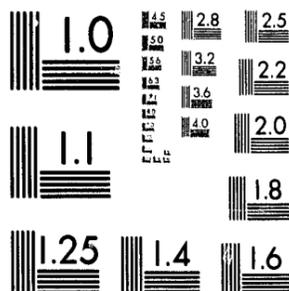


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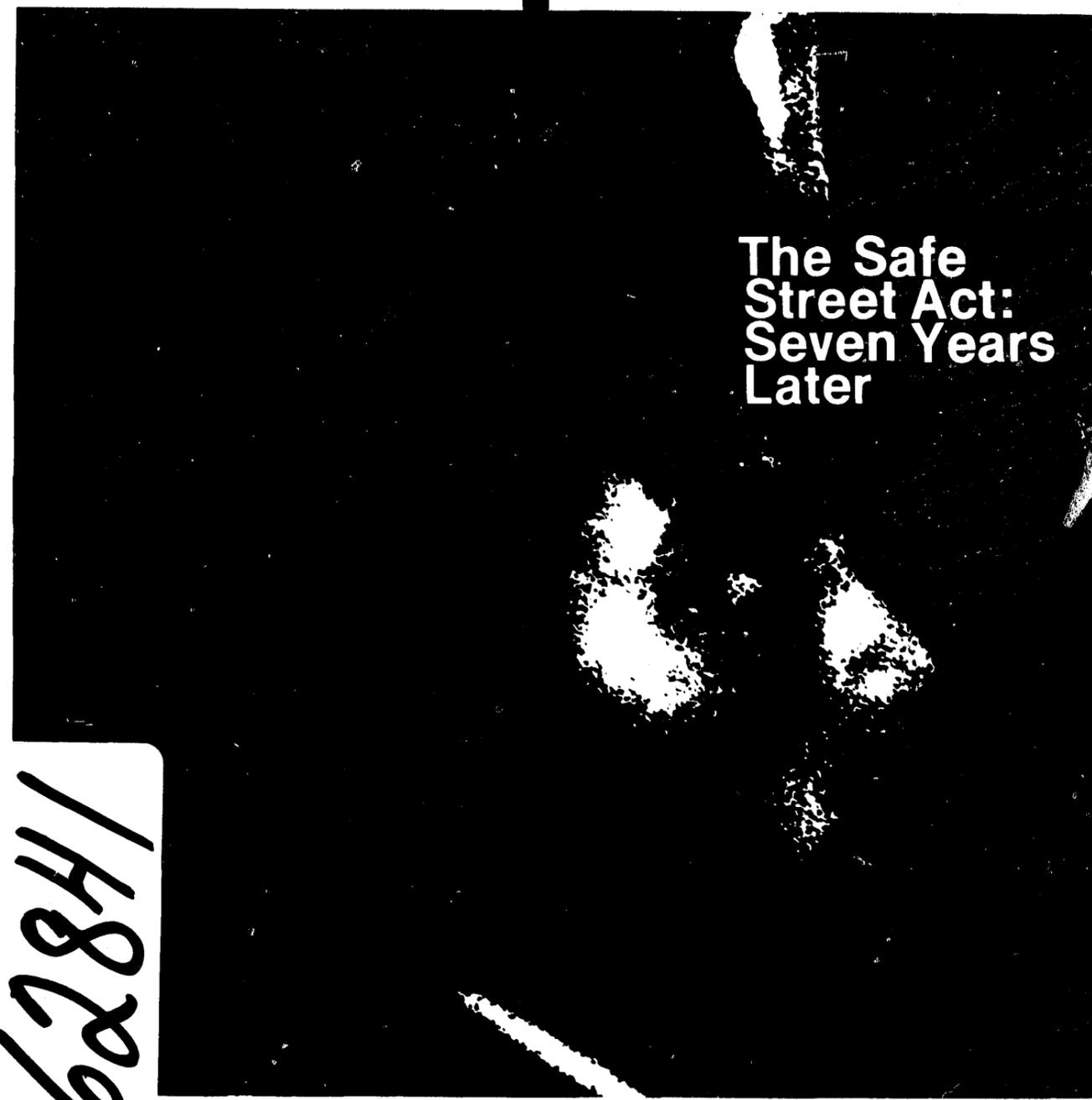
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Intergovernmental PERSPECTIVE

The Safe Street Act: Seven Years Later

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The Safe Streets Act: Seven Years Later

By Carl W. Stenberg

The Omnibus Crime Control and Safe Streets Act of 1968 was a bold experiment in intergovernmental relations.

Conceived in the wake of political assassinations, urban civil disorders, and campus unrest, the Act was the Federal government's first comprehensive grant-in-aid program to assist states and localities in reducing crime and improving the administration of justice.

Moreover, it embodied a new form of Federal assistance—the block grant. Instead of the traditional categorical program, which tends to focus on specific areas of national priority, reduce the flexibility of recipients, increase the influence of Federal administrators, and require compliance with numerous conditions, the Congress opted for a functionally broader and administratively more decentralized approach to the crime problem.

The Safe Streets Act authorized substantial amounts of Federal aid for a wide range of law enforcement and criminal justice activities. It gave the states significant discretion in identifying problems, designing programs, and allocating resources, while encouraging local government participation in decision-making, and it attached relatively few "strings" to the receipt of Federal funds.

How the Safe Streets Act Works

Since 1968, the Safe Streets Act has provided approximately \$4 billion to state and local agencies. The Fiscal Year 1976 funding level is nearly \$810.7 million. Yet these monies account for about 5 percent of total direct state and local expenditures for criminal justice purposes.

At the national level, administration of the Act is the responsibility of the Law Enforcement Assistance Administration (LEAA) of the U.S. Department of Justice. At the state level, the Act is administered by a state planning agency (SPA) which prepares annual comprehensive plans specifying law enforcement and criminal justice needs and problems and ways to deal with them. The state plan is submitted to LEAA for approval and subsequent release of block grant awards. The SPA then makes subgrants to state agencies and local units to implement the projects contained in the plan.

Eighty-five percent of the appropriations each year for "action" programs (Part C) are distributed to the states as block grants in amounts based on population. Fifteen percent go into a discretionary fund used by LEAA's Administrator to support various research, demonstration, and national emphasis projects. Not less than 20 percent of the annual Part C appropriation is earmarked for correctional institutions and facilities (Part E). Half of these monies are awarded to the states as block grants, while the rest are discretionary funds.

According to the law, the proportion of Part C appropriations passed-through to a state's local governments is based on the local share of total state-local criminal justice outlays during the preceding fiscal year. Once this amount has been determined, SPAs decide how much should be awarded to individual jurisdictions and the purposes for which the funds should be used. These decisions are made by a supervisory board composed of representatives of law enforcement and criminal justice agencies, local elected officials, and the general public.

The Federal match for action programs is 90 percent except for construction projects which call for a 50 percent match. States must appropriate funds to cover half of the local matching share (called "buy in").

States must provide local governments with at least 40 percent of the funds available under Part B of the Act for planning. The remainder is used for SPA operations and staff salaries. In 43 states, Part B funds go to regional planning units (RPUs) which plan for and coordinate multijurisdictional crime reduction efforts and provide technical assistance to constituent localities. In addition, major cities and counties receive planning monies to develop comprehensive plans and coordinate local Safe Streets-supported activities.

The Commission's Study

The Advisory Commission on Intergovernmental Relations first looked at this program in 1970 in a report entitled *Making the Safe Streets Act Work: An Intergovernmental Challenge*. At that time, ACIR found that although there were some gaps in the states' response to the needs of high crime areas, the block grant was "a significant device for achieving greater cooperation and coordination of criminal justice efforts between the states and their political subdivisions." The Commission recommended that the Congress retain the block grant approach and that the states make further efforts to target funds and improve their operations.

Five years later, ACIR staff re-examined the Safe Streets Act as part of a comprehensive study of intergovernmental planning, policy and program development, and management under Federal block and categorical grants. The seven-year Safe Streets record can provide valuable lessons in any future consideration of block grant proposals or assessments of existing programs that rely on this approach.

Over an eight-month period, Commission staff employed a variety of methods to obtain as complete and accurate information as possible. Primary data sources were national surveys of all SPAs, RPUs, and local governments over 10,000 population; LEAA's Grant Management Information System; and first-hand observations of Safe Streets operations in ten states. This research effort led to the following findings and conclusions, on which the Commission based its recommendations for Federal and state action.

The Safe Streets Record

After seven years, the Safe Streets program appears to be neither as bad as its critics contend, nor as good as its supporters state. While a mixed record has been registered on a state-to-state basis, on the whole, the results are positive. This is not to say, however, that changes are unnecessary. In brief, the ledger reads as follows.

On the positive side:

Elected chief executive and legislative officials, criminal justice professionals, and the general public have gained greater appreciation of the complexity of the crime problem and of the needs of the different components of the criminal justice system.

During the early implementation of the Safe Streets Act, law enforcement-related activities commanded the bulk of the attention and money. As the program matured, a more comprehensive and insightful orientation emerged. It is generally understood that crime is a complex societal problem which cannot be solved only by investing substantial amounts of funds in improving the processing of offenders. It is also recognized that the efficiency with which offenders are apprehended and processed and the effectiveness with which they are rehabilitated are vital to enhancing respect for the law and possibly deterring criminal behavior. Much of this "consciousness-raising" was the result of the intergovernmental and multi-functional framework established by the block grant and is a necessary precondition to building an effective criminal justice system.

A process has been established for coordination of efforts to reduce crime and improve the administration of justice.

The Safe Streets Act has provided an incentive for elected officials, criminal justice professionals, and the general public to work together in attempting to reduce crime. Representation of these groups on SPA and RPU supervisory boards has been the chief vehicle for achieving greater cooperation in the day-to-day operations of criminal justice agencies and encouraging more joint undertakings across functional and jurisdictional lines. The varied representation on these decision-making bodies has helped make activities supported with Safe Streets dollars more responsive to community needs and priorities. In addition, these programs have been more realistic in light of state and local fiscal capacities, and closer linked with non-Federally funded crime reduction activities than otherwise might have been the case. While the goal of a well integrated and smoothly functioning criminal justice system has yet to be realized, a solid foundation has been established.

Safe Streets funds have supported many law enforcement and criminal justice activities that recipients otherwise would have been unable or unwilling to undertake.

Although early critics of the program claimed that too much money was spent on routine purposes, particularly in the law enforcement area, the available evidence indicates that most Safe Streets dollars have been used for new programs that would not have been launched without Federal aid. Re-

ardless of the degree of innovation involved, the program has established a mechanism for diffusing ideas and information about approaches to crime reduction and system improvement and has provided resources to enable states and localities to carry them out. Some states have discouraged routine activities by prohibiting the use of Safe Streets funds for equipment and construction. Others have attempted to maximize the reform potential of Federal assistance by setting certain eligibility standards for applicants, such as requiring police departments to meet the SPA's minimum standards for police services. Still others have given priority to multijurisdictional efforts, particularly in the areas of law enforcement communications, training, and construction.

A generally balanced pattern has evolved in the distribution of Safe Streets funds to jurisdictions having serious crime problems as well as among the functional components of the criminal justice system.

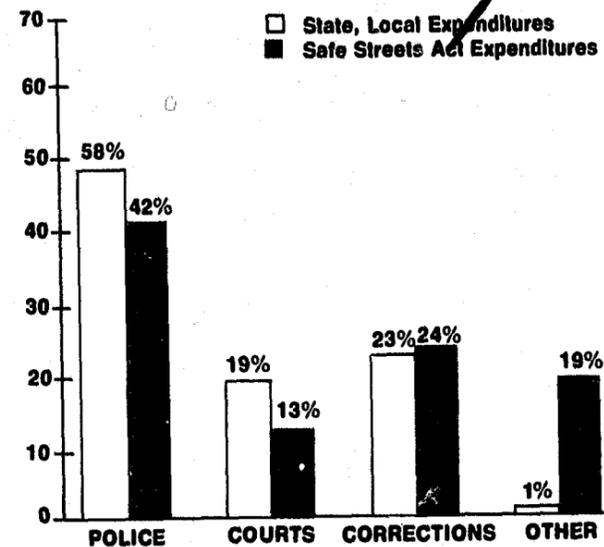
A persistent complaint since the program's inception has been that not enough money goes to jurisdictions with the greatest needs and that too much goes to police departments. An analysis of LEAA's Grant Management Information System data, however, reveals that since 1969 the ten most heavily populated states have received over half of the Part C allocations, compared with a less than three percent share for the ten least populous states. Collectively, large cities and counties (over 100,000 population) experiencing serious crime problems have received a proportion of Safe Streets action funds in excess of their percentage of population and slightly below their percentage of crime.

With respect to the functional distribution, although there are wide interstate differences, overall, the police proportion has declined and stabilized from two-thirds in Fiscal Year 1969 to approximately two-fifths by Fiscal Year 1975. Funding for corrections and courts also appears to have leveled off, with the former now accounting for about 23 percent of the funds and the latter 16 percent. By way of comparison, in Fiscal Year 1973, of the total State-local direct outlays for criminal justice purposes, 58 percent were for police, 23 percent for corrections, and 19 percent for courts.

State and local governments have assumed the costs of a substantial number of Safe Streets-initiated activities.

A key barometer of the impact and importance of Safe Streets-supported activities is the extent to which they have been "institutionalized" and their costs assumed by state agencies and local governments. It appears that once Federal funding ends, a rather high percentage of programs or projects continue to operate with state or local support. While responses to ACIR's questionnaires indicated considerable variance among individual states and lo-

Criminal Justice Expenditures for Fiscal Year 1973* by Funding Source



*Fiscal Year 1973 figures are the most recent available and are highly representative since there has been only a slight deviation in total percentages over the past five years.

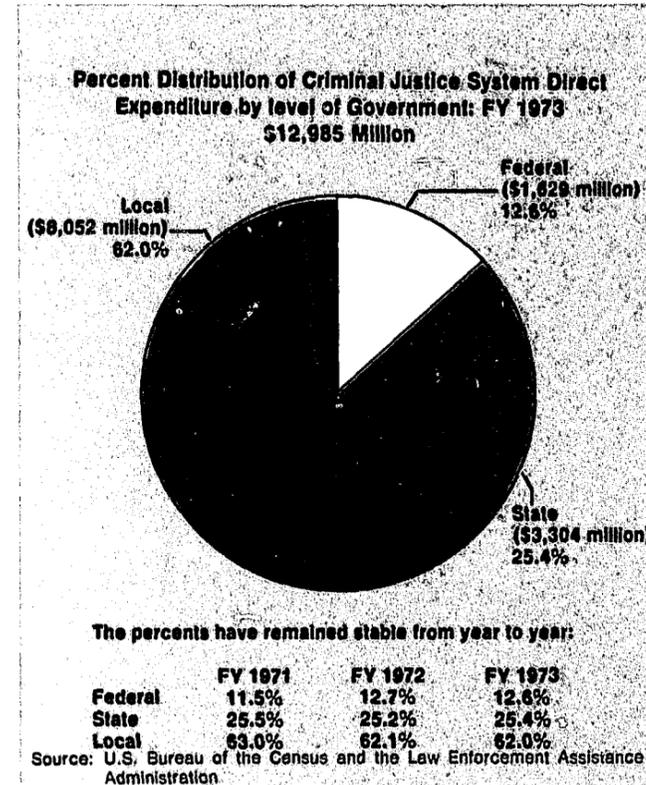
Source: Expenditures and Employment Data for the Criminal Justice System, FY 1972-73; published by the U.S. Bureau of the Census and the Law Enforcement Assistance Administration; LEAA Grant Management Information System.

calities, the mean estimate made by SPAs for the percentage of projects assumed by state and local governments was 64 percent. Estimates by city and county officials were even higher.

Many elected chief executives and legislators as well as criminal justice officials believe that the Federal Government's role in providing financial assistance through the block grant is appropriate and necessary, and that the availability of Safe Streets dollars, to some degree, has helped curb crime.

Despite rising crime rates, many state and local officials believe that the Safe Streets program has had a positive impact. In part, this can be attributed to the amount of discretion and flexibility inherent in the block grant, which has helped make Federal funds more responsive to recipient needs and priorities. In some jurisdictions, Safe Streets has been a source of "seed money" for crime reduction activities that they otherwise would not have undertaken. In others, particularly rural states and smaller localities, block grant support has been used to upgrade the operations of police departments, the courts, and corrections agencies.

These officials also feel that actual crime rates would have been somewhat higher without the program. Fifty-four percent of the SPAs reported that Safe Streets funds had achieved great or moderate



success in reducing or slowing the growth in the rate of crime, while approximately half of 774 cities and 424 counties surveyed indicated that their crime rates would have been substantially or moderately greater without Federal aid.

On the negative side:

Despite growing recognition that crime needs to be dealt with by a functionally and jurisdictionally integrated criminal justice system, the Safe Streets program has been unable to develop strong ties among its component parts.

The impact of the Safe Streets Act on developing a genuine criminal justice system has been limited, due largely to the historically fragmented relationships between the police, judicial, and correctional functions, traditions of state-local conflict, and the relatively limited amounts of Federal funds involved. While elected and criminal justice officials appear to be willing to meet together, discuss common problems, identify ways of addressing them, and coordinate their activities, when the issue of "who gets how much?" is raised, the Safe Streets alliance often breaks down. Those who are best organized and most skilled in the art of grantsmanship have tended to prevail at the state level, while others have appealed to Congress for help.

Congress has responded by categorizing the Act and earmarking funds in three major areas;

□ In 1971, Part E was added to the Act, creating a new source of aid specifically earmarked for correctional purposes. In order to receive assistance under this part, states have to maintain their level of correctional funding in Part C grants.

□ Also in 1971, big city spokesmen succeeded in getting two other amendments to the Act. Local units of general government, or combinations of such units with a population of 250,000 or more were deemed eligible to receive action funds to establish local criminal justice coordinating councils. Language was added to the planning grant provisions assuring that major cities and counties within a state would receive funds to develop comprehensive plans and to coordinate action programs at the local level. Furthermore, language was added to the effect that states had to indicate in their plans that adequate assistance was being provided to areas of "high crime incidence and high law enforcement activity."

□ In 1974, a new statute, the Juvenile Justice and Delinquency Prevention Act, required that action funding for juvenile delinquency programs be maintained at the Fiscal Year 1972 level.

These steps were taken by Congress to increase accountability and achieve greater certainty that grantees would use monies in specific ways. Although as yet there have not been many major adverse effects on state administration, the amendments have converted Safe Streets into a "hybrid" block grant and have raised questions about the extent of discretion actually accorded to states and localities.

Only a handful of SPAs have developed close working relationships with the governor and legislature in Safe Streets planning, policy formulation, budget-making, and program implementation, or have become an integral part of the state-local criminal justice system.

The Safe Streets Act is generally perceived as a "governor's program," since the state's chief executive sets up the SPA by executive order (35 states), appoints all or most of the members of the supervisory board (and in five states serves as chairman), directs other state agencies to cooperate with the SPA, and often designates regional planning units. Most SPAs report that the governor displays an interest in Safe Streets but does not play an active role in the program. Typically, the governor's influence is exercised indirectly through his selection of supervisory board members and appointment of the SPA executive director.

The legislative role in the program is more removed. Although the legislature appropriates matching and "buy-in" funds, makes decisions about assuming the costs of projects, and in 20 states creates the SPA, its awareness of and substantive participation in Safe Streets planning and policy matters has been quite limited. This lack of involvement makes it difficult to mesh Safe Streets funds with other

Federal Action

The Commission urges the Congress to assure the integrity of the block grant approach by minimizing categorization in the Omnibus Crime Control and Safe Streets Act. Specifically, the Commission believes the Congress should:

- Refrain from establishing additional categories of planning and action grant assistance to particular functional components of the criminal justice system and remove two current such components (dealing with juvenile delinquency and corrections), allocating appropriations thereunder to Part C block grants;
- Refrain from establishing a separate program of assistance to major cities and urban counties;
- Authorize major cities and urban counties, or combinations thereof, designated by the state planning agency, to submit to the SPA a plan for utilizing Safe Streets funds during the next fiscal year. Upon approval from that agency, the local units would receive a "mini-block grant award" with no further SPA action on specific project applications required;
- Remove the statutory ceiling on grants for personnel compensation.

In addition, the Commission calls on the Law Enforcement Assistance Administration to develop meaningful standards and performance criteria against which to determine the extent of comprehensiveness of state criminal justice planning and funding, and to more effectively monitor and evaluate state performance.

state criminal justice outlays, and to exercise effective legislative oversight.

SPAs have devoted the vast majority of their efforts to distributing Safe Streets funds and complying with LEAA procedural requirements.

One effect of limited gubernatorial and legislative participation in the program has been the restriction of SPAs to Safe Streets-related activities, even though the block grant instrument is designed to address criminal justice in a system-wide context. With few exceptions, SPAs have not been authorized to collect data from other state criminal justice agencies, to prepare comprehensive plans responsive to the overall needs and priorities of the entire criminal justice system, or to review and comment on the appropriations requests of other state criminal justice agencies. As a result, the quality of SPA plans varies widely, as does the extent of implementation. Lacking a genuine frame of reference, Safe Streets planning has been largely directed to the allocation of Federal dollars to particular projects. Because the planning and funding processes tend to be closely linked, many local officials complain that the program has become too immersed in red tape, and SPA officials often contend that too much staff time is devoted to grant administration.

LEAA has not established meaningful standards or criteria against which to determine and enforce state plan comprehensiveness and SPA effectiveness.

Two common complaints of state and some local officials are that LEAA has not developed adequate performance standards for evaluating the quality of state plans and implementation efforts, and that it has been spotty in enforcing special conditions attached to the state plan and other requirements. In addition, many SPAs claim that LEAA planning guidelines are oriented more to financial management and control than planning. Until recently, they assert, LEAA has been primarily interested in ensuring that all comprehensive plan components specified in the Act are incorporated, that action funds are put into appropriate functional categories, and that various fiscal and procedural requirements are met. While these are important considerations, LEAA has been less concerned with developing operational criteria for making qualitative determinations about plans and implementation strategies. Lacking such standards, effective evaluation of SPA performance is difficult.

LEAA's relationship with the SPAs has changed over the years largely in accordance with the program priorities of different Administrators and their views on the amount of Federal level supervision and guidance necessary to ensure achievement of the Act's objectives. The relationship also has been affected by Congressional oversight activities. In gen-

eral, SPAs would like to see more positive leadership exerted by LEAA in setting national standards, assessing state performance, and communicating the results of successful programs.

Excessive turnover in the top management level of LEAA and the SPAs has resulted in policy inconsistencies, professional staff instability, and confusion as to program goals.

Turnover of top management has been a fact of life in the Safe Streets program. There have been four Attorneys General and five LEAA Administrators in seven years. The SPAs also have experienced high turnover. New directors were appointed in 26 states from October 1974 through December 1975. The median number of directors SPAs have had since 1969 is three, with a range of one to 15. Assuming that the attrition rates at the Federal and state levels will continue to be high, the need for standards dealing with plan comprehensiveness, funding balance, monitoring evaluation, and other key aspects of block grant administration seem critical. Otherwise, the problems of inconsistency and uncertainty will persist.

Future Directions

The block grant approach taken in the Safe Streets Act has helped reduce crime and improve the administration of justice in three ways:

- Stimulation of new activity that otherwise would not or could not have been undertaken by recipients;
- System building through setting in motion a process for planning and decision-making that would produce greater understanding and better coordination among the functional components of the criminal justice system, non-criminal justice officials, and the general public; and
- System support by providing funds to upgrade the operations of law enforcement and criminal justice agencies at the state and local levels.

Much has been accomplished after seven years. Yet, in the Commission's judgment, much more can be done to strike a better balance between achieving national crime reduction and criminal justice system improvement objectives and maximizing the flexibility and discretion of state and local governments.

With this in mind, at its November 1975 meeting the ACIR adopted a series of recommendations for Federal and state action, which are outlined in accompanying Federal and State Action sections. The basic thrust of these recommendations is to decategorize the block grant and to increase the authority and capacity of LEAA and SPAs to implement the Act.

Carl W. Stenberg, Senior Analyst at the Advisory Commission on Intergovernmental Relations, is project manager of the forthcoming ACIR report on the Safe Streets Act, one part of the broad study called The Intergovernmental Grant System: Policies, Processes and Alternatives.

State Action

The state role in the success of the Safe Streets program is a key one and involves cooperation and commitment of the governor, legislature, and state planning agency.

The Governor. The Commission urges all governors to authorize their state planning agency to:

- collect relevant data from other state agencies;
- engage in system-wide comprehensive criminal justice planning and evaluation; and
- review and comment on the annual appropriations requests of state criminal justice agencies.

The Legislature. The Commission urges state legislatures to:

- give statutory recognition to the state planning agency;
- review and approve state agency portion of the states' comprehensive criminal justice plan;
- include Safe Streets-supported program in the annual appropriations requests considered by legislative fiscal committees; and
- encourage the appropriate functional legislative committees to conduct periodic oversight hearings on SPA activities.

The State Planning Agency. In lieu of an annual comprehensive plan, SPAs should prepare five year comprehensive plans and submit annual statements describing implementation of that plan to LEAA for review and approval.

END