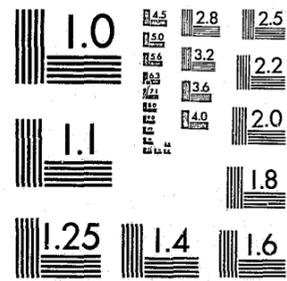


National Criminal Justice Reference Service



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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

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Department of Justice

STATEMENT

OF

STANLEY E. MORRIS
ASSOCIATE DEPUTY ATTORNEY GENERAL

BEFORE

THE

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON JUVENILE JUSTICE
UNITED STATES SENATE

CONCERNING
JUSTICE ASSISTANCE ACT

ON
APRIL 14, 1983

Review

U.S. Department of Justice
National Institute of Justice

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Mr. Chairman, I am pleased to present the views of the Department of Justice concerning S.53 and the proposed reauthorization of the Justice System Improvement Act.

As you know, the current programs authorized by the JSIA, including the criminal justice research and statistics programs, will expire on September 30th. Consequently, we share the Subcommittee's sense of urgency and commitment to the enactment of reauthorizing legislation. We also share your interest in designing a new Federal effort to assist state and local criminal justice agencies in their battle against violent crime and the criminal element responsible for a major portion of the serious crimes in our Nation.

Before I discuss the pending proposals for the future of the JSIA, agencies, the Subcommittee may be interested in a brief review of the recent and current activities of the Bureau of Justice Statistics and the National Institute of Justice.

Bureau of Justice Statistics

The Bureau of Justice Statistics has become the national repository of criminal justice information, either by initiating new statistical series or by assuming responsibility for on-going data programs from other Federal agencies. Perhaps the best known BJS data program is the National Crime Survey, which provides victimization data on the extent and severity of crime

in America and which is the third largest survey sponsored by the Federal Government.

In creating the Bureau of Justice Statistics, the Congress directed that attention be given to the problems of state and local justice systems. In addition to the scope and coverage of the national statistics, BJS meets this responsibility through cooperative agreement programs with state statistical analysis centers and uniform crime reporting agencies. The Bureau now supports a state statistical capability in over forty states which provides information services and policy recommendations on criminal justice matters to the Governors and legislatures of these jurisdictions. In addition, the Bureau assists the operation of uniform crime reporting programs, also in over forty states, in order to facilitate the submission and improve the quality of arrest and clearance data submitted to the Federal Bureau of Investigation by local police agencies.

After over a decade of developing criminal justice data bases, the Bureau is now placing its primary emphasis on the analysis, publication, and wide dissemination of the data. The Bureau now produces topical Bulletins and Reports to provide brief, concise, and non-technical interpretations of the key data bases; such publications include Households Touched by Crime, Characteristics of the Parole Population, Sourcebook of Criminal Justice Statistics, Crime and the Elderly, and Violent Crime by Strangers.

In perhaps its two most important efforts, the Bureau is now supporting and directing evaluations of the Uniform Crime Reports program of the Federal Bureau of Investigation and its own National Crime Survey of personal and household victimizations. Implementation of the findings and recommendations of these assessments in 1985-1986 will enhance this nation's two most important indicators of the extent and magnitude of crime behavior in American society.

National Institute of Justice

The National Institute of Justice is the research arm of the Department of Justice. It conducts research, development, evaluation and dissemination activities aimed at increasing knowledge about the causes and control of crime and improving the effectiveness of the criminal justice system. During the past year, the Institute has made fundamental changes in the way it sets its research agenda in order to better bridge the gap between theory and practice. These efforts will continue under the Administration's reauthorization proposal.

In the spring of 1982, the Department began a process to better sharpen and focus its research programs by convening under the auspices of the National Academy of Sciences a panel to recommend priorities for research and to suggest how research could be better managed. The report prepared by the panel was widely circulated to criminal justice practitioners.

The panel report and the practitioner responses were reviewed and the conclusion was drawn that a very wide gulf had developed that needed to be closed if research was going to fulfill its real potential to influence criminal justice policy and decisionmaking. Further meetings were held between the Board and Institute staff members at Atlanta and New Orleans. The Institute's research agenda for the next two years is now being prepared on the basis of this advice.

The Institute also has undertaken several other initiatives designed to enhance the impact of research resources. In January of this year, a \$1.8 million award was made to the Police Foundation to conduct an 18-month experiment in two cities designed to reduce the fear of crime in inner-city neighborhoods, preserve commercial vitality in these areas, and have an impact on the crime rate itself. Based in Houston and Newark, the project will involve citizens and police working together in formulating and implementing strategies to reduce the fear of crime and to test the premise that citizens can regain control of their streets and neighborhoods from the violent criminal.

Earlier, the results of the Institute's six-year study by the RAND Corporation on career criminals were released at the first Annual Repeat Offender Conference jointly sponsored by the Institute and the State of Maryland. This research corroborates earlier findings that a relatively few offenders commit a larger

amount of crime. The research provides evidence of the magnitude of crime committed by a relatively few violent predators. The study goes beyond existing knowledge in identifying some of the characteristics of these offenders that police, prosecutors, judges, and parole officials may ultimately be able to use to identify them and make more informed judgements about their disposition and treatment.

S. 829

Violent crime has been consistently shown to be a national problem of major proportions, both in the number of violent crimes committed annually and in the public perception of crime as a leading personal concern. The national news media have given unusual prominence to the problem of crime, heightening public awareness of its magnitude and sustaining the public's demand for effective action by government at all levels.

The burden of dealing with the so-called "fear crimes" falls mainly on state and local governments, which increased their expenditures for criminal justice by 146 percent during the 1970's. State and local governments account for 87 percent of the total expenditures for criminal justice, while the Federal Government accounts for 13 percent. Consequently, in periods of runaway inflation such as we experienced in the late 1970's and the difficult economic readjustment period of the early 1980's, the disparity between needs and available resources is magnified, particularly with regard to maintenance of the capacity for

effective law enforcement.

In recognition of these factors, the Administration agreed, following meetings with Chairman Thurmond and Senator Specter, as well as members of the House, to endorse the concept of a highly targetted program of financial assistance to state and local criminal justice, operating within a new streamlined and efficient organizational structure. We agreed with the Senate and House members not to return to the past by resurrecting the former LEAA program of across the board "criminal justice improvement". Instead, the Administration endorsed a new program which would incorporate the lessons learned from the LEAA experience and sharpen the focus of the Federal effort, so that the limited available resources can be brought to bear on a focused number of high-priority objectives. Those objectives can be summarized as violent crime, victim/witness assistance, repeat offenders, and crime prevention. They are the focus of Title VIII of S. 829, the Comprehensive Crime Control proposal submitted by the President.

As presently structured, the assistance program merited wide ranging criticism. It was too broadly targetted, providing funds for all aspects of the criminal justice system; bound in red tape generated by extensive, statutorily mandated administrative requirements; costly, because of both the complex funding formulas prescribed in the Act and the unrealistically ambitious objectives of the program; and cast in an inefficient and

ambiguous administrative structure.

The state and local financial assistance portion of the Act, the old LEAA program, has been phased out. No funds for that activity had been appropriated since FY 1980. The prior history of LEAA, however, provides us with some important lessons. It shows, for example, that after the expenditure of \$8 billion over 12 years, money alone was not the answer to the problem of crime. It demonstrated that a program whose priorities were unclear and constantly shifting resulted in scattershot funding with minimal payoff. And the history indicates that overly detailed statutory and regulatory specification produces mountains of red tape but little progress in the battle against crime.

On the positive side, we have learned that the concept of Federal seed money for carefully designed programs does work and can result in a high rate of cost assumption by state and local governments: that a small amount of Federal money can be an invaluable resource for innovation at the state and local levels.

The Administration proposal submitted to Congress on March 16th is designed to reflect an appreciation for these lessons and to embody the program concepts agreed upon last year in the discussions between members of the Senate, the House and representatives of the Administration. Moreover, evidence of the durability of the Administration's commitment can be found in the

FY 1984 budget proposal submitted to the Congress last month. The President's Budget requests \$90 million to carry out such a program. With funding, thus assured, together we can agree on authorizing legislation.

The Administration proposal would establish an Office of Justice Assistance (OJA), headed by an Assistant Attorney General. Within this Office would be three separate units - the Bureau of Justice Statistics (BJS), the National Institute of Justice (NIJ), and a new Bureau of Justice Programs (BJP) - each headed by a director appointed by the Attorney General. The directors would be responsible for the day-to-day management of their units and would have grantmaking authority, subject to the delegation, coordination, and policy direction of the Assistant Attorney General. LEAA and the Office of Justice Assistance, Research, and Statistics would be abolished.

Both the National Institute of Justice and the Bureau of Justice Statistics would continue to carry out justice research and statistical programs as authorized in the current statute. The Bureau of Justice Programs would administer the new technical and financial assistance program.

Advising the Assistant Attorney General would be a Justice Assistance Advisory Board appointed by the President. This board, replacing the two separate boards advising NIJ and BJS, would consider the full range of criminal justice issues and

policies, rather than the compartmentalized consideration of only research, statistical programs, or the financial assistance needs of the criminal justice community.

Under the Administration's proposal, the BJP would have the responsibility to provide technical assistance, training and funds to state and local criminal justice and nonprofit organizations. This assistance would be provided through a combination of block and discretionary grant funds.

Under the block grant provision, each State would receive an allocation based on its relative population with the requirement that a proportional share of the funds be passed-through to local governments. The Federal funds would be matched 50/50 and individual projects would be limited to no more than three years of Federal assistance. The use of these funds would be limited to specific types of activities based on program models with a demonstrated track record of success.

The discretionary funds would focus on technical assistance, training and multi-jurisdictional or national programs, all related to the same objectives specified for the block grant funds. In addition, discretionary funds may be used for demonstration programs to test the effectiveness of new ideas.

The Administration proposal strips away the complex and burdensome application submission and review processes required

under the current legislation. It retains only those administrative provisions necessary to exercise appropriate stewardship over public funds and to assure that the funds are being effectively used for the purposes identified in the proposal.

The Administration bill would also require a single, comprehensive annual report and it would establish an emergency assistance program to aid state or local jurisdictions confronted by unique law enforcement problems.

I hope, Mr. Chairman, that you recognize in my description of the Administration proposal the many similarities it bears to H.R. 3963, passed by both Houses of Congress late in the previous Session. There also are similarities to S. 53; but there are also important differences.

S. 53

There are four principal areas in which the Administration proposal differs from S. 53: organizational structure, program focus, the fund distribution procedure, and the administrative burden. We believe that S.53 could be streamlined and simplified in each of these respects.

Under S. 53, there would be established within the Department of Justice four separate, relatively independent units, each headed by Presidentially appointed directors. In the Department's view,

this top-heavy and fragmented administrative structure is inappropriate for a modest research, statistics and financial assistance program. Moreover, there is no effective mechanism established by the bill to provide coordination among these activities; no linkage between the products of research or statistical analysis and the program implementation function of the assistance unit.

It is the Department's firm belief that by establishing these activities within a single unit, headed by an Assistant Attorney General, the programs can achieve both a functional coherence and recognized status within the criminal justice community.

We envision, for example, that the Assistant Attorney General will be able to establish effective communications with the Law Enforcement Coordinating Councils (LECCs) established by the U.S. Attorneys throughout the nation at the direction of the Attorney General. These Councils, composed of Federal, State, and local law enforcement officials, can provide an invaluable service in helping to identify priorities for research and project implementation under the justice assistance program. With their front-line experience in the day-to-day battle against crime, LECCs are in a unique position to identify areas of need in state and local criminal justice and to spot those projects that either work or do not work.

As I noted previously, the Administration proposal would target

Federal resources on violent crime, repeat offenders, victim/witness assistance, and crime prevention. Unlike the former LEAA program which attempted to "improve the criminal justice systems" at the state and local levels, the Administration's approach is to focus on those specific areas where modest resources can have a significant impact. S. 53, however, includes among eligible activities the full range of justice issues, including programs relating to speedy trial, sentencing reform, coordination of justice system activities and white collar crime. While the Department recognizes these and other issues to be matters of concern, we believe the past experience with the LEAA program is ample evidence of the need for a narrow focus to the financial assistance program.

The Administration also supports the concept of block grants to the States as a means of allowing the states and localities to identify and set their own priorities from among the eligible project categories. This funding mechanism was contained in H.R. 3963 of the 97th Congress and is included both in the Administration proposal and in the bill currently pending in the House Judiciary Committee. S. 53, on the other hand, would establish two categorical grant programs - one called the National Priority Implementation and Replication Programs, and the second called the Discretionary Grants program. Both would be awarded by the Federal agency directly to the applicant, which could be a State or unit of local government, or a non-profit organization. The administration of such grants, involving

thousands of applicants annually, would require a Federal bureaucracy far in excess of the 128 employees currently authorized for the Office of Justice Assistance, Research and Statistics, and commensurate increases in the administrative costs. It should also be noted that S. 53 does not provide for the division of appropriated funds between the National Priority program and the Discretionary Grants program.

The Administration is also concerned by the provisions in S. 53 which would provide for two, three, and even four-year grants with varying match ratios. As proposed, the formula encourages 4-year applications while discouraging one or two-year projects, because the Federal share is greater in the first two years of a four-year project: 90% and 75% respectively. Not only would such a formula require intensive and expensive monitoring and accounting by the Federal agency, it raises the prospect of grantees cancelling a project after the second year of a four-year grant, benefiting from a 65% Federal /35% local share, while a two year grant would have required 50/50 match. It should also be noted that S. 53 does not appear to require that the applicant's share of the project be provided in cash. Thus, "soft" or "in kind" match may be authorized under the bill. Past experience indicates that permitting matching funds to be provided in forms other than cash can lead to creative bookkeeping and auditors' nightmares.

Finally, we believe that the red-tape burden at both the Federal

and the state/local levels can be significantly reduced. S. 53 retains the complex evaluation, hearing and appeal, and similar administrative provisions which are not warranted by a relatively small categorical program. Moreover, the bill requires four separate annual reports and would call for parallel and redundant support structures for each of the affected units - NIJ, BJS, OJA and the Office of Juvenile Justice and Delinquency Prevention. Each would be granted separate and distinct authorities and responsibilities for civil rights compliance, personnel, guideline and regulation development, privacy and security requirements, accounting and financial management, and other matters. The Department of Justice strongly believes that these responsibilities and functions should be consolidated, streamlined, and placed under authority of a single Presidential appointee at the level of an Assistant Attorney General.

Mr. Chairman, those are the principal significant differences in the approach to state and local assistance taken by S. 53 and the Administration proposal, S. 829. While we share with you a strong interest in establishing an effective program to bolster state and local efforts to fight crime, we are convinced that the mechanisms defined in the Administration proposal have the greatest potential for impact.

I will be pleased to respond to any questions you or other members of the Subcommittee may have.

END