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ADMINISTRATION OF JUSTICE FUNCTION

I. Basic Objectives

- A. Promote public safety and order.
 - 1. Strengthen criminal justice system.
 - 2. Attack narcotics trafficking.
 - 3. Establish controls over immigration.
- B. Improve quality of judiciary.
- C. Protect civil liberties and enhance equal opportunities for all Americans.

II. Major Achievements

A. Public Safety

- 1. Creation of Violent Crime Task Force which resulted in specific anti-crime legislative proposals and program.

Administration-sponsored crime package on verge of Senate passage. Package addresses (1) bail reform; (2) insanity defense; (3) criminal forfeiture; (4) sentencing reform; (5) protection of witnesses and victims; (6) enhanced penalties for drug trafficking.

- 2. Creation of Cabinet-level immigration task force which has formulated Administration's proposed immigration legislation.

Major portions of Administration's immigration bill likely to be adopted.

- 3. Formation of Vice President's South Florida Task Force has visibly reduced narcotics trafficking and crime.

Strengthened anti-narcotics enforcement through development of five-prong approach, repeal of Percy Amendment (thus permitting foreign aid for drug control), and exception to posse comitatus (thus permitting use of military intelligence for drug enforcement purposes).

B. Judiciary

1. Major effort to recruit for the federal bench candidates who believe in judicial restraint.

C. Civil Liberties

1. Protection of equal educational opportunity without forced busing.
2. Support for extension and vigorous enforcement of Voting Rights Act.

III. Key Issues

- A. Death penalty; exclusionary rule (7,8)
- B. Abortion (7,7)
- C. Equal Employment Opportunity (9,9)
 1. Policy
 2. Enforcement Structure
- D. Coordination of federal law enforcement efforts (7,7)
- E. Law enforcement assistance to state and local governments (8,5)

IV. Resources Review

Years	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>	<u>1985</u>
BA	4.34	4.34	4.52	4.58	4.53
Outlays	4.67	4.52	4.59	4.57	4.50
Tax Expen.	--	--	--	--	--

CABINET COUNCIL ON LEGAL POLICYI. Basic Objectives

- A. Seek more coherent and efficient enforcement of federal laws.
 - 1. Coordinate diverse agency enforcement efforts, especially re narcotics, immigration, crime, and civil rights.
 - 2. Minimize federal interference with state and local laws save where a compelling federal interest is involved.
 - 3. Coordinate litigation by federal agencies and departments.
 - 4. Direct antitrust policy against truly anti-competitive targets, i.e., horizontal as opposed to vertical arrangements.
- B. Restore public confidence in the criminal justice system.
 - 1. Refocus criminal procedure on guilt or innocence of the accused, away from an inquiry into the propriety of police behavior.
 - 2. Seek greater finality in judgments.
 - 3. Establish greater cooperation between federal and state/local enforcement officials.
 - 4. Reform sentencing procedures to ensure swifter, more likely punishment.
- C. Maximize protection for civil and constitutional rights -- especially laws banning discrimination on account of race, sex, or handicap, as well as school prayer and the right to life.

II. Major Achievements

- A. Administration's legislative program on crime sent to Congress. Key features: bail reform, sentencing reform, forfeiture and other increased penalties for narcotics trafficking, reform of insanity defense, victim/witness protection all incorporated into omnibus bill. Passage by Senate likely. Separate Administration bills still pending on habeas corpus, exclusionary rule, and death penalty.

- B. Administration's immigration reform proposals sent to Congress. Prospects for passage good
- C. Administration's anti-narcotics program established.
Key points: improved international cooperation, law enforcement, education/prevention, treatment, and research. Legislative successes include repeal of A.I.D. amendment which forbade foreign spraying of paraquat; amendment to posse comitatus statute, permitting increased military assistance to civilian law enforcement. Vice President's South Florida Task Force instrumental in reducing narcotics trafficking
- D. Working groups established to review civil rights policy in a number of critical areas: legal equity for women, equal employment opportunity, and adequacy of enforcement machinery
- E. Administration proposal for constitutional amendment permitting school prayer submitted to Congress

III. Key Issues

- A. Statement of principles on equal employment opportunity (9,9)
- B. Women: legal and social implications of women's increased participation in labor force (9,7)
- C. Deregulation of gun control/BATF reorganization (7,9)
- D. Law enforcement assistance to state and local government (8,5)
- E. Abortion policy (7,7)
- F. Coordination of federal law enforcement efforts (7,7)

JUSTICE DEPARTMENTI. Basic Objectives

- A. Enforce Federal laws, civil and criminal.
- B. Represent U.S. in civil suits.
- C. Operate correctional system.
- D. Operate immigration system.

II. Major Achievements

A. Law Enforcement (Criminal)

- 1. Creation of Violent Crime Task Force which resulted in specific anti-crime legislative proposals and program.
- 2. Administration-sponsored crime package on verge of Senate passage. Package addresses (1) bail reform; (2) insanity defense; (3) criminal forfeiture; (4) sentencing reform; (5) protection of witnesses and victims; (6) enhanced penalties for drug trafficking.
- 3. Formation of Vice President's South Florida Task Force has visibly reduced narcotics trafficking and crime.
- 4. Strengthened anti-narcotics enforcement through development of five-prong approach, repeal of Percy Amendment (thus permitting foreign aid for drug control), and exception to posse comitatus (thus permitting use of military intelligence for drug enforcement purposes).

B. Law Enforcement (Civil)

- 1. Protection of equal employment opportunity without quotas.
- 2. Protection of equal educational opportunity without forced busing.
- 3. Support for extension and vigorous enforcement of Voting Rights Act.

C. Correctional System

1. Established a Bureau of Prisons Clearinghouse which will locate surplus federal property that might be used as sites for state or local correctional facilities.

D. Immigration

1. Creation of Cabinet-level immigration task force which has formulated Administration's proposed immigration legislation.
2. Major portions of Administration's immigration bill likely to be adopted.

III. Key Issues

- A. Death penalty; exclusionary rule (7,8)
- B. Abortion (7,7)
- C. Equal Employment Opportunity (9,9)
 1. Policy
 2. Enforcement Structure.
- D. Coordination of federal law enforcement effort (7,7)
- E. Law enforcement assistance to state and local governments (8,5)

IV. Resources Review

Year	<u>1981</u>	<u>1982</u>	<u>1983</u>
BA	1.30	1.45	1.62
Outlays	1.34	1.44	1.61

2780

8/2/82
Miller

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LOK—HAND NITE—1

Calendar No. 00

97TH CONGRESS }
2d Session

SENATE

{ REPORT
No. 97-00

JUSTICE ASSISTANCE ACT OF 1982

REPORT

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

ON

S. 2411



JULY — (legislative day, ———), 1982,—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON: 1982

96-865 O

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[97th Congress]

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Calendar No. 00

97TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 97-000

JUSTICE ASSISTANCE ACT OF 1982

JULY — (legislative day, ———), 1982.—Ordered to be printed

Mr. ———, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany S. 2411]

I Purpose — The Committee on the Judiciary to which was referred the bill (S. 2411) to amend the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, having considered the same, report favorably thereon and recommend that the bill do pass.

A violent crime—murder, rape, robbery or aggravated assault—was reported in 1980 every 24 seconds. Over the last five years, violent crime reports have been rising on an average of 5 percent per year. Since a great deal of crime is never reported, even these startling statistics underestimate the true extent of the crime problem. A 5 percent rate for inflation would be a welcome change for most Americans, a 5 percent interest rate would bring cheers, but a 5 percent annual increase in violent crime is intolerable. Violent crime poses a threat to our very way of life.

In 1981, the Attorney General appointed a special Task Force on Violent Crime. Among the recommendations of the Task Force are many that may serve to aid local law enforcement efforts. Recommendation 53 urges the Attorney General to ensure that adequate federal resources are made available for research, development, demonstration and independent evaluation of methods to prevent or reduce serious crime and to ensure adequate resources for implementing programs of proven effectiveness at the state and local levels and recommendation 52 calls for the Attorney General to support new legislation to allow direct federal financial assistance to state and local governments that are suffering a disaster or emergency in criminal justice and for him to seek adequate funding for such assistance.

Most crime violates state and local statutes and represents matters for local concern. But while public safety is and must remain primarily the responsibility of local authorities, the Federal Government can and should assist state and local jurisdictions in a coordinated effort against crime at all levels.

The Justice Assistance Act of 1982, S. 2411, gives the Federal Government the opportunity to increase the Federal Government's contribution to the Nation's law enforcement efforts. It establishes a framework through which the Federal Government will be able to provide the seed money and technical assistance so desperately needed by local authorities to implement anticrime programs that have been proven effective.

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In addition, the Act provides special authority to aid state and local governments suffering criminal justice disasters or emergencies of overwhelming proportions. The Federal Government must have authority in place and resources at the ready so as not to lose precious time responding in compelling circumstances. The recent wave of child murders in Atlanta the drug, immigration and crime problems of South Florida are the types of problems that are simply beyond the resources of local and state government.

The Act also strengthens other recommendations of the Task Force that encouraged federal training and support programs to be provided to state and local law enforcement agents.

Finally, the Act will allow the Federal Government to fulfill what is unquestionably its strongest role in assisting local law enforcement by funding the development of new and innovative approaches to fighting crime and providing the research and statistical resources necessary to developing and testing such approaches.

II. HISTORY

In 1967, the President's Commission on Law Enforcement and Administration observed that "crime is a national, as well as a State and local phenomenon; it often does not respect geographical boundaries." The Commission called for the creation of a federal agency to support law enforcement and criminal justice efforts. In response, the Congress enacted the Omnibus Crime Control and Safe Street Act.

Federal financial assistance to aid state and local law enforcement efforts became available with passage of the Omnibus Crime Control and Safe Street Act of 1968. Signed by President Lyndon B. Johnson, the law created the Law Enforcement Assistance Administration (LEAA) and established the first block grant program. It also provided for categorical grants for national level programs, including research, technical assistance, training, statistics and demonstration activities. Over the next 12 years, LEAA appropriation went from an original 63 million to a high of 871 million in fiscal years 1974 and 1975. The Justice System Improvement Act of 1979 (JSIA) made a concentrated effort to alleviate much of the criticism attached to LEAA by the alleviation of much of the red tape delay, establishment of the National Institute of Justice and the Bureau of Justice Statistics as independent units and tried to correct much of the mismanagement and coordination issues by the establishment of a superbureaucracy, the Office of Justice Assistance, Research and Statistics (OJARS). Even though the JSIA of 1979 was signed into law, President Carter did not support any new funding. The JSIA received zero funding for criminal justice agencies in fiscal year 1981 and was slated to be phased out by mid-1982.

In late 1980, the Senate Subcommittee on Jurisprudence and Government Relations held two hearings on the Role of the Federal Government in State and local law enforcement. The hearings examined the success and failings of the LEAA experience as well as what is the appropriate role of the Federal Government in its attempts to help state and local jurisdictions combat crime.

In 1981 the House Judiciary, Subcommittee on Crime also examined the LEAA experience. This led to the introduction of H.R. 3359 by Congressman William Hughes. The Subcommittee also held five days of hearings on the specific provisions of the Hughes Bill. The Hughes Bill was passed by the House as H.R. 4481 and referred to the Senate for consideration.

In 1982 the Senate Judiciary, Subcommittee on Juvenile Justice held two hearings on the Role of the Federal Government in State and local law enforcement. S. 2411 was introduced in April by Senator Arlen Specter and referred to both the Juvenile Justice and the Criminal Law Subcommittees for consideration. This bill has an annual authorization of \$125 million. S. 2411 was introduced as the complimentary bill to H.R. 4481 and was polled favorably out of the Juvenile Justice Subcommittee on June 30 and the Criminal Law Subcommittee on July 19, 1982.

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The hearings before the Senate Subcommittee and the House Subcommittee on Crime produced unanimously the need for some type of Federal Criminal Justice Assistance. Support for assistance came from the National District Attorneys Association, the International Association of Chief of Police, the National Council of Juvenile and Family Court Judges, S. 2411 as introduced has been endorsed by the National Association of Counties, the Police Executive Research Forum, American Correctional Association, the American Bar Association, U.S. Conference of Mayors, and the National League of Cities. Other police organizations and officials offered constructive suggestions about how to improve the bill. These suggestions were eventually incorporated into the bill as amendments approved by both subcommittees. These groups include the National Criminal Justice Association, and the National Center for State Courts. S. 2411 as amended was introduced to the full Committee on _____ and the Committee voted to report it out favorably. The final vote for S. 2411 was as follows:

III. OUTLINE OF THE LEGISLATION

PART A—OFFICE OF JUSTICE ASSISTANCE

Section 101. This section abolishes the Law Enforcement Assistance Administration and establishes the Office of Justice Assistance under the general authority of the Attorney General. The OJA will be headed by a Director who is to be appointed by the President, by and with the advice and consent of the Senate. The Director is empowered to appoint Deputy Directors and other employees as are necessary to perform the functions of the OJA and he is to have final authority over all grants, agreements and contracts awarded by the OJA.

Section 102. This section defines the duties and functions of the Director of the OJA. Chief among these duties are to provide funds to eligible state and local governments to assist them in their law enforcement efforts; to collect and disseminate information on the condition of the criminal justice system; and to establish the priorities for programs by which federal financial and technical assistance is to be appropriated.

Section 103. This section establishes the Justice Assistance Board which shall consist of fifteen voting members appointed by the President and several representatives from the Bureau of Justice Statistics (BJS), the National Institute of Justice (NIJ), and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) who will serve as non-voting, ex officio members. The primary functions of this Board are to make recommendations to the Director of the OJA concerning funding priorities; to review the activities of the OJA; and to review and evaluate federal policies and priorities in criminal justice assistance.

PART B—NATIONAL INSTITUTE OF JUSTICE

Section 201. This section sets forth the purposes of the National Institute of Justice (which remains unaltered from the current NIJ).

Section 202. This section defines the duties and functions of NIJ. Chief among these are to provide financial and technical assistance for state and local governments, public agencies and institutions of higher education to conduct research, demonstration and special projects; to conduct or authorize research and development concerning the criminal justice systems directed at alternative and innovative programs; and to serve as a national clearinghouse for the exchange of information with respect to the activities of the NIJ.

This section further establishes the position of a Director of the NIJ who shall have final authority over the awarding of grants, contracts and agreements and of the administrative functions pursuant to the activities of the NIJ.

Section 203. This section provides that any grant made by the NIJ may be for up to 100 percent of the total cost of a project, but that the NIJ may require the recipient of a grant to contribute money, services or facilities whenever possible.

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Section 204. This section establishes the NIJ Advisory Board, which consists of fifteen voting members appointed by the President and several non-voting, ex officio members representing the OJA, the BJS, and the OJJDP. The primary responsibility of the NIJ Advisory Board is to recommend the policies and priorities of the NIJ.

PART C—BUREAU OF JUSTICE STATISTICS

Section 301. This section states the purpose of the BJS.

Section 302. This section establishes the BJS and defines its duties and functions. Primary among the functions of the BJS are to collect, analyze and disseminate data relevant to federal crime rates and the federal criminal justice system; and to provide financial and technical assistance to states, locals, private organizations involved in similar research and development projects. The BJS is to be headed by a Director who will have final authority over the grantmaking and administrative activities of the BJS.

Section 303. This section provides that any grant made by the BJS may be for up to 100 percent of the cost of a project, but that the BJS may require the recipient of grant to contribute money, services or facilities whenever possible.

Section 304. Establishes the BJS Advisory Board. This Board is to serve the same function for the BJS as the NIJ Advisory Board does for the NIJ. The structure of the BJS Advisory Board is the same as that of the NIJ Advisory Board.

Section 305. This section requires that data compiled by the BJS is to be used for research purposes only and that it is in no way to be used by law enforcement personnel against specific individuals.

PART D—NATIONAL PRIORITY IMPLEMENTATION AND REPLICATION PROGRAMS

Section 401. Defines the purpose of the National Priority Implementation Grants as a means of encouraging state and local governments and private non-profit groups to replicate programs of proven effectiveness in addressing national crime priorities.

Section 402. This section limits the federal share to no more than 50 percent of the total cost incurred by the grantee in implementing a program of proven success. The section establishes a scale for two, three, and four year grants whereby the federal government's 50 percent share of the program cost will be provided in steadily declining annual increments.

Section 403. This section limits the authority of the Director of the OJA in making grants under Part D to authorize funds for programs that he has certified as "proven successful" based on empirical evaluation standards established by the OJA. In addition, the section defines more than a dozen priority areas to be used by the Director of the OJA in issuing grants (at least until the newly created OJA creates their own priorities).

Section 404. This section requires that all applications for grants under part D include evidence of the applicants ability to share program costs by cash match and of the applicants commitment to continuing the program beyond the term of the grant. In addition, this section requires that 30 percent of the funds appropriated under part D be allocated to private non-profit and community based groups.

PART E—DISCRETIONARY GRANTS

Section 501. This section defines the purpose of the Discretionary grant program established by the bill. These grants, made at the discretion of the Director of the OJA, are to provide additional financial, technical, and training assistance for the replication of successful programs and to provide funds for untested programs that the Director deems are likely to be successful in improving criminal justice efforts.

Section 502. This section provides that 50 percent of the funds allocated under part E are to be used for replication projects. The other 50 percent are to be used to encourage and support the development of new programs. The grants made under this part may account for up to 100 percent of the total program costs incurred by the grantee.

Section 503. This section places responsibility for establishing and publishing funding priorities and selection criteria for grants under part E with the Director of the OJA.

Section 504. This section defines the application requirements for grants made under part E.

Section 505. This section empowers the OJA to define the criteria for awarding grants made under part E.

Section 506. This section limits the part E grants to a maximum of three years in length. The OJA may extend this period by as much as two years if an evaluation of the authorized program indicates that it has been successful in improving criminal justice efforts and if the recipient of the grant is willing to provide at least 50 percent of the total cost necessary to continue the program during those two years.

PART F—TRAINING AND MANPOWER DEVELOPMENT

Section 601. This section defines the purpose of part F to provide for and encourage training, manpower development and new personnel practices for the purpose of improving the criminal justice system.

Section 602. This section authorizes the OJA to establish and support for prosecuting attorneys.

Section 603. This section authorizes the OJA to offer technical and financial assistance to training programs for state and local law enforcement personnel. The grants made under this section may account for up to 100 percent of the total cost of a project, but may not exceed 80 percent of the operating budget of any funded agency or program.

Section 604. This section authorizes the Director of the FBI to provide technical assistance for the training of state and local criminal justice personnel, and to use FBI training facilities for such purposes.

Section 605. This section establishes the formula for grants which the OJA may make to students and institutions of higher education, pursuant to its authority to support criminal justice education programs. These grants may include loans to students planning careers in criminal justice fields, research grants to colleges and universities, and direct financial assistance to full time teachers of courses related to criminal justice.

PART G—ADMINISTRATIVE PROVISIONS

Section 701. This section establishes the position of an Assistant Attorney General for Justice Assistance whose sole responsibility is to provide staff and services support for the OJA, the BJS, the NIJ, and the OJJDP. The Assistant Attorney General has no grantmaking, policysetting, or management authority with respect to the activities of the OJA, the NIJ, and the BJS.

Section 702. This section authorizes the OJA, the BJS, the NIJ, and the OJJDP to establish rules and regulations as are necessary in performing their respective functions. The section further establishes the role of the OJA in conducting evaluations of the various agencies and in coordinating their activities.

Section 703. This section provides for compliance hearings prior to termination or reduction of a grant.

Section 704. This section establishes that the findings and conclusions of the OJA, the MBJS, the NIJ, and the OJJDP upon completion of the hearing process are final, subject only to appellate court review.

Section 705. This section establishes the appellate court review process by which an applicant dissatisfied with the final conclusions of the OJA, BJS, NIJ, or OJJDP may seek final recourse.

Section 706. This section provides for the delegation of authority by the OJA, NIJ, BJS, and OJJDP to its subordinate officers and employees.

Section 707. This section empowers the OJA, BJS, NIJ, and OJJDP to hold hearings and issue subpoenas as are necessary to fulfilling their functions.

Section 708. This section provides the OJA, the BJS, the NIJ, and the OJJDP with the authority to appoint hearing officers as are necessary to carry out their duties.

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Section 709. This section provides the NIJ, OJA, BJS, OJJDP with the authority to use services of other government agencies.

Section 710. Provides for consultation with other Federal, State, and Local agencies.

Section 711. Permits reimbursable arrangements and grants in accordance with the standards established in the Federal Grant and Cooperative Agreement Act.

Section 712. Provides OJA, BJS, NIJ, and OJJDP with authority to procure services of experts and consultants, and to appoint specific advisory committees to aid them in performing their duties.

Section 713. This section provides for a prohibition of federal control over state and local criminal justice activities.

Section 714. This section requires each of the Directors of the OJA, the BJS, the NIJ, and the OJJDP to submit an annual report to the President and the Congress.

Section 715. This section establishes certain recordkeeping requirements to be adhered to by all grant recipients as to such things as how the federal funds are used.

Section 716. This section establishes certain policies to be adhered to by government employees and grantees alike in order to insure that the information collected by the OJA, BJS, NIJ, and OJJDP not be released or used in violation of basic confidentiality rights of individuals.

Section 717. This section provides the OJA, BJS, NIJ, OJJDP with the authority to accept volunteer services.

Section 718. This section requires that all juvenile delinquency programs administered by the OJA conform to the standards established in the Juvenile Justice and Delinquency Prevention Act. This section further encourages the federal justice assistance bureaucracies to work together in developing and implementing programs in the juvenile justice field.

Section 719. This section prohibits the use of any funds granted under this title for the acquisition of land.

Section 720. This section prohibits the use of CIA services, personnel, or facilities in carrying out the functions of this act.

Section 721. This section provides for a liability waiver for states which do not have an adequate forum to enforce grant provisions imposing liability on Indian tribes.

Section 722. Provides a matching fund source for the District of Columbia.

Section 723. Sets limitations on the applicability of this title to Civil justice matters.

Section 724. Provides a reimbursement policy by which the OJA may recover from grantees, funds for unused equipment which was purchased was in connection with a program funded, in whole or in part, under this title.

Section 725. This section permits the Director of the OJA to bring civil action against a grantee who uses funds provided under this title for purposes other than was originally intended or that do not improve the authorized project's effectiveness.

PART H—DEFINITIONS

Section 801. This section provides definitions of terms used in this bill.

PART I—FUNDING

Section 901. This section establishes the funding structure of the bill.

PART J—CRIMINAL PENALTIES

Section 1001. This section provides a penalty for persons who misuse Federal funds provided under this title. The misuses at which this section is directed include embezzlement, fraud, and theft.

Section 1002. This section provides that applicants who falsify or conceal information to be provided on application materials in this title are subject to criminal prosecution under title 18, United States Code.

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Section 1003. This section provides that any program underwritten in part or in whole pursuant to the provisions of this title is subject to the provisions of section 371 of title 18, USC about conspiracy.

PART K—PUBLIC SAFETY OFFICERS' DEATH BENEFITS

Section 1101. This section provides for public safety officers' death benefits, thus coordinating them with payments for similar benefits under other Federal legislation.

Section 1102. This section defines situations in which no such death benefits shall be paid.

Section 1103. This section provides definitions of terms used in part K.

Section 1104. This section grants the OJA authority to establish any rules and regulations it deems necessary to carry out the provisions of part K.

PART L—TRANSITION

Section 1201. Provides for a transition period between the current Act and this legislation. Authority is provided to enable activities which have previously been approved to continue under the terms and conditions of existing grants and awards or legislation.

Section 1202. This section provides an explanation of who holds title to goods purchased with funds provided under this act.

PART M—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE APPLICATION

Section 1301. This section provides for the conditions which may lead to application for Emergency grants under part M of this act.

Section 1302. This section provides definitions of terms used in this part M.

Section 1304. This section requires that an annual report be made Congress regarding any Emergency grants allocated.

Section 1305. This section empowers the Director of the OJA to issue rules and regulations as are necessary to carry out the provisions of part M.

IV. SECTION-BY-SECTION ANALYSIS

PART A—OFFICE OF JUSTICE ASSISTANCE

Justice Assistance Improvement Act

Sections 101 and 102 of the ~~LEAA~~ *Justice Assistance Improvement Act* have been amended by the creation of the Office of Justice Assistance. Using the LEAA experience, it became clear to the Committee that there is indeed a limited but legitimate role for the Federal Government to play in support of federal financial assistance to states and localities in dealing with crime. Under this section, the Office of Justice Assistance has been created to provide resources to states and localities who, because of tight fiscal constraints and an increasingly diminishing dollar, will be restrained in their efforts to move forward in the identification, development and implementation of new approaches to reducing criminal activity and improving the Administration of Justice. The Committee believes that states and localities cannot alone bear the burden of controlling and preventing crime. It is the Committee's belief that the federal government has ~~a~~ *and* unique role in criminal justice matters by playing an active role in setting national priorities, supporting the strengthening of improvements and reforms in the criminal justice system, and by encouraging coordination among criminal justice components.

Sections 101 and 102 of Part A of the Justice Improvement Act sets forth the duties and functions of the Office. It is ~~the intention of Congress~~ *mandated* that the Office shall be headed by a Director appointed by and with the advice and consent of the Senate. Under the general authority of the Attorney General, the Director shall select for employment such employees as are necessary to perform the functions of the office. The Director shall also have final authority over other administrative functions as may be necessary to carry out the provisions as described in Parts D, E, F, G, and M of this Act.

[National Institute of Justice (NIJ),
Bureau of Justice Statistics
(BJS), Office of Justice Assistance
(OJA), and the Office of Juvenile
Justice and Delinquency Prevention
(OJJDP)].

LOK—HAND NITE—11

Section 103 describes the authority of OJA's Advisory Board. The provisions in this section will limit the Advisory Board to 15 members appointed by the President, two representatives each from the National Institute of Justice Advisory Board, the Bureau of Justice Statistics Advisory Board and the National Advisory Committee for the Office of Juvenile Justice and Delinquency Prevention are also included as nonvoting members as is the Directors/Administrators of each of these offices to insure essential program linkage and program consistency by coordinating the activities of the Institute with other offices described in this legislation.

The inclusion of the two coordinating members from the other Advisory Boards is designed to insure a measure of consistency among all other programs described in this Act (~~ALL BJS, OJA, and OJJDP~~). Under the JSIA, OJARS was designated to be the coordinator of programs. This proved to be ~~very~~ ^{unwieldy} cumbersome as this extra layer of red tape did not help to streamline the grant making efforts of the offices as originally envisioned by Congress.

The terms of appointment of Advisory Board members shall be fixed and staggered terms. The JSIA did stagger the terms to insure that ALL Boards (NIJ, BJS, OJA, and OJJDP) will have continuity from year to year. This is especially important for projects which will require several years to complete. The Justice Assistance Act provides that members, once appointed, will not be removed prior to the expiration of their term.

The Committee intends that the primary activities of the OJA Advisory Board be directed toward formulation, review and recommendation of program priorities for the office. The Committee does not intend that the OJA Advisory Board review individual grant awards or be involved in the selection of contractors or grantees.

Finally, this section authorizes to be appropriated up to \$500,000 per year for support of the OJA Advisory Board including compensation as set forth in the Justice Improvement Act, for board members, staff salaries, travel costs and various administrative expenses.

It is the intent of ~~Congress~~ that these funds should be used to enable the Director of OJA to employ staff and to procure such other services as are necessary to support the OJA Advisory Board and to maximize the Board's efficiency. Personnel and services supported with these funds will be under the direction of the Director of OJA. This will

The Committee

LOK—HAND NITE—12

During the 1970's several authoritative reports¹ on the Federal role

¹ E.g., "The Federal Role in Crime and Justice Research," 95th Congress 1st Session, (November 1977); National Academy of Sciences, "Understanding Crime, an Evaluation of the National Institute of Law Enforcement and Criminal Justice," (1977).

in criminal justice research stressed two primary themes—the need for a balanced program of basic and applied research and the importance of an independent research program. These objectives were explicitly adopted by Congress with the JSIA.² The amendments

² See Senate Report 96-142, 96th Congress, 1st Session, pp. 49-51 (1977).

to Section 202(b) are intended to emphasize this independence by ensuring that the Director's authority over the program includes necessary control over such administrative matters as personnel and budgeting. These are important to effective management of the program.

Section 202(c) (2) has been amended by adding:

(12) provide financial assistance to encourage replication, coordination and sharing among state and local criminal justice agencies, public and private non-profit organizations, regarding successful programs on projects and useful information resulting from multi-year and short term research and development authorized under paragraph (2).

It is the Committee's clear intent that a process be established which facilitates the utilization of research funding at both the state and local levels.

Section 204 has been strengthened to extend and clarify the authority of NIJ's Advisory Board. The provisions in this section will limit the Advisory Board to 15 members appointed by the President instead of 21 members appointed by the Attorney General. Two representatives each from the Bureau of Justice Statistics Advisory Board, the Advisory Board for the Office of Justice Assistance and the National Advisory Committee for the Office of Juvenile Justice and Delinquency Prevention are also included as non-voting members as is the Directors/Administrators of each of these offices to insure essential program linkage and program consistency by coordinating the activities of the Institute with other offices described in this legislation. The Committee intends that the primary activities of the NIJ Advisory Board be directed toward formulation, review and recommendation of program priorities for the Institute. The Committee does not intend that the NIJ Advisory Board review individual grant awards or be involved in the selection of contractors or grantees.

Finally, this section authorizes to be appropriated up to \$500,000 per year for support of the NIJ Advisory Board including compensation, as set forth in the Justice Improvement Act, for board members, staff salaries, travel costs and various administrative expenses. It is the intent of Congress that these funds should be used to enable the Director of NIJ to employ staff and to procure such other services as are necessary to support the NIJ Advisory Board and maximize the Board's efficiency. Personnel and services supported with these funds will be under the direction of the Director of NIJ. This will provide NIJ with greater flexibility in meeting the needs of its Advisory Board.

The Committee concluded that the research, statistical and action components of this legislation should be better coordinated and focused. There should be a basic strategy and linkage of research, program development, testing, demonstration, and evaluation.

PART C—BUREAU OF JUSTICE STATISTICS

Congress has been in agreement that the Federal Government has an important role to play in the collection and dissemination of statistical information about crime. The purpose of BJS is to create a centralized, independent agency within the Department of Justice and to support the development and operation of criminal justice information systems at the State and local level.

LOK—HAND NITE—13

Section 301 of Part C has been amended to read that among BJS's purposes is the provision of support for the operation of information on statistical systems at the Federal, state and local levels. The Committee recognizes that statistical collection and analysis, and support of the development, operation and coordination of state and local information systems and information policies are interdependent and that both statistical and information programs must be supported and coordinated at the federal level to ensure a coherent, effective and economic approach to criminal justice.

Section 5(c)(1) Section 304 has been amended to extend the authority of the BJS Advisory Board. The provisions in this section will limit the Advisory Board to 15 members appointed by the President instead of 21 members appointed by the Attorney General. Two representatives each from the National Institute of Justice Advisory Board, Advisory Board for the Office of Justice Assistance and the National Advisory Committee for the Office of Juvenile Justice and Delinquency Prevention are also included as non-voting members as is the Directors/Administrators of each of these offices to assure essential program linkage.

The legislation reflects Congressional awareness of the broad impact which criminal justice statistics and information can have on criminal justice operations. For this reason, the composition of the Board intentionally includes representatives of a wide-range of criminal justice related expertise. In order to best utilize this expertise, the Committee intends that the primary activities of the BJS Advisory Board be directed toward formulation, review and recommendation of program priorities for the Bureau. The Committee does not intend that the BJS Board review individual grant awards or be involved in the selection of contractors or grantees.

Section 302(a) has been amended to clarify and support BJS and the authority of the Director. It is the intention of Congress that the Bureau shall be headed by a Director appointed by and with the advice and consent of the Senate. Under the general authority of the Attorney General, the Director shall select for employment such employees as are necessary to perform the functions of the Bureau. The Director shall also have final authority in the policy setting, grant making and management authority of BJS.

The Director shall have final authority over other administrative functions as may be necessary to carry out the provisions of this part.

In order to carry out the provisions of the Bureau, the Committee has set forth and strengthened BJS's authorization under this Act. Specifically, in subsection (c)(13) has been amended to read "provide financial and technical assistance to states and units of local government relating to development, operation, collection, analysis or dissemination of justice statistics and information systems" and in subsection (c)(16) to read "insure conformance with security and privacy regulations issued pursuant to section 818 and assist in the development of guidelines for statistics, privacy and security, and information policy.

5(b)(5) sets forth expressly BJS's authority to provide assistance to encourage replication, coordination and sharing among criminal justice agencies regarding information systems, information policy and statistics in order to promote state and local justice systems and statistics. Finally, this section authorizes to be appropriated up to \$500,000 per year for support of the BJS Advisory Board including compensation, as set out in the Justice Improvement Act, for Board members, staff salaries, travel costs and various administrative expenses. It is the intent of Congress that these funds should be used to enable the Director of BJS to employ staff and to procure such other services as are necessary to support the BJS Advisory Board and maximize the Board's efficiency. Personnel and services supported with these funds will be under the direction of the Director of BJS. This, hopefully, will provide BJS with greater flexibility in meeting the needs of its Advisory Board.

LOK—HAND NITE—14

PART D—NATIONAL PRIORITY IMPLEMENTATION AND REPLICATION PROGRAMS

of the bill has been introduced as a separate bill part.

Section 401 ~~has been introduced and amended as a separate section.~~
It is the purpose of this part to provide financial assistance to States, units of government, public and nonprofit organizations and neighborhood and community-based groups to replicate programs and projects which have been proven successful in addressing national priorities on crime and the functioning of the criminal and juvenile justice systems. Financial awards shall be made to encourage local institutionalization of the program or project. It is the intention of this Committee that financial awards be made on programs that have been "proven successful". ~~This~~ has been defined as on the basis of available objective empirical or statistical information on evaluation as having proven successful.

Section 402 has been amended as follows:

(a) Any Federal grant awarded under this part shall be used to support a portion of the total cost, as specified in the application for such grant, or replicating a program or project which has proven successful in addressing a national priority on crime and/or the functioning of the criminal and/or juvenile justice systems.

(b) The Director of the Office of Justice Assistance is authorized to establish policy and regulation concerning fund availability to national priority initiatives selected for replication under Federal assistance. Such policy and regulation shall include: (1) the amount of assistance to be made available to programs and projects making application under a given initiative and (2) the period over which continued assistance may be expected, except that in no case shall a program or project receive Federal Assistance for a period in excess of four years nor shall a Federal share be authorized at a level exceeding the funding limitations prescribed as follows for grants of the specified duration:

(a) four years: not to exceed 90 per centum in the first year; 75 per centum in the second year; 50 per centum in the third year; and 25 per centum in the fourth year;

(b) three years: not to exceed 75 per centum in the first year; 50 per centum in the second year; and 25 per centum in the third year;

(c) two years: not to exceed 50 per centum in the first year and 25 per centum in the second year;

(d) one year: not to exceed 50 per centum.

In establishing such policy and regulation, the Director shall give primary consideration to the extent to which it will contribute to the local institutionalization of programs and projects.

(c) Applicants must provide cash match to contribute to the costs of the project or program.

It is the purpose of this part to provide incentive to states and their local units of government to move forward in their activities to fight crime and improve the administration of justice through the replication of programs and projects that have been previously tried and proved to positively impact the problem on which they are focused. This incentive, forthcoming in the form of financial assistance, is provided in recognition of the severe financial constraints with which most jurisdictions are now confronted. At the same time, much emphasis is placed on the importance of the commitment of the applicant jurisdiction to institutionalization of the project beyond availability of Federal funds. The committee has provided the Director of the Office of Justice Assistance optimum flexibility in establishing criteria for selection of programs and projects for funding, in the determination of the level of Federal participation in project costs and in the formulation of continuation funding policy, all to the end that when Federal funds provided under this part are directed to a project they are truly seeding an initiative whose continued survival will be, subject to performance, largely assured by the recipient jurisdiction.

The match required by this section must be in cash and cannot be in the form of in-kind services or in artificial budget shifts. This requirement cannot be waived. Match funds may, however, come from any source of funds available to the grantee, including other Federal grant funds or state local and private sources. The Committee has stressed the importance of cash match as local commitment toward the present and future operation of the funded program. When only limited Federal dollars are available it becomes essential that coordination of program efforts take place at the state and local levels. State and local cost assumption must be demonstrated to the Office of Justice Assistance prior to grant awards and during the life and operation of the grant.

*successful
proven
programs*

LOK—HAND NITE—15

Section 403. The Director of the Office of Justice Assistance is authorized to make grants providing assistance to implement programs and projects that address critical problems of violent and serious crime. The Director shall give priority to programs and projects that—

(1) provides community and neighborhood programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime; (2) disrupt illicit commerce in stolen goods and property; (3) combat arson; (4) effective investigating and bringing to trial white-collar crime, organized crime, public corruption crimes, and fraud against the Government; (5) identify and process within the criminal justice system persons (including juvenile offenders) with a history of serious criminal conduct; (6) develop and implement programs which provide assistance (other than compensation) to jurors, witnesses, and victims of crime; (7) provide alternatives to pretrial detention, jail, and prison for persons who pose no danger to the community; (8) provide programs which identify and meet the needs of drug-dependent offenders; (9) provide programs which alleviate prison and jail overcrowding; (10) provide training, management, and technical assistance to justice personnel; (11) provide management information systems for justice agencies; (12) provide programs which address the problem of serious and violent offenses committed by juveniles; (13) provide programs which address the problem of serious and violent offenses committed against the elderly; (14) coordinate the activities of components of the criminal justice system; (15) provide assistance for the development and operation of justice information systems.

Serious and violent crime poses a particularly grave threat to our society. It is the hope of the committee that in each jurisdiction priority attention will be directed to taking action to reduce incidents of crime which are most threatening to the safety of our citizens. Likewise, with respect to implementation of part D, it is the expectation of the committee that a priority will be placed on the use of resources made available in the implementation of programs and people which are most likely to effect a reduction in violent and serious criminal activity.

It is the intent of this Committee that National Priorities Implementations and Replication Programs shall be implemented by the Director of the Office of Justice Assistance. The Director shall be responsible for establishing funding priorities and selection criteria.

PART E—DISCRETIONARY GRANTS

Sections 501, 502 and 503 of the Justice Assistance Act of 1982 provide for financial assistance to States, units of local government, public and private nonprofit organizations, and neighborhood and community-based groups for the purposes of undertaking educational and teaching programs, providing technical assistance and conducting national demonstration programs.

Fifty percent of the total appropriation under this Act for this Part is to be made available for undertaking educational and training programs for criminal and juvenile justice personnel and for providing technical assistance for programs in the criminal justice area wishing to replicate and implement successful programs in their jurisdiction.

Fifty percent of the total appropriation under this Act for this Part is to be made available for financing discretionary grants. These programs, as indicated by research and statistics are likely to prove successful after testing, evaluation and refinement and are not likely to be funded from other sources. The Committee intends that funding in this Part shall not duplicate funding priorities of NIJ, BJS and OJJDP.

Federal Discretionary money may be awarded in amounts up to 100 percent of the cost of the project or program. Based on sound program objectives and selection criteria, the match determination for funds awarded out of Part E will be made by the Director of the Office of Justice Assistance. Thirty percent of all funds appropriated for this Part shall be allocated to private nonprofit organizations and neighborhood and community-based groups for the purposes specified in this part. It is the Committee's intent that nonprofit agencies who do not have the sophisticated grant writing apparatus at their disposal, should have an equal opportunity to apply for these funds. In addition, it has been documented that many new and innovative program ideas have been successfully launched by the nonprofit organizations. It is the Committee's intent that this should be encouraged.

LOK—HAND NITE—16

PART F—TRAINING AND MANPOWER DEVELOPMENT

One of the primary reasons for creating a federal program of justice assistance is to provide financial assistance to foster improvements and reforms in criminal justice which can most appropriately be developed in national programs—thus avoiding duplicative efforts on the state and local level. Providing training for criminal justice personnel on certain aspects of their work is one of the functions that can be most successfully carried out on a national level. National training programs are particularly beneficial in disseminating and demonstrating new principles and developments.

The Justice Assistance Act of 1982 provides programs and activities for education and training in several different sections:

Section 202(c)(1) and (6) authorize the National Institute of Justice to provide training, research fellowship, and workshops on the research authorized by Part B of the bill.

Section 501 Part E authorizes the Office of Justice Assistance to provide financial assistance for the purposes of undertaking educational and training programs for criminal and juvenile justice personnel.

Sections 601 through 605 of Part G authorizes the Office of Justice Assistance to provide financial assistance to national education and training programs for State and local prosecutors, defense personnel, judges, and judicial personnel to improve the administration of criminal and juvenile justice.

There are existing programs on the national level that have demonstrated value in providing training to personnel in various disciplines of the criminal justice system. Among these, three such outstanding programs should be mentioned as examples that merit federal financial support. These are the National College for Criminal Defense, the National College of District Attorneys, and the National Judicial College. These three colleges and programs of related organizations provide legitimate postgraduate programs for increasing the professional knowledge and skills of defense attorneys, prosecutors and judges. Through these courses, the attorneys and judges are able to enhance their contributions to improving the criminal justice system.

The Justice ~~Assistance~~ Act of 1982 has remained consistent with JSIA.

Section 603(b) specifies that grants or contracts under this section may be up to 100 percent of the total cost of the program, but that total financial support may not exceed 80 percent of the total operating costs. This is intended as a measure to have grantees assume some of the costs of the project. The language in the ~~JSIA~~ support the premise that programs will become self-sustaining.

*Justice
Assistance
Act*

PART H—ADMINISTRATION PROVISIONS

Sections 801 and 802.

This bill represents a restructuring of the Administration of the Federal criminal justice programs as described in this Act. Under current law the program agencies as described in the JSIA of 1979 was administered by an umbrella agency, the Office of Justice Assistance, Research and Statistics (OJARS). Because of the small appropriation associated with this bill and the Committee's intent to streamline the administrative mechanism of the federal criminal justice grant programs, this bill has eliminated the OJARS structure. The Committee, however, ~~and~~ recommends at the request of the Department of Justice, that the position of Assistant Attorney General be established. The Assistant Attorney General position will provide general staff and administrative support and help to highlight the activities of NIJ, BJS, OJA and OJJDP.

The Committee's clear intent is that the NIJ, BJS, OJA and OJJDP maintain significant autonomy. Each agency shall have grant, cooperative agreement and contract approval. Each agency shall be headed by a presidentially appointed Director/Administrator. Each agency shall have final authority for selecting personnel, developing plans and funding priorities and implementing programs as specified in this Act.

LOK—HAND NITE—17

The Committee agrees with the Department's request that there must be linkage with the criminal justice grant programs as described in this Act and the Department and with the community-at-large. In addition, the Committee considers as a main function of the Assistant Attorney General, provision of general staff support. This includes: congressional liaison, public information, accounting, audit, equal employment opportunity, civil rights compliance, administrative services, general counsel, comptroller functions and personnel management. These services shall be provided by the Assistant Attorney General through the existing support services of the Department of Justice. It is the intent of this Committee to streamline support services rather than recreate the OJARS structure under the aegis of the Assistant Attorney General. The performance of these administrative duties is not intended to encroach upon the policy setting, grant making and management authority of the Directors/Administrators of NIJ, BJS, OJA and OJJDP.

Section 816. Report to the President and Congress.

This bill requires that the Director/Administrator of NIJ, BJS and OJA shall submit a report to the President and Congress on their activities under this title during the preceding fiscal year. The intent of the Committee is that the three offices will be responsible for carrying out the mandate as described in the Act, and that the Directors/Administrators should provide a realistic assessment on program and funding activity and future plans and priorities. OJJDP's reporting requirements are described in the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

PART I—FUNDING

Section 901 amends the JSIA by making technical and conforming changes:

There is authorized to be appropriated for part D \$20,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

There is authorized to be appropriated for part E \$20,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

There is authorized to be appropriated for part F and the educational and training functions of parts D and E \$10,000,000 for each of the fiscal years ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

There is authorized to be appropriated for purposes of administering parts D, E, F, G, and H \$5,000,000 each for the fiscal year ending September 30, 1983, September 30, 1984, September 30, 1985, and September 30, 1986.

There is authorized for the fiscal year ending September 30, 1983, \$20,000,000 for Emergency Assistance, \$20,000,000 for the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986.

It is the intent of Congress that no funds appropriated under Parts D, E, F, G, H and M of this Act may be transferred or reprogrammed for carrying out any activity which is not authorized under such parts.

PART M—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

Section 1301 has been introduced as a separate section.

In situations where the state and local law enforcement officials cannot cope with a serious crime problem, the Federal Government must respond. It is the intention of this Committee that financial awards be made to units of state and local governments much the same as the federal response to national disasters such as hurricanes, floods, etc. In the past few years, communities across the nation have experienced crime problems on such an epidemic proportion that local resources have all but been exhausted. Atlanta and South Miami are examples of the use of additional federal resources that were required. Because there was no mechanism to deliver funds to these communities nor was

LOK—HAND NITE—18

there a centralized office coordinating their efforts, the efforts in most cases were fragmented and tardy. Part M of this bill is designed to meet the needs of communities experiencing a crime emergency. Under this section a community, through the state's governor, may apply to the Office of Justice Assistance for funds appropriated under this part. Emergency Assistance must be done on a comprehensive and coordinated basis. The Committee recognizes the need for allocation of emergency resources to communities facing extraordinary emergency circumstances. However these services must be provided to all affected components of the criminal justice system. An example of uncoordinated approaches occurred recently in the New Mexico prison riots. While funds were immediately allocated by the state legislature to the prison system and to the prosecution for clean up, transfer of prisoners, and the initiation of prosecutions for criminal acts occurring during the disturbances, the provision of funds for defense counsel for the inmates, did not occur until much later. The Committee believes that if the problem of coordination responsibility was left to the Director, under this part, such problems would not occur. The Committee has provided the Director of the Office of Justice Assistance optimum flexibility in establishing criteria for selection of programs and projects for funding, in the determination of the level of federal participation in project costs and in the formulation of funding policy. Nothing in this part should be construed to authorize the Director or the Federal law enforcement community to exercise any direction, supervision or control over any police force or other criminal justice agency of an applicant for federal financial assistance.

V. STATEMENTS

A. CONGRESSIONAL STATEMENTS

SENATOR ARLEN SPECTER

Today I introduce a bill that redesigns and reauthorizes federal criminal justice assistance to aid state and local law enforcement efforts. As recognized by the Attorney General's Task Force on Violent Crime, and well appreciated by those serving in law enforcement and by the American people, crime is a national problem that gravely threatens the Nation's welfare.

As Chairman of the Subcommittee of the Senate Committee on the Judiciary with jurisdiction over federal assistance to state and local government I have begun hearings into this entire area. I gratefully acknowledge the interest and legislative suggestions already introduced by my colleagues on the Committee on the Judiciary, the distinguished Senators from Kansas, Delaware, and Alabama. In addition, our colleague from Hawaii has shown his interest in these matters. I look forward to working with each of them and with the distinguished Chairman of the Committee on the Judiciary in what I hope will be a bipartisan effort to serve the Nation's vital interest in a renewed and reauthorized criminal justice assistance effort.

The anti-crime proposal I introduce today fully recognizes the predominately State and local nature of law enforcement with express guarantees of their sovereignty and explicit limitation on the federal authority involved. In addition, the bill envisions only a minimum of administrative and management structure. Indeed, the bill eliminates both the Office of Justice Assistance, Research and Statistics and the Law Enforcement Assistance Administration.

In their place I call for a streamlined Office of Justice Assistance, and reauthorization of the National Institute of Justice and Bureau of Justice Statistics, to fulfill the Federal Government's proper role in assisting local law enforcement—that of financing research, collecting statistics and funding demonstration projects for promising, innovative approaches to fighting crime. In addition, in light of the inextricable limitations and conflicting demands on the resources of local communities to implement the acknowledged programs of proven effectiveness that have been developed over the decade. The mechanism for delivering this assistance is intended to ensure local commitment and institutionalization of the project by gradually increasing the contribution made by the local community to the program and decreasing that of the Federal Government. I am confident that this will insure the maximum effectiveness of the limited federal investment.

LOK—HAND NITE—19

In addition, this bill creates authority for emergency criminal justice assistance to states and localities faced with a criminal justice disaster. Such authority is sorely needed. Although none of us wish to see such a program invoked, as the Attorney General's Task Force recognized, the Federal Government should have such resources at the ready so as not to lose precious time responding in compelling circumstances such as those recently experienced in Atlanta.

In addition, this bill seeks a new set of solutions to the bureaucratic problems that have plagued the Office of Justice Assistance, Research and Statistics and were, in large part, responsible for the demise of LEAA. I fulfill a request of the Department of Justice for an Assistant Attorney General to provide a link between the Department and its necessarily insulated assistance, research and statistics efforts. I require each of the assistance offices, the research institute and the statistics bureau to be responsible to interlocking advisory boards and provide for coordination of efforts by making sure the head of each office knows what the other components of this complimentary federal assistance effort are doing.

In seeking to realize every economy and maximize the effectiveness of the federal participation in its proper assistance role I have been able to formulate a program without a prohibitive price tag. Indeed, the authorization included in this bill is only \$125 million a year for efforts Congress had, not so many years ago, authorized over \$1 billion a year to accomplish. In order to achieve this economy I have structured a program that does away with State block grants and their cumbersome regulatory framework. In this way, all applicants, including States, will be allowed direct access to the competitive application process.

Finally, after careful consideration, I have concluded that the problems of juvenile delinquency are best confronted by a separate and coordinated office of juvenile justice. The Juvenile Justice and Delinquency Prevention Act, which was last amended in 1980 and reauthorized through 1984, continues to provide a sound framework for such activities and should be retained.

I urge my colleagues to join me in an expedited consideration of this measure so that we may move forward to conference with the House, which on February 10, 1982, passed its version of a federal criminal justice assistance package, and have a viable program in place before the end of the year.

SENATOR JOSEPH R. BIDEN, JR.

Mr. BIDEN. Mr. President, today I introduced with my colleague from Pennsylvania, Arlen Specter, a bill to reestablish the Federal criminal justice assistance program. I wholeheartedly support Senator Specter in introducing what we believe a bipartisan approach to helping State and local criminal justice agencies. Senator Specter, as chairman of the Judiciary Subcommittee having jurisdiction over Federal assistance efforts, has worked very hard on developing a proposal that will help State and local law enforcement.

As the ranking member of the Judiciary Committee and chairman of the Democratic Task Force on Crime I joined with my colleagues on this side of the aisle in introducing a comprehensive legislative package last June. One of the components of that package was a limited Federal assistance proposal for State and local government that focused on successful concepts and would allow for research and development of new crime fighting concepts.

This same approach is included in this bill, which was very well drafted by the Senator from Pennsylvania who must take, if not full credit, the lion's share of credit for the bill which I am cosponsoring.

Too often in the past, under the old LEAA program, assistance money was used to purchase equipment or pay salaries. Also, the former program resembled a scatter-shot approach with few dollars being spread so thin that achievement of success was difficult to measure.

Instead, this bill would take into account the lessons learned from the old LEAA program. Using a modest annual investment of \$125 million, it would enable State and local governments to make criminal justice improvements by implementing effective program approaches in criminal justice operations.

PROGRAMS OF PROVEN EFFECTIVENESS

One of the features of this bill, similar to that which I introduced last June, would be funding programs of proven effectiveness such as career criminal prosecution; integrated criminal apprehension program (ICAP); sting; treatment alternatives to street crime (TASC); victim-witness assistance; arson prevention and control; prosecutor's management information system (Promis); violent juvenile offenders program (New Pride); and comprehensive crime prevention, and so forth.

We further intend that this program link research and actual program operation by having the National Institute of Justice be responsible for testing, evaluating, and recommending adjustments in the types of programs to be funded. It is our intent that this program be streamlined administratively and avoid a return to previous LEAA mistakes when limited Federal dollars were often spent in an ineffective manner.

TRAINING AND TECHNICAL ASSISTANCE

One provision of this bill calls for the Federal Government to provide grants up to 100 percent of the cost to State and local jurisdiction that request specific training or technical assistance. The intent is to provide the requesting jurisdictions with written material, training workshops, direct onsite technical assistance so that new concepts and programs of proven effectiveness can be started. It will be the responsibility of the requesting jurisdiction to cover the operating and day-to-day costs of the program.

Training and technical assistance will also be available for management problems or specific concerns that may not necessarily entail the development of one of the concepts listed above.

In this bill we recognize that there are certain programs that can best be undertaken on a national basis because of their long term nature. These are programs that will assist State and local criminal justice systems throughout the country. Examples of such programs include the correctional and law enforcement standards and accreditation programs. These programs are in varying degrees of improving, monitoring, and evaluating correction and law enforcement services and facilities. The development of standards and their accreditation of correction and law enforcement agencies meeting those standards, provides an opportunity for State and local agencies to demonstrate they meet their profession's highest performance criteria.

Another program in the bill will be the emergency assistance funding program. When there occurs a crime problem of such a serious or epidemic proportion such as the Atlanta child murders or the drug-related violence in south Florida, the prompt support by the Federal Government to local and State agencies should be available.

We have carefully written this language to insure that the Federal Government does not needlessly intervene in matters of State and local concern. This program will only be implemented for crime emergencies of extraordinary circumstances and when State and local resources are not geared to expeditiously resolve the problem. In all situations in which these funds are used, primary responsibility for responding to the situation rests with the local or State jurisdiction. These funds are to be used to help coordinate and expediate resolution of the crime problem, following the request for assistance by the local jurisdiction.

Mr. President, this proposal represents a very modest authorization of \$125 million a year. It is a far cry from the \$1 billion a year investment that was going into Federal criminal justice assistance only a few years ago. It is important that assistance funds be made available to States and cities, but in a streamlined and efficient manner. This bill is intended to do just that.

There are several bills pending in the Senate that address this issue of State and local assistance. On the House side, Congressman Hughes' criminal justice assistance bill was overwhelmingly passed out of the House in February by a vote of 289 to 73. It is clear that Congress recognizes the need for redesigning and continuing criminal justice assistance to States and cities.

LOK—HAND NITE—21

Although the administration has yet to support any criminal justice assistance program or offer an alternative to those introduced, the Attorney General's Task Force on Violent Crime recommended in August 1981 that funds be available for implementing demonstration programs of proven effectiveness that require a reasonable match of State and local funds. I believe that is what this bill calls for.

I encourage my colleagues in the Senate to join Senator Specter and me in getting down to the business of working out the best possible approach to assisting States and cities with our most paramount domestic concern. Let us move forward on this Nation's crime problem.

SENATOR EDWARD M. KENNEDY

Mr. President, I am pleased to join Senator Specter in sponsoring the "Justice Assistance Act of 1982." This legislation would continue essential federal aid to assist localities in their struggle against crime. Federal law enforcement assistance to state and local jurisdictions formerly provided by the Law Enforcement Assistance Administration (LEAA) has been eliminated by the current Administration.

The assistance provided by the Law Enforcement Assistance Administration has been an important concern of mine for a long time. In the last Congress, I authored legislation which restructured and streamlined LEAA to improve the functioning and effectiveness of the agency. That effort was the culmination of a decade of debate over the nature and scope of the LEAA program. The enactment of the "Justice System Improvement Act of 1979" confirmed the desire of American citizens that the federal government maintain a role as provider of direct assistance to state and local governments to help fight crime. The Administration has turned its back on the serious crime problems faced by cities, suburbs and rural communities across the nation by eliminating all funding for direct federal law enforcement assistance to state and local governments.

I am, of course, aware that crime is primarily a local problem and that LEAA accounted for less than one cent of every dollar spent on criminal justice at the local level. But the issue is not whether federal assistance can cure the nation's crime problem—it cannot—but whether such direct aid can make a meaningful contribution. I believe it can. This legislation gives the federal government the opportunity to continue to provide valuable assistance to local governments and I look forward to its consideration in the Senate.

B. VIEWS OF THE AGENCY

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., June 21, 1982.

HON. ARLEN SPECTER,
*Chairman, Subcommittee on Juvenile Justice,
Committee on the Judiciary,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for comments from the Department of Justice regarding S. 2411, the proposed Justice Assistance Act of 1982. S. 2411 amends Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide Federal financial assistance to State and local law enforcement efforts. The Administration opposes enactment of S. 2411.

The Justice System Improvement Act of 1979 reauthorized and restructured what was formerly the LEAA program. In addition to authorizing LEAA to award funds to assist state and local law enforcement and criminal justice, the Act established an independent National Institute of Justice (NIJ) to conduct research and a Bureau of Justice Statistics (BJS) to gather and disseminate data. The activities of LEAA, NIJ, and BJS, as well as those of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), are coordinated by the Office of Justice Assistance, Research, and Statistics (OJARS). The Act was never fully implemented because of actions taken under the former Administration which called into question the entire Fed-

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eral role in supporting state and local criminal justice activities. A Fiscal Year 1981 budget was approved by Congress which resulted in the phase-out of LEAA grants, and which restricted funds for NIJ and BJS. The Continuing Resolution under which the Department is operating for Fiscal Year 1982 provides no funds for the LEAA program, reflecting the continued intention to phase out this funding program.

S. 2411 is an effort to re-establish certain aspects of the former LEAA program on the grounds that a continued Federal role in providing financial assistance to state and local criminal justice is warranted. The bill, however, suffers from a number of significant defects which would severely limit its effectiveness. For example, it does not actually address the cumbersome administrative apparatus of the Justice System Improvement Act (JSIA). Instead, it replaces LEAA with a new Office of Justice Assistance and seeks to establish a new Assistant Attorney General in place of OJARS, while continuing as separate entities NIJ, BJS, and OJJDP. Moreover, it would give the heads of NIJ and BJS independent personnel authority while, at the same time, requiring the newly established post of Assistant Attorney General for Justice Assistance to "provide staff and services support (sic) from the Department of Justice" for OJA, NIJ, BJS, and OJJDP. The resulting fragmented authorities are confusing and redundant. S. 2411 would also create a new Justice Advisory Board, in addition to three other advisory boards created by existing statutes (resulting in a total of 60 Presidential appointments), and would authorize appropriations of \$1.5 million per year for advisory board operations. Further, the bill would require the various units to publish five annual reports to the President and Congress. The level of expenditure of both human and fiscal resources required for advisory activities is excessive.

As you know, the Administration has submitted to Congress a legislative proposal to reauthorize and extend significant portions of the Omnibus Crime Control and Safe Streets Act of 1968, as amended. The proposed bill, entitled the "Justice Research and Statistics Act of 1983," would continue the criminal justice research and statistics programs of the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS) and establish within the Department of Justice an Office of Justice Research and Statistics. The Office, headed by an Assistant Attorney General, would coordinate the activities of the NIJ and BJS, provide consolidated support services to minimize duplication and fragmentation, and provide a central focus within the Department for the interests of state and local criminal justice.

The proposed legislation would fold into a single administratively logical organization various semi-autonomous authorities which exist under current law. Instead of separate units engaged in research, statistical programs, financial assistance, and support services—with each unit headed by a Presidentially appointed Director—the proposal eliminates LEAA and OJARS and establishes the research and statistical functions of the National Institute of Justice and the Bureau of Justice Statistics within the administrative framework of the Office of Justice Research and Statistics, requiring only one Presidential appointee.

The goals of this proposed legislation are to encourage research, provide for the gathering and dissemination of statistics, evaluation of programs and coordination of criminal justice activities at all levels of government, in order to strengthen the capacity of State and local governments to improve their criminal justice systems. These goals can only be achieved in a workable, efficient administrative framework, which this proposal provides.

Because S. 2411 provides no such workable administrative framework, and is otherwise seriously flawed and inconsistent with the proposal submitted by the Administration, the Department opposes its enactment.

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

Sincerely,

ROBERT A. McCONNELL,
Assistant Attorney General,
Office of Legislative Affairs.

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C. ENDORSEMENTS

JOINT STATEMENT OF THE NATIONAL DISTRICT ATTORNEYS ASSOCIATION, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE AND NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES, CALLING FOR A MORE ACTIVE NATIONAL GOVERNMENT ROLE IN COMBATING VIOLENT AND SERIOUS CRIME

[David L. Armstrong, President, NDAA, Commonwealth's Attorney, Louisville, Ky.; James P. Damos, President, IACP, Chief of Police, University City, Mo.; John F. Mendoza, President, NCJFCJ, District Court Judge, Clark County, Las Vegas, Nev.]

Sixteen months after President Reagan's election, we call upon he and the Congress to take immediate and effective action to combat the epidemic of violent crime in the United States.

Americans today are living in fear—fear of becoming victims of violent crime. That fear is real. The Department of Justice recently reported that, last year, an American citizen was six times more likely to be a victim of violent crime than he was to contract cancer. In 1980, the Department reported there were about 40 million victims of homicide, robbery, assault, larceny, burglary, and motor vehicle theft. These victimizations affect 24 million American households. This is close to one out of three households in 1980 alone!

Crime has transferred our free society into one in which citizens are barricading themselves in their homes. We are no longer free to walk the streets of our cities. We are no longer safe as we pursue our livelihoods. In fact, we are no longer a truly free society.

While the administration of the criminal justice system and the fight against crime are primarily functions of State and local governments, today there is a vital need for quick and dramatic Federal Government initiative.

The Reagan administration has indicated that pursuit of purely Federal law enforcement efforts are sufficient, and that the full burden of combating violent crime will have to rest with State and local agencies. The fact is that State and local governments alone, especially in many seriously impacted localities, do not have the resources to mount a successful fight. Miami and other southern Florida communities are but one example of this, out-of-control crime in southern Florida has been exacerbated by past Federal Government inaction—wide open immigration policies and the almost total failure to stem the massive influx of illegal drugs from South America and the Caribbean.

The President is the Commander in Chief of the Armed Forces which protect us from foreign aggression. We call upon the President to become the Commander in Chief of domestic law forces which should provide the same quality of domestic protection as the Armed Forces provide for our external defense. Can we expect less if we are to preserve our freedoms at home and some hope for a decent quality of life in many of our major urban areas?

The Federal role in law enforcement is a limited but vital one. It is to provide those resources that, by their nature, the localities and States cannot provide. These include highly targeted funding for demonstration of promising programs to directly impact on violent and serious crime, research and evaluation to determine their effectiveness and when proved workable and cost-effective, information and training so that such programs can be implemented wherever they are needed.

We call upon the President and his administration to provide this indispensable leadership now. We ask them to cooperate with elected Representatives in Congress to assist us in local and State law enforcement, prosecution and the courts to come to grips now with the plague of violent crime. For if we don't act now, this scourge poses immediate danger to subvert our free society, a danger surely as serious as any threat from outside our shores.

This joint statement was issued at the Ninth National Conference on Juvenile Justice in New Orleans, attended by more than 700 prosecutors, police, judges, corrections officials and other criminal and juvenile justice professionals. The conference is sponsored yearly by the NCJFCJ and NDAA.

LOK—HAND NITE—24

NATIONAL ASSOCIATION OF COUNTIES,
Washington, D.C., June 9, 1982.

MR. BRUCE A. COHEN,
Chief Counsel, Subcommittee on Juvenile Justice,
Chief Counsel, Subcommittee on Juvenile Justice,
U.S. Senate, Washington, D.C.

DEAR BRUCE: It is a pleasure to respond to your request for comments on the Justice Assistance Act of 1982. In my four years as a lobbyist at the National Association of Counties, I have never written as positive a letter as this one will be. The National Association of Counties strongly supports the general concept of Senator Specter's bill and almost all of its specific elements. On the record—in testimony and in a resolution (see enclosed)—NACo has urged that Congress enact the type of federal criminal justice assistance program that would be established under S. 2411.

It is clear that Senator Specter took the pertinent recommendations of the Attorney General's Task Force on Violent Crime, and improved on them. I would like to note some relevant excerpts from testimony on the Task Force Report that NACo gave before the House Subcommittee on Crime on November 18, 1981:

"While NACo does, for the most part, support the recommendations of the Task Force that deal with intergovernmental issues, we have some suggestions for fine tuning their implementation. Our general comments are that:

(1) In order to be effective, assistance must be provided to all components of the criminal justice system, and not limited to only police and prosecutors;

(2) A small expenditure of federal funds can have a major impact, if efforts are directed toward improving management of criminal justice responsibilities; and

(3) An federal program must include a mechanism for regular input from state and local officials in order to ensure that federal assistance meets the needs of state and local criminal justice systems."

The program in S. 2411 includes all of the elements NACo had recommended. The National Priority and Discretionary Programs are directed toward system improvement, and the Justice Assistance Board offers a much needed forum for input from state and local governments and criminal justice practitioners, as well as an important mechanism for coordinating federal criminal justice assistance.

NACo supports Senator Specter's decision to use a directed programmatic approach, rather than a block grant program. It simplifies and streamlines the method by which assistance reaches qualified applicants, and makes the best use of limited resources. In addition, with the information and reporting requirements included in the bill, this approach also assures that the Office of Justice Assistance and Congress will be able to assess the impact of OJA programs.

SPECIFIC COMMENTS

Sec. 103(b)

p. 7, l 24, add: . . . munity-based groups and *elected* representatives of local and state . . .

p. 8, l 1. delete: . . . the Board shall not be employees of local, State or Federal . . .

Rationale: A majority of the recipients of assistance from OJA will be state and local governments, and most criminal justice professionals are not employees of these governments. Moreover, *elected* state and local officials must make the budgetary decisions necessary for receiving and continuing OJA programs. Therefore, it is crucial to assure that elected officials have a voice on the Board. It is also important that the main constituents of the program have a strong advisory voice.

Sec. 402(c)

p. 18, l 7, add: grant, unless the Director determines that State or local budgetary restraints prevent the recipient from providing the required contribution.

Rationale: NACo agrees that recipients of federal financial assistance to implement proven effective programs should be required to make an increasing financial commitment to the program; however, we believe that there should be an exception for hardship cases.

Sec. 403(c)

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p. 20, 11 7-9, delete paragraph (c) and replace with: (c) *After appropriate consultation with criminal justice professionals, representatives of states and units of local government and the Justice Assistance Board, the Director shall establish procedures for assessing the effectiveness of projects funded under this part.*

Rationale: The OJA, with consultation, is best able to assess the practical value of its own programs. The process of developing an assessment plan had begun under the Justice System Improvement Act and can be built upon.

Sec. 501(4).

p. 22, 11 1-3, delete paragraph (4) and replace with: (4) *After appropriate consultation with criminal justice professionals, representatives of States and units of local government and the Justice Assistance Board, the Director shall establish procedures for assessing the effectiveness of projects funded under this part.*

As I indicated at the beginning of this letter, NACo thinks the Justice Assistance Act of 1982 is an excellent piece of legislation that provides the type of assistance counties need. If you have any questions about NACo's position on elements of the bill not mentioned here, please let me know. NACo looks forward to working closely with you and Senator Specter to achieve passage of S. 2411 and, then, to assure the success of its programs.

Sincerely,

HERBERT C. JONES,
Associate Director.

RESOLUTION ON THE FEDERAL ROLE IN CRIMINAL JUSTICE

Whereas, crime and delinquency prevention and control are essentially local responsibilities, and local efforts to deal with crime and delinquency are a major nationwide problem; and

Whereas, county and county-type governments spend more than any other level of government on criminal justice activities; and

Whereas, the Law Enforcement Assistance Administration (LEAA) gave state governments far more authority in that program than they have in the criminal justice system, creating a situation in which states had most of the power with little accountability, and thus producing serious intergovernmental barriers to the success of the federal criminal justice assistance program; and

Whereas, the federal government has a unique responsibility to conduct and sponsor research and development on innovative ways to combat criminal justice problems, because adequate testing and demonstration of new programs and strategies is beyond the resources of state and local governments; and

Whereas, federal, state and local governments must work in partnership to respond to the problem of violent crime and its consequences; therefore, be it

Resolved, that the National Association of Counties urges that any new federal criminal justice assistance programs include the following elements:

A single federal agency;

A program that offers training, technical assistance, and limited financial assistance to address the problems of violent crime and the consequences of violent crime with a focus on dealing with it from a system perspective;

State coordination through the existing A-95 clearinghouse function; and

A National Justice Coordinating Board to advise on: coordination of criminal justice activities at the federal level; coordination of local, state, and federal criminal justice activities, where necessary; and the impact of federal criminal justice policies and programs at the state and local levels; and be it further

Resolved, that the National Association of Counties urges that Congress enact no criminal justice assistance legislation whose provisions do not allow for a balance of authority between state and local governments that reflects their respective responsibilities in the criminal justice system.

LOK—HAND NITE—26

Approved by the Criminal Justice and Public Safety Steering Committee, February 21, 1982.

POLICE EXECUTIVE RESEARCH FORUM,
Washington, D.C., June 10, 1982.

DEAR SENATOR: The members of the Police Executive Forum would like to take this opportunity to express our support for S. 2411, the Justice Assistance Act of 1982.

As you are well aware, crime continues to plague our nation's cities. Despite tremendous progress over the past two decades, the criminal justice system still operates too inefficiently and ineffectively. The Justice Assistance Act is important for two reasons: First, it accepts the concept that the federal government has an important leadership role in assisting state and local criminal justice. Second, it proposes a mechanism to fill the gap in federal assistance created by the demise of the Law Enforcement Assistance Administration.

While the authorization level in the Justice Assistance Act is considerably lower than the level of federal assistance of previous years, the members of the Forum are sensitive to the fiscal climate which makes higher funding levels prohibitive. Operating within these fiscal restraints, however, S. 2411 contains some constructive measures for improving federal assistance to state and local criminal justice. Under Part D, the legislation facilitates the implementation of programs which have proven successful in our battle against the growing crime problem. More important, however, is the proposed mechanism under Part E which facilitates the development of innovative programs to combat crime. Many of the proven programs of Part D will undoubtedly become dated and out-moded with time. A federal mechanism to nurture efforts for finding better means of dealing with crime will allow us to continue to progress beyond our current capability.

Federal initiative and support, along with state and local input, have been positive steps in developing methods for improving the criminal justice system and dealing with the national crime problem. The combined programs of the Office of Justice Assistance, the National Institute of Justice and the Bureau of Justice Statistics, as proposed in the Justice Assistance Act, reflects this coordinated effort. The members of the Police Executive Research Forum support this approach and urge you to vote for the passage of S. 2411 when it comes to a vote.

Thank you for your attention to this matter.

Sincerely,

GARY P. HAYES.

AMERICAN CORRECTIONAL ASSOCIATION,
College Park, Md., June 9, 1982.

Attention: Bruce A. Cohen, Chief Counsel.

HON. ARLEN SPECTER,
Chairman, Subcommittee on Juvenile Justice, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for providing the American Correctional Association an opportunity to respond to your proposed legislation (S. 2411) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to create a new Office of Justice Assistance to "streamline" Federal support activities.

The American Correctional Association, founded in 1870, is the non-profit professional and national association for corrections. Our membership is open to all correctional personnel, from both adult and juvenile programs, all criminal justice agencies, students, and the general public. With over 12,000 members, its primary purposes are to exert a positive influence on the shaping of national correctional policy and to promote the professional developments of persons working within all aspects of corrections.

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I wish to commend you for proposing that the Federal Government will remain actively involved in its support of criminal justice improvements. A comprehensive response to crime must involve all levels of government and must include all components of the criminal justice system in America, including corrections. The Federal role should be one of dynamic leadership, coordination, and adequate funding. The Federal Government can best do this by supporting effective and innovative responses to our Nation's crime problems. Surely, the American public expects more from the national leadership of Government than what appears to be a Federal abandonment of concern for public safety.

We in corrections fully recognize that the Federal Government cannot and should not throw money at States for criminal justice purposes. When this happens, the expectations are too high and it causes a concerned public to be frustrated.

Insofar as corrections is concerned, the present overcrowding of all facilities is no surprise. The phenomenon has been occurring in all peacetime economies since the Civil War.

The American Correctional Association is not concerned with the lack of a block grant since corrections is practical on a State and/or local basis and any help is welcomed. Discretionary programs appear more suited to the needs where relatively little money is being considered. We recommend that no specific earmarking of funds for innovative programs be considered.

We concur that the justice assistance board be as autonomous as possible and not reflect a Federal posture. State and local agencies, non-profit associations representing practitioners, can be a vital force in continuing a reasonable partnership between Federal and local.

We concur with the National Association of Criminal Justice Planners regarding individual sections deletions and changes as presented by that Association's Executive Director, Mark Cuniff, in a letter to you under date of May 25, 1982.

Lastly, we are not enthralled with the idea of placing the Office of Justice Assistance (OJA) under a new assistance attorney general. A small Federal effort does not require a high level, bureaucratic office structure where much of the resources will be spent. Each of these offices could be administered separately within the Department of Justice and no one would even miss the intervention of the newly created office.

I am extremely pleased with the portions of your legislation which provide for coordination of the activities of components of the criminal justice system and those which put specific focus on training and education of criminal justice personnel, technical assistance and national demonstration programs for testing innovative new ideas.

Thank you for the opportunity to respond to the merits of S. 2411 and the important role of corrections in any federal crime control effort.

Peace,

ANTHONY P. TRAVISONO,
Executive Director.

EXECUTIVE DEPARTMENT,
GOVERNOR'S COMMISSION ON LAW ENFORCEMENT
AND THE ADMINISTRATION OF JUSTICE,
Towson, Md., May 14, 1982.

Hon. CHARLES MCC. MATHIAS, Jr.,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR MATHIAS: As you know, S. 2411, Justice Assistance Act of 1982, was recently introduced by Senator Arlen Specter. I have provided the following comments on S. 2411 to the National Criminal Justice Association and I thought this would be of interest to you:

We are pleased that S. 2411 and H.R. 4481 correctly affirm the federal role in crime and delinquency control, prevention and treatment programs. The administration of criminal and juvenile justice is basically a function of state and local government. The federal role must be restricted to financial aid, standards, training, technical assistance, coordination, and cooperation with state and local crime control resources.

There is a considerable amount of expertise in state and local government in criminal/juvenile justice planning and coordination. The "Justice Assistance Act of 1982" does not identify a role for state criminal justice councils or local (county, municipal) planners in a review, comment, sign-off, coordination, monitoring, evaluation, or audit functions. In order to reduce fragmentation and isolated approaches to this grants program, state criminal justice councils should be involved from the beginning. Otherwise, "grantsmanship" may prevail over the substantive needs of the system.

The declining federal share of grant funds over a four year period responds to a major criticism of the LEAA formula. It offers state and local governments an incentive to plan and budget resources more effectively.

We are concerned about the program areas listed on pages 18, 19, and 20 regarding "proven effectiveness." The key will be the criteria used by the Director of the Office of Justice Assistance. I suggest state and local involvement in that process in the beginning, perhaps through NCJA, rather than in the review and comment stage usually followed.

I urge your careful consideration of S. 2411 in order to provide Maryland with the necessary resources in our efforts to combat violent and property crimes throughout the State.

Sincerely yours,

RICHARD W. FRIEDMAN,
Executive Director.

AMERICAN BAR ASSOCIATION.
Washington, D.C., February 24, 1982.

HON. ARLEN SPECTER.

Chairman, Subcommittee on Juvenile Justice, Senate Judiciary Committee, Washington, D.C.

DEAR CHAIRMAN SPECTER: I am writing to you on behalf of the American Bar Association to express the Association's strong support for legislation to provide a program of federal financial assistance for state and local criminal justice efforts. In recent hearings, the Subcommittee on Juvenile Justice considered this subject. These hearings focused attention on four bills—S. 953, S. 1455, S. 1653, and S. 1997.

The American Bar Association has not specifically addressed these bills. However, we have long supported legislation to provide a program of federal financial assistance to state and local governments for criminal justice purposes, and therefore strongly encourage you to move forward to consider such legislation.

In February of 1979, the House of Delegates of the Association adopted an extensive report with numerous recommendations "... appropriate to Association positions on any legislation which might be introduced ... for the purpose of restructuring and reauthorizing the Law Enforcement Assistance Administration." It was the product of a thorough analysis of the experience under the Omnibus Crime Control and Safe Streets Act of 1968 and its numerous amendments, as administered by the Law Enforcement Assistance Administration (LEAA). A copy of this report is appended to this letter for your consideration.

This report details the priorities that the American Bar Association believes should be a part of a federal criminal justice assistance program. Since the Subcommittee can glean these priorities from the attached report, I will only provide you with a brief synopsis of the salient parts of it. First, the Association concluded that high priority should be accorded a federal program for improvements in criminal justice. Second, the Association was of the view that funding should not be the subject of annual, ad hoc decisions. Many successful programs require funding which exceeds one year, and many are irreparably harmed and/or become exceedingly costly, when there are interruptions in the flow of funds. Third, the Association recommended that federal funding focus on the type of assistance which enables private non-profit organizations and community-based organizations to carry out programs of justice system improvement and thereby mobilize their leadership and expertise. It also recommends special focus on

improvement and modernization of the correctional systems; development of model goals, guidelines and standards suitable for adaption at national, state and local levels; support for local anti-crime efforts; and greater access to justice through speedy, consistent and fair modes of disposing of criminal cases and appropriate defense and prosecutive services.

Having stated the priorities that the Association believes should govern the structure of a legislation program of federal criminal justice assistance, I would like to relate to you some of the more cogent and pressing reasons that make it imperative that legislation be enacted during the 97th Congress to create such a program that would provide federal financial assistance to state and local governments for criminal justice purposes.

The concept of federal aid for our criminal justice systems is not only sound, but imperative. It is made all the more urgent with the impending April 15 demise of LEAA. Most criminal justice matters, particularly those that relate to violent crime, are primarily the province of state and local governments. However, states and localities cannot alone bear the burden of controlling and preventing crime. Despite local efforts, crime plagues the nation. It reaches across state boundaries, and even minimal crime control often requires multi-state coordination of information and apprehension systems.

Furthermore, the federal government has several unique capabilities in criminal justice matters. For example, there are improvements and reforms in criminal justice which can most appropriately be developed in federally-supported national programs made available to state and cities—thus avoiding duplicative efforts. Likewise, the federal government is in the best position to encourage coordination among criminal justice components and to minimize the fractionalization which often defeats crime control efforts.

I hardly need to state that our citizens are extremely concerned about crime in our country and in their individual neighborhood communities. This fact has been stated and restated in the past year. Chief Justice Burger devoted his Annual Report to the American Bar Association to this subject in February 1981. The Attorney General created a Task Force to study the subject. President Reagan made a major policy speech on the subject in September 1981. Hardly a day passes that the Congressional Record does not have several passages by members of Congress on the subject; and of course the nation's newspapers are replete with accounts of daily events and editorials on the subject of crime. In the face of this evidence, it is truly ironic that the federal government would choose this time to abdicate its responsibility to the state and local governments on criminal justice assistance.

The situation becomes even more acute with the realization that agencies that contributed technical assistance to the states on criminal justice matters and complemented state enforcement efforts are also being curtailed. This is most notable in the case of the Bureau of Alcohol, Tobacco and Firearms and the Drug Enforcement Administration. Therefore, not only is direct financial assistance diminished without the existence of a federal program, but, in addition, the diminished capacity of federal agencies that augment the enforcement efforts of the states exacerbates the situation.

You may be aware that on February 10 the House of Representatives responded to this impending crisis by overwhelmingly approving H.R. 4481, an action applauded by the American Bar Association. H.R. 4481 contains many provisions that parallel recommendations of the ABA's 1979 report on federal criminal justice assistance. The ABA urges similar action on the part of the United States Senate.

I hope this information is of assistance to you and the Subcommittee on Juvenile Justice. The Association is pleased to have had an opportunity to express its views to you. Should you need additional information, the ABA Governmental Relations Office and the Criminal Justice Section Office (202/331-2260) will be pleased to provide it to you.

Sincerely,

ROBERT D. EVANS,

Acting Director, Governmental Relations Office.

Enclosure.

[From the New York Times, Apr. 21, 1982]

LOK—HAND NITE—30

WHAT THE L.E.A.A. ELEPHANT LEARNED

The Law Enforcement Assistance Administration, which expired this month, had run through 14 years, five Presidents and \$7.7 billion. While it earned a reputation as a bureaucratic white elephant, it was also sadly misunderstood.

The L.E.A.A. was created during the Johnson Administration to help state and local criminal justice agencies make law enforcement more effective. The Nixon Administration imposed bolder plans: it promised victory in a war on crime and generously endowed L.E.A.A. to serve as chief supplier of arms and technology.

The war lasted only a few years before it became clear that the chance of victory was remote. Crime remained a complex social problem, stubbornly resistant to SWAT teams and computer-equipped patrol cars. L.E.A.A. turned back to a research path—only to discover a mortal problem. The Nixon era oratory had pumped up expectations. If L.E.A.A. couldn't reduce crime, people wanted to know, what good was it?

Boondoggle stories didn't help. One famous L.E.A.A. study actually sought to determine why convicts want to get out of prison. But news that the agency had wasted large sums, and the attendant derision, obscured a more important point. Whatever it did not do, L.E.A.A. advanced public understanding of criminal justice out of kindergarten and through some primary grades.

Until the publication of President Johnson's crime commission report in 1967, and L.E.A.A.'s establishment a year later, few people had recognized how much criminal justice is a "hydraulic" system in which solving a problem at one level (tougher sentences) may only displace it to another (crowded prisons). L.E.A.A. projects discovered that the number of police officers on patrol may have little to do with the amount of crime, demonstrated the value of prosecutors focusing on "career criminals," found ways to reduce court delays and developed a range of community programs for convicts.

None of the applied research necessarily reduced crime. Even the soundest new approach may only deal with a small part of the problem, and then only when carried out on a scale that can challenge traditional political and economic barriers. But using crime rates to validate such activity is unfair. Crime rises and falls with broad economic, demographic and cultural trends. Criminal justice agencies may never defeat it: their task is to hold the line, without sacrificing their own commitments to fairness and decency.

During the L.E.A.A. years, that task was especially difficult. Funds for criminal justice declined even as fear of crime rose, putting ever more pressure on the police, prosecutors, courts and prisons. In such a bind, the criminal justice agencies were well served by the fresh ideas and management tools developed by L.E.A.A.

The Reagan Administration, preoccupied with deficits and inclined to duck the crime issue, may prefer to remember L.E.A.A. boondoggles. But the successes demonstrated that Washington can in fact do much to help local law enforcement.

Not many police departments would have developed rape squads without leadership and encouragement from L.E.A.A. Few communities could have found the resources to set up programs for victims. The best Federal role is to help localities conduct and apply criminal justice research, with its powerful implications for management. L.E.A.A. may be dead, but the need for such help is greater than ever.

APRIL 23, 1982.

MR. MAX FRANKEL,
Editor, The New York Times,
New York, N.Y.

DEAR MR. FRANKEL: Your lead editorial on April 21, 1982, correctly reflects the circumstances and reasoning which led to the demise of the Law Enforcement Assistance Administration. Most disturbing of the asserted reasons for the death of LEAA is the assertion that fighting crime is exclusively a concern of State and local governments. We believe that the Federal government has an important role to play in providing leadership to States and localities in the fight against crime. Each of us has sponsored bills to do just that.

LOK—HAND NITE—31

As Chairmen of the House Subcommittee on Crime and the Senate Subcommittee on Juvenile Justice, respectively, each of us is in a position to understand the successes and failures of the Law Enforcement Assistance Administration. In addition, between us we have eighteen years of experience as prosecutors and thus know first-hand what the appropriate division of responsibility should be in the criminal justice area. This background has enabled us to develop two separate bills (H.R. 4481 and S. 2411) that retain the best of the past programs of Federal criminal justice assistance.

As you know, the House of Representatives passed H.R. 4481 by a vote of 289-73 on February 10th. Ironically on April 21, 1982—the same day of your editorial—the Senate bill was introduced. Each of the bills provides for matching Federal funds for programs that have proven effective. Included in this list are arson programs, victim/witness assistance efforts, treatment alternatives to street crime, "sting" operations, and career criminal initiatives. Each of the bills recognizes that these programs have a proven track record of success. Both of the bills eliminate the needless levels of bureaucracy and red tape found in the old LEAA program. Finally, both bills authorize a new form of coordinated Federal criminal justice assistance to areas like Southern Florida that are experiencing a crime "emergency."

While these bills differ with respect to the level of funding and certain other administrative details, they represent the same fundamental approach to this issue. We hope to work together in the coming months to convince members of both parties that a firm bipartisan commitment to the crime issue is imperative. One of the most important steps the Congress can take is to pass and appropriate funds for a modest Federal criminal justice program that ensure that those programs that have proven successful in the past will be maintained.

Sincerely,

WILLIAM J. HUGHES,

Chairman, Subcommittee on Crime.

ARLEN SPECTER,

Chairman, Subcommittee on Juvenile Justice.