communications (walkie-talkies)	1,080
Cleveland County Sheriff	Equipment: communications (two-way mobile radio units)	3,888
Awwasya Law Enforcement Planning Unit (for Town of Boone)	Training	2,561
Awwasya Law Enforcement Planning Unit (for Ashe County)	Training	3,990
Durham Commission for Law and Justice	Equipment: regional information storage and retrieval system	39,529
Durham Commission for Law and Justice	Equipment: radio (replace single-frequency units with two-frequency units)	9,938
Durham Commission for Law and Justice	Street lighting	5,400
Wake County Planning Commission on Law and Justice	Study: communications system	14,000
Wake County Planning Commission on Law and Justice	Equipment and training: riot control	3,694
Wake County Planning Commission on Law and Justice (Raleigh)	Equipment: personal radio	14,580
Wake County Planning Commission on Law and Justice (Raleigh)	Equipment: photographic, etc.	1,293
MICU Planning Agency	Training: legal manual	3,900
MICU Planning Agency	New techniques: arrest citation project	1,250
	Total	\$358,032
<b>Corrections</b>		
Neuse River District, Awwasya Law Enforcement Planning Unit	Treatment of alcoholics	\$ 6,191
Neuse River District, Awwasya Law Enforcement Planning Unit	Alcoholic rehabilitation project	19,981
	Total	\$ 26,172
<b>Courts</b>		
Southeastern Law Enforcement Council	Assistant prosecutor demonstration project	\$ 8,074
MICU Planning Agency	Bail bond project	1,800
	Total	\$ 9,874
Grievance Mechanism Cumberland-Hoke County	Public grievance officer	\$ 11,700
<b>State Grants</b>		
<b>Courts</b>		
Administrative Office of Court	Automation of traffic court system	\$ 29,505
<b>Corrections</b>		
State Probation Commission	Post-probation performance survey	\$ 15,500

State Board of Juvenile Corrections	Studies: effect of treatment of juveniles	18,676
State Department of Corrections	New technique: use of community volunteers as resources for post-release adjustment	56,987
State Department of Corrections	Training: staff travel	7,424
	Total	\$ 98,587
<b>Police</b>		
State Board of Juvenile Correction	Relations of juveniles: improving attitudes of detained juveniles towards "law and order"	\$ 5,697
State Bureau of Investigators	Communications: tie-in with FBI National Crime Information Center	4,515
State Bureau of Investigators	Equipment: mobile crime labs	15,785
	Total	\$ 25,997
<b>Public Education</b>		
Bereh-Bar-Press Broadcaster Law Enforcement Commission	Fables on criminal justice system for school children	\$ 5,000

The major deficiency in North Carolina's distribution of 1969 action funds was the broad geographic distribution, reflecting a rural domination. The resources, by and large, were spread too thinly to have a substantial impact. Although there was an intelligent use of regional networks to overcome local resource deficiencies (such as mobile detection laboratories, shared resources for the training of law enforcement personnel, etc.), the program reflects a heavy concentration on equipment purchases without showing adequate consideration of the appropriateness (or lack thereof) of such equipment for meeting the defined problems. A number of small police departments are being preserved by the equipment disbursements which — lacking federal support — would probably have been forced to consolidate.

Among the statewide grants made by the division were a \$30,000 grant to the Attorney General's Office to study necessary revisions of the state's criminal law, a number of communications grants to private consultants for a police information network, development of a police training program (involving a \$94,500 grant to A. D. Little), and a communications study (\$34,000 to the Brookville System Corporation). The state has also made several public education grants, including a \$5,000 grant for fables of the criminal justice system for school children.

Low corrections expenditures were attributed to underrepresentation of this element on the state board. One explanation for the low court expenditures was that judges simply were not interested. One commentator stated: "The judges are very tradition-minded and take a rather dim view of most of the projects that smack of innovation."

#### Members of Division of Law and Order

Robert W. Scott, Governor (Chairman)  
 Thomas D. Cooper Jr., Prosecutor, State Superior Court (Vice Chairman)  
 Fred D. Alexander, City Councilman  
 Frank M. Armstrong, Judge, State Superior Court  
 Carl H. Axson, Sheriff, Rockingham County  
 Allen Bailey, Attorney  
 V. Lee Bounds, Commissioner, State Board of Juvenile Correction  
 Maj. Gen. Claude T. Bowers, Adjutant General, National Guard  
 Wade E. Brown, Chairman, State Board of Paroles  
 Fred L. Cooper, Vice Chairman, Good Neighbor Council  
 Charles Dunn Jr., Director, State Bureau of Investigation  
 Joe W. Garrett, Commissioner, State Department of Motor Vehicles  
 William Gibson, Director, State Probation Commission  
 John M. Gold, City Manager  
 Col. E. C. Guy Jr., Commander, State Highway Patrol  
 Maj. Emerson Hall, Fayetteville Police Department  
 Blaine M. Madison, Commissioner, State Board of Juvenile Correction  
 Bert M. Montague, Director, State Administrative Offices of the Courts  
 Robert Morgan, State Attorney General  
 John T. Morrisey Sr., Executive Secretary, North Carolina Association of County Commissioners  
 George R. Morrow, Attorney  
 W. C. Owens, Chief of Police, Elizabeth City  
 Phillip L. Paul, Chief of Police, City of Washington  
 M. Hugh Thompson, Attorney  
 Dr. William L. Turner, Director, State Department of Administration  
 Mary Gailther Whitener, Judge, District Court

#### Ohio

Law Enforcement Supervisory Committee (22 members)  
 (Located within Department of Urban Affairs)

#### Representation

11 members representing the criminal justice system  
 5 members representing state and local government  
 5 members representing public and private social service agencies  
 1 member representing citizen and community interests  
 (Two of the members are minorities; no members are from inner-city communities.)

#### Structure and Procedures

The state committee has a professional staff of 22, five of whom work in the field assisting the regional boards which are located in Toledo, Cleveland, Cincinnati, Cambridge, and Jackson. Although assistance to the regions was minimal in fiscal 1969, and most observers viewed the state agency as "just another superstructure through which local units had to feed" guidance from the state level appears to have increased in the past few months. The committee does not have task forces or advisory committees. The staff is dominant in terms of policy and funding decisions. Last year, committee members complained that they were given one day to approve the entire state plan.

#### Regions

The state is divided into 15 planning districts, and no city in the state constitutes a district in itself. All must relate to the state agency through the districts. The City of Cleveland has only 6 per cent representation in Ohio's district IV, but 25 per cent of the population. Mayor Stokes is challenging the composition of this region in a lawsuit. Cleveland has recently been designated a subregion with the city's Criminal Justice Coordinating Council as the planning body.

Four of the districts existed as planning groups prior to the Title I program. The state passed legislation to help create the others. Nine of the 15 are councils of government. Staff for the districts range from one to three professionals, with the Cleveland area having the largest staff. District councils and staff are selected locally.

Ohio district councils include 20 to 40 members. Generally, they suffer from heavy domination by law-enforcement and criminal justice officials with lesser representation from government officials. Each council elects a governing board which functions as a program and project team.

In fiscal 1969, planning funds were distributed at \$5,000 per district, with the remainder by population. However, the state set priorities and gave the districts the final package for quick approval. Recently, the districts have begun setting their own priorities which the state, for the most part, is willing to recognize. The districts do not develop comprehensive local plans. Their main functions are data collection for the state plan and project development. They are required to indicate priorities for both the region and the localities within the region.

\* Allocation of planning grants to districts:

District	\$5,000 + % of Population
1	\$13,991
2	58,007
3	11,722
4	75,108
5	20,051
6	10,789
7	11,847
8	16,036
9	25,274
10	10,765
11	30,743
12	14,016
13	36,334
14	13,351
15	13,203

## Action Funds

	Grants	% of Total
<b>Local Grant Money: \$804,005</b>		
Police	\$720,107	90
Courts	65,898	8
Corrections	18,000	2
<b>State and Local Grant Money: \$1,105,163</b>		
Police <sup>1</sup>	\$1,021,265	92
Courts	65,898	6
Corrections	18,000	2

<sup>1</sup> All state grant money went to Police.

Recipient	Purpose of Grant	Amount
Police		
Central Ohio Law Enforcement Council	Training	\$ 37,175
Central Ohio Law Enforcement Council	Equipment	1,788
Central Ohio Law Enforcement Council	Equipment	1,788
Central Ohio Law Enforcement Council	Equipment	1,800
Central Ohio Law Enforcement Council	Equipment	1,800
Central Ohio Law Enforcement Council	Training	36,000
Central Ohio Law Enforcement Council	Training	17,100
Central Ohio Law Enforcement Council	Equipment	30,000
Central Ohio Law Enforcement Council	Training	13,702
Central Ohio Law Enforcement Council	Equipment	179
Central Ohio Law Enforcement Council	Equipment: riot control	29,729
District 13	Training	88,624
District 13	Equipment	13,068
District 13	Training	16,500
District 13	Equipment	1,400
District 13	Equipment: riot control, community relations	27,315
Northwestern Ohio Council of Governments	Training	3,220
Northwestern Ohio Council of Governments	Equipment	3,600
Northwestern Ohio Council of Governments	Equipment	5,517
Northwestern Ohio Council of Governments	Equipment	3,467
Northwestern Ohio Council of Governments	Equipment	1,404
Northwestern Ohio Council of Governments	Communications	29,470
Northwestern Ohio Council of Governments	Training, community relations	5,112
Northwestern Ohio Council of Governments	Equipment: riot control	45,078
Northwestern Ohio Council of Governments	Equipment: riot control, communications	16,386
Miami Valley	Training	4,863
Miami Valley	Training	5,076
Miami Valley	Equipment	1,685
Miami Valley	Equipment	1,500
Miami Valley	Equipment	2,217
Miami Valley	Equipment	942
Miami Valley	Equipment	2,548
Miami Valley	Equipment	423
Miami Valley	Training	31,108
Miami Valley	Equipment: riot control	14,634
Summit County	Training	15,054
Summit County	Training	34,889
Mahoning-Trumbull Council of Governments	Training	10,457

Mahoning-Trumbull Council of Governments	Equipment	1,800
Mahoning-Trumbull Council of Governments	Equipment	10,423
Mahoning-Trumbull Council of Governments	Equipment	1,800
Mahoning-Trumbull Council of Governments	Equipment: riot control	9,009
Southern Ohio Council of Governments	Training	22,900
Southern Ohio Council of Governments	Equipment	1,800
Southern Ohio Council of Governments	Equipment	3,720
Southern Ohio Council of Governments	Equipment	892
Muscarawa Valley	Training: community relations	26,976
Toledo Metropolitan Council of Governments	Equipment	3,407
Toledo Metropolitan Council of Governments	Equipment: riot control	21,417
Stark County Council of Governments	Equipment	9,802
Stark County Council of Governments	Equipment	6,408
Mid-Central Council of Governments	Training	107
Mid-Central Council of Governments	Training	95
Mid-Central Council of Governments	Equipment	1,800
Mid-Central Council of Governments	Equipment	2,476
Mid-Central Council of Governments	Equipment	1,581
Mid-Central Council of Governments	Equipment	7,875
Southeastern Ohio Council of Governments	Equipment	2,211
Southeastern Ohio Council of Governments	Equipment	11,110
Southeastern Ohio Council of Governments	Equipment	351
Mad River Valley	Training	3,289
Mad River Valley	Training	2,541
Mad River Valley	Equipment	1,852
Wood County	Equipment	3,201
Northwestern Ohio Council of Governments	Equipment	1,373
Northwestern Ohio Council of Governments	Equipment	700
Henry County	Equipment	1,373
North Star Council of Governments	Equipment	1,200
	<b>Total</b>	<b>\$720,107</b>
<b>Courts</b>		
Cuyahoga County	Training	\$ 31,055
Cuyahoga County	Training	12,966
Summit County	Training	21,877
	<b>Total</b>	<b>\$ 65,898</b>
<b>Corrections</b>		
Cincinnati	Facilities	\$ 18,000

## State Funds

## Police

State Highway Patrol	Facility: wanted persons information center	\$ 66,000
State Highway Patrol	Equipment: riot control	56,658
State Highway Patrol	Educational program	72,000
State Bureau of Intelligence	Crime laboratory	106,500
	<b>Total</b>	<b>\$301,158</b>

In fiscal 1969 each region received an allotment based on population. A new distribution formula is being developed which, in addition to population, takes into consideration rate of crime and merit of proposals. All action money goes to the regions — in some cases for redistribution.

State and local action grants went overwhelmingly for police expenditures. At the state level, the only recipients of action funds were the State Highway Patrol (\$194,658) and the Bureau of Intelligence which obtained funds for a police crime laboratory (\$106,500). State agency officials say there was little interest among the courts or judges in reform programs. The state made no investment in reform of state criminal laws. The \$226,634 1968 grant for riot control went exclusively for hardware — with the exception of a grant to Cincinnati for sensitivity training. One commentator on the Ohio programs summed up: "The major impact of the Safe Streets Act funds seems to be a bunch of gilded police departments."

There are indications that the prevalence of police programs has carried over into fiscal 1970. One rural area around Marietta plans to spend \$230,000 for: patrol cars (\$140,000), guns (\$10,000), sheriff's uniforms (\$25,000), and gas masks and other riot-control equipment (\$15,000). A rural area in north-west Ohio plans to spend 25 per cent of its regional allocation for sniper's rifles, roadblocks, helmets.

These patterns indicate that Ohio is continuing to focus on police expenditures, particularly on equipment and equipment-related training, and that a disproportionate amount of funds, as in 1969, will go to rural areas.

## Members of Law Enforcement Supervisory Committee

John S. Ballard, Mayor, City of Akron  
 Raymond S. Bennett (retired); former Chief Probation Officer, Lucas County)  
 Robert V. Bowman, President, Ohio State School Board Association  
 Paul W. Brown, State Attorney General  
 Robert Brown, Executive Director, Northeast Ohio Area-wide Coordinating Agency  
 Everett Burton, Prosecutor, Scioto County  
 Robert M. Chiaromonte, Superintendent, State Highway Patrol  
 Sulvester T. Del Corso, State Adjutant General  
 Albert G. Giles, Director, State Department of Urban Affairs  
 John W. Hill, Judge, Juvenile Court, Franklin County  
 Chester H. Hummell, Executive Director, Township Trustees  
 Martin A. Janis, Director, State Department of Mental Hygiene  
 Daniel W. Johnson, Director, State Youth Commission  
 Mrs. Alfred C. Jones, Professional Tax Administrator  
 Bernard L. Keller, Sheriff, Montgomery County  
 Robert A. Manning, Member, State House of Representatives  
 Joseph F. McManamon, Attorney (former Safety Director, City of Cleveland)  
 Eugene Puglisi, Judge, Municipal Court, Ashland County  
 Ralph S. Regula, State Senator  
 Ellis L. Ross, Executive Director, State Civil Rights Commission  
 Jacob W. Schott, Chief, Police Department, City of Cincinnati  
 Aubrey A. Wendi, Judge, Court of Common Pleas, Coshocton County

## Pennsylvania

Pennsylvania Crime Commission (12 members)

## Representation

6 members representing the criminal justice system  
 4 members representing state and local government  
 1 member representing public and private social service agencies  
 1 member representing citizen and community interests  
 (In addition, there is one non-voting member. The commission is chaired by the State Attorney General. Two of the members are minorities.)

## Structure and Procedures

In addition to the commission, there is a 41-member advisory committee which includes representatives from all eight of Pennsylvania's regions. The advisory committee reviews and votes on plans and project proposals. Its vote is then taken under consideration by the commission. It has no final decision-making power. In addition to reviewing substantive project proposals, members of the advisory committee serve on task forces to review appeals from localities of negative decisions of the regional boards.

The state commission has been described by a member of the advisory committee as having "no real citizen involvement. The council consists of police-oriented public officials and civic agency people who don't dare tangle with the police or are looking for contracts." The commission has a professional staff of 24 with supportive staff of 15. The total number of people employed by the commission in the state and regions is approximately 84.

During fiscal 1969 the state sponsored a number of proceedings designed to encourage broad involvement in the planning and programming effort. In July, 1969, Governor Raymond Schafer held a meeting for 500 leading businessmen to urge them to join the state in a war on crime with particular emphasis on controlling inroads by organized crime into business. In addition, the state commission held special hearings on the dramatic increase in juvenile gang violence. These hearings led to such specific action proposals as the \$100,000 grant to Philadelphia described below.

## Regions

The state is divided into eight regions, each with an executive director, who is a patronage rather than a civil service appointment with a salary ranging from \$12,675 to \$16,978. The structure of the regions is similar to that of the state commission: each has a planning council and an advisory council. Unlike the state, the former are usually considerably larger than the latter. Over 200 people serve on the regional planning councils and about 50 on the advisory councils. A number of the regional councils have succeeded in diversifying their membership to include a broad range of participation. For example, the Central Region Planning Council and Advisory Council include nine representatives from citizen and community groups and five representatives from social service agencies, as well as 14 criminal justice officials and three elected officials.

If the regional boards are fully activated in Pennsylvania and if they are given some decision-making power, rather than leaving all the power in the commission, it is possible that programming in the future will be more diversified and effective than it has been during the past year.

Philadelphia is the only major city in the state which constitutes a region. Fiscal 1969 planning and action funds were distributed to the regions on the basis of population. The state distributed 80 per cent of its federal planning money (doubling the 40 per cent required by Title I).

## Action Funds

	Grants	% of Total
Local Grant Money: \$805,659		
Police	\$627,994	78
Courts	—	—
Corrections	39,556	5

Juvenile	41,486	5
Others	96,623	12
State and Local Grant Money: \$859,629		
Police	\$681,964	80
Courts	—	—
Corrections	39,556	4
Juvenile	41,486	5
Others	96,623	11

Recipient	Purpose of Grant	Amount
Police		
Penn Hills Township	Police training	\$ 13,397
Pittsburgh Police Department	Equipment for crime lab	12,286
Pittsburgh Police Department	Mobile police community relations unit	20,000
Verona	Equipment: radio	1,105
Altoona Police Department	Equipment: radio	4,982
Williamsport Police Department	Equipment: radio and training films	3,977
Allentown	Equipment and training	11,683
Luzerne County	Equipment: radio communications network	42,600
Reading	Equipment: radio	42,630
Schuylkill County	Equipment: radio	24,316
Tioga County	Equipment: radio	2,405
Wilkes Barre	Equipment: training dog unit	3,000
Erie	Equipment: uniforms	3,840
Borough of Fairview	Equipment: mobile radio	1,740
Borough of Grove City	Equipment: communications	1,980
Millercreek Township	Equipment: portable communications	2,700
Potter County	Equipment: communications	22,386
Borough of Youngsville	Equipment: dogs	6,701
New Castle	Equipment (not specified)	11,802
Philadelphia	Equipment: closed-circuit TV system	75,000
Lebanon	Equipment: dictating	3,450
Lebanon	Equipment: radio	7,728
York	Equipment and training	9,224
York County	Equipment: radio	34,299
Chester	Equipment: gas masks, telephonic system	19,155
Borough of Norristown	Equipment and training: police-community relations	4,200
Borough of Norwood	Equipment and training	10,247
Borough of Burgettstown, Townships of Hanover, Jefferson, and Smith	Construction of regional police lockup	35,000
Borough of Canonsburg	Equipment and training	5,461
Carroll Township	Equipment: police car and radio	1,317
Borough of Donora	Equipment and upgrading: radio and salary increases	4,034
Greensburg	Equipment: radio	12,000
Hanover Township	Equipment (not specified)	509
Middlesex Township	Equipment: radio and siren	736
Borough of Pottersville	Training (not specified)	1,050
Alliquippa Police Department <sup>1</sup>	Equipment: riot communications and defensive	2,200
Allegheny County Board of Commissioners <sup>1</sup>	Riot communications study system	5,087

Borough of Bristol	Equipment: communications and defensive	1,300
Police Department <sup>1</sup>	Equipment: defensive	1,250
Bristol Township		
Police Department <sup>1</sup>		
Borough of Carlisle	Equipment and training: riot communications	2,500
Police Department <sup>1</sup>		
Chester Police Department <sup>1</sup>	Equipment: communications and defensive	9,600
Clairton Police Department <sup>1</sup>	Equipment: communications	2,400
Coatesville		
Police Department <sup>1</sup>	Equipment and training: communications	2,925
Borough of Columbia	Equipment: communications and defensive	1,045
Police Department <sup>1</sup>		
Borough of Crafton	Equipment: communications and defensive	1,119
Police Department <sup>1</sup>		
Duquesne	Equipment: communications	1,896
Police Department <sup>1</sup>		
Erie Police Department <sup>1</sup>	Equipment: communications	15,000
Erie County Sheriff's Office <sup>1</sup>	Equipment: communications	3,000
Farrell Police Department <sup>1</sup>	Equipment and training: communications	2,200
Harrisburg Police Department <sup>1</sup>	Equipment: communications; Riot-control study	13,000
Hopewell Township	Equipment: communications	883
Police Department <sup>1</sup>		
Lancaster Police Department <sup>1</sup>	Equipment and training: communications	12,125
New Castle	Equipment: communications	2,500
Police Department <sup>1</sup>		
Philadelphia Police Department <sup>1</sup>	Equipment: communications	50,000
Pittsburgh Police Department <sup>1</sup>	Equipment: defensive	12,400
Borough of Pottstown <sup>1</sup>	Equipment and training: communications	2,000
Ross Township	Equipment: defensive	636
Police Department <sup>1</sup>		
Scranton Police Department <sup>1</sup>	Equipment: communications	5,000
Sharon Police Department <sup>1</sup>	Equipment: communications	1,287
Pennsylvania State Police <sup>1</sup>	Mobile command posts; riot-control manual	53,970
Uniontown Police Department <sup>1</sup>	Equipment: communications	2,100
Borough of West Chester <sup>1</sup>	Training: community relations officer	3,000
York Police Department <sup>1</sup>	Equipment: communications, emergency kits	11,000
State College	Community relations study	3,600
Police Department		
Total		\$681,963

<sup>1</sup> Grant made under Section 307B of Safe Streets Act for control of civil disorders.

Corrections		
Allegheny County	Group counselling for probationers and parolees	\$ 15,404
Jefferson County	Organizing and staffing adult probation program	5,296
Mercer County	Staff increases	7,250
Chester County	Vocational training program for inmates	2,306
Montgomery County	Probation officers and clerks	9,300
Total		\$ 39,556

Juvenile Bucks County	Juvenile probation officer, furniture	\$ 4,476
Juvenile Aid Bureau, Chester, Allegheny County	Aid specialist, typist	10,300
Lycoming County	Personnel training: two child-care workers	8,352
	Home for predelinquent and delinquent girls	18,358
	Total	\$ 41,486
Model Cities		
Model Cities Agencies	Training program	\$ 8,000
Criminal Justice System Philadelphia	Develop computer-based criminal justice and law enforcement system	\$ 81,123
Human Relations Pittsburgh Commission on Human Relations	Human relations study	\$ 7,500

The state gave 77.7 per cent of its combined riot-control grants and fiscal 1969 action money to the regions. The money was divided among the regions on the basis of population, with Philadelphia getting an initial allotment of approximately 17 per cent and Pittsburgh receiving 13 per cent. Since Philadelphia has a substantially higher rate of crime than most other localities in the state, it was given an additional \$100,000 in action funds. This money was earmarked particularly for juvenile programs, with \$75,000 going to the Family Court System and \$25,000 going to a community group called Germantown Community Involvement Inc., to fight juvenile crime.

Because of dissatisfaction with the straight population formula, the commission has attempted during the past year to devise a new formula for fiscal 1970 action grants which would take into consideration crime factors as well as population. Although the formula has not yet been determined, in fiscal 1970 Philadelphia is to receive 33 per cent of the action money.

Most of the 1969 action grants went for hardware. There was, in the words of one Pennsylvania commentator, "little innovative or creative thinking."

Within the police category, \$572,779 out of the \$681,964 allocated as of March, 1970, went for equipment expenditures. Only \$26,600 was earmarked for police-community relations programs, which were described as "more of the same old balderdash . . . with no thought given to experimenting with programs giving people some kind of voice in the operation of city police departments, especially ghetto people." The state's \$240,524 grant for riot control was used primarily for communications and "defensive" equipment. However, the largest single grant (\$53,970) went for a riot-control manual for mobile command posts. This grant went to the State Police Department.

#### Members of Criminal Justice Planning Board

Maj. John Case, Warden, Bucks County Prison  
 William J. Cottrell, Councilman, City of Philadelphia  
 J. Creamer, Attorney, Pennsylvania Strike Force  
 K. Leroy Irvin, House Majority Leader  
 James McCaughey, Superintendent, Police Department, Lower Marion Township  
 Col. Frank McKetta, Commissioner, State Police  
 William J. Nagle, American Foundation  
 Harold Rosen, Attorney  
 William Sennett, State Attorney General  
 Richard Snyder, State Senator  
 Leo P. Weir, Commissioner, Erie County  
 Charles Wright, Judge, Court of Common Pleas

## Texas

Texas Criminal Justice Council (20 members)

### Representation

12 members representing the criminal justice system  
 6 members representing state and local government  
 2 members representing public and private social service agencies  
 0 members representing citizen and community interests  
 (Five of the members are minorities.)

State guidelines encourage broad participation in planning, including "th people who will provide for or receive the resulting services." But to date there has been limited community involvement.

### Structure and Procedures

Originally the council was assisted by four task forces: education and training of police, education and training for corrections, public education, and judicial processes. Only the last one is still functioning.

The council has a staff of 11 professionals. Four serve as program directors for police, courts, corrections, and research. There is also an information unit and a staff services unit. The program directors relate to both field services and planning units. The research unit is concerned with the development of standards and with control of the quality of CJO projects through the development of evaluation techniques.

Generally the CJO deals with the regions in regard to planning matters and directly with local governments for action programs. Project proposals from a local government can be submitted directly to the state as well as through the regional offices.

In addition to its planning and program development activities under the Safe Streets Act, the state council has participated in budget hearings held by the state for the criminal justice system. It has also taken part in "Goals for Texas" and "Texas Communities Tomorrow" programs.

### Regions

The state is divided into 23 regions, 21 of which are councils of government (COGs). Each region has its own advisory council—selected locally—and staff. Frequently, existing COG boards were supplemented by advisory groups knowledgeable in criminal justice matters. The COGs tend to have heavy representation from elected officials but also include private citizens. Some have attempted to broaden minority and poverty group participation.

For fiscal 1969 each region received a planning grant of \$10,000 plus an additional grant based on population.<sup>1</sup>

<sup>1</sup> Regional planning grants for fiscal 1969 were as follows:

Amarillo	\$11,700	Houston-Galveston	\$36,500
Austin-Travis County	12,800	Lower Rio Grande	
Alamo Area	23,300	Valley	\$0,200
Arktex Area Council	10,200	Lubbock	11,800
Golden Triangle	14,400	North Central Texas	39,100
Brass Valley		North Texas	12,900
Development	10,900	Sherman-Dennison	10,400
Coastal Bend	16,400	Midland Odessa	11,900
Concho Valley	10,400	Smith County-Tyler	10,600
Deer East Texas	12,900	South Texas	10,700
El Paso	14,600	West Central Texas	13,900
Golden Crescent	10,300	Total in 1969	\$374,865
Heart of Texas	20,065		

(Includes Central Texas area council) (Since 1969, Heart of Texas has been separated from Central Texas)

The regions were required to develop comprehensive plans reflecting law-enforcement goals at the regional as well as the local levels. State guidelines required central city concurrence in regional plans affecting them. In addition, major cities reviewed preliminary drafts of the state plan.

A number of regions relied on consultants to prepare all or part of their plans. For example the Tyler metropolitan area (consultant: Peat, Marwich, Mitchee & Co.); San Antonio (Robert A. Wise Association); San Angelo, Galveston, and Wichita Falls (The International Association of Chiefs of Police); North Central Texas COG (the Texas Research League).

## Action Funds

	Grants	% of Total
<b>Local Grant Money: \$788,896</b>		
Police	\$581,292	74
Courts	35,000	4
Corrections	—	—
Juvenile	29,404	4
Other	143,200	18
<b>State and Local Grant Money: \$1,010,122</b>		
Police	\$634,978 <sup>1</sup>	63
Courts	41,500	4
Corrections	8,326	.8
Juvenile	64,404	6
Others	260,914	26
<sup>1</sup> \$235,344 of this total was for riot control.		
<b>Recipient</b>	<b>Purpose of Grant</b>	<b>Amount</b>
Police		
West Central Texas Council of Governments	Training center	\$ 21,443
North Central Texas Council of Governments	Training	21,000
Permian Basin Law Enforcement Commission	Training	15,624
Golden Crescent Council of Governments	Training	13,987
Central Texas Council of Governments	Communications	5,016
Central Texas Council of Governments	Training	3,000
Central Texas Council of Governments	Personnel	5,500
North Texas Regional Planning Commission	Training personnel	12,960
Galveston	Management survey	9,360
Heart of Texas Council of Governments	Equipment	8,094
Texoma Regional Planning Commission	Communications	6,060
Smith County-Tyler Area Council of Governments	Training	5,520
Coastal Bend Regional Planning Commission	Communications	5,280
Alamo Council of Governments	Training	2,944
Brazos Valley	Training	2,718
Grayson County	Equipment	2,244
Texas Commission on Law Enforcement Officers Standards and Education	Coordination of training	47,196
Texas Police Association	Training	6,490
Fort Worth	Community relations	60,000
Dallas	Communications	
	equipment	52,344
	Equipment	20,565
Lower Rio Grande Valley	Equipment	20,565
Lower Rio Grande Valley	Training	10,800
San Antonio	Crime lab study	5,152
San Antonio	Training	1,682
San Antonio	Communications study	4,152
San Antonio	Community relations	19,680
Wichita Falls	Systems management	28,000
Concho Valley Council of Governments	Training	2,000
Madison County	Equipment	442

Washington County	Equipment	165
Caldwell	Equipment	140
Robertson County	Equipment	76
	Total	\$399,634

<b>Criminal Justice System</b>		
Sam Houston State University	Educational program development	\$ 67,714
State Department of Public Safety	Data system	50,000
Houston	Communications	127,000
Coastal Bend Regional Planning Council	Personnel	9,900
San Angelo	Management	6,300
	Total	\$260,914

<b>Juvenile</b>		
Texas Youth Council	Information system	\$ 35,000
Concho Valley Council of Governments	Youth Service Bureau	19,485
Alamo Area Council of Governments	Juvenile delinquency prevention	7,399
Lubbock County	Survey of probation services	2,520
	Total	\$ 64,404

<b>Courts</b>		
Texas District and County Attorneys	Training for prosecutors	\$ 6,500
Travis County	Adult probation project	35,000
	Total	\$ 41,500

<b>Corrections</b>		
Texas Department of Corrections	Management training	\$ 8,327

The state assumed responsibility for the following action programs: a state and regional information system, a state and regional communications system, and state and regional programs for the education and training of law-enforcement personnel. In addition, the state committed \$250,000 to the Texas Research Institute for Mental Sciences for a two-year program on research and treatment of drug addicts with methadone, and worked with The Institute for Contemporary Corrections and Behavioral Sciences, a previously created state entity.

## Members of Criminal Justice Council

Preston Smith, Governor (Chairman)  
 Maj. Gen. Ross Ayers, State Adjutant General  
 Roy Barrera, Attorney (former Secretary of State)  
 Wallace D. Beasley, Executive Director, State Commission on Law Enforcement Officer Standards and Education  
 George J. Beto, Director, State Department of Corrections  
 Frank Dyson, Chief of Police, City of Dallas  
 Art Flores, Mayor, City of Eagle Pass  
 Fidencio Guerra, Judge, 139th District Court, Presiding Judge, Fifth Administrative Judicial District  
 Dr. Edward A. Guinn, Councilman, City of Fort Worth  
 W. B. "Bill" Hauck, Sheriff, Bexar County  
 Noah Kennedy, Judge, Neuces County  
 John Kinross-Wright, Commissioner, State Department of Corrections  
 Crawford C. Martin, State Attorney General  
 J. C. "Pepe" Martin Jr., Mayor, City of Laredo  
 Truman Roberts, Judge, 52nd Judicial District  
 Wilson E. Speir, Director, State Department of Public Safety  
 Arleigh B. Templeton, President, Sam Houston State College  
 O'Brien Thompson, Former Commissioner, City of Amarillo, Past President, Texas Municipal League  
 James A. Turman, Executive Director, State Youth Council  
 Carol Vance, District Attorney, Harris County

NATIONAL CONGRESS OF AMERICAN INDIANS,  
Washington, D.C., August 20, 1970.

Senator JOHN L. McCLELLAN,  
*Criminal Laws and Procedures Subcommittee,*  
*New Senate Office Building, Washington, D.C.*

DEAR SENATOR McCLELLAN: Enclosed is my testimony on Senate Bill 1229, we are hopeful it can be included in the records.

Very truly yours,

BRUCE WILKIE,  
*Executive Director.*

STATEMENT BY BRUCE A. WILKIE, ESQ., FOR THE NATIONAL CONGRESS OF  
AMERICAN INDIANS

My name is Bruce A. Wilkie and I am Executive Director of the National Congress of American Indians; the only national organization of Indian tribes, consisting of 185 member tribes.

N.C.A.I. strongly supports the enactment of S. 1229, a bill that would make a fair share of federal law enforcement assistance funds directly available to Indian tribes under the Safe Streets Act.

Under present law most financial assistance to local communities under the Safe Street Act is channeled through the States. While Congress expressly provided that Indian tribes were to receive a fair share of available Safe Streets Act funds, if they performed law enforcement functions, the result has been that Indian tribes have been almost completely excluded from the Safe Streets assistance made available to the States by block grants. Although Indian reservations have the most serious crime problem in rural America with a juvenile delinquency rate which is five times the national rural average, State agencies have typically proceeded to prepare law enforcement plans financed by Safe Streets funds without including Indian tribal governments in the planning process or even consulting with tribal officials. This was to be expected in view of the fact that, historically, State governments have regarded the exercise of tribal criminal jurisdiction with outright hostility or indifference.

The South Dakota plan, for example, which has now been approved by the Justice Department, reads as if there were no Indian reservations in South Dakota, although Indians comprise more than five percent of the State's population and were counted in computing the \$810,000 Safe Streets allocation which South Dakota received in Fiscal Year 1970. When one South Dakota tribe applied for State help to finance its own law enforcement plan, it was turned down with the comment that the State lacks criminal jurisdiction over the reservation.

Some States have furnished token assistance to their tribes from Safe Street money. In New Mexico, for example, we understand that the Safe Streets program has so far meant one squad car for one tribe.

If S. 1229 had been the law in Fiscal Year 1970, so that Indian reservations would have been treated as a State for block grant purposes, an Indian allocation of approximately \$550,000 would have been available for direct Federal grants to tribes.

In view of the strong federal interest in proper tribal law enforcement, and the fact that problems of law enforcement on Indian reservations are rooted in the poverty which has resulted from the disastrous Indian policies of federal government over the course of history, even this amount would not be a fair share for Indian tribes.

In summary, Safe Streets Act assistance to Indian tribes under the existing law is a sham. It is unreasonable to expect that States which lack criminal jurisdiction on Indian reservations will ever share their Safe Streets funds fairly with Indian tribal governments. Many past administrations have promised to respect the tribal Indian's right to govern himself, as this Administration has just done. But, again and again, nuts and bolts legislation has failed to follow after broad brush promises.

In this instance the Congress has a chance to show that it really means that Indian tribes shall have a fair share of the law enforcement assistance which the Safe Streets Act makes available to American communities generally. It has a chance to make a constructive contribution to the viability of Indian tribal government.

Tribal Indians don't want a high crime rate on their reservations. They want law and order. Passage of S. 1229 will help tribes to achieve that goal.