

A COMMISSION REPORT

MAKING THE SAFE
STREETS ACT WORK:
An Intergovernmental Challenge



ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS
WASHINGTON, D.C. 20575
SEPTEMBER 1970
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June 1970

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Preface

The Advisory Commission on Intergovernmental Relations was established by Public Law 380, passed by the first session of the 86th Congress and approved by the President September 24, 1959. Section 2 of the act sets forth the following declaration of purpose and specific responsibilities for the Commission:

“Sec. 2. Because the complexity of modern life intensifies the need in a federal form of government for the fullest cooperation and coordination of activities between the levels of government, and because population growth and scientific developments portend an increasingly complex society in future years, it is essential that an appropriate agency be established to give continuing attention to intergovernmental problems.

“It is intended that the Commission, in the performance of its duties, will—

“(1) bring together representatives of the Federal, State, and local governments for the consideration of common problems;

“(2) provide a forum for discussing the administration and coordination of Federal grant and other programs requiring intergovernmental cooperation;

“(3) give critical attention to the conditions and controls involved in the administration of Federal grant programs;

“(4) make available technical assistance to the executive and legislative branches of the Federal Government in the review of proposed legislation to determine its overall effect on the Federal system;

“(5) encourage discussion and study at an early stage of emerging public problems that are likely to require intergovernmental cooperation;

“(6) recommend, within the framework of the Constitution, the most desirable allocation of governmental functions, responsibilities, and revenues among the several levels of government; and

“(7) recommend methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers.”

Pursuant to its statutory responsibilities, the Commission from time to time singles out for study and recommendation particular problems the amelioration of which, in the Commission's view, would enhance cooperation among the different levels of government and thereby improve the effectiveness of the Federal system of government as established by the Constitution. One subject so identified by the Commission concerns “Federalism and the Criminal Justice System.”

The study presented in this volume of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is one part of the Commission's analysis of this broader topic. The focus here is upon the major intergovernmental friction points which have developed to date in the operation of the Act. Consequently, the reader should bear in mind certain limitations on the scope of this study.

—The causes of crime, its historical growth, and various recommendations for its prevention and control are not probed.

—Specific problems facing the police, court, prosecution, and correctional functions are not treated.

—The future needs of the law enforcement and criminal justice system are not projected.

—The merits and drawbacks of the block grant device in comparison with “categorical” or “project” grants generally are not explored; they are treated only insofar as they relate specifically to the legislation under study.

Several dimensions of the approach taken in this report also should be mentioned. A large part of the empirical data relates to the status of the program as of February 28, 1970 or, in a few cases, December 31, 1969. In view of the fact that the Safe Streets Act was not passed until June 19, 1968, it could be argued that this examination is somewhat premature. The Commission was keenly aware of the possibility when it took up this part of the report at its June 12, 1970 meeting. Yet, the initial Congressional authorization was due to expire at the end of June and Congress was considering proposals to change the Act substantively, as well as to extend it. In part to coincide with these Congressional deliberations, the Commission decided to consider the Act. It believed that experience to that date provided sufficient evidence to permit at least a preliminary assessment of certain intergovernmental aspects of the program's operation.

The study is based on material provided by the Federal Law Enforcement Assistance Administration and on the responses of 48 of the 50 State law enforcement planning agency directors to an ACIR questionnaire. Even though the replies are quite sizable and well distributed, the report does not purport to reflect each State's experience under the Act.

The study uses the crime rate index and police and correctional expenditure statistics as measures of State and local crime control need and effort. Reporting of these figures is far from accurate. Furthermore, reliable information regarding Federal-State-local court and prosecution related outlays is unavailable.

These limitations in empirical data underscore the need to approach the findings cautiously. Nonetheless, to assure objectivity in the report, throughout the course of the study the Commission staff worked closely with groups reflecting all shades of opinion including among others the Council of State Governments, the International City Management Association, the National Association of Counties, the National Governor's Conference, the National League of Cities and the U. S. Conference of Mayors, as well as the U. S. Bureau of the Budget. Of course, the findings and conclusions are solely the responsibility of the Commission and its staff.

Finally, it should be pointed out that usage of the abbreviated title of the omnibus measure--the Safe Streets Act--is done for convenience, and by no means implies a Commission interpretation that its coverage is or should be restricted to just “safe streets.” Instead, it should be recognized that the Safe Streets Act is a comprehensive measure covering courts, prosecution, and corrections as well as police programs. As stated in the Congressional declaration of purpose:

. . . It is the purpose of this title to (1) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (2) authorize grants to States and units of local government in order to improve and strengthen law

enforcement; and (3) encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals
....

The report was approved at a meeting of the Commission on June 12, 1970.

Robert E. Merriam
Chairman

Acknowledgments

Work for this report was conducted by Carl W. Stenberg with the assistance of John J. Callahan and Albert J. Richter. Library research and reference services were provided by Sandra S. Osbourn. Clerical tasks in readying the report for publication were provided chiefly by Carolyn LeVere, Betty Waugh, Vicki Watts, Ronald L. Ross and Bernard C. Evans.

In a special effort to obtain current information on each State's experience under the Safe Streets Act a questionnaire was sent to each State Law Enforcement Planning agency in March 1970 and a special word of thanks is extended to the 48 SPAs that participated in this survey. The poll was undertaken in collaboration with the International City Management Association, the National Association of Counties, National Governors' Conference, and the National League of Cities-U.S. Conference of Mayors.

Excellent cooperation was received from the Bureau of the Budget and the Department of Justice. The Commission wishes to acknowledge particularly the assistance of Edwin Deckard, James Gregg and Ann Macaluso of the Bureau and Daniel L. Skoler and George B. Trubow of Justice's Law Enforcement Assistance Administration.

The Commission and its staff benefitted from an informal "thinkers session" on a proposed outline of the report. Participants included Don Alexander, U.S. Conference of Mayors-National League of Cities; Kenneth B. Anderson, Bureau of the Census; Honorable Frank Bane; Richard H. Blum, Stanford University; Harry Bratt, National Institute of Law Enforcement and Criminal Justice; Honorable John B. Breckenridge, Attorney General of the State of Kentucky and Chairman, NAAG Committee on the Office of Attorney General; John A. Gardiner, National Institute of Law Enforcement and Criminal Justice; Douglas Gill, University of North Carolina; Douglas Harmon, The American University; George Howe, International City Management Association; James Johnson, National Governors' Conference; Ellis Katz, Temple University; James McCafferty, Administrative Office of the U.S. Courts; Patrick Murphy, Public Order and Safety Studies of the Urban Institute; Judge Tim Murphy; Daniel Pflum, Bureau of the Census; Margaret Seeley, National Association of Counties; Daniel L. Skoler, Office of Planning and Law Enforcement Grants - Law Enforcement Assistance Administration; Ralph Tabor, National Association of Counties; and George B. Trubow, Office of Law Enforcement Programs - Law Enforcement Assistance Administration.

The Commission records its appreciation for the contribution of all the above individuals and organizations. Full responsibility for content and accuracy rests, of course, with the Commission and its staff.

Wm. R. MacDougall
Executive Director

David B. Walker
Assistant Director
(Governmental Structure and
Functions)

The Commission and Its Working Procedures

This statement of the procedures followed by the Advisory Commission on Intergovernmental Relations is intended to assist the reader's consideration of this report. The Commission, made up of busy public officials and private persons occupying positions of major responsibility, must deal with diverse and specialized subjects. It is important, therefore, in evaluating reports and recommendations of the Commission to know the processes of consultation, criticism, and review to which particular reports are subjected.

The duty of the Advisory Commission, under Public Law 86-380, is to give continuing attention to intergovernmental problems in Federal-State, Federal-local, and State-local, as well as interstate and interlocal relations. The Commission's approach to this broad area of responsibility is to select specific intergovernmental problems for analysis and policy recommendation. In some cases, matters proposed for study are introduced by individual members of the Commission; in other cases, public officials, professional organizations, or scholars propose projects. In still others, possible subjects are suggested by the staff. Frequently, two or more subjects compete for a single "slot" on the Commission's work program. In such instances selection is by majority vote.

Once a subject is placed on the work program, staff is assigned to it and a "thinkers session" is held to discuss the scope, methodology, and basic issues involved in the study with authorities in the subject matter field. In limited instances the study is contracted for with an expert in the field or a research organization. Such was not the case with this report. The staff's job is to assemble and analyze the facts, identify the differing points of view involved, and develop a range of possible, frequently alternative, policy considerations and recommendations which the Commission might wish to consider. This is all developed and set forth in a preliminary draft report containing (a) historical and factual background, (b) analysis of the issues, and (c) alternative solutions.

The preliminary draft is reviewed within the staff of the Commission and after revision is placed before an informal group of "critics" for searching review and criticism. In assembling these reviewers, care is taken to provide (a) expert knowledge and (b) a diversity of substantive and philosophical viewpoints. Additionally, representatives of the Council of State Governments, International City Management Association, National Association of Counties, National Governors' Conference, National League of Cities-U.S. Conference of Mayors, U. S. Bureau of the Budget and any Federal agencies directly concerned with the subject matter, — in this case, the Department of Justice—participate, along with the other "critics" in reviewing the draft. It should be emphasized that participation by an individual or organization in the review process does not imply in any way endorsement of the draft report. Criticisms and suggestions are presented; some may be adopted, others rejected by the Commission staff.

The draft report is then revised by the staff in light of criticisms and comments received and transmitted to the members of the Commission at least three weeks in advance of the meeting at which it is to be considered.

Highlights of Findings and Recommendations

One of the most controversial measures considered by Congress in the 1960s, the Omnibus Crime Control and Safe Streets Act has been marked by virulent debate at every step of its implementation.

Title I of the Act sets up the first comprehensive Federal grant program for assisting State and local law enforcement and criminal justice administration. It does this through block grants to the States with a required “pass through” to localities. Funds are awarded in a two-step procedure, first for planning and then for action programs. Federal responsibilities are handled through the three-member Law Enforcement Assistance Administration (LEAA) in the Justice Department. Some debate has focused on the efficiency of this administrative structure, but most of the controversy has been over the desirability of block grants—channeling Federal funds through the States on a broad program basis—versus direct Federal grants to State agencies and localities on a project-by-project basis. The Commission study deals primarily with these intergovernmental problems and issues.

The Commission unanimously urged retention of the block grant approach, which, it stated, “represents a significant device for achieving greater cooperation and coordination of criminal justice efforts between the States and their political subdivisions.” The Commission noted “some gaps in State performance,” and suggested that “States make further improvements in their operations under it.”

The basic criticism of the block grant approach is that the States are not equipped to handle the money and not really interested in the urgent crime problems of large cities and counties.

That the States were both concerned and equipped to move on the anti-crime front was demonstrated in the speed with which the program was implemented. The legislation required the States to set up a State law enforcement planning agency within six months of the measure’s enactment to devise a comprehensive plan, receive block grants, and disburse subgrants. Otherwise, the Federal Government could deal directly with localities. Every State complied within the stringent time limit.

Each State received at least \$100,000 to enable a minimum planning effort; additional planning grants were based on population. As a consequence of this two factor formula, the largest States received less total planning funds *per capita* than many smaller States with lower crime rates. This was due to the flat grant device and to the relatively modest amount of funds available – \$19 million the first year.

Policy direction of the State planning agencies is in the hands of a supervisory board of elected and appointed State and local officials and citizens at large. **The Commission recommended no change in the composition of the supervisory boards or the LEAA guidelines which provide for “balanced representation of interests on the supervisory boards.”**

Criticism has been levelled that these boards are functionally oriented and inadequately representative of elected local government policymakers and the people. This is in part due to LEAA guidelines which specify eight categories of officials that must be represented on the boards. The average supervisory board has 23 members. Of the 1,153 persons serving on the 50 SPA boards at the end of 1969, one-third represented

the States and two-thirds represented elected local government policy makers, law enforcement professionals, and the citizens. Overall, one-quarter of the board members represented citizen interest or elected local officials. Elected local political executives also tended to have somewhat lower average attendance rates than functionaries. However, the number of supervisory board meetings varied widely among the States during the period studied.

Forty-five States use regional bodies to help administer the Act at the substate level. **The Commission recommended that States retain and strengthen these regional entities.**

There have been charges that the regions are State-imposed entities which are unrepresentative of their constituent local governments and unresponsive to them. Many of the districts have been assigned a wide range of planning, administrative, and fiscal responsibilities. But there are no reliable figures or documentation on the composition of these regional bodies or their responsiveness to the criminal justice needs of their respective areas.

Critics of the block grant approach usually claim that the States are not distributing sufficient funds to the high crime areas. **The Commission recommended that no change be made in the Act to funnel additional money to high crime areas, but did call for an amendment “providing that no State comprehensive law enforcement plan shall be approved unless the LEAA finds that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence.”**

Action grants to States amounted to \$24.5 million in fiscal 1969 and \$179.4 million in fiscal 1970. These funds were allocated to the States strictly according to population. The States were required to “pass through” 75 percent.

The ACIR study shows that, as of February 28, 1970, 12 of the 48 States reporting “passed through” more than the required 75 percent of action funds. Two-thirds of the States, however, had not awarded the full local share. Forty-two States retained funds at the State level for programs they considered to be of direct benefit to local jurisdictions. Fourteen States charged all or part of the cost of these programs to the localities’ portion of action dollars, but 36 States charged all or part of these costs to their share.

Of the action subgrants going to cities, jurisdictions over 50,000 population received 76 percent of the total funds awarded municipalities. And urban counties (over 50,000 population) received 77 percent of the action money going to counties. However, cities under 50,000 population constituted 77 percent of the total number of municipal subgrantees; their average subgrant amounted to \$2,782. Small counties (under 50,000 population) made up two-thirds of the subgrantees in the county category, with an average subgrant of \$2,511. This proliferation of small subgrants has led to the charge that the States are employing a “buck-shot” approach and are spreading subgrants too thinly rather than targeting the money on the most serious crime problems.

Some analysts have used a locality’s crime rate, its portion of total State-local police expenditures, and its share of total local police outlays as measures of its law enforcement assistance need and effort. The study considers the amount of money “passed through” to the five largest cities (25,000 population or more) in each of 45 States to assess how they fared. Five States “passed through” more to these jurisdictions than they would have received if crime rates were the basis for allocation, and another seven States awarded a roughly proportional amount. Using these cities’ portion of total State-local police expenditures as a test, 12 States “passed through” more and 12 others an amount commensurate with city expenditures. And using their share of total local police outlays, seven States distributed more and ten a comparable amount. These figures show that a

majority of States are not focusing sufficient funds in high need areas, but no general consensus exists as to the reliability of these factors as a gauge of State responsiveness to urban crime reduction needs or of local anti-crime effort.

A major intent of the legislation is to stimulate a comprehensive approach to law enforcement and criminal justice. But early planning and action on the program focused primarily on the former. **The Commission recommended no change in the Act to encourage greater comprehensiveness since "modifications of this type would constitute an infringement on State and local discretion under the block grant approach contained in the Act."** Nonetheless, **"the Commission urges that State comprehensive law enforcement plans should give greater attention to improving all components of the criminal justice system."**

The study reveals heavy accent on police in the 1969 plans and expenditures, although somewhat greater attention apparently has been given to courts and corrections in 1970 plans. As of early 1970, 45 percent of the action funds had been used for police programs with large amounts going to purchase equipment and for communication systems and training. Relatively insignificant dollar amounts were awarded for upgrading courts, prosecution and corrections.

The Commission noted that the Safe Streets program is still in its early stages. There was little time to gear up for a truly comprehensive approach initially. The law enforcement interests were organized at State and local levels, and able to get the funds and use them immediately. A balanced, interrelated criminal justice program will take more time, but the mechanisms exist for working out such a program.

There have been complaints that, in implementing the Act, the statutory ceiling on grant funds for personnel compensation hampers State and local efforts. **The Commission recommended that the LEAA be authorized to waive the ceiling.**

This was a compromise between a deletion of the ceiling sought by those who contended that personnel is the greatest need of localities, constituting 90 percent of local law enforcement expenditures, and those who wished to retain the ceiling for fear that the money would be used just to raise police salaries.

The Act requires that for Federal planning money, recipient jurisdictions provide at least 10 cents for every Federal 90 cents. Every 60 cents in Federal action grants are to be matched by 40 cents. Other matching requirements are 75-25 for organized crime and riot control programs, and 50-50 for construction projects. The Commission rejected a proposal that the Federal Government raise its share to a flat 75 percent.

Under the Act, the States are required to indicate their willingness to provide technical assistance and services and to assume part of the costs of action programs after a reasonable period of Federal assistance. As of February 28, 1970, 23 States had made a cash or in-kind contribution to help match passed-through funds, most of it for planning. But the total amounted to only \$791,945 for 21 States. This could be attributed, in part, to the fact that 1969 Federal action funds were not awarded to the States until the end of the fiscal year, after many of the State legislatures had adjourned. Two States "bought into" planning and action programs across-the-board. In 1967, 34 States assumed 75 percent or more of combined State-local corrections expenditures, and 18 States accounted for 25 percent or more of total State-local police outlays.

The Commission made no recommendation regarding mandatory State "buying in," under which a State would be required to put up its own money to cover part of the non-Federal share of local program costs. The Commission has a long-standing general policy favoring State "buying in". Two reasons were advanced for not recommending the incorporation of a mandatory provision of this kind in the Act: about half the States

already are “buying in” to some extent; and it was believed that such a requirement would dilute the concept of the comprehensive block grant approach. However, many Commission members expressed the hope that all the States would follow this policy in their administration of the Safe Streets Act.

The Commission recommended that Congress amend the Act to establish the position of Director of Law Enforcement and Criminal Justice Assistance to be responsible for administering the Act. He would be one of the three-member LEAA, appointed by the President and acting under the general authority of the Attorney General.

The original bill submitted by the Johnson Administration called for a single director. The “troika” arrangement, with no more than two members from one party, was an amendment proposed by minority members. Some feared that a single director would strengthen the authority of the Attorney General and perhaps lead to a national police force. In favor of a single Administrator is the basic organizational principle of pinpointing administrative responsibility to avoid buckpassing and achieve expeditious decision-making. The first troika worked well together, but friction arose among the second trio. The need for unanimity led to inaction and culminated in the resignation of the Administrator in April 1970.

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INTRODUCTION

The Federal Role in Law Enforcement

Law enforcement is usually considered to be mainly a State and local responsibility. Not to be overlooked, however, is the fact that in addition to its direct crime reduction outlays the Federal Government provides significant financial and technical assistance to these jurisdictions in their anti-crime efforts.

Major categories of Federal programs for reducing crime include: support and improvement of Federal, State, and local law enforcement agencies; reform and enforcement of Federal criminal laws; court administration and prosecution; custody and rehabilitation of criminal offenders; prevention of crime; planning and coordination of State and local crime control activities; and crime research and statistics.

As indicated in Table 1, Federal outlays in support of State and local crime prevention and control activities have grown significantly over the 1969-1971 fiscal year period. In fiscal 1971, 41 percent of all Federal domestic crime reduction expenditures will be for assisting States and localities, as contrasted with 30 percent in fiscal 1970 and 16 percent in fiscal 1969. At the same time, although direct outlays for dealing with Federal crimes also increased, their share of the total amount spent by the Federal Government for crime reduction declined from 84 percent in 1969, to 70 percent in 1970 and 59 percent in 1971. (See Figure 1)

It is estimated that the Federal Government's anti-crime outlays in fiscal 1971 will total \$1,257 million. This figure is 33 percent greater than estimated Federal expenditures in 1970 and 91 percent more than the 1969 actual figure. Most of these funds have been used for Federal criminal law enforcement activities; support or improvement of Federal, State, and local police and investigative agencies; and crime prevention services. As a proportion of total Federal crime reduction outlays, however, the amount spent for such direct Federal criminal law enforcement programs as investigations, policing of certain Federal areas, and

specialized activities to control organized crime, has decreased steadily over the 1969-1971 fiscal year period. On the other hand, relatively sharp increases have occurred in expenditures for law enforcement support and for public education, alcoholic and addict rehabilitation, juvenile delinquency prevention and control, and other community services to prevent crime. (See Table 2)

Despite these rises, projected Federal outlays for crime reduction in fiscal 1971 will still be far less than the expenditures of State and local jurisdictions for police, courts, and corrections. The Bureau of the Census reports that in fiscal 1967-1968, a total of \$3,633 million was spent by the 50 States, 55 largest counties, and 43 largest cities in the nation for these purposes.¹ This amount is 189 percent more than the estimated Federal outlays for fiscal 1971. In other words, Federal anti-crime expenditures in fiscal 1971 will represent only 35 percent of the total law enforcement and criminal justice outlays made by State and selected large county and city governments three years ago.

Although the Department of Justice has been assigned major responsibility for leading the Federal Government's attack on the law enforcement aspects of the crime problem, Table 3 shows that at least 14 other Federal agencies currently administer programs which involve direct Federal crime reduction operations or support for State and local efforts on this front. These 15 agencies follow, together with a summary of their anti-crime programs (excluding for the most part regulatory responsibilities) and their estimated outlay of Federal funds in fiscal 1971 relative to the expenditure

¹U.S., Department of Commerce, Bureau of the Census, *Criminal Justice Expenditure and Employment for Selected Large Governmental Units, 1967-68* (Washington, D.C.: U.S. Government Printing Office, 1970), pp. 1-3.

TABLE 1 – TYPES OF FEDERAL OUTLAYS FOR THE REDUCTION OF CRIME, BY MAJOR PROGRAM
(in thousands of dollars)

| Program | 1969 Actual | | 1970 Estimate | | 1971 Estimate | |
|--|----------------|----------------|------------------|----------------|------------------|----------------|
| | Direct | Support | Direct | Support | Direct | Support |
| Crime Research & Statistics | 9,687 | 3,756 | 11,138 | 15,782 | 12,779 | 30,430 |
| Reform of Criminal Laws | 287 | 59 | 351 | 686 | 298 | 1,154 |
| Services for Prevention of Crime | 21,572 | 26,208 | 25,588 | 78,197 | 31,918 | 154,923 |
| Federal Criminal Law Enforcement | 356,225 | 0 | 427,624 | 0 | 472,823 | 0 |
| Law Enforcement Support | 5,170 | 48,569 | 8,161 | 130,063 | 14,717 | 221,921 |
| Court Administration and Prosecution . . . | 67,502 | 1,036 | 80,453 | 9,089 | 85,335 | 25,116 |
| Rehabilitation of Offenders | 94,171 | 11,211 | 106,382 | 29,555 | 121,241 | 56,083 |
| Planning & Coordination of Crime Reduction Programs | 0 | 12,900 | 0 | 24,272 | 0 | 28,600 |
| TOTAL | 554,614 | 103,739 | 659,697 | 287,644 | 739,111 | 518,227 |

Source: U.S., Bureau of the Budget.

TABLE 2 – TRENDS IN FEDERAL OUTLAYS FOR THE REDUCTION OF CRIME, BY MAJOR PROGRAM

| Program | 1969 | | 1970 | | | 1971 | | |
|--|----------------|--------------------------|----------------|-----------------|--------------------------|------------------|-----------------|--------------------------|
| | Actual | % of Program Total | Estimate | % in- crease | % of Program Total | Estimate | % in- crease | % of Program Total |
| Federal Criminal Law Enforcement | 356,225 | 54 | 427,624 | 20 | 45 | 472,823 | 11 | 38 |
| Law Enforcement Support | 53,739 | 8 | 138,224 | 157 | 15 | 236,638 | 71 | 19 |
| Services for Prevention of Crime | 47,780 | 7 | 103,785 | 117 | 11 | 186,841 | 80 | 15 |
| Rehabilitation of Offenders | 105,382 | 16 | 135,937 | 29 | 14 | 177,324 | 30 | 14 |
| Court Administration and Prosecution | 68,538 | 10 | 89,542 | 31 | 9 | 110,451 | 23 | 9 |
| Crime Research and Statistics | 13,443 | 2 | 26,920 | 100 | 3 | 43,209 | 61 | 3 |
| Planning and Coordination of Crime Reduction Programs | 12,900 | 2 | 24,272 | 88 | 3 | 28,600 | 18 | 2 |
| Reform of Criminal Laws | 346 | — | 1,037 | 200 | — | 1,452 | 40 | — |
| TOTAL | 658,353 | 100 | 947,341 | 44 | 100 | 1,257,338 | 33 | 100 |

Source: U.S., Bureau of the Budget, *Special Analyses, Budget of the United States, Fiscal Year 1971* (Washington, D.C.: U.S. Government Printing Office, 1970), pp. 197-98.

FIGURE 1 – TYPES OF FEDERAL OUTLAYS FOR THE REDUCTION OF CRIME, BY MAJOR PROGRAM

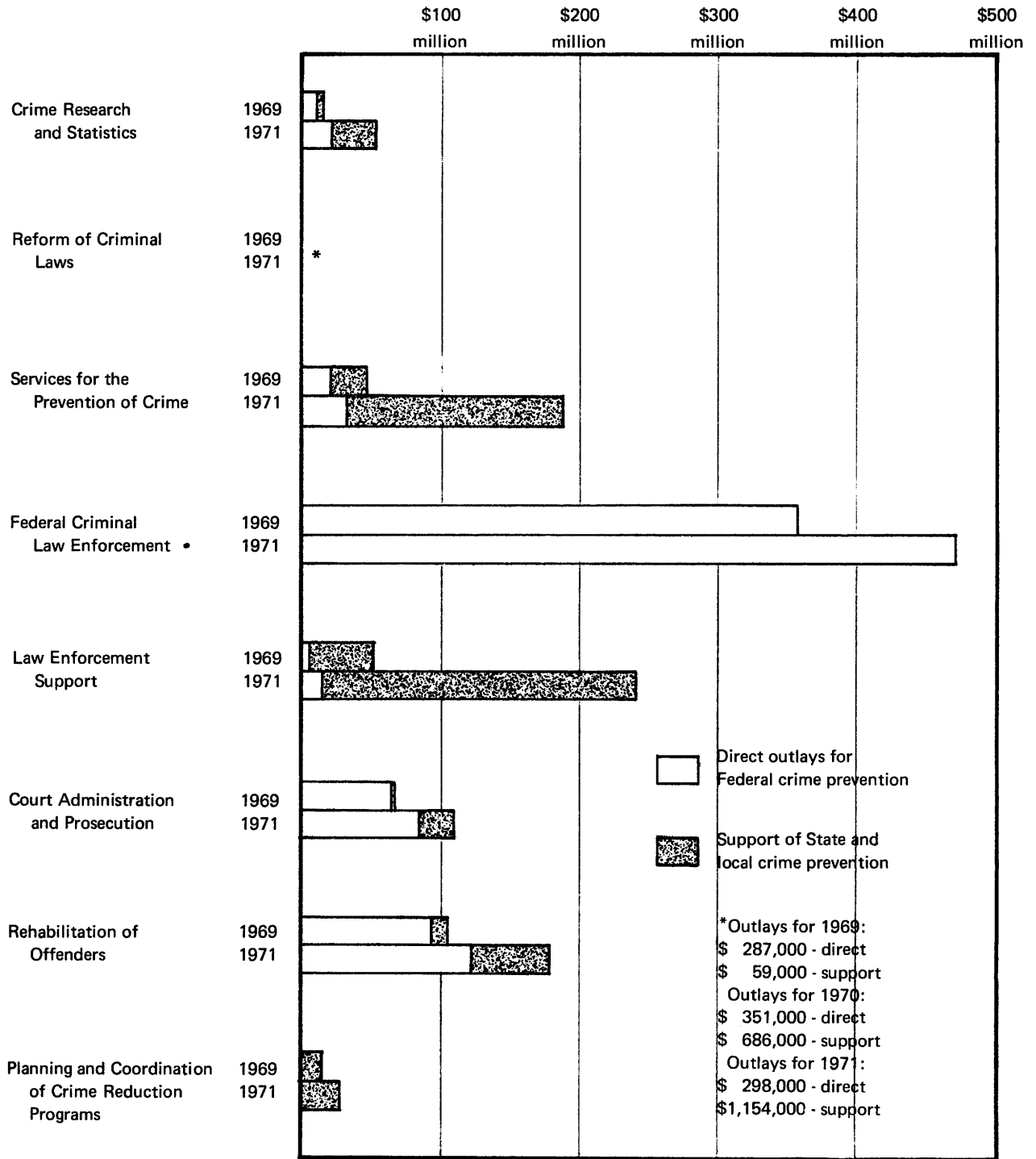


TABLE 3 – TYPES OF FEDERAL OUTLAYS FOR THE REDUCTION OF CRIME, BY ADMINISTERING AGENCY
(in thousands of dollars)

| Agency | 1969 Actual | | 1970 Estimate | | 1971 Estimate | |
|--|----------------|----------------|------------------|----------------|------------------|----------------|
| | Direct | Support | Direct | Support | Direct | Support |
| Department of Justice | 329,136 | 61,179 | 387,078 | 211,864 | 427,134 | 403,294 |
| Treasury Department | 90,344 | 0 | 125,578 | 0 | 141,903 | 0 |
| Department of Health, Education, and Welfare | 22,848 | 22,585 | 25,463 | 34,704 | 27,673 | 48,092 |
| The Judiciary | 48,485 | 0 | 55,510 | 0 | 58,054 | 0 |
| Post Office Department | 31,899 | 0 | 27,904 | 0 | 36,509 | 0 |
| Department of Housing and Urban Development | 0 | 526 | 0 | 13,360 | 0 | 23,600 |
| Veterans Administration | 3,700 | 6,963 | 4,100 | 11,357 | 7,000 | 15,501 |
| Department of Interior | 14,523 | 1,000 | 16,813 | 1,752 | 17,931 | 1,782 |
| General Services Administration | 0 | 0 | 500 | 3,877 | 4,000 | 9,333 |
| Department of Transportation | 10,042 | 953 | 10,442 | 1,221 | 11,325 | 1,150 |
| Office of Economic Opportunity | 0 | 7,446 | 0 | 5,095 | 0 | 11,295 |
| Department of Labor | 0 | 2,839 | 1,900 | 3,000 | 3,100 | 3,000 |
| Department of Agriculture | 3,158 | 0 | 3,602 | 0 | 3,810 | 0 |
| National Aeronautics and Space Administration | 24 | 248 | 58 | 1,114 | 58 | 1,180 |
| Atomic Energy Commission | 243 | 0 | 159 | 0 | 149 | 0 |
| Other Independent Agencies | 212 | 0 | 590 | 0 | 465 | 0 |
| TOTAL | 554,614 | 103,739 | 659,697 | 287,644 | 739,111 | 518,227 |

Source: U.S., Bureau of the Budget.

levels for the two immediately preceding fiscal years.²

Department of Justice

The involvement of the Department of Justice in the reduction of crime is widespread, covering virtually all of the types of Federal direct action or support mentioned above. An important direct activity involves the detection, identification, and apprehension of violators of Federal criminal laws. The Department's Criminal Division, its U. S. Attorneys and U. S. Marshalls, and the Federal Bureau of Investigation (FBI), for example, are charged with responsibility for combating organized crime. Twelve "strike forces" against organized crime, composed of FBI agents, Federal grand juries, prosecutors, and other law enforcement personnel, have been organized by the Department across the nation.

In support of State and local law enforcement activities, the Justice Department, through the Law Enforcement Assistance Administration (LEAA), provides funds for training State and local police and for loans to enable full-time students and in-service policemen to enroll in college degree programs. The FBI's National Academy and its field training program offer a large number of courses to State and local law enforcement officers each year. The Bureau of Narcotics and Dangerous Drugs (BNDD) trains policemen in drug enforcement.

The Department also plays a leading role in the rehabilitation of offenders. In addition to its direct outlays for operation of community treatment centers and vocational training for Federal inmates, the Bureau of Prisons provides support for the correctional programs of State and local governments, including a jail inspection service and technical assistance in jail design, prisoner management, and staff training.

Turning to crime prevention services, LEAA funds have been awarded to assist State and local governments in undertaking juvenile delinquency prevention and control projects. With respect to direct operations, the Bureau of Prisons treats inmates who are narcotic addicts both while they are in prison and when they return to the community following their release. The Department, in cooperation with the Department of Defense and the Department of Health, Education, and Welfare (HEW), also plans to conduct a three-year drug

²U.S., Bureau of the Budget, *Special Analyses, Budget of the United States, Fiscal Year 1971* (Washington, D.C.: U.S. Government Printing Office, 1970), pp. 194-205. Crime reduction outlays by the Department of Defense are not included in this discussion of the Federal Government's role in law enforcement and criminal justice administration. The Bureau of the Budget estimates that in 1969 the Defense Department spent \$500 million on anti-crime measures.

information program over the mass media.

The Department of Justice administers a wide range of programs related to crime research and statistics. The FBI has established a nationwide system of reported crime data which are published periodically and distributed to State and local law enforcement agencies. For many years, its fingerprint identification and laboratory services have been made available to these agencies. LEAA funds have been allocated to States and localities for reforming their criminal laws. The Department's direct activities include: initiation of a comprehensive criminal justice statistics and information service and efforts to devise better detection and apprehension methods; BNDD's program for recognizing and testing new unsafe substances likely to be abused; research in connection with improving correctional practices sponsored by the Bureau of Prisons and LEAA; and studies dealing with upgrading court procedures undertaken by LEAA and the Federal Judicial Center. Under Executive Order 11396, the Department is responsible for achieving effective intergovernmental planning and coordination of the crime prevention and control programs which it administers, as well as those funded by HEW and the Department of Housing and Urban Development (HUD).

In fiscal 1971, an estimated \$830.4 million will be spent by the Department of Justice on its numerous anti-crime programs, a 39 percent increase over the 1970 estimated outlay and a 113 percent increase over its 1969 actual expenditure figure. These overall rises reflect the rapid growth in the Department's outlays for assisting State and local governments from 16 percent of its total crime reduction expenditure in 1969, to an estimated 36 percent in 1970 and 49 percent in 1971.

Treasury Department

The Treasury Department's principal role in reducing crime has involved direct Federal criminal law enforcement efforts. The Department conducts certain Federal police activities through the Bureau of Customs, whose agents are responsible for controlling drug smuggling and indirectly for fighting organized crime, and through the Secret Service, which investigates forgery and protects the President and foreign diplomatic missions. Internal Revenue Service officers enforce alcohol and tobacco tax statutes, and also play a key part in combating organized crime.

The Treasury Department will spend an estimated \$141.9 million on its anti-crime programs in fiscal 1971. This figure is 13 percent greater than the Department's estimated 1970 outlay, and 57 percent more than its actual 1969 expenditure.

Department of Health, Education, and Welfare

HEW administers a number of programs for assisting State and local governments in their crime prevention and control activities. The Office of Education (OE), for example, provides basic education for inmates in State and local penal institutions. OE also funds the enrollment of law enforcement personnel in vocational education classes, offers programs for upgrading the education of institutionalized delinquent children, and distributes information on narcotics to the public. For a long time, the former Children's Bureau conducted surveys of juvenile court and correctional systems, sponsored training workshops, and disseminated information to States and localities. Finally, under the Juvenile Delinquency Prevention and Control Act of 1968, Federal funds have been awarded to the States for preparing comprehensive plans, undertaking prevention and rehabilitation projects, and furnishing other community-based services to juveniles.

With regard to direct operations to combat Federal crimes, HEW's National Institute of Mental Health (NIMH) sponsors narcotics treatment and drug prevention programs, supports research on aberrant behavior, juvenile delinquency, drug addiction, correctional practices, and court procedures, and trains prison officers and professional correctional and court personnel. OE also conducts training programs for Federal correctional personnel.

In fiscal 1971, HEW will make crime reduction outlays amounting to approximately \$75.7 million. This figure exceeds the 1970 estimate by 26 percent, and it is 67 percent more than the Department's actual 1969 expenditure.

Post Office Department

This Department investigates mail fraud and theft and fights organized crime by monitoring the flow of illegal material through the mails. The Department will spend an estimated \$36.5 million on these direct activities in fiscal 1971, 31 percent more than the estimated 1970 figure and 14 percent more than the actual 1969 outlay.

Department of Housing and Urban Development

Through the Model Cities program, HUD has supported crime reduction projects in a number of communities. The law enforcement components of typical local Model Cities plans involve such projects as police-community relations, halfway houses and foster homes for juveniles, addiction treatment centers, and

juvenile probation services.

An estimated \$23.6 million in HUD funds will be awarded to Model Cities for their anti-crime programs in fiscal 1971, a sharp rise (73 percent) over the \$13.6 million estimated 1970 figure. It is noteworthy that in 1969 only \$526,000 in Model Cities funds were spent for law enforcement purposes.

Veterans Administration

The Veterans Administration (VA) supports State and local law enforcement by recruiting policemen among veterans and training them either on the job or in the classroom. VA's direct crime reduction efforts involve the treatment of veterans with drug abuse or alcohol problems in units operated by its hospitals. These services will amount to approximately \$22.5 million in 1971, an increase of 46 percent over the 1970 estimate and 111 percent over the 1969 actual outlay.

Department of the Interior

Responsibility for policing certain areas in the National Park System, including enforcement of Federal game laws and supervision of Indian reservations, is assigned to the U. S. Park Police in the Department of the Interior. In 1971, it is estimated that the Department will spend \$19.7 million on these activities, only slightly more than the 1970 estimate (6 percent) but 27 percent above the 1969 actual total.

General Services Administration

In fiscal 1971, the General Services Administration will spend approximately \$13.3 million on construction of the FBI's National Academy.

Department of Transportation

Under the auspices of the Department of Transportation (DOT), the U. S. Coast Guard enforces certain Federal criminal laws dealing with water pollution, and Federal Aviation Administration agents police aircraft hijacking. The Federal Highway Administration makes support grants under the Highway Safety Act of 1965 to provide training and equipment for police departments and other law enforcement agencies. The Urban Mass Transportation Administration provides funds for State and local research, development, and statistics programs. Expenditures of \$12.5 million are projected for 1971, a relatively small increase over the 1970 estimate (7 percent) and the 1969 actual figure (13 percent).

Office of Economic Opportunity

In fiscal 1971, it is estimated that the Office of Economic Opportunity (OEO) will spend \$11.3 million on programs to assist States and localities in reducing crime, well over twice (122 percent) the 1970 estimate and 52 percent greater than the 1969 actual outlay. These funds will be used to support and upgrade OEO's drug programs, including treatment of narcotic addicts via community-based rehabilitation services and study of new approaches for dealing with drug addiction in poverty areas. They will also provide experimental college preparatory courses for inmates of penal and correctional institutions and post-release academic assistance to former inmates. OEO funds will operate demonstration projects for improving the pretrial handling of indigent suspects, and provide neighborhood legal services for the poor.

Department of Labor

Inmates of State correctional and penal institutions are trained in various occupational shortage areas under a program funded by the Department of Labor. The Department also investigates the possible illegal use of union pension funds. In fiscal 1971, an estimated \$6.1 million will be spent for these purposes, a rise of 24 percent over the 1970 estimate and 115 percent over the 1969 actual figure.

Department of Agriculture

The Department of Agriculture will spend approximately \$3.8 million in fiscal 1971 for direct programs to combat consumer fraud. This amount is only 6 percent greater than the Department's 1970

estimated outlay, but it is 21 percent above the 1969 actual expenditure.

National Aeronautics and Space Administration

The National Aeronautics and Space Administration will allocate an estimated \$1.2 million in 1971 to fund a variety of State and local projects involving the planning and evaluation of police patrol and detection methods and the improvement of police communications systems.

Atomic Energy Commission

In fiscal 1971, it is projected that the Atomic Energy Commission will spend \$149,000 on developing techniques for analyzing evidence in criminal cases using special nuclear devices which are capable of revealing traces of substances that are otherwise undetectable. This outlay is 6 percent below the estimated figure for 1970, and 39 percent less than 1969 actual expenditure.

The Judiciary

The Judiciary's principal function is to ensure the proper administration of criminal justice through operation of court systems, trial of cases, and provision of defense counsel to defendants who cannot otherwise afford legal representation. These and other related activities, of course, have a major impact on reducing crime. In addition to handling all Federal criminal cases, the Judiciary also operates a probation service and undertakes research on crime problems. Its estimated fiscal 1971 outlay of \$58 million is only 5 percent above that for 1970 and 20 percent greater than the actual 1969 expenditure.

Chapter 1

THE FEDERAL GOVERNMENT AND SAFE STREETS

The Bureau of the Budget estimates that \$518 million--41 percent of the approximately \$1,257 million in fiscal 1971 Federal anti-crime expenditures--will be for support of State and local crime reduction programs. Seventy-one percent of these funds will be provided under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Federal Government's first comprehensive grant-in-aid program for assisting State and local jurisdictions in their law enforcement and criminal justice administration efforts.³

The Safe Streets Act was one of the most controversial laws enacted by Congress in the 1960's. Like other hotly argued bills passed during this decade--such as the anti-poverty program and the Model Cities program--the major issues did not concern the matter of whether Federal involvement was justified in an area that, for the most part, had been traditionally a State and local responsibility. Rather, heated debate centered around determination of the most suitable procedures for administering Federal financial assistance to State and local crime reduction efforts and, in particular, focused on the questions of whether the Federal Government should bypass the States and deal directly with local units on a project grant basis or whether Federal-local contacts should be channeled through State administrative agencies under a block grant approach. The block grant issue, in turn, raised questions concerning whether States should be required to "pass through" a specified proportion of Federal funds to local jurisdictions or whether this should be left to State discretion.

Arguments over the nature, extent, and effectiveness of the role of State governments in programs administered and financed under the Safe Streets Act, as well as the related issues of channeling and the modified version of the block grant embodied in the Act, have persisted to the present time. Resolution of these intergovernmental tensions is a prerequisite for achieving the full potential of the legislation. Furthermore, experience under the type of block grant approach taken here may well condition the future application of this broad functional grant device to other Federal aid programs. For these reasons, the

Commission's treatment of the Federal Government's activities in law enforcement will deal exclusively with the operation of the Safe Streets Act.

OLEA: A Prod to State and Local Innovations

Nineteen sixty-five was a landmark year for federalism and the criminal justice system. In his March 8, 1965 message to Congress, President Lyndon B. Johnson announced the establishment of a President's Commission on Law Enforcement and Administration of Justice to probe the causes of crime and to recommend ways to improve its prevention and control. He indicated that a commission would be named to make a similar study for the District of Columbia. The President also proposed a Law Enforcement Assistance Act as the first Federal grant-in-aid program designed solely for the purpose of bolstering State and local crime reduction capabilities. President Johnson explained the intergovernmental implications of these elements of the Federal Government's "war on crime" as follows:

This message recognizes that crime is a national problem. That recognition does not carry with it any threat to the basic prerogatives of State and local governments. It means, rather, that the Federal Government will henceforth take a more meaningful role in meeting the whole spectrum of problems posed by crime. It means that the Federal Government will seek to exercise leadership and to assist local authorities in meeting their responsibilities. It means that we will make a national effort to resolve the problems of law enforcement and the administration of justice--and to direct the attention of the nation to the problems of crime and the steps that must be taken to meet them.⁴

³U.S. Bureau of the Budget, *Special Analyses*, p. 196.

⁴President's Message to the Congress -- "Crime, Its Prevalence and Measures of Prevention," March 8, 1965, quoted in *1965 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly Service, 1966), pp. 1396-97.

Six months later, the Congress enacted the Law Enforcement Assistance Act of 1965 (LEAA). The basic thrust of this legislation was to generate new approaches and techniques and to upgrade existing practices, resources, and capacities for dealing with the problem of crime. The Attorney General was authorized to make grants to, or to contract with, public or private non-profit agencies for projects intended to improve law enforcement and correctional personnel, increase the ability of State and local agencies to protect persons and property from lawlessness, and instill greater public respect for the law. The Act contained no formula for determining the allocation of these funds, but instead gave the Attorney General considerable discretion in awarding project grants. The Attorney General was also empowered to conduct research on law enforcement and crime prevention practices, furnish technical assistance to State and local jurisdictions, evaluate the effectiveness of programs funded by LEAA, and disseminate information regarding the results of such projects.

The Attorney General administered the program through the Justice Department's Office of Law Enforcement Assistance (OLEA). Congressional authorizations for the first three fiscal years of LEAA's operation were \$10 million, \$15 million, and \$30 million, respectively. Actual appropriations of funds for the 1966-1968 fiscal year period, however, were considerably less than these amounts: \$7.249 million for 1966; \$7.25 million for 1967; and \$7.5 million for 1968. These figures contrast with departmental requests of \$9.3 million for 1966, \$13.7 million for 1967, and \$19 million for 1968.⁵ The program spearheading the Federal Government's "war on crime," then, was funded at only a demonstration or experimental level.

By April 1968, OLEA had awarded a total of nearly \$19 million for 330 separate projects, which were grouped into one of three major categories:

--individually designed training, demonstration, and development projects and studies for the purpose of collecting data or formulating and testing new models, techniques, and approaches for reducing crime;

--grants for special projects designed to meet a particular need on a wide-scale basis (such as police-community relations programs in large metropolitan areas, college and university courses and degree programs in police science, statewide police standards, police and correctional in-service training systems, State criminal justice

administration planning committees, and planning and research units in medium-size police departments) by making relatively modest amounts of funds available to a large number of States and localities; and

--information dissemination and such technical assistance services as support for conferences and workshops held by State and local law enforcement agencies.⁶

Projects involving police departments were the recipients of 66 percent of the total funds awarded by OLEA during the first two and one-half years of its existence, while those relating to correctional institutions were allotted 15 percent, planning and crime prevention studies were given 11 percent, and courts and prosecution projects were allocated eight percent. With respect to the type of project funded, 48 percent of the grants were for operations improvement, 41 percent for training, and 11 percent for planning and crime prevention studies. State, county, or city agencies were grantees for 50 percent of the total funds awarded, colleges and universities received 29 percent, and private research organizations and professional associations were allocated the remaining 21 percent. Although the Act did not specify matching formulas, by April 1968 these grantees had contributed more than \$10 million to cover the non-Federal share of project costs.⁷

The Law Enforcement Assistance Act of 1965 was a pioneering attempt by the Federal Government to encourage State and local jurisdictions to improve their law enforcement and criminal justice systems and to undertake new programs through the funding of a variety of experimental, research, demonstration, and training projects. OLEA funds, for example, were used to launch a nation-wide survey of correctional institutions, study the incidence and patterns of unreported crime, probe police-community relations problems, explore the possibilities for pooling, consolidating, and regionalizing police services, and examine the relationship between the personal characteristics of policemen and their job performance. Furthermore, as a result of OLEA's special project program, 27 States established new criminal justice planning committees or broadened the activities of previously existing groups; 17 States began police science courses and college degree programs; 20 States initiated or expanded police standards and training systems; 20 States started planning for statewide integrated in-service correctional training systems; 33 large cities developed or improved police-community

⁵U.S., Department of Justice, *Third Annual Report to the President and the Congress on Activities Under the Law Enforcement Assistance Act of 1965* (Washington, D.C.: U.S. Department of Justice, 1968), p. 2.

⁶*Ibid.*, pp. 2-3.

⁷*Ibid.*, p. 4.

relations programs; and 10 medium-sized city and county police departments set up full-time planning and research units.⁸ In addition to administering its on-going programs, OLEA coordinated its activities with those of other Federal agencies responsible for programs related to law enforcement and criminal justice administration, and participated in the joint funding of projects.

OLEA's success in using funds to stimulate new or improved State and local anti-crime efforts is reflected in the 1,200 requests totaling more than \$85 million which the Agency had received as of April 1968.⁹ By this time, however, support was mounting in Congress and the Administration for a greater Federal commitment to reducing crime in the Nation. It was generally believed that while the "research and development" programs funded under the Act were important, they should be coupled with a substantial "need" program. Subsequently, a Safe Streets and Crime Control Act was proposed by President Johnson in his February 6, 1967 message on crime to Congress. This bill was designed to build upon the "creative federal partnership" in law enforcement and criminal justice administration initiated by OLEA.

From "Direct Federalism" to Block Grants

The Johnson Administration developed the Safe Streets and Crime Control Act of 1967 to implement many of the important recommendations advanced by the President's Commission on Law Enforcement and Administration of Justice (the President's Crime Commission) in its final report, which was submitted to the President two weeks before his third annual message on crime to the Congress.¹⁰ The Commission concluded that greater resources should be made available to support new approaches for improving all components of the law enforcement and criminal justice system at the Federal, State, and local levels. It recognized that the prevention and control of crime was basically a State and local responsibility, but urged that crime reduction should also be considered a national problem requiring help from the Federal Government. The Commission

⁸U.S., Department of Justice, *Third Annual Report to the President and the Congress on Activities Under the Law Enforcement Assistance Act of 1965*, pp. 6-25. See also Daniel Skoler, "Two Years of OLEA and the Road Ahead," Remarks before the Second National Symposium on Law Enforcement Science and Technology, Illinois Institute of Technology, March 1968.

⁹*Ibid.*, p. 5.

¹⁰President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: U.S. Government Printing Office, 1967).

identified eight critical areas in which Federal assistance was needed: (1) State and local planning; (2) education and training of personnel; (3) surveys and advisory services in connection with the structure and functions of criminal justice agencies; (4) development of coordinated national crime information systems; (5) experimental and demonstration projects in criminal justice agencies; (6) scientific and technological research and development programs; (7) institutes on the criminal justice system for research and training personnel; and (8) grants-in-aid for State and local operational innovations.¹¹ President Johnson characterized the Federal Government's overall role in these intergovernmental crime reduction efforts as involving stimulation and support rather than control and coercion:

The Federal Government must not and will not try to dominate the system. It could not if it tried. Our system of law enforcement is essentially local; based upon local initiative, generated by local energies and controlled by local officials. But the Federal Government must help to strengthen the system, and to encourage the kind of innovations needed to respond to the problem of crime in America.¹²

As introduced in Congress (H.R. 5037, S.917), the Safe Streets and Crime Control Act of 1967 represented another instance of "direct federalism" in grant-in-aid programs, under which the Federal Government could bypass the States and establish direct relationships with local governments.¹³ The Administration's bill would have authorized the Attorney General to make project grants to States and to units of general local government, or combinations thereof. Federal funds could have been used to cover 90 percent of the costs of preparing comprehensive law enforcement and criminal justice plans and 60 percent of the expenditures by these jurisdictions for innovations or improvements in public protection, equipment, manpower, organization and management, operations and facilities, community relations, public education, and other anti-crime

¹¹President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*, pp. 285-88.

¹²President's Message to the Congress—"Crime in America," February 6, 1967, quoted in *1967 Congressional Quarterly Almanac* (Washington, D.C.: Congressional Quarterly Service, 1968), pp. 43A-47A.

¹³The greatest development of this phenomenon occurred in the 1960's, with 23 of the 38 Federal grant programs which completely bypassed State governments being enacted during 1961-1967. See U.S., Advisory Commission on Intergovernmental Relations, *Fiscal Balance in the American Federal System*, 2 vols. (Washington, D.C.: U.S. Government Printing Office, 1967), I:165.

purposes. Not more than one-third of any "action" grant could have been used for personnel compensation. The bill also would have empowered the Attorney General to make grants to eligible applicants to cover 50 percent of the costs of constructing buildings and other physical facilities which fulfilled " a significant, innovative function." In order to be eligible to receive these planning and action grants, States and localities would have been required to meet three conditions:

--have an individual or combined population of 50,000 or more;¹⁴

--make an annual increase in anti-crime outlays of at least five percent; and

--file a current law enforcement and criminal justice plan with the Attorney General which (i) encompassed a State, unit of general local government, or combination of such States or local units; (ii) applied to a population of at least 50,000; and (iii) contained innovations, advanced techniques, and a comprehensive description of problems, priorities, resources, capabilities, alternatives, and interrelationships.

This legislation would have repealed and superseded the Law Enforcement Assistance Act of 1965, and would have authorized the Attorney General to make research, demonstration, and special project grants to higher education institutions and other public agencies and private nonprofit organizations. The bill would have provided for the appointment of a Director of Law Enforcement and Criminal Justice Assistance by the President to help the Attorney General discharge his new responsibilities. For fiscal 1968, \$50 million would have been authorized for funding the Federal share of planning, action, and research grant awards.

House Hearings. During March and April 1967, Subcommittee No. 5 of the Committee on the Judiciary of the House of Representatives held hearings on H.R. 5037 and companion measures to create a United States Corrections Service, control firearms, establish a Federal Judicial Center, and prohibit wire interception and eavesdropping devices.¹⁵ Heated debate centered around three major features of the Administration's bill: the role of the States in general, and the Governor in particular; the 50,000 population cutoff; and the five percent annual expenditure increase requirement.

Under the Safe Streets and Crime Control bill, State governments would have been treated on the same

¹⁴The Attorney General possessed discretionary authority to make exceptions to this requirement in action programs.

¹⁵U.S., Congress, House of Representatives, Committee on the Judiciary, Subcommittee No. 5, *Anti-Crime Program: Hearings* 90th Cong., 1st sess., 1967.

basis as their political subdivisions. The States, as well as each local jurisdiction or combination of localities over 50,000 population, would have been required to prepare law enforcement and criminal justice plans as a condition for receiving Federal funds. Development of a statewide comprehensive plan coordinating and integrating State and local police, corrections, court, and prosecution programs would not have been mandated. Instead, preparation of plans encompassing the entire metropolitan area surrounding an applicant would have been encouraged. Furthermore, no provision was made in the bill for review, comment, or approval of local grant applications by the Governor or an appropriate State administrative agency.

The Administration's rationale for bypassing the States was rooted in the belief that most States lacked experience in all phases of law enforcement and had spent considerably less than their local jurisdictions for this purpose. In response to a question concerning the desirability of amending the bill to give the Governor or a State agency approval power over local project applications before their submission to the Federal Government in order to avoid duplication or conflict with the State's crime reduction plans and programs, Attorney General Ramsey Clark contended:

I don't really think that would be desirable. I think it would really impair the potential effectiveness of the act. When you look at State governments and look at their involvement in local law enforcement, you will see that it is almost nil. New York State does not contribute to the \$380 million annual budget for criminal justice of New York City. They don't give money and they don't have the potential. They have just established an office, in fact with two or three people in it, to try to correlate criminal justice information for smaller jurisdictions. But the State doesn't have the experience, it doesn't have the people, it does not make the investment in law enforcement and police that local governments make. So they could not contribute.¹⁶

For similar reasons, municipal representatives also opposed giving priority to statewide planning in the awarding of grants for the preparation of comprehensive

¹⁶U.S., Congress, House of Representatives, Committee on the Judiciary, Subcommittee No. 5, *Anti-Crime Program: Hearings*, p. 65.

law enforcement plans:

A number of States have restricted their law enforcement activity to highway patrol and other traffic control work, and rarely do States become deeply involved in urban law enforcement problems. For this reason, many States do not have the historical interest, the personnel, the appropriations or the expertise to cope with the complex problems of urban law enforcement. Perhaps the States should be more deeply concerned but it would be unfortunate if planning so urgently needed for a total attack on crime in our cities was delayed while the States expanded their personnel and developed the expertise necessary to deal in the areas in which they have not been previously involved.¹⁷

These pessimistic views regarding the willingness and ability of the States to assume responsibility for law enforcement programs were also reflected in testimony pertaining to the 50,000 population cutoff for applicant eligibility. The principal purpose of the minimum population standard was to limit the number of direct Federal- local contacts. A secondary objective was to encourage interlocal cooperation and coordination in submitting joint applications, contracting for services, or actually consolidating police functions. Because the Federal Government could deal only with local jurisdictions having an individual or a combined population of at least 50,000, States could be bypassed in programs involving approximately 80 percent of the nation's population and 75 percent of its law enforcement personnel.¹⁸ One potential State role, however, was pointed out by Attorney General Clark:

We think as to small jurisdictions the States have a role that they should play that does not apply to a city of a million people, for instance. The States need to provide training facilities for small jurisdictions because the small jurisdiction cannot really set up a meaningful training program. It needs to participate with others.¹⁹

With respect to the five percent annual expenditure increase over the fiscal 1967 base year required for an applicant to maintain eligibility, the Attorney General stated that this provision would

stimulate greater outlays than would otherwise normally be made by State and local governments. These jurisdictions would have to provide \$200 million (five percent of the \$4 billion annual combined State and local law enforcement and criminal justice outlay) in order to qualify for Federal aid under the bill. Assuming that \$300 million in Federal funds would be available for action grants in fiscal 1969 and that an additional \$200 million would be allocated by States and local units to cover the non-Federal matching share, a total of \$700 million in intergovernmental expenditures would be generated by the Administration's bill.²⁰ The annual improvement standard, then, would have a significant "pump-priming" effect.

Representatives of the nation's cities, however, argued that this formula was unrealistic since one-fifth of total local government expenditures already went for crime control, and the return of Federal funds for each local dollar invested would not be as great as in such programs as urban renewal, anti-poverty, and Model Cities. They further contended that: communities should not be required to divert their resources away from top priority programs in order to remain qualified to receive aid for projects of uncertain local importance under the bill; use of a single base year could impose severe difficulties on cities which made high anti-crime expenditures in the base year; the financial burden of meeting this requirement could preclude a city from developing innovative programs; and the improvement criterion could have a splintering effect on the areawide nature of law enforcement plans.²¹ These witnesses claimed the most effective approach to stimulating cities to initiate new crime reduction programs would be to lower the amount of the non-Federal matching share of action program costs from 40 percent to 10 percent, and that of special facilities construction programs from 50 percent to 33 percent.²²

Senate Hearings. During March-July 1967, the Subcommittee on Criminal Laws and Procedures of the Senate Committee on the Judiciary held hearings on S.917, the proposed Safe Streets and Crime Control Act of 1967, and companion measures dealing with organized crime syndicates, wiretapping, admissibility in evidence of confessions, survivors compensation for local law enforcement officers, riots, local law officers

¹⁷*Ibid.*, p. 383.

¹⁸U.S. Congress, House of Representatives, Committee on the Judiciary, Subcommittee No. 5, *Anti-Crime Program: Hearings*, p. 35.

¹⁹*Ibid.*, p. 36.

²⁰U.S., Congress, House of Representatives, Committee on the Judiciary, Subcommittee No. 5, *Anti-Crime Program: Hearings*, p. 46.

²¹*Ibid.*, pp. 384-85.

²²*Ibid.*, p. 439.

education and equipment, a United States Corrections Service, a National Institute of Criminal Justice, and other matters.²³ As in the House hearings, a large part of the testimony on S.917 focused on the overall role of State governments, desirability of the 50,000 population base for applicant eligibility, and feasibility of the five percent annual improvement standard. In addition, some witnesses directed the Subcommittee's attention to certain dimensions of the bill which had not been fully explored during the hearings on HR. 5037, particularly the scope of the Attorney General's discretionary authority, effects of the personnel compensation ceiling, and merits of adopting a block grant approach in administering and financing the program.

Three major issues were raised in connection with the State's role under S.917: whether local jurisdictions should be encouraged to bypass State agencies in their dealings with the Federal Government; whether State and local applications for action grants should be required to conform to statewide comprehensive plans; and whether Governors should be given a veto power over local projects. The Administration's position, developed in the hearings on H.R. 5037, that States should be placed on equal footing with local units over 50,000 in planning and applying for Federal funds remained essentially unchanged. The rationale underlying this view, however, was significantly expanded and somewhat modified.

Instead of focusing entirely on State and local responsibilities in the law enforcement or police function, the Attorney General also discussed the role of these jurisdictions in the criminal justice area, especially courts and corrections. He argued against making conformance to a statewide comprehensive law enforcement plan a prerequisite for approval of local action grant applications, contending that police protection was handled mainly by localities and long delays would be involved in getting the States to gear up their law enforcement capabilities. On the other hand, Attorney General Clark supported statewide criminal justice planning because the States had primary responsibility for courts and corrections.

We hope each State will make a plan that will be comprehensive to all parts of criminal justice in the State. But the plan need not include all jurisdictions in it. We think that in most States, the State government has primary responsibility for

²³U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Law and Procedures, *Controlling Crime Through More Effective Law Enforcement: Hearings*, 90th Cong., 1st sess., 1967.

corrections and for courts. That is where planning should be predominant. . . . to require a compulsory State plan involving local law enforcement would create many problems The place where the State would be the most effective in the police area is in setting standards and providing training opportunities for local police in your smaller jurisdictions--where there is not the opportunity or sufficient manpower to engage in either. I would suspect a lot of local police departments have much greater experience in law enforcement work than the State itself does.²⁴

Asserting that many States lacked experience in local law enforcement and had failed to provide any financial support for this purpose or to establish an office for coordinating city and county police activities, the Attorney General objected to any inclusion of a Governor's veto over local law enforcement projects: "There is no real basis for the Governor of a State in the exercise of his functions to say that a particular program is not sound since he has no experience in the field."²⁵

Governors, of course, shared a different point of view. In a letter to Senator James O. Eastland, Chairman of the Senate Judiciary Committee, Wisconsin's Governor Warren P. Knowles urged amendment of S. 917 to set a time limit for a State agency designated by the Governor to formulate a comprehensive law enforcement plan, and to make conformance of local plans and projects with the statewide plan a primary criterion for their approval. Based on the experience of Wisconsin's Governor's Commission on Law Enforcement and Crime, he concluded: ". . . it would be most unfortunate if local communities were allowed to develop applications that were inconsistent with the statewide plan as presently being developed."²⁶

Members of the Subcommittee referred to the division of operational responsibilities for police, courts, and corrections between States and localities in questioning whether jurisdictions of 50,000 population and over would be able to prepare comprehensive plans when they lacked experience in the last two functional areas. Senator John L. McClellan, Chairman of the

²⁴U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Law and Procedures, *Controlling Crime Through More Effective Law Enforcement: Hearings*, p. 367.

²⁵U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Law and Procedures, *Controlling Crime Through More Effective Law Enforcement: Hearings*, p. 382.

²⁶*Ibid.*, p. 931.

Subcommittee on Criminal Laws and Procedures, asserted:

I would like to see coordinated plans to cover a whole State. The municipalities submit plans to the State authority and let them relate the plans to a statewide program. I would grant exceptions, certainly, where exceptions could be made by the Attorney General, for example, if he found a State was not acting, not interested, not aggressive in trying to submit a plan. I would not deny a municipality or other entity from securing the benefits of this act. But if we could get them coordinated on a statewide basis as a rule that would be far better.²⁷

In response to this line of reasoning, the Attorney General pointed out that some localities operated jails and courts as well as police departments and that, to the greatest extent possible, planning should deal with the interrelationships between the three major components of the law enforcement and criminal justice system. When for various reasons such coordinated planning could not be undertaken, "...then plans that provide for only certain aspects of the process of criminal justice are acceptable."²⁸

To summarize, in the Administration's view the States should focus attention on court and corrections planning and local units with individual or combined populations of 50,000 or over should concentrate on police planning. Meshing of these State and local plans into a comprehensive approach to meeting law enforcement and criminal justice administration needs and problems should be attempted, but on an informal or permissive basis. Conformance of local plans and projects to statewide plans should not be mandated, and Governors should not exercise a veto power over local action programs. On the other side of the coin, local units with less than 50,000 inhabitants should work with and through their States. Moreover, State agencies should offer appropriate technical assistance and services to these smaller jurisdictions, and seek funds for those willing to participate in action programs. This theme of "quasi-direct federalism" is clearly reflected in the following statement by Attorney General Clark:

I think the State...is particularly important as to your smaller cities and towns, because they in and of themselves are

too small to provide all of the support for law enforcement that is needed, to provide all of the opportunity for training, for education, for interchange of personnel, to provide latest techniques--so I think in your smaller jurisdictions, the States play an important role. I think that is one of the benefits of the 50,000 population limitation. It provides a greater incentive for the States to show leadership as to those jurisdictions.... On the other hand, as to your major cities, your big cities, generally throughout the United States the State has not played a role financially or by guidance or other support in local law enforcement. The cities have historically had the leadership and the responsibility for local law enforcement, and the State has not played a role. So it would be very difficult for--particularly in your big States, with these major metropolitan areas, for the State to come in the first time with comprehensive planning for law enforcement agencies that have been in the business for more than a century.²⁹

A second area of investigation by the Senate Subcommittee on Criminal Laws and Procedures that received limited treatment in the House hearings was the extent of the Attorney General's discretionary authority. Some Senators expressed great concern that the Attorney General would possess virtually unbridled authority in approving plans and action programs, withholding funds from applicants for failure to comply with provisions of the Act, Federal regulations, or comprehensive plans, and granting waivers of the Act's requirements. In particular, it was asserted that by dealing directly with local jurisdictions and awarding them substantial amounts of funds, the Federal Government through the Attorney General's Office would be able to supervise closely and control the operation of local police departments. According to Senator Strom Thurmond: "...going down to the States and giving out Federal money with a lot of strings attached and giving the Administration the power to withhold funds from police departments and getting everybody in the departments obligated to the Federal Government can be a powerful political hammer in the

²⁷U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Law and Procedures, *Controlling Crime Through More Effective Law Enforcement: Hearings*, p. 365.

²⁸Ibid., p. 640.

²⁹U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Law and Procedures, *Controlling Crime Through More Effective Law Enforcement: Hearings*, p. 814.

hands of any administrator.”³⁰ Mr. Clark denied this charge, and contended that the legislation struck a reasonable balance between flexibility and accountability in terms of the Attorney General’s authority:

The Bill itself...makes very clear that any exercise of control over local law enforcement would violate the statute. For any Attorney General to attempt to do so would involve an abuse of his authority under the statute. Moreover, as a practical matter, it would be impossible for the Attorney General to try to control the 40,000 different police jurisdictions that function in the United States. These jurisdictions have consistently maintained a strong tradition of autonomy and independence in local law enforcement.³¹

Some Senators, however, seemed unconvinced that S.917 would not lead to the creation of a national police force or a Federal “anti-crime czar.”

A third focal point of the Senate hearings was the bill’s restriction that a grantee could use only one-third of action grant awards for personnel salaries and compensation. Municipal representatives and other witnesses argued that this ceiling was unrealistic in view of the fact that approximately 90 percent of local law enforcement expenditures were for such purposes. They further asserted that this unprecedented limitation would inhibit the payment of adequate police salaries, which in turn would make hiring new personnel and retaining present employees difficult, and would encourage some cities to substitute equipment purchases for more essential personnel reforms. While recognizing the importance of pay increases, the Attorney General indicated that the salary restriction would promote innovations and improvements in other critical areas of law enforcement which would have a greater impact on reducing crime than if the full amount of Federal grants could be used for personnel compensation.

The hearings on S.917 also raised the matter of the desirability of block grants-- grants-in-aid allocated for broad functional purposes with few or no “strings” attached by the Federal Government--as an alternative to the approach taken in the Administration’s bill. This issue was not explored in the hearings on H. R. 5037, although the appendix of Congressman Richard H. Poff’s statement contained letters from 17 Governors (in response to his request for comments on the bill) seven of whom--Mississippi, Missouri, Nevada, North Dakota,

³⁰U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Law and Procedures, *Controlling Crime Through More Effective Law Enforcement: Hearings*, p. 500.

³¹*Ibid.*, p. 829.

Utah, Washington, and Wyoming--stated they supported block grants.³² As would be expected in light of his other testimony, Attorney General Clark took a pessimistic view of this proposal. In a written response to a question from Senator McClellan asking whether the objectives of the legislation would be more fully realized if Federal funds were apportioned among the States on a population basis and then distributed to localities by State agencies, he replied:

No, I do not believe so. Once the tax funds come into Federal hands, Federal responsibility attaches to see that they are properly utilized. More importantly, there would be no particular advantages in having the funds administered by the states. The major responsibility for law enforcement in this country is handled at the local level. State governments in most states have little involvement in, control over, or responsibility for local law enforcement. Local jurisdiction would be opposed to the states attempting to assume control over their law enforcement operations and the possibility that the States would use control over their law enforcement operations and the possibility that the States would use control of the purse strings for such a purpose is significantly greater than the possibility that the Federal Government would do so. Thus the threat to local autonomy under such a proposal would be considerably more serious than the ‘threat’ of Federal control under the bill.³³

House Action. On July 17, 1967 the House Judiciary Committee reported favorably H.R. 5037.³⁴ Of the 25 amendments made to the bill as introduced, six were of major significance:

--local units were required to submit copies of their applications for planning and action grants to the Governor of the State or States involved, and the Governor was given 60 days to forward to the Attorney General, if he so desired, his written

³²U.S., Congress, House of Representatives, Committee on the Judiciary, Subcommittee No. 5, Anti-Crime Program: Hearings, pp. 1422-43.

³³U.S., Congress, Senate, Committee on the Judiciary, Subcommittee on Criminal Laws and Procedures, *Controlling Crime Through More Effective Law Enforcement*, pp. 836-37.

³⁴U.S., Congress, House of Representatives, Committee on the Judiciary, *Law Enforcement and Criminal Justice Assistance Act of 1967: Report to Accompany H.R. 5037*, 90th Cong., 1st sess., H. Rept. No. 488, July 17, 1967.

evaluation of the proposed project including its relationship to other plans or pending applications;

--the 50,000 population eligibility standard was deleted in order to maximize the Attorney General's discretion in determining the most appropriate population size for participation in planning and action programs;

--the five percent annual improvement formula was dropped, and it was replaced by provisions for grantees' sharing 40 percent of action program costs and for the Attorney General determining applications are supported by adequate assurances that Federal aid will be used to supplement and increase the amount of local dollars the applicant otherwise would have made available for law enforcement purposes;

--all authority to use Federal funds for direct compensation of law enforcement personnel, other than for conducting or undergoing training programs and performing "innovative functions," was removed;

--the discretionary authority of the Attorney General was curbed by the addition of provisions calling for judicial review of his actions to terminate or suspend payments to an authorized grantee and for compliance with notice and hearing requirements in the promulgation of regulations; and

--as a means of achieving closer Congressional oversight, the "open end" appropriation was deleted and funds were authorized for only fiscal 1969, with specific allocations designated for each title.

A vocal minority contended that the bill (renamed the "Law Enforcement and Criminal Justice Assistance Act of 1967") still contained a number of serious deficiencies. These 12 Republican Congressmen believed that H.R. 5037 as amended did not provide adequate safeguards to prevent a nationally controlled police force and to limit the discretionary authority of the Attorney General. Furthermore, some felt that the States should be eligible to receive Federal financial assistance for establishing broadly representative planning agencies, and that preparation of a comprehensive statewide plan and its approval by the Attorney General should be made a prerequisite to State and local participation in action grant programs. Finally, they argued that the bill failed to give sufficiently high priority to research and to training of State and local law enforcement and criminal justice personnel. In their individual supplementary statements, the minority members indicated they would press for further amendments along these lines on the

House floor.³⁵

In early August 1967, H.R. 5037 was the subject of heated debate on the floor of the House of Representatives. In the course of deliberations after the House had resolved itself into a committee of the whole, an amendment was offered by then Representative William T. Cahill of New Jersey to significantly change the bill as reported from the Committee on the Judiciary. Major features of the "Cahill amendment" included:

--authorization for Federal planning grants to be awarded to the States for the establishment and operation of State level law enforcement and criminal justice planning agencies, created and directed by the Governor and representative of State and local functional agencies, which would prepare a comprehensive and innovative statewide plan, develop and coordinate projects, establish priorities, and make grants to general units of local government or combinations thereof;

--requirements that Federal planning and action grants be made to the State planning agency, provided the agency had a comprehensive plan conforming to the purposes of the Act on file with the Attorney General within six months of approval of its planning grant, which would receive local applications for financial assistance, determine whether such applications were in accordance with the objectives of the Act and were consistent with the State comprehensive plan, and disburse funds to applicants;

--allotment of a flat grant of \$100,000 to each State and allocation of 75 percent of the annual appropriation among the States on a population basis, with the remaining 25 percent constituting a discretionary fund for use by the Attorney General;

--provision in the State comprehensive plan for a mandatory "pass through" of at least 50 percent of all Federal financial aid received by the State planning agency for action programs; and

--authorization for the Attorney General to make planning and action grants to general units of local government if a

³⁵U.S., Congress, House of Representatives, Committee on the Judiciary, *Law Enforcement and Criminal Justice Assistance Act of 1967: Report to Accompany H.R. 5037*, pp. 28-46.

State failed to establish a law enforcement and criminal justice planning agency or to file a comprehensive plan, provided that a copy of any local application would be submitted to the Governor who within 60 days could send his evaluation of the proposed project to the Attorney General.

Opponents of the Cahill amendment argued that a block grant approach was undesirable in view of the States' general lack of concern with solving urban problems and, in particular, their unwillingness or inability to assist local law enforcement activities. Proponents of the amendment replied that the Administration's bill as reported from Committee would vest virtually unlimited authority in the Attorney General's Office and would lead to the creation of a national police force.

A second important modification in the bill was sponsored by Representative Robert McClory of Illinois. His amendment provided for the establishment of a National Institute of Law Enforcement and Criminal Justice to conduct research and training programs. The principal purpose of this change was to give greater attention and support to these programs by assigning responsibility for their administration to a separate division of the Department of Justice headed by a professional director.

After considerable discussion, on August 8, 1967 both the Cahill and McClory amendments were approved and the bill was passed overwhelmingly by the House (378 to 23).³⁶ Attention then turned to the Senate, where the backers of "direct federalism" and supporters of block grants were preparing for battle.

Senate Action. On April 29, 1968, the Senate Judiciary Committee reported favorably S.917,³⁷ and made significant changes in the organization of the bill. Instead of one five-title measure dealing entirely with law enforcement assistance, the original Crime Control and Safe Streets Act was coupled with certain companion measures which were considered during the hearings. The amended version of S.917 was divided into five titles: law enforcement assistance; admissibility in evidence of confessions and eyewitness testimony, and procedures for obtaining writs of *habeas corpus*; wiretapping and electronic surveillance; State firearms control assistance; and general provisions.

³⁶*Congressional Record*, August 8, 1967, pp. 21812-61.

³⁷U.S., Congress, Senate, Committee on the Judiciary, *Omnibus Crime Control and Safe Streets Act of 1967*, 90th Cong., 2d sess., Sen. Rept. No. 1097, April 29, 1968.

The six-part Title I of S. 917 as reported by the Committee contained three major modifications in the original bill. First, in order to curb the discretionary authority of the Attorney General, the provision for appointment of a Director of Law Enforcement and Criminal Justice Assistance was deleted and establishment of a three-member, bipartisan Law Enforcement Assistance Administration appointed by the President, within the Department of Justice was authorized. Second, the maximum Federal share of eligible costs was changed to 80 percent for planning grants; 60 percent for action grants; 75 percent for organized crime, riots, and civil disorders prevention and control grants; and 100 percent for research, education, training, and demonstration grants. Finally, the Federal Bureau of Investigation was authorized to conduct training programs at its National Academy and to furnish, on request, training assistance for law enforcement personnel of State and local governments.³⁸

The fairly wide margin by which the Cahill amendment passed the House of Representatives (256 to 147) did not deter vigorous Senate debate over the desirability of block grants. In May 1968, a slightly modified version of the Cahill amendment was offered by Senator Everett McKinley Dirksen. These changes included: (1) requiring the State law enforcement and criminal justice planning agency to pass through at least 40 percent of all Federal planning funds and at least 75 percent of all Federal action funds to general units of local government or combination thereof; and (2) providing for 85 percent of the annual appropriation to be allocated among the States according to their population, with the remaining 15 percent being allotted at the discretion of the Law Enforcement Assistance Administration.

As was the case in the hearings on S.917, supporters of the Administration bill contended that assigning the States a greater role would be unfeasible in that law enforcement was mainly a local function and long delays would be involved in gearing State governments up to prepare statewide comprehensive plans and to implement action programs. Further, it was charged that adoption of a block grant approach in the bill would adversely affect local home rule and would generate political conflict between the States and their counties and cities.

³⁸U.S., Congress, Senate, Committee on the Judiciary, *Omnibus Crime Control and Safe Streets Act of 1967*, pp. 2-9, 27-37.

On the other side of the coin, advocates of block grants had a more positive view of State capabilities. They claimed that a Federal-State-local partnership in the program was the most effective strategy for fighting crime in the streets since courts and correctional institutions, as well as police departments, required upgrading. This was also the most efficient way to administer Federal aid, they asserted, because States were more aware of urgent local problems than the Federal Government and they could better apply funds to meet these needs, thereby avoiding waste, duplication, and nationwide competition for Federal dollars. Block grants were also considered to be an appropriate means of reinforcing traditional federal principles and of braking the escalation of "creeping federalism" to "galloping federalism."³⁹ Senator Dirksen evaluated the different intergovernmental administrative and fiscal relationships provided under the Cahill amendment and the Administration bill as follows:

There is going to be the so-called law enforcement assistance division, under the Attorney General [in the Administration bill] that will look at these plans as they are submitted. The State can submit plans, a locality can submit a plan; but before it goes to the assistance division, it has to go to the Governor to give him a look. But the interesting thing is that the Governor cannot either approve or disapprove. He is just a vegetable, so far as all power is concerned. And that seems rather strange....So through the power of the Federal purse and the mechanism in title I, we could inadvertently federalize all of law enforcement in America....the [law enforcement] system is outmoded, and to dump \$500 million into the system with its fragmentation and its weaknesses is going to be a waste of the people's money. This has to be planned and the place to plan it is at the State level. That is the reason for this so-called block grant amendment. We still have some flexibility, namely 15 percent, but the emphasis and the focus is upon the State, where it ought to be. We are never going to do a job in this field until we have a captain at the top, in the form of the Governor, and those he appoints, to coordinate the matter for a State because crime may be committed in a spot, but before it gets through its

ramifications it may spread over a very considerable area....if we are going to do a job it has to be unfragmented, and the only way it can be done is to make certain that this goes from the top down and that it goes through the hands of the Governors of the States....we have impaired the Federal-State partnership to the point where now we see that what was creeping federalism is now almost galloping federalism. This is a good place to put the chocks on the wheels before we go much further down the road. That, then, is the purpose of block grants on an 85 to 15 basis.⁴⁰

On May 23, 1968, the Senate approved the Dirksen amendment by a vote of 48 to 29. Two weeks later, without resorting to a conference committee, the House adopted a resolution agreeing to the Senate's amendment and the bill was sent to the President.⁴¹ On June 19, 1968, President Johnson signed into law the Omnibus Crime Control and Safe Streets Act of 1968.

An Intergovernmental Experiment

In summary, Title I of the omnibus measure is the Federal Government's first comprehensive grant-in-aid program for preventing and controlling the spread of crime, and represents a new type of block grant approach (in comparison with the Partnership for Health Act of 1966 and the Vocational Education Amendments of 1968). As such, the Safe Streets Act is a marked departure in substance and style from most other grant programs enacted by Congress during the 1960's.

The most striking change is the Act's heavy reliance on State governments as planners, administrators, coordinators, and innovators. The States are assigned the major share of administrative responsibility for the program. They must establish broadly representative State level law enforcement planning agencies, prepare comprehensive plans, review and approve applications for financial aid submitted by their political subdivisions, distribute planning and action grant funds to local jurisdictions, and provide appropriate assistance to applicants. The State's overall role is to act as a catalyst in bringing together previously isolated components of the law enforcement and criminal justice system and coordinating, directing, and supporting their efforts in a comprehensive attack on crime.

³⁹*Congressional Record*, May 23, 1968, pp. 14751-71.

⁴⁰*Congressional Record*, May 23, 1968, p. 14753.

⁴¹*Congressional Record*, June 6, 1968, pp. 16271-300.

Meanwhile, the Federal Government also has important responsibilities to fulfill under the Act, but far less than those which would have been assigned to it by the Johnson Administration's bill. The Department of Justice, through a three-member bipartisan Law Enforcement Assistance Administration and its central and regional office staff, must ensure that Federal funds are properly and wisely spent, but without relying extensively on the "conditions" which serve as the normal instruments of Federal control in grant programs.

All in all, while LEAA has not developed rules and regulations comparable to those of most Federal agencies, it still has had to rely on "guidelines" and "special conditions," especially in comprehensive plan contents, financial reporting, and State planning agency composition. LEAA must encourage and assist State law enforcement planning agencies, it must establish broad program guidelines and approve comprehensive plans for conformance with statutory and administrative standards, and it must stimulate innovation. When necessary, it may intervene directly or indirectly on behalf of local applicants.⁴² Through its discretionary fund and its research and training unit (the National

Institute of Law Enforcement and Criminal Justice), LEAA may formulate and test new approaches to crime reduction.

Finally, local jurisdictions must formulate multi-faceted and innovative plans and project proposals for crime control. They must mesh their activities with those of other localities, regional and multi-jurisdictional units, and their State government. And they must evaluate the impact of action programs on the crime problem in their area.

The Safe Streets Act, then, is an experiment in intergovernmental administrative and fiscal relations. The success or failure of this experiment will probably have a strong influence on the course of future Federal grant-in-aid policy, particularly in connection with the issue of whether the States should be bypassed by the Federal Government in its dealings with local jurisdictions or whether, as proponents of the "new federalism" argue, program responsibilities should be decentralized to the State level. Consequently, the issues and problems which have arisen in the operation of this Act have considerable bearing not only on the future of the anti-crime program, but also on that of other programs in which the block grant- "direct federalism" controversy is or will be very much alive.

⁴²See Part E, Sections 510 and 511 of the Act for the appeals procedure available to applicants.

Chapter 2

ISSUES AND PROBLEMS

The comprehensive intergovernmental crime reduction program established under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 formally commenced operation on October 21, 1968 when the first Administrators of the Law Enforcement Assistance Administration (LEAA) took office. Two months earlier, Congress had approved a \$63 million appropriation for LEAA's operations during fiscal 1969. This amount included the following categories of assistance: action grants, \$29 million; planning grants, \$19 million; academic assistance, \$6.5 million; research and development, \$3 million; Federal Bureau of Investigation administered programs, \$3 million; and administration, \$2.5 million.

From August 1968 through June 1969 a number of significant developments took place at the State and local levels which were initiated by this "seed money" appropriated by Congress. Each State established a law enforcement planning agency, received a planning grant, and prepared and submitted a comprehensive law enforcement plan to LEAA for approval. Forty-five States either expanded the functions of existing regional districts or multijurisdictional units to include law enforcement planning or created new districts. Many individual counties and cities, as well as regional units, geared up their law enforcement planning capability. All State planning agencies received action block grants from LEAA and in turn awarded subgrants to State agencies, regional districts, counties, and cities for projects designed to implement approved law enforcement plans. In August 1968, 40 States received special grants under a section of the Act that waived the requirement for an LEAA approved State plan as a condition for award of action funds for the prevention and control of riots and civil disorders. Finally, the National Institute of Law Enforcement and Criminal Justice, LEAA's research and development arm, awarded funds for studies dealing with improvements in police equipment, causes and prevention of violent crimes, and organized crime's penetration into legitimate businesses.⁴³

⁴³U.S., Department of Justice, Law Enforcement Assistance Administration, *1st Annual Report of the Law Enforcement Assistance Administration* (Washington, D.C.: U.S. Government Printing Office, 1969), pp. 1-22.

Despite these important accomplishments during the first year under the Act, the controversy that surrounded Congress' consideration of the legislation persisted. The main focal points of this dialogue were and continue to be the role, responsibilities, and performance of State governments in planning and action grant programs, and the desirability and feasibility of the block grant approach in comparison with direct Federal-local administrative and fiscal relationships on a project grant basis. Moreover, the fact that Congress no longer is appropriating merely "seed money" but is increasingly allocating sizeable amounts for programs under the Act (\$268 million appropriation for fiscal 1970 and a \$480 million appropriation for fiscal 1971), has magnified both the terms of the debate and the stakes involved in its outcome.

At this point, the major intergovernmental issues and problems raised in connection with the operation of Title I of the Omnibus Crime Control and Safe Streets Act from August 1968 to March 1970 will be explored. It should be remembered that only the first 22 months under the Act are being examined, and for the most part just 16 months of its actual operation. Intergovernmental friction points will be considered in three broad sections dealing with planning grants, action grants, and administrative issues.⁴⁴ Except where otherwise indicated, the empirical data presented here have been derived from a questionnaire developed by ACIR—in cooperation with the Bureau of the Budget, Law Enforcement Assistance Administration, International City Management Association, National Association of Counties, National Governors' Conference and National League of Cities-U. S. Conference of Mayors — and sent to the Directors of the 50 State law enforcement planning agencies in March 1970. This questionnaire probed the operation of the Act in each State as of February 28, 1970.⁴⁵ By June

⁴⁴The examination of issues and problems in connection with planning grants, as well as action grants, focuses wholly on the 50 States and their political subdivisions. The experience of American Samoa, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands is not included in this part.

⁴⁵Refer to Appendix A for a copy of ACIR's Safe Streets Act questionnaire.

12, 48 States had replied to the Commission's survey.⁴⁶

Planning Grants

LEAA's Office of Law Enforcement Programs (OLEP) was responsible for processing the \$19 million in planning grants appropriated for fiscal 1969 and the \$21 million earmarked for this purpose in fiscal 1970. In accordance with the Act, each State receives a flat grant of \$100,000 and an additional amount based on its population. The States, in turn, must make 40 percent of all Federal planning funds available to units of general local government or combinations thereof. These subgrants enable localities to participate in formulating the local component of the State comprehensive law enforcement plan and, where appropriate, to develop and support permanent planning units or capabilities.

Allocations of Planning Funds to the States. Although a flat sum allocation may be justified as a means of ensuring the establishment of a minimum level of performance, problems arise when the jurisdictions involved vary widely in terms of their population, area, problems, and resources. Consequently, while funds from this source would enable some jurisdictions to meet or even surpass the minimum standard, others might be forced to draw more heavily upon their financial resources in order to avoid falling below this basic service level. The Safe Streets Act sought to overcome these interjurisdictional disparities by coupling a \$100,000 allocation to each State with a population-based formula for awarding the remainder of Federal planning grants.

Table 4 shows that the largest States have received far less total planning funds on a per capita basis than many smaller States. The 1969 per capita figure, for example, ranges from 7.2 cents in California and New York to 30.8 cents in Vermont, 38.5 cents in Wyoming, and 43.2 cents in Alaska. In the 1970 planning grant allocations, New York and California did not fare much better, with each receiving 8.1 cents per capita.

Those States falling below the national average included most of the so-called "urban" ones—California, Illinois, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and others—which have the highest crime rates. If crime rates serve as a reliable index of need—as many critics of the existing formula contend—then the findings here indicate that Federal block grants to the States for planning purposes are not being targeted on the areas with the greatest problems.

⁴⁶The State law enforcement planning agency in Alaska and Louisiana did not respond to ACIR's Safe Streets Act questionnaire.

Instead, the two-factor flat sum allotment and population formula for determining the distribution of planning grant awards has resulted in smaller jurisdictions with lesser rates of crime receiving a disproportionate share of Federal dollars. The fact that in 18 States the fiscal 1969 planning allocation actually exceeded the amount of their action grant for that year, including special awards for the prevention and control of riots and civil disorders, further highlights this disparity as well as points up another result of the flat grant device.⁴⁷ In light of the foregoing, opponents of the two-factor method could argue that block grant allotments to the States for planning should be on the basis of a population-need formula.

Supporters of the existing approach, however, point out that crime rates per se are not necessarily an accurate barometer of the overall needs of a State-local law enforcement and criminal justice system. They cite the wide inconsistencies and gaps in crime reporting as additional evidence of the unreliability of this measure. Such figures, they contend, tell little of the severe problems of planning and implementing an interlocking system in smaller, poorer, and less urban States. Moreover, the broad per capita range in planning grant allocations is largely explainable by the relatively small total amount of Federal funds appropriated for this purpose. How else could a meager \$100,000 flat sum allocation produce such varying results? Proponents of the two-factor device also note that it takes a certain level of expenditure in almost any State to get an adequate planning effort underway, especially in the criminal justice area, and this "pump priming" objective argues strongly for inclusion of a flat grant in the allocation formula.

State Law Enforcement Planning Agencies. The Safe Streets Act required the Governor of each State to set up under his authority a State law enforcement planning agency (State planning agency or SPA) as a permanent decision-making and administrative body to receive block grant awards from LEAA and to disburse subgrants to local governments. Federal planning funds could be used to cover up to 90 percent of the cost of establishing and operating this agency. If a State had failed to create an SPA within six months following enactment of the omnibus bill, then LEAA would have been authorized to deal directly with units of general local government, provided such units submitted a copy of their application for funds to the Governor for evaluation.

As of April 1967, only 10 State planning

⁴⁷See U.S., Department of Justice, Law Enforcement Assistance Administration, *1st Annual Report of the Law Enforcement Assistance Administration*, pp. 33-34.

TABLE 4 — PLANNING GRANT AWARDS TO SPAs BY PER CAPITA AMOUNT
FY 1969 — FY 1970

| State | FY 1969 Planning Grant | Per Capita* (cents) | FY 1970 Planning Grant | Per Capita** (cents) | Total Crime Rate 1968 (per 100,000) |
|--------------------------|---------------------------|------------------------|---------------------------|-------------------------|---|
| Alabama | \$ 337,600 | 9.5 | \$ 369,000 | 10.5 | 1,441.0 |
| Alaska | 118,000 | 43.2 | 121,000 | 43.8 | 2,183.8 |
| Arizona | 209,890 | 12.8 | 228,000 | 13.7 | 2,788.5 |
| Arkansas | 232,300 | 11.8 | 252,000 | 12.7 | 1,238.3 |
| California | 1,387,900 | 7.2 | 1,566,000 | 8.1 | 3,763.8 |
| Colorado | 232,840 | 11.8 | 258,000 | 12.5 | 2,401.3 |
| Connecticut | 297,100 | 10.2 | 326,000 | 11.0 | 2,076.7 |
| Delaware | 135,235 | 25.9 | 141,000 | 26.5 | 1,943.4 |
| Florida | 503,650 | 8.4 | 575,000 | 9.2 | 2,901.6 |
| Georgia | 403,750 | 9.0 | 450,000 | 9.8 | 1,560.6 |
| Hawaii | 149,680 | 20.2 | 159,000 | 20.5 | 2,750.8 |
| Idaho | 146,980 | 21.0 | 154,000 | 21.7 | 1,147.8 |
| Illinois | 833,050 | 7.6 | 938,000 | 8.5 | 2,024.6 |
| Indiana | 436,150 | 8.7 | 487,000 | 9.6 | 1,804.6 |
| Iowa | 284,950 | 10.3 | 312,000 | 11.2 | 1,138.4 |
| Kansas | 252,550 | 11.1 | 275,000 | 12.0 | 1,480.2 |
| Kentucky | 314,650 | 9.9 | 347,000 | 10.8 | 1,474.4 |
| Louisiana | 345,700 | 9.4 | 384,000 | 10.4 | 1,785.7 |
| Maine | 165,475 | 17.0 | 175,000 | 17.9 | 891.4 |
| Maryland | 347,050 | 9.4 | 384,000 | 10.3 | 3,293.6 |
| Massachusetts | 464,500 | 8.6 | 516,000 | 9.4 | 2,384.6 |
| Michigan | 677,800 | 7.9 | 763,000 | 8.8 | 2,697.8 |
| Minnesota | 340,300 | 9.5 | 380,000 | 10.4 | 1,869.1 |
| Mississippi | 257,950 | 11.0 | 280,000 | 11.9 | 711.5 |
| Missouri | 409,150 | 8.9 | 452,000 | 9.8 | 2,265.2 |
| Montana | 147,115 | 21.0 | 153,000 | 22.0 | 1,403.3 |
| Nebraska | 196,525 | 13.7 | 211,000 | 14.5 | 1,347.9 |
| Nevada | 129,835 | 29.2 | 134,000 | 29.8 | 3,020.8 |
| New Hampshire | 146,170 | 21.3 | 154,000 | 21.9 | 807.4 |
| New Jersey | 571,150 | 8.2 | 641,000 | 9.0 | 2,437.6 |
| New Mexico | 167,500 | 16.7 | 176,000 | 17.7 | 2,342.3 |
| New York | 1,332,550 | 7.2 | 1,490,000 | 8.1 | 3,544.6 |
| North Carolina | 438,850 | 8.7 | 492,000 | 9.6 | 1,345.7 |
| North Dakota | 142,930 | 22.4 | 148,000 | 23.7 | 634.1 |
| Ohio | 803,350 | 7.6 | 911,000 | 8.5 | 1,719.5 |
| Oklahoma | 267,400 | 10.7 | 294,000 | 11.6 | 1,608.7 |
| Oregon | 234,460 | 11.7 | 253,000 | 12.6 | 2,231.1 |
| Pennsylvania | 881,650 | 7.5 | 998,000 | 8.4 | 1,296.7 |
| Rhode Island | 160,480 | 17.8 | 169,000 | 18.6 | 2,639.3 |
| South Carolina | 274,150 | 10.5 | 304,000 | 11.4 | 1,393.6 |
| South Dakota | 145,360 | 21.6 | 151,000 | 22.7 | 979.1 |
| Tennessee | 361,900 | 9.3 | 402,000 | 10.2 | 1,598.0 |
| Texas | 830,350 | 7.6 | 942,000 | 8.5 | 2,064.3 |
| Utah | 168,850 | 16.5 | 179,000 | 17.4 | 1,816.2 |
| Vermont | 128,080 | 30.8 | 133,000 | 31.0 | 787.0 |
| Virginia | 405,100 | 8.9 | 452,000 | 9.8 | 1,626.0 |
| Washington | 307,900 | 10.0 | 352,000 | 10.7 | 2,373.1 |
| West Virginia | 220,960 | 12.3 | 239,000 | 13.1 | 786.5 |
| Wisconsin | 382,150 | 9.1 | 422,000 | 10.0 | 1,245.5 |
| Wyoming | 121,195 | 38.5 | 125,000 | 38.8 | 1,346.0 |
| TOTAL | \$18,250,161 | 9.0 | \$20,217,000 | 10.0 | |

*Based on July 1, 1967 population estimate.

**Based on July 1, 1968 population estimate.

Source: U.S., Department of Commerce, Bureau of the Census, *State Government Finances in 1968* (Washington, D.C.: U.S. Government Printing Office, 1969), p. 50; U.S., Department of Justice, Law Enforcement Assistance Administration, *1st Annual Report of the Law Enforcement Assistance Administration* (Washington, D.C.: U.S. Government Printing Office, 1969), pp. 33-34; U.S., Department of Justice, Law Enforcement Assistance Administration, *Guide for Comprehensive Law Enforcement Planning and Action Grants: Fiscal Year 1970* (Washington, D.C.: U.S. Department of Justice, 1970), p. 31, mimeo; U.S., Department of Justice, *Uniform Crime Reports — 1968* (Washington, D.C.: U.S. Government Printing Office, 1969), pp. 60-5.

committees in criminal justice administration had been established with financial aid under the Law Enforcement Assistance Act of 1965. One year later, 27 States had created new committees or had enlarged the functions of existing ones.⁴⁸ By December 1968, all States had set up a law enforcement planning agency pursuant to the Safe Streets Act.

A June 1969 questionnaire survey conducted by the International City Management Association (ICMA) revealed that in 49 States gubernatorial initiative and leadership was largely responsible for developing interest in and support for both criminal justice planning and a State agency to perform this function. This, of course, was a purpose of the Act, and it resulted in all but 10 SPAs being located within the Governor's office. The latter are organized as part of the State general planning agency. No SPA is housed in the Attorney General's office.⁴⁹

Each SPA has two major components—a full-time professional staff and a supervisory or policy board. With respect to the former, Table 5 reveals wide interstate variations in the number of professionals employed by the State planning agency and in their areas of competency. SPA professional staff size ranges from two in South Dakota to 39 in Massachusetts, with an overall average of 9.3. On a national scale, as of December 31, 1969 these units averaged over 80 percent of the authorized staffing level. The staff of each State planning agency includes specialists in police, courts, and corrections. In addition, nearly all SPAs employ professional planners and grant administrators.

Data presented in Table 5 indicate most States have not built sizeable new central law enforcement and criminal justice bureaucracies with LEAA funds, and this finding calls into question the claim of some critics that LEAA monies have subsidized a huge administrative apparatus in State capitals. Furthermore, the national averages for the functional areas of staff specialization are reasonably well distributed within the 1.0 - 2.2 professionals range.

These data tend to confirm the assessment of some authorities that the real staff problem for SPAs is one of scarcity rather than extravagance. In view of the relative infancy of criminal justice planning and administration as a profession and the desire of many State planning agencies to hire personnel with

either a multi-faceted law enforcement or criminal justice background or experience in public administration, budgeting, and law rather than public safety, it is not surprising that qualified SPA personnel are difficult to find. In his August 1969 testimony before the Select Committee on Crime of the House of Representatives, Charles H. Rogovin, LEAA's former Administrator, contended that insufficient and inexperienced personnel were major problems in implementing criminal justice reform at the State and local levels:

There are very few of what might be termed criminal justice people as yet. There has never been a process of this kind, stimulated from the Federal level, and it is going to take some time to provide the personnel to get this program going...We at LEAA are attempting to find capable people, making them available both directly from LEAA as LEAA employees, and making them available by helping to recruit them for the State agencies involved in this effort.⁵⁰

The executive director of the SPA plays a key role in gearing the agency to fulfill its varied responsibilities under the Act. ICMA's review of 27 State comprehensive law enforcement plans for 1969 revealed that in 11 of these States the executive director was appointed by the Governor directly, in 15 by the State general planning agency, and in one State by the personnel office. With respect to the professional background of the staff head of 30 SPAs, ICMA found that 13 had previous experience in law or the judiciary, nine in general government and public administration, four in police work, and three in corrections.⁵¹ The "generalist" background of most of these directors reinforces the multi-functional nature of the SPA's task.

The turnover rate of executive directors has been quite high. Of the 48 States responding to ACIR's Safe Streets Act survey, only 20 still had their original director by March 1970. Twenty-two SPAs have had two executive directors since their inception, four have had three administrative heads, and two have had four directors. These frequent changes in the top staff

⁴⁸U.S., Department of Justice, *Third Annual Report to the President and the Congress on Activities Under the Law Enforcement Assistance Act of 1965*, p. 21.

⁴⁹B. Douglas Harman, "The Safe Streets Act: The Cities' Evaluation," *Urban Data Service*, Vol. 1, No. 9 (Washington, D.C.: International City Management Association, September 1969), p. 4.

⁵⁰U.S., Congress, House of Representatives, Select Committee on Crime, *The Improvement and Reform of Law Enforcement and Criminal Justice in the United States: Hearings*, 91st Cong., 1st sess., 1969, p. 471.

⁵¹Harman, "The Safe Streets Act: The Cities' Evaluation," p. 21.

TABLE 5 – SPA STAFF PERSONNEL – DECEMBER 31, 1969

| State | No. of Personnel | | Functional Areas Covered* | | | | | | | | | % Level of Full Staffing |
|--------------------------|------------------|----------|---------------------------|--------|--------------|-------|--------------|-----------|-------|--------------|-----------|--------------------------|
| | Prof. | Clerical | Police | Courts | Correc-tions | Riots | Organ. Crime | Juv. Del. | Other | Grant Admin. | Plan-ning | |
| Alabama | 14 | 4 | 1 | 0 | 1 | 1 | 1 | 1 | 0 | 1 | 0 | 77 |
| Alaska | 3 | 1 | 1 | 1 | 2 | 1 | 0 | 1 | 1 | 1 | 3 | 100 |
| Arizona | 6 | 4 | 1 | 1 | 1 | 2 | 2 | 1 | 0 | 2 | 1 | 100 |
| Arkansas | 9 | 4 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 2 | 100 |
| California | 18 | 22 | 3 | 2 | 3 | 3 | 3 | 3 | 0 | 5 | 3 | 100 |
| Colorado | 8 | 6 | 4 | 2 | 3 | 1 | 1 | 2 | 1 | 2 | 2 | 100 |
| Connecticut | 13 | 5 | 2 | 2 | 1 | 0 | 1 | 3 | 1 | 5 | 3 | 85 |
| Delaware | 4 | 3 | 1 | 1 | 1 | 1 | 2 | 1 | 0 | 1 | 5 | 80 |
| Florida | 5 | 6 | 3 | 0 | 2 | 1 | 1 | 1 | 2 | 2 | 2 | 33 |
| Georgia | 6 | 2 | 1 | 2 | 0 | 2 | 0 | 1 | 0 | 1 | 1 | 66 |
| Hawaii | 6 | 5 | 1 | 2 | 1 | 0 | 0 | 1 | 0 | 2 | 2 | 100 |
| Idaho | 4 | 2 | 2 | 0 | 2 | 0 | 0 | 1 | 0 | 1 | 1 | 57 |
| Illinois | 24 | 19 | 3 | 4 | 2 | 1 | 1 | 2 | 2 | 2 | 7 | 100 |
| Indiana | 5 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 0 | 1 | 53 |
| Iowa | 8 | 3 | 2 | 1 | 1 | 0 | 0 | 1 | 1 | 2 | 1 | 80 |
| Kansas | 5 | 5 | 2 | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 33 |
| Kentucky | 12 | 6 | 2 | 2 | 1 | 2 | 1 | 2 | 0 | 2 | 3 | 100 |
| Louisiana | 13 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 2 | 93 |
| Maine | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 100 |
| Maryland | 19 | 6 | 3 | 3 | 4 | 1 | 3 | 3 | 3 | 3 | 6 | 79 |
| Massachusetts | 39 | 17 | 2 | 3 | 3 | 2 | 3 | 2 | 7 | 1 | 2 | 75 |
| Michigan | 18 | 7 | 2 | 3 | 1 | 1 | 1 | 1 | 1 | 2 | 3 | 91 |
| Minnesota | 8 | 4 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 88 |
| Mississippi | 10 | 3 | 4 | 1 | 1 | 3 | 1 | 1 | 0 | 2 | 1 | 100 |
| Missouri | 8 | 3 | 1 | 1 | 1 | 0 | 0 | 1 | 0 | 1 | 2 | 100 |
| Montana | 5 | 3 | 1 | 1 | 0 | 1 | 1 | 1 | 0 | 1 | 1 | 79 |
| Nebraska | 5 | 3 | 1 | 1 | 1 | 1 | 0 | 1 | 0 | 1 | 2 | 100 |
| Nevada | 3 | 1 | 1 | 0 | 1 | 0 | 1 | 1 | 0 | 1 | 1 | 75 |
| New Hampshire | 4 | 4 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 2 | 100 |
| New Jersey | 22 | 13 | 2 | 1 | 1 | 1 | 2 | 1 | 0 | 1 | 2 | 92 |
| New Mexico | 4 | 3 | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 2 | 2 | 57 |
| New York | 23 | 16 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 5 | 5 | 65 |
| North Carolina | 6 | 3 | 3 | 2 | 2 | 2 | 2 | 1 | 2 | 2 | 1 | 54 |
| North Dakota | 5 | — | 1 | 1 | 1 | 0 | 0 | 1 | 0 | 2 | 1 | 83 |
| Ohio | 22 | 16 | 4 | 3 | 0 | 2 | 1 | 1 | 0 | 1 | 0 | 45 |
| Oklahoma | 6 | 5 | 2 | 4 | 1 | 2 | 2 | 2 | 1 | 3 | 6 | 100 |
| Oregon | 5 | 2 | 2 | 1 | 1 | 2 | 2 | 2 | 0 | 1 | 2 | 100 |
| Pennsylvania | 24 | 15 | 1 | 2 | 2 | 1 | 1 | 1 | 0 | 6 | 1 | 89 |
| Rhode Island | 4 | 5 | 1 | 0 | 1 | 1 | 1 | 1 | 0 | 1 | 1 | 80 |
| South Carolina | 4 | 2 | 3 | 4 | 2 | 1 | 2 | 1 | 1 | 1 | 2 | 67 |
| South Dakota | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 75 |
| Tennessee | 8 | 3 | 2 | 1 | 1 | 0 | 0 | 1 | 1 | 2 | 1 | 80 |
| Texas | 8 | 6 | 1 | 1 | 1 | 1 | 1 | 1 | 0 | 1 | 2 | 100 |
| Utah | 4 | — | 2 | 2 | 1 | 0 | 0 | 1 | 1 | 2 | 2 | 100 |
| Vermont | 5 | 4 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 100 |
| Virginia | 6 | 4 | 2 | 2 | 2 | 1 | 2 | 2 | 0 | 3 | 6 | 100 |
| Washington | 4 | 2 | 1 | 1 | 1 | 3 | 3 | 1 | 0 | 2 | 2 | 66 |
| West Virginia | 8 | 3 | 1 | 1 | 4 | 2 | 1 | 2 | 0 | 4 | 6 | 90 |
| Wisconsin | 7 | 2 | 4 | 2 | 0 | 1 | 1 | 1 | 1 | 2 | 1 | 70 |
| Wyoming | 3 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 1 | 100 |
| TOTAL | 466 | 262 | 83 | 71 | 63 | 51 | 52 | 61 | 30 | 63 | 110 | |
| National Average | 9.3 | 5.2 | 1.7 | 1.4 | 1.3 | 1.0 | 1.0 | 1.2 | 0.6 | 1.3 | 2.2 | 83.1 |

*Numbers are non-add since one staff person can have more than one functional competency.

Source: U.S., Department of Justice, Law Enforcement Assistance Administration.

TABLE 6 – SPA SUPERVISORY BOARD COMPOSITION*
December 31, 1969

| State | Total Membership | State | Local | Courts, Prosecution & Defense | | | | | | | Local Elected Officials | Other** |
|----------------|------------------|-------|-------|-------------------------------|-------------|----------------------|----------|---------|-----|-----|-------------------------|---------|
| | | | | Police | Corrections | Juvenile Delinquency | Citizens | Other** | | | | |
| Alabama | 30 | 12 | 18 | 12 | 3 | 4 | 4 | 5 | 5 | 6 | | |
| Alaska | 27 | 4 | 23 | 9 | 4 | 6 | 3 | 1 | 4 | 2 | | |
| Arizona | 17 | 4 | 13 | 3 | 3 | 1 | 0 | 3 | 7 | 0 | | |
| Arkansas | 14 | 7 | 7 | 5 | 3 | 2 | — | 1 | 2 | 0 | | |
| California | 25 | 5 | 20 | 5 | 4 | 2 | 0 | 8 | 1 | 0 | | |
| Colorado | 19 | 8 | 11 | 5 | 5 | 2 | 0 | 4 | 2 | 5 | | |
| Connecticut | 18 | 14 | 4 | 3 | 9 | 2 | 1 | 4 | 2 | 4 | | |
| Delaware | 24 | 12 | 12 | 3 | 4 | 3 | 2 | 4 | 4 | 5 | | |
| Florida | 26 | 13 | 13 | 9 | 4 | 2 | 1 | 8 | 2 | 7 | | |
| Georgia | 22 | 6 | 16 | 5 | 2 | 3 | 3 | 6 | 3 | 2 | | |
| Hawaii | 15 | 4 | 11 | 4 | 3 | 2 | 2 | 2 | 5 | 2 | | |
| Idaho | 15 | 7 | 8 | 4 | 3 | 2 | 1 | 2 | 2 | 4 | | |
| Illinois | 30 | 10 | 20 | 8 | 7 | 3 | 5 | 6 | 1 | — | | |
| Indiana | 13 | 4 | 9 | 2 | 3 | 2 | 1 | 1 | 3 | 2 | | |
| Iowa | 30 | 10 | 20 | 6 | 8 | 4 | 2 | 6 | 4 | 3 | | |
| Kansas | 26 | 13 | 13 | 13 | 20 | 15 | 2 | 5 | 2 | 2 | | |
| Kentucky | 43 | 16 | 27 | 10 | 11 | 5 | 6 | 6 | 2 | 3 | | |
| Louisiana | 34 | 12 | 22 | 6 | 6 | 1 | 2 | 12 | 2 | 7 | | |
| Maine | 19 | 11 | 8 | 6 | 4 | 1 | 1 | 4 | 3 | 3 | | |
| Maryland | 24 | 9 | 15 | 6 | 5 | 3 | 3 | 4 | 4 | 7 | | |
| Massachusetts | 30 | 11 | 19 | 9 | 11 | 3 | 3 | 2 | 2 | 3 | | |
| Michigan | 28 | 10 | 18 | 7 | 8 | 2 | 3 | 3 | 2 | 3 | | |
| Minnesota | 32 | 6 | 26 | 12 | 4 | 2 | 1 | 10 | 3 | 24 | | |
| Mississippi | 34 | 11 | 23 | 10 | 7 | 3 | 2 | 3 | 2 | 0 | | |
| Missouri | 18 | 7 | 11 | 6 | 4 | 3 | 3 | 1 | 1 | 6 | | |
| Montana | 12 | 5 | 7 | 4 | 3 | 2 | 1 | 2 | 1 | 0 | | |
| Nebraska | 21 | 5 | 16 | 4 | 5 | 2 | 3 | 3 | 2 | 2 | | |
| Nevada | 17 | 4 | 13 | 7 | 3 | 2 | 1 | 2 | 2 | 4 | | |
| New Hampshire | 30 | 7 | 23 | 7 | 5 | 6 | 4 | 8 | 2 | 2 | | |
| New Jersey | 14 | 8 | 6 | 3 | 5 | 1 | 0 | 1 | 3 | 2 | | |
| New Mexico | 18 | 8 | 10 | 3 | 3 | 2 | 1 | 2 | 4 | 2 | | |
| New York | 23 | 9 | 14 | 3 | 4 | 2 | 1 | 6 | 3 | 1 | | |
| North Carolina | 26 | 16 | 10 | 8 | 5 | 3 | 1 | 5 | 4 | 7 | | |
| North Dakota | 15 | 6 | 9 | 3 | 4 | 2 | 2 | 2 | 2 | 0 | | |
| Ohio | 22 | 9 | 13 | 5 | 4 | 2 | 2 | 3 | 5 | 6 | | |
| Oklahoma | 47 | 14 | 33 | 15 | 12 | 5 | 2 | 10 | 3 | 4 | | |
| Oregon | 22 | 3 | 19 | 3 | 3 | 1 | 2 | 6 | 7 | 3 | | |
| Pennsylvania | 42 | 14 | 28 | 10 | 18 | 3 | 3 | 14 | 3 | 8 | | |
| Rhode Island | 22 | 15 | 7 | 5 | 4 | 1 | 2 | 4 | 6 | 3 | | |
| South Carolina | 16 | 7 | 9 | 4 | 1 | 2 | 2 | 5 | 2 | 5 | | |
| South Dakota | 16 | 8 | 8 | 5 | 4 | 2 | 1 | 2 | 2 | 0 | | |
| Tennessee | 16 | 5 | 11 | 7 | 2 | 1 | 1 | 1 | 4 | 6 | | |
| Texas | 21 | 9 | 12 | 4 | 4 | 1 | 1 | 3 | 3 | 5 | | |
| Utah | 18 | 7 | 11 | 5 | 4 | 1 | 1 | 1 | 4 | 0 | | |
| Vermont | 18 | 7 | 11 | 10 | 4 | 1 | 0 | 3 | 1 | 2 | | |
| Virginia | 16 | 7 | 9 | 3 | 4 | 1 | 1 | 4 | 3 | 14 | | |
| Washington | 29 | 5 | 24 | 6 | 4 | 2 | 1 | 10 | 6 | 2 | | |
| West Virginia | 25 | 10 | 15 | 6 | 4 | 1 | 4 | 8 | 2 | — | | |
| Wisconsin | 12 | 4 | 8 | 3 | 2 | 1 | 1 | 2 | 3 | 4 | | |
| Wyoming | 22 | 8 | 14 | 5 | 8 | 2 | 0 | 4 | 3 | 0 | | |
| Total | 1,153 | 426 | 727 | 306 | 264 | 127 | 89 | 222 | 150 | 182 | | |
| Percent | 100 | .37 | .63 | .23 | .20 | .09 | .07 | .17 | .11 | .14 | | |
| Average | 23 | 8.5 | 14.5 | 6.1 | 5.3 | 2.5 | 1.8 | 4.4 | 3.0 | 3.6 | | |

*All numbers are non-add except State and local representatives.

**Includes organized crime, riot control, and Indian categories.

Source: U.S., Department of Justice, Law Enforcement Assistance Administration.

position in some cases have generated tension and instability within the SPA, and have produced delays in preparing plans, approving local applications, and disbursing subgrant awards. As one LEAA official has contended: "Without a period of stability here, the difficult mission of the Title I program will be in jeopardy. Gains in experience, training and working relationships are lost when the guard is changed too frequently."⁵²

Turning to supervisory boards, the Safe Streets Act makes no provision concerning their optimum size. The number of the SPA board members, as of December 31, 1969, ranged widely--from 12 in Montana and Wisconsin to 43 in Kentucky and 47 in Oklahoma, with a national average of 23 members. There appears to be no significant correlation between State population, area, and crime rate and the number of supervisory board members.

The Act stipulates that the State planning agency must be representative of law enforcement agencies and units of general local government. LEAA's program guidelines for fiscal 1970 specify eight types of interests which must be represented on these boards in order to meet this broad statutory mandate: (1) State law enforcement agencies; (2) elected policy-making or executive officials of units of general local government; (3) local law enforcement officers or administrators; (4) major law enforcement functions including police, courts, corrections and, where appropriate, such special emphasis areas identified in the Act as organized crime, riots, and civil disorders; (5) juvenile delinquency and adult crime prevention and control; (6) citizen or community views; (7) reasonable geographical and urban-rural balance; and (8) proportionate representation of the concerns of State law enforcement units and local governments and their law enforcement agencies.⁵³ Determination of whether each SPA meets this "balanced representation" requirement is, of course, an LEAA responsibility.

Critics claim that many supervisory boards give insufficient representation to elected local government policy-makers and administrators as well as to the citizenry at large. Instead of being "broadly representative," they contend, most SPA boards are dominated by law enforcement functionaries, and this

leads to fragmented planning and to action programs which are unresponsive to the real needs of local governments and community residents. Some observers argue that LEAA's guidelines are mainly responsible for the underrepresentation of elected local political executives and public members, while others point to the States' interpretation of these directives.

Data presented in Table 6 shed light on some of these charges. Of the 1,153 persons serving on the 50 SPA boards as of the end of 1969, 37 percent represented the States and 63 percent represented local governments, local law enforcement agencies, and the general public. This finding suggests that local interests have been well represented.

Representatives of the police, court, correctional, and juvenile delinquency functions constituted nearly three-fifths of all SPA supervisory board members. Citizen or community interests accounted for one-sixth. Slightly more than one-tenth of the board members were elected policy or executive officials of units of general local government -- about one-half the amount of police representation. Combining the total percentages for all of the specialized law enforcement and criminal justice areas represented on the supervisory board reveals that almost three-fourths of the members fell into one or more of these functions, while one-fourth appeared in the citizen and local elected official categories. (see Figure 2)

Another key dimension of the representation issue is the participation of State, local, and citizen members in supervisory board meetings. Replies to ACIR's survey from 39 States (see Table 7) reveal that elected officials or their alternates and public members have a somewhat lower attendance rate than law enforcement functionaries. Local elected policy-makers, executives, or their alternates appeared at 62 percent of the 281 SPA board meetings held in these States from April 1969 to February 1970, while elected State officials had a 60 percent attendance rate. On the other hand, local appointed officials or alternates--such as police chiefs, judges, and prosecutors--participated in 70 percent of the supervisory board sessions and their State counterparts appeared 76 percent of the time. Finally, citizen representatives attended 63 percent of the board meetings.

The State Comprehensive Law Enforcement Plan.

A State's share of its planning grant award from LEAA may be used to underwrite 90 percent of the costs of preparing and updating a statewide comprehensive plan for law enforcement improvements. The contents of this document include: an analysis of law enforcement needs, problems, and priorities; an examination of

⁵²Daniel Skoler, "Federal-State Administration of the Omnibus Crime Control and Safe Streets Act of 1968--a Balance Sheet," Remarks for the Western Attorneys General Conference, October 20, 1969.

⁵³U.S., Department of Justice, Law Enforcement Assistance Administration, Office of Law Enforcement Programs, *Guide for Comprehensive Law Enforcement Planning and Action Grants: Fiscal Year 1970* (Washington, D.C.: U.S. Department of Justice, January 1970), pp. 5-6, mimeo.

FIGURE 2 – COMPOSITION OF THE AVERAGE SPA SUPERVISORY BOARD
BY FUNCTIONAL BACKGROUND
DECEMBER 31, 1969

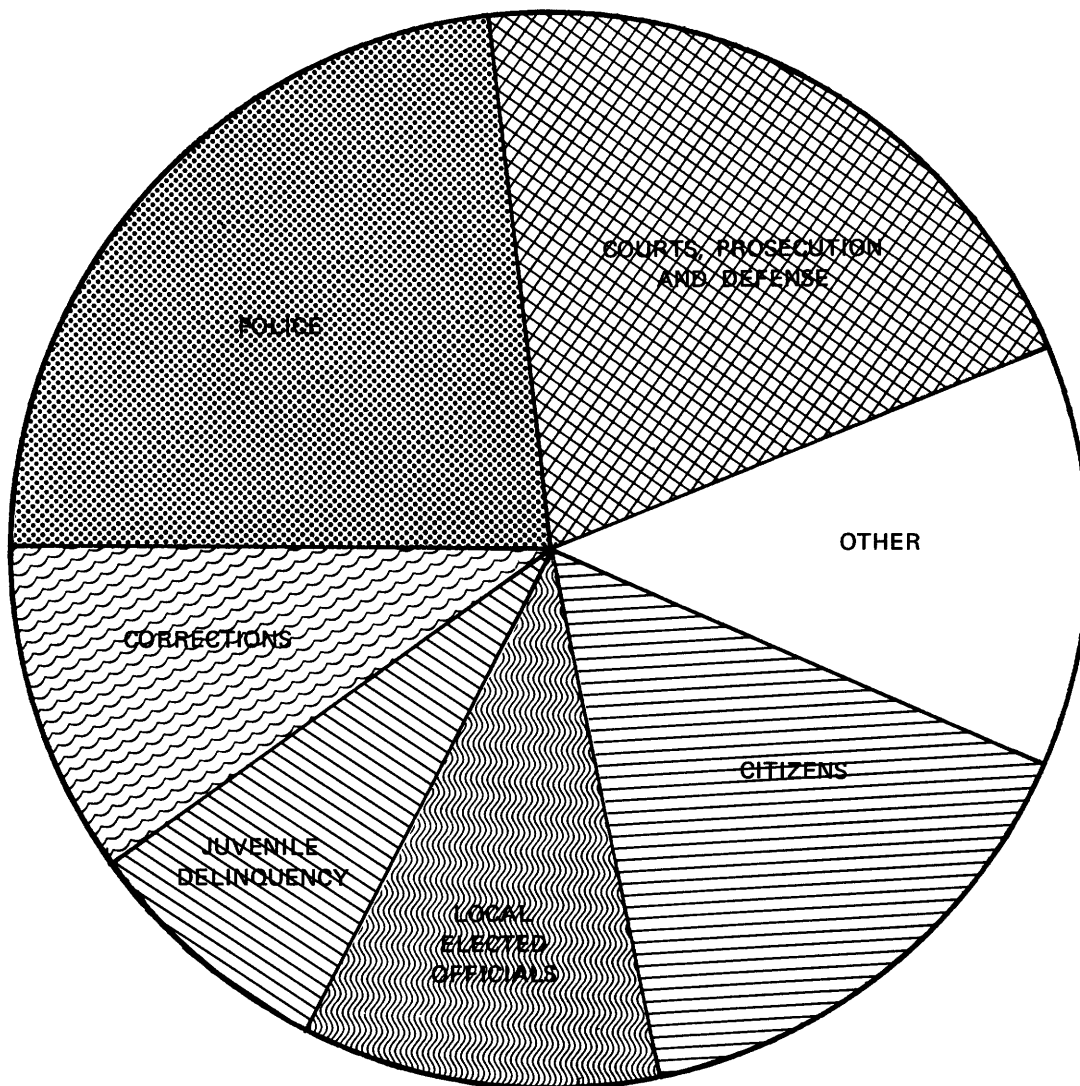


TABLE 7 – ATTENDANCE RATES AT SPA SUPERVISORY BOARD MEETINGS
APRIL 1969 – FEBRUARY 1970
BY TYPE OF BOARD MEMBER
(39 States Responding)

| State | No. of SPA Board Meetings | Attendance Rates (%) | | | | | Public Members |
|----------------|---------------------------|---------------------------|-------------------------|---------------------------|-------------------------|-----|----------------|
| | | Local Appointed Officials | Local Elected Officials | State Appointed Officials | State Elected Officials | | |
| Alabama* | | | | | | | |
| Alaska** | | | | | | | |
| Arizona | 10 | 80 | 54 | 90 | 35 | 85 | |
| Arkansas | 9 | 81 | 44 | 64 | — | 100 | |
| California | 19 | 80 | 77 | 88 | 44 | 75 | |
| Colorado | 4 | 70 | 74 | 75 | — | 69 | |
| Connecticut | 3 | 50 | 67 | 83 | 83 | 62 | |
| Delaware | 8 | 88 | 43 | 62 | 88 | 70 | |
| Florida*** | 6 | 50 | 75 | 72 | 21 | — | |
| Georgia* | | | | | | | |
| Hawaii | 9 | 100 | 64 | 84 | — | — | |
| Idaho | 7 | — | 76 | 79 | 71 | 64 | |
| Illinois | 8 | 76 | 74 | 82 | — | 71 | |
| Indiana* | 8 | | | | | | |
| Iowa | 6 | 90 | 57 | 77 | 73 | 65 | |
| Kansas | 5 | 67 | 45 | 57 | 40 | 42 | |
| Kentucky* | | | | | | | |
| Louisiana** | | | | | | | |
| Maine | 5 | 40 | 72 | 72 | 30 | 40 | |
| Maryland | 11 | 91 | 67 | 75 | 84 | 52 | |
| Massachusetts | 3 | 53 | 36 | 67 | 100 | 80 | |
| Michigan | 7 | 43 | 80 | 67 | 100 | 79 | |
| Minnesota | 9 | 71 | 63 | 78 | 67 | 41 | |
| Mississippi | 6 | — | 47 | 65 | 44 | 53 | |
| Missouri* | | | | | | | |
| Montana* | 12 | | | | | | |
| Nebraska | 10 | 86 | 69 | 81 | 89 | 67 | |
| Nevada | 8 | 88 | 73 | 69 | 38 | 83 | |
| New Hampshire | 9 | 59 | 52 | 60 | — | 60 | |
| New Jersey* | 1 | | | | | | |
| New Mexico | 7 | 36 | 37 | 65 | 64 | 62 | |
| New York | 6 | — | 81 | 80 | 83 | 95 | |
| North Carolina | 9 | — | 56 | 81 | 67 | 67 | |
| North Dakota | 9 | 96 | 69 | 89 | 100 | — | |
| Ohio | 3 | 58 | 83 | 95 | 100 | — | |
| Oklahoma* | 10 | | | | | | |
| Oregon | 9 | 71 | 53 | 83 | — | 64 | |
| Pennsylvania | 4 | 42 | 54 | 80 | 38 | 48 | |
| Rhode Island | 2 | 100 | 100 | 100 | 100 | 100 | |
| South Carolina | 4 | 88 | 67 | 83 | — | 42 | |
| South Dakota | 7 | — | 62 | 76 | 86 | 64 | |
| Tennessee | 3 | 92 | 100 | 93 | 89 | — | |
| Texas | 5 | 90 | 57 | 94 | 80 | 80 | |
| Utah | 12 | 75 | 72 | 65 | 33 | 83 | |
| Vermont | 3 | 44 | 83 | 83 | 73 | 36 | |
| Virginia | 5 | 80 | 70 | 79 | 40 | 80 | |
| Washington* | 4 | | | | | | |
| West Virginia | 11 | 53 | 36 | 79 | — | 30 | |
| Wisconsin | 10 | 90 | 81 | 85 | 90 | 88 | |
| Wyoming | 3 | 100 | 71 | 76 | 100 | 71 | |
| TOTAL | 281 | 70 | 62 | 76 | 60 | 63 | |

—No members of the SPA Supervisory Board in this classification.

*Data not reported.

**Questionnaire not returned.

***Includes only those meetings for which there were attendance records.

existing law enforcement agencies and available resources; a multi-year projection of financial and budgetary plans and program results; a description of the annual action program; a discussion of SPA organization, operation, and procedures and the fund availability plan for local governments; a review of related law enforcement plans and systems; and a statement of compliance with statutory requirements.⁵⁴

At the outset of the program, each State was eligible for an advance of up to 20 percent of its planning grant allocation to hire staff and to provide facilities and materials necessary for preparation of the comprehensive plan, creation or expansion of a law enforcement planning agency, and related activities. These advances were paid in October 1968, and allocations of full planning grants were made in January 1969. Since the \$29 million in action funds had to be awarded to the States by the end of the fiscal year on June 30, 1969, planning was accelerated as much as possible. LEAA simplified its processing arrangements and waived the requirement for States to formulate five-year comprehensive plans. Detailed explanation was necessary only in connection with the organizational structure and procedures for ensuring project completion, the "pass through" of Federal planning and action dollars to local governments, and the use of funds for personnel compensation.⁵⁵ LEAA gave the following rationale for this approach:

The simplified procedures recognized that within the States there was general agreement on immediate law enforcement needs. Identification of needs and problems thus could largely be accepted as a given fact, rather than an item for study, and energy could be devoted at once to priority programs.⁵⁶

Since OLEP began its review of the State plans in April, most SPAs had only three months following the receipt of their planning grant to prepare this document. This tight deadline precluded many States from giving comprehensive treatment to their criminal justice system. Instead, they tended to focus mainly on police needs. As a staff report to the National Commission on the Causes and Prevention of Violence concluded:

⁵⁴U.S., Department of Justice, Law Enforcement Assistance Administration, Office of Law Enforcement Programs, *Guide for Comprehensive Law Enforcement Planning and Action Grants: Fiscal Year 1970*, pp. 45-62.

⁵⁵U.S., Department of Justice, Law Enforcement Assistance Administration, *1st Annual Report of the Law Enforcement Assistance Administration*, p. 8.

⁵⁶*Ibid.*

In theory, the 1968 legislation provided the framework and the funds for massive federal grants to the States with which the comprehensive and detailed recommendations of the President's [Crime] Commission could be implemented. In fact, early performance has been handicapped by unrealistic deadlines, inadequate funds and a shortage of experienced manpower to convey a criminal justice system approach to the states....Agencies of the criminal process have tended to plan their own individual programs by themselves. Crime control has continued to remain isolated from social programs aimed at employment, education, housing and health. Outside expertise to augment local planners has remained scarce. The consequence, in many instances, has been pedestrian state plans. Unless some new ingredients are added, deficiencies such as these foreshadow the channeling of massive federal funds into old programs, and into higher salaries for old-line personnel. They will thereby tend to reinforce rather than reform the inadequate criminal justice institutions and to perpetuate the polarized attitudes which exist today.⁵⁷

Given the limited lead time available for the first year of law enforcement and criminal justice planning under the Safe Streets Act, criticism of the initial State plans for lack of comprehensiveness would seem to be somewhat unfair. It is clear, however, that much remains to be done here by the SPAs in order to comply with both the spirit and the letter of the Act. As one LEAA official has pointed out:

Although there are 50 State plans, these are rudimentary, exhibit gaps in coverage, are often vague and imprecise about implementation, and have yet to incorporate serious long-term or multi-year components. Despite the encouraging start, it is still too early to tell whether the States will develop sophisticated, well-delineated plans capable of effectively directing funds and spearheading reform efforts. While we have insightful understanding of needs and

⁵⁷James S. Campbell, Joseph R. Sahid, and David P. Stang, *Law and Order Reconsidered: Report of the Task Force on Law and Law Enforcement to the National Commission on the Causes and Prevention of Violence* (Washington, D.C.: U.S. Government Printing Office, 1970), pp. 273-74.

**TABLE 8 – "PASS THROUGH" OF FY 1969 PLANNING FUNDS TO LOCAL UNITS
DECEMBER 31, 1969**

| State | Block Grant Total (A) | Total Amount Awarded to Local Subgrantee* (B) | % of A | Total Funds Paid to Local Subgrantees (C) | % of B | Total Amount Awarded to Individual Localities | % of B |
|-----------------------|--------------------------|--|-----------|--|-----------|---|-----------|
| Alabama | 337,600 | 135,040 | 40 | 135,040 | 100 | 0 | 0 |
| Alaska ¹ | 118,000 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arizona | 209,890 | 83,960 | 40 | 83,960 | 100 | 0 | 0 |
| Arkansas | 232,300 | 92,900 | 40 | 71,873 | 77 | 92,900 | 100 |
| California | 1,387,900 | 555,420 | 40 | 432,681 | 78 | 0 | 0 |
| Colorado | 232,840 | 93,137 | 40 | 9,834 | 11 | 0 | 0 |
| Connecticut | 297,100 | 108,180 | 36 | 92,124 | 85 | 71,997 | 67 |
| Delaware ¹ | 135,235 | 0 | 0 | 0 | 0 | 0 | 0 |
| Florida | 503,650 | 382,844 | 76 | 320,518 | 84 | 0 | 0 |
| Georgia | 403,750 | 234,347 | 58 | 234,347 | 100 | 0 | 0 |
| Hawaii | 149,680 | 48,595 | 32 | 32,024 | 66 | 43,295 | 89 |
| Idaho | 146,980 | 58,786 | 40 | 58,792 | 100 | 0 | 0 |
| Illinois | 833,050 | 397,837 | 48 | 101,073 | 25 | 341,385 | 86 |
| Indiana | 436,150 | 306,581 | 70 | 133,785 | 44 | 0 | 0 |
| Iowa | 284,950 | 115,400 | 40 | 102,960 | 89 | 110,900 | 96 |
| Kansas | 252,550 | 101,020 | 40 | 66,322 | 66 | 46,761 | 46 |
| Kentucky | 314,650 | 125,860 | 40 | 125,860 | 100 | 0 | 0 |
| Louisiana | 345,700 | 138,280 | 40 | 138,280 | 100 | 0 | 0 |
| Maine | 165,475 | 64,703 | 39 | 45,954 | 71 | 9,000 | 14 |
| Maryland | 347,050 | 139,200 | 40 | 85,100 | 61 | 139,200 | 100 |
| Massachusetts | 464,500 | 185,800 | 40 | 124,800 | 67 | 118,000 | 64 |
| Michigan | 677,800 | 271,120 | 40 | 271,120 | 100 | 0 | 0 |
| Minnesota | 340,300 | 75,000 | 22 | 45,500 | 61 | 75,000 | 100 |
| Mississippi | 257,950 | 103,180 | 40 | 75,657 | 73 | 0 | 0 |
| Missouri | 409,150 | 173,506 | 42 | 159,432 | 92 | 9,000 | 5 |
| Montana ² | 147,115 | 27,451 | 19 | 27,451 | 100 | 0 | 0 |
| Nebraska | 196,525 | 91,405 | 47 | 91,405 | 100 | 0 | 0 |
| Nevada | 129,835 | 24,246 | 19 | 22,446 | 93 | 6,300 | 26 |
| New Hampshire | 146,170 | 81,200 | 56 | 67,300 | 83 | 51,200 | 63 |
| New Jersey | 571,150 | 215,464 | 38 | 199,619 | 93 | 215,464 | 100 |
| New Mexico | 167,500 | 36,519 | 22 | 36,519 | 100 | 33,519 | 92 |
| New York | 1,332,550 | 918,373 | 69 | 72,068 | 8 | 752,873 | 82 |
| North Carolina | 438,850 | 311,290 | 71 | 144,753 | 47 | 0 | 0 |
| North Dakota | 142,930 | 48,358 | 34 | 40,358 | 83 | 4,628 | 10 |
| Ohio | 803,350 | 471,340 | 59 | 436,653 | 93 | 0 | 0 |
| Oklahoma | 267,400 | 154,300 | 58 | 154,300 | 100 | 39,550 | 26 |
| Oregon | 234,460 | 138,709 | 59 | 136,444 | 98 | 0 | 0 |
| Pennsylvania | 881,650 | 352,660 | 40 | 352,660 | 100 | 0 | 0 |
| Rhode Island | 160,480 | 73,189 | 46 | 72,622 | 99 | 65,019 | 88 |
| South Carolina | 274,150 | 97,090 | 35 | 61,388 | 56 | 0 | 0 |
| South Dakota | 145,360 | 58,200 | 40 | 25,800 | 44 | 0 | 0 |
| Tennessee | 361,900 | 98,395 | 27 | 91,959 | 93 | 98,395 | 100 |
| Texas | 830,350 | 339,965 | 41 | 329,065 | 97 | 11,700 | 3 |
| Utah | 168,850 | 67,540 | 40 | 64,695 | 96 | 13,112 | 19 |
| Vermont ² | 128,080 | 29,873 | 23 | 8,471 | 28 | 0 | 0 |
| Virginia ² | 405,100 | 117,965 | 29 | 117,965 | 100 | 5,298 | 4 |
| Washington | 307,900 | 197,622 | 64 | 75,176 | 38 | 103,506 | 52 |
| West Virginia | 220,960 | 89,395 | 40 | 76,641 | 86 | 1,800 | 2 |
| Wisconsin | 382,150 | 216,260 | 57 | 193,425 | 89 | 40,600 | 19 |
| Wyoming ² | 121,195 | 21,316 | 18 | 21,316 | 100 | 9,867 | 46 |
| TOTAL | 18,250,160 | 8,268,821 | 45 | 5,867,532 | 71 | 2,510,269 | 30 |

TABLE 8 - "PASS THROUGH" OF FY 1969 PLANNING FUNDS TO LOCAL UNITS (Continued)

| State | Total Amount Paid to Individual Localities | % of C | Total Amount Awarded to Combinations of Local Units | % of B | Total Amount Paid to Combinations of Local Units | % of C |
|----------------|--|--------|---|--------|--|--------|
| Alabama | 0 | 0 | 135,040 | 100 | 135,040 | 100 |
| Alaska | 0 | 0 | 0 | 0 | 0 | 0 |
| Arizona | 0 | 0 | 83,960 | 100 | 83,960 | 100 |
| Arkansas | 71,873 | 100 | 0 | 0 | 0 | 0 |
| California | 0 | 0 | 555,420 | 100 | 432,681 | 100 |
| Colorado | 0 | 0 | 93,137 | 100 | 9,834 | 100 |
| Connecticut | 55,940 | 61 | 36,183 | 33 | 36,183 | 39 |
| Delaware | 0 | 0 | 0 | 0 | 0 | 0 |
| Florida | 0 | 0 | 382,844 | 100 | 320,518 | 100 |
| Georgia | 0 | 0 | 234,347 | 100 | 234,347 | 100 |
| Hawaii | 30,795 | 96 | 5,300 | 11 | 1,229 | 4 |
| Idaho | 0 | 0 | 58,786 | 100 | 58,792 | 100 |
| Illinois | 60,920 | 60 | 56,452 | 14 | 40,152 | 40 |
| Indiana | 0 | 0 | 306,581 | 100 | 133,785 | 100 |
| Iowa | 98,460 | 96 | 4,500 | 4 | 4,500 | 4 |
| Kansas | 41,278 | 62 | 54,259 | 54 | 25,044 | 38 |
| Kentucky | 0 | 0 | 125,860 | 100 | 125,860 | 100 |
| Louisiana | 0 | 1 | 138,280 | 100 | 138,280 | 100 |
| Maine | 7,819 | 17 | 55,703 | 86 | 38,136 | 83 |
| Maryland | 85,100 | 100 | 0 | 0 | 0 | 0 |
| Massachusetts | 71,500 | 57 | 67,800 | 36 | 53,300 | 43 |
| Michigan | 0 | 0 | 271,120 | 100 | 271,120 | 100 |
| Minnesota | 45,500 | 100 | 0 | 0 | 0 | 0 |
| Mississippi | 0 | 0 | 103,180 | 100 | 75,657 | 100 |
| Missouri | 9,000 | 6 | 164,506 | 95 | 150,432 | 94 |
| Montana | 0 | 0 | 27,451 | 100 | 27,451 | 100 |
| Nebraska | 0 | 0 | 91,405 | 100 | 91,405 | 100 |
| Nevada | 6,300 | 26 | 17,946 | 74 | 16,146 | 67 |
| New Hampshire | 37,300 | 55 | 30,000 | 37 | 30,000 | 45 |
| New Jersey | 199,619 | 100 | 0 | 0 | 0 | 0 |
| New Mexico | 33,519 | 92 | 3,000 | 8 | 3,000 | 8 |
| New York | 65,034 | 90 | 165,500 | 18 | 7,034 | 10 |
| North Carolina | 0 | 0 | 311,290 | 100 | 144,753 | 100 |
| North Dakota | 4,628 | 11 | 43,730 | 90 | 35,730 | 89 |
| Ohio | 0 | 0 | 471,340 | 100 | 436,653 | 100 |
| Oklahoma | 39,550 | 26 | 114,750 | 74 | 114,750 | 74 |
| Oregon | 0 | 0 | 138,709 | 100 | 136,444 | 100 |
| Pennsylvania | 0 | 0 | 352,600 | 100 | 352,660 | 100 |
| Rhode Island | 65,091 | 90 | 8,170 | 12 | 7,602 | 10 |
| South Carolina | 0 | 0 | 97,090 | 100 | 61,388 | 100 |
| South Dakota | 0 | 0 | 58,200 | 100 | 25,800 | 100 |
| Tennessee | 91,959 | 100 | 0 | 0 | 0 | 0 |
| Texas | 11,700 | 4 | 328,265 | 97 | 317,365 | 96 |
| Utah | 13,112 | 20 | 54,428 | 81 | 51,583 | 80 |
| Vermont | 0 | 0 | 29,873 | 100 | 8,471 | 100 |
| Virginia | 5,298 | 4 | 112,667 | 96 | 112,667 | 96 |
| Washington | 27,123 | 36 | 94,116 | 48 | 48,053 | 64 |
| West Virginia | 1,800 | 2 | 87,595 | 98 | 74,841 | 98 |
| Wisconsin | 29,145 | 15 | 175,660 | 81 | 164,279 | 85 |
| Wyoming | 9,867 | 46 | 11,449 | 54 | 11,449 | 54 |
| TOTAL | 1,219,158 | 21 | 5,758,522 | 70 | 4,648,374 | 79 |

¹All planning grants to State.

²State received waiver to do planning for some local governments.

*"Subgrantee" refers to any individual local jurisdiction or agency, or combination thereof, which receives an award of planning or action funds from the SPA.

Source: U.S., Dept. of Justice, Law Enforcement Assistance Administration, "Schedule of Subgrants for Local Planning Projects," December 31, 1969.

sound conception of priorities, we do not have such plans as yet.⁵⁸

Early impressions regarding selected 1970 State plans suggest that more attention is being given to components of the criminal justice system other than police. Although the deadline for completion of this study precluded analysis of the 1970 comprehensive law enforcement plans which SPAs had to submit to LEAA by April 15, preliminary indications are that these documents will devote more attention to the courts and corrections areas than those for the first year of the Act's operation. As Attorney General John N. Mitchell stated in his March 12, 1970 testimony before Subcommittee No. 5 of the House Judiciary Committee: "We are now receiving information that, in this fiscal year, the law enforcement appropriation will be decreased and the appropriations for courts and corrections will be increased more in line with the national averages. This means that public officials are becoming more aware of the interrelationships among law enforcement, the courts and corrections."⁵⁹

"Pass Through" of Planning Funds. The Safe Streets Act requires SPAs to make available 40 percent of all Federal planning funds to units of general local government or combinations thereof for use in developing local components of the State comprehensive plan; conducting studies and collecting data pertinent to the formulation, revision, or expansion of such plan; and creating and supporting continuing planning units or capabilities. The program guidelines prohibit the States from charging off the cost of State-furnished planning assistance or State-conducted studies on behalf of localities as funds "made available" to local units unless both the supervisory board and affected local governments have approved these practices.⁶⁰ Furthermore, they provide that "priorities in funding local planning should be given to the State's major urban and metropolitan areas, to other areas of high crime incidence and potential, and to efforts involving combinations of local units."⁶¹

⁵⁸ Skoler, "Federal-State Administration of the Omnibus Crime Control and Safe Streets Act of 1968--A Balance Sheet," p.5.

⁵⁹Statement of Attorney General John N. Mitchell before Subcommittee No. 5 of the House Judiciary Committee, March 12, 1970, p. 5, mimeo.

⁶⁰U.S., Department of Justice, Law Enforcement Assistance Administration, Office of Law Enforcement Programs, *Guide for Comprehensive Law Enforcement Planning and Action Grants: Fiscal Year 1970*, pp. 6-8.

⁶¹*Ibid.*, p. 7.

These LEAA guidelines highlight one of the most difficult problems involved in the block grant approach. On one hand, local units desire an "iron clad" assurance from the Federal Government, via the mandatory "pass through" and the "guidelines" approaches, that the States will distribute a proportionate amount of funds to jurisdictions with the greatest incidence of crime. On the other hand, the States want relative freedom from the administrative and fiscal red tape normally associated with Federal categorical grants-in-aid. Striking this balance is indeed a delicate task.

Table 8 presents a mixed view of State performance in handling the fiscal 1969 block grants for planning. As of December 31, 1969--almost one year after LEAA's allotment of these grants to SPAs--14 States, excluding Alaska and Delaware which received full waivers of the local "pass through" requirement, had not made available the entire 40 percent local share for fiscal 1969. Four of these States (Montana, Vermont, Virginia, and Wyoming) had received partial waivers in return for planning on behalf of some of their local governments. Five States had distributed less than 30 percent of their planning grant to localities or regional planning agencies, and three had allocated under 20 percent to such units. Furthermore, 16 States (again exempting Alaska and Delaware) had actually paid less than three-fourths of the total amount they had awarded to local subgrantees. This slowness at the State level in the allocation and payment of funds can create serious delays and uncertainties in the criminal justice planning process at the local level.

On the other side of the coin, 16 States "passed through" more than the required 40 percent of fiscal 1969 planning grants to local governments or regional planning districts. Eleven States allotted more than 50 percent of these funds to regional units or individual localities, five awarded over 60 percent, and three allocated more than 70 percent. On a nationwide scale, the States made available 45 percent of Federal planning dollars to such jurisdictions in 1969, 72 percent of which had been paid by the end of the year.

With respect to the type of unit receiving 1969 planning subgrants, overall individual localities were awarded 30 percent of these funds. Only five States allotted all of the 40 percent local planning share to single jurisdictions, and another six allocated over 80 percent of local planning dollars to such units. Forty-nine percent of all 1969 Federal planning funds awarded to individual local subgrantees by SPAs had been paid by January 1, 1970.

The table clearly shows that combinations of local units, chiefly regional planning agencies established at either State or local initiative, received the bulk of local planning subgrants. Twenty-one States awarded all of the local planning share for fiscal 1969 to multijurisdictional units, while an additional eight "passed through" more than 80 percent of such funds to combinations of localities. Eighty-one percent of all subgrant awards of this type had been paid by the end of 1969.

A number of factors might be responsible for the slowness of some States in awarding planning grants and in making payments of funds. By April 1968, 23 States had not established a criminal justice planning committee. This finding suggests that a number of States had to spend time getting administratively geared up for the program, which no doubt hindered a prompt move on the planning subgrant front. The fact that LEAA did not award planning grant advances to the States until October 1968 and the balance of the full allocation until January 1969 partially explains this delay. Another consideration is that new regional districts had to be established or existing multijurisdictional units had to be equipped to perform law enforcement planning in the 45 States which adopted the regional device and presumably endorsed the areawide planning approach. In the case of individual counties and cities, progress under the program was retarded by the time involved in developing a local capability to plan in the criminal justice area on a comprehensive basis and to submit requests for funds to formulate and implement these plans. Another delaying factor was the need to work out new relationships between States and their political subdivisions in the anti-crime field as well as among the various components of the criminal justice system. Finally, the difficulties of instituting and understanding a "letter of credit" procedure for transferring LEAA funds to recipient jurisdictions have been cited as still another obstacle.

Regional Planning Districts. LEAA's program guidelines encourage planning on a metropolitan, regional, or other "combined interest" basis. They suggest use of planning regions which are coterminous or consistent with those set up under other Federal grant programs or with existing State planning districts. They urge States to consider the views of affected local governments in the establishment and operation of new or existing regions for crime control planning: "State planning agencies should recognize that under the Act, regional combinations must be more than State imposed geographic units and need to enjoy a base of local unit

acceptability and representation."⁶²

Despite these provisions, reliance of most States upon these planning regions has met with considerable opposition, mainly from constituent cities and counties. Critics allege that Federal anti-crime funds are being used to build another level of bureaucracy between the source of money--the Federal Government--and the source of problems--local governments. They charge that while many of these regions are really State instrumentalities, their operational costs are subsidized out of the 40 percent local planning share. Some opponents assert that urgent local priorities often are stifled at the regional level because representatives from urban areas serving on regional policy boards or advisory councils have the same voting power as members from smaller areas with less pressing crime problems. They argue that rural and suburban coalitions often exercise a veto power over big city anti-crime proposals. As Carl B. Stokes, Mayor of Cleveland, Ohio, contended in the July 1969 hearings before the House Select Committee on Crime:

...instead of sending the [Federal planning] money down to the cities, they have developed some seven districts in Ohio, and these districts are composed of several counties, of the townships, and then of the cities themselves, with invariably the voting structure as to the dispensation of the funds and the approval of programs being in the hands of those who represent the greater voting majority, all of whom are without the large cities.⁶³

Another drawback of the regional approach, so the argument runs, is that meaningful criminal justice planning cannot be carried on by instrumentalities that lack the power to implement program objectives.

As indicated in Table 9, 45 States have established regions for law enforcement and criminal justice planning. The national average was 10 regions per State as of the end of 1969. Forty-one of these States have created regional policy boards or advisory councils modeled for the most part on the SPA supervisory board.

In at least 30 of the 43 districted States responding to ACIR's survey, the functions of existing multijurisdictional entities--such as State planning districts, councils of government, regional planning commissions, Local Development Districts, and Economic Development Districts--were expanded to

⁶² *Ibid.*, p. 7.

⁶³ U.S., Congress, House of Representatives, Select Committee on Crime, *The Improvement and Reform of Law Enforcement and Criminal Justice in the United States: Hearings*, p. 46.

TABLE 9 – ORGANIZATION AND FINANCING OF CRIMINAL JUSTICE PLANNING REGIONS IN 45 STATES
DECEMBER 31, 1969

| State | No. of Regions | Eligibility for Funding | | Basis for Funding | | | Regional Policy Boards Exist |
|--------------------------|----------------|-------------------------|----------------------------------|-------------------|-------------|---------------------------|------------------------------|
| | | Only Regions Funded | Both Regions & Localities Funded | Population | Crime Index | Merit of Plan Application | |
| Alabama | 7 | x | | x | x | | x |
| Arizona | 3 | x | | x | | | x |
| Arkansas | 5 | x | | ¹ | | | x |
| California | 13 | | x | x | x | | x |
| Colorado | 14 | | x | x | | | x |
| Connecticut | 7 | x | | x | x | x | x |
| Florida | 7 | x | | x | | | x |
| Georgia | 18 | | x | x | x | | x |
| Hawaii | 4 | x | | x | | | x |
| Idaho | 3 | x | | x | | | x |
| Illinois | 35 | x | | x | x | x | x |
| Indiana | 8 | x | | x | | | |
| Kansas | 5 | x | | x | x | | x |
| Kentucky | 16 | x | | | x | | x |
| Louisiana | 7 | x | | x | | | x |
| Maine | 7 | x | | x | | | |
| Maryland | 5 | x | | x | | | x |
| Massachusetts | 12 | | x | x | x | | x |
| Michigan | 11 | | x | x | x | | |
| Minnesota | 7 | x | | x | x | | x |
| Mississippi | 11 | x | | x | | | x |
| Missouri | 6 | | x | x | | | x |
| Montana | 5 | x | | x | | | x |
| Nebraska | 22 | | x | x | x | | x |
| Nevada | 3 | x | | x | | | x |
| New Hampshire | 13 | | x | x | x | | x |
| New Mexico | 3 | x | | x | | | x |
| New York | 15 | x | | x | x | | x |
| North Carolina | 22 | x | | x | | | x |
| Ohio | 15 | x | | x | | | x |
| Oklahoma | 14 | | x | | x | | x |
| Oregon | 14 | | x | x | | | x |
| Pennsylvania | 8 | | x | x | | | x |
| Rhode Island | 9 | x | | x | | x | x |
| South Carolina | 10 | x | | x | | x | x |
| South Dakota | 7 | x | | x | | | x |
| Tennessee | 8 | | x | x | | | x |
| Texas | 22 | | x | x | | | x |
| Utah | 9 | | x | x | | | x |
| Vermont | 4 | x | | | | x | x |
| Virginia | 13 | | x | x | | | x |
| Washington | 4 | | x | x | x | | x |
| West Virginia | 2 | x | | x | | | |
| Wisconsin | 12 | x | | x | x | | x |
| Wyoming | 7 | | x | x | x | | x |
| TOTAL | 452 | 29 | 16 | 41 | 17 | 5 | 41 |

¹Each region receives 1/5 of local planning share.

Source: U.S., Department of Justice, Law Enforcement Assistance Administration.

Figure 3

REGIONAL LAW ENFORCEMENT PLANNING DISTRICTS:
NATURE OF ESTABLISHMENT

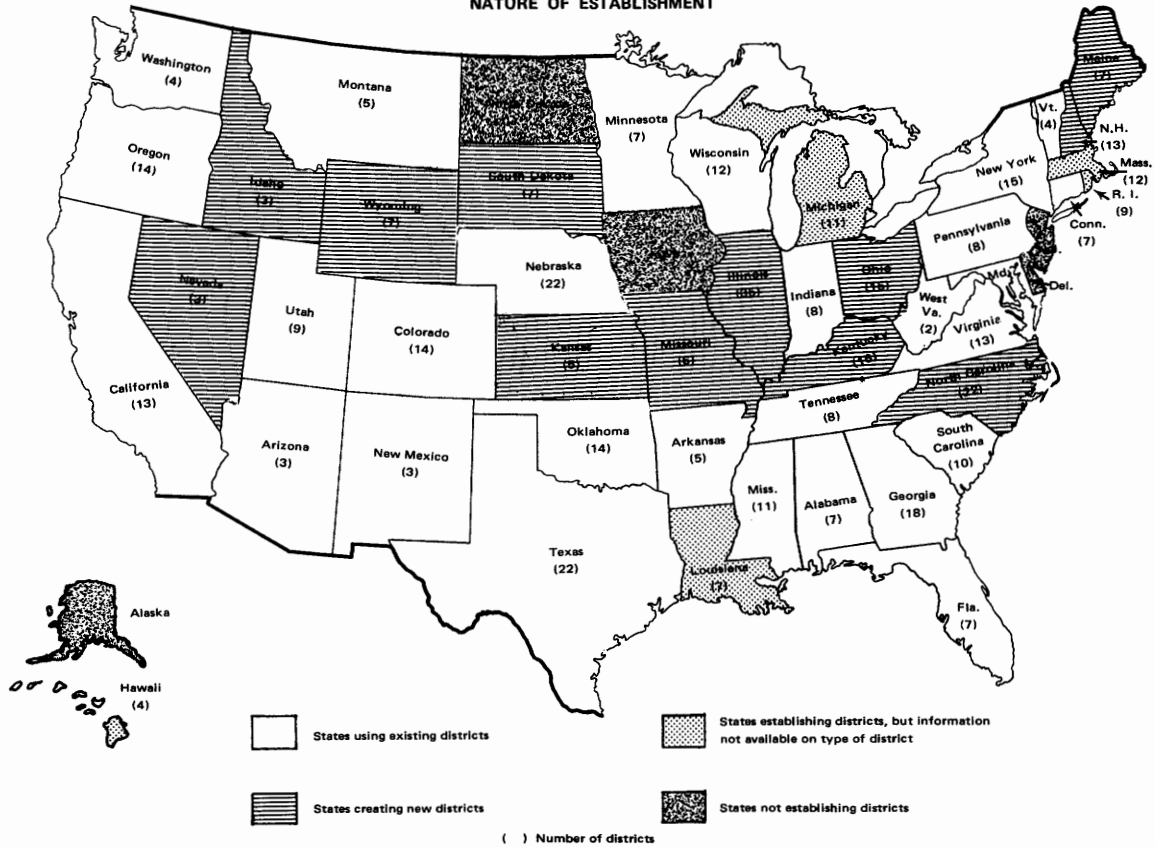


TABLE 10 – FUNCTIONS PERFORMED BY STATE CRIMINAL JUSTICE PLANNING DISTRICTS
(43 Districted States Reporting)
FEBRUARY 28, 1970

| Function | No. of States Reporting |
|---|-------------------------|
| Performs planning for area of jurisdiction | 42 |
| Coordinates planning by units of local government | 37 |
| Makes planning subgrants to units of local government | 11 |
| Reviews applications from units of local government for action subgrants <i>before submission to the SPA</i> | 32 |
| Reviews applications from units of local government for action subgrants <i>upon referral by the SPA or after receiving an information copy directly from the applicant</i> | 22 |
| Makes action subgrants to units of local government | 4 |
| Expend action funds as ultimate grantee | 16 |
| Reviews Model Cities Program law enforcement plans | 20 |
| Reviews Highway Safety Act project proposals | 11 |
| Reviews Juvenile Delinquency Act project proposals | 17 |

include crime control planning. In seven other States, new regions were determined by the SPA supervisory board after consultation with local governments, municipal leagues, and other affected groups. In only three of these States, however, was a tentative districting plan made available to local units for comment. Another used both existing and new districts for law enforcement planning, and distributed the tentative districting plan to localities for their reaction. In five other States, local jurisdictions were requested by the State planning agency to form districts. (see Figure 3)

Turning to the functions of criminal justice planning regions in 43 districted States surveyed, Table 10 shows that nearly all perform planning for their area of jurisdiction, well over four-fifths coordinate the planning efforts of localities within their territory, and three-fourths review local action subgrant applications prior to their submission to the SPA. One-half of the districted respondents indicated their regions reviewed local action subgrant applications either on referral by the State planning agency or after receiving an information copy directly from the applicant. Two-fifths of these regional agencies also reviewed law enforcement related project proposals for funds under the Model Cities program and the Juvenile Delinquency Prevention and Control Act., and more than one-third expended action funds as the ultimate grantee. One-fourth of the respondents noted that their districts made planning subgrants to local governments, and the same proportion reviewed applications for funds under the Highway Safety Act. In only four States did regional agencies make action subgrants to localities.

With respect to the financing of State planning regions, Table 9 reveals that in 29 of the 45 districted States only the regions were eligible to receive subgrants, while in the remaining 16 both regions and individual local units could be awarded Federal funds. In 1969, the basis for distributing aid in 24 States was population only; in 13, a combined population-crime index formula was used; in two, crime index only; in four, the merits of the application along with population and/or crime were involved in determining subgrant awards; and in one, merit alone was the deciding factor.

Thirty-six of the 43 districted States responding to ACIR's survey indicated that their regional planning units had full-time professional staff. In 22 of these States, such personnel were hired independently by the district, while in 13 others they were employed by the unit with the SPA's concurrence. Only three SPAs directly hired regional staff with the regional units' consent, and just one SPA employed these personnel without consulting the affected districts. Finally, in four States, some or all regional staff were on the State's

payroll, and in two of these salary expenses were charged to the local planning share. One State advanced the following as reasons for adopting this approach: "To reduce the overall budgetary charges for regional operations, upgrade the quality of services made available to local units, to provide a professional staff on a continuing basis and to insure each person is covered by State civil service."

The foregoing suggests that proponents of the areawide approach to solving urban problems can find considerable solace in the early experience of State criminal justice planning regions. Functionally, instead of being "paper tigers" these units perform important planning and coordination functions and play a significant supervisory role in connection with local action plans and programs. Some make subgrant awards to constituent local governments. Fiscally, these districts have received most of the local share of planning grants, and in nearly three-fifths of the States they are the only units eligible for such awards. Structurally, most criminal justice planning regions appear to be coterminous or at least consistent with other multijurisdictional entities set up by the States under Federal or State programs. Organizationally, in several States the regions are independent from the SPA as far as their staffing is concerned, and consequently cannot be viewed wholly as State instrumentalities.

In the final analysis, evaluation of the merits of this areawide approach is largely conditioned by one's philosophy of government and administration. If in the law enforcement and criminal justice field one favors local freedom to act, if one supports direct local access to Federal or State agencies, if one agrees that local crime problems are best handled at the local level, if one views a multijurisdictional planning and review and comment operation as an unnecessary and time consuming effort, or if one thinks that localities acting individually can have the same impact as localities acting jointly, then regional planning districts probably are not the answer. On the other hand, if one believes in channeling local programs having an areawide impact through higher levels of government in order to achieve greater coordination of effort, if one feels that problems with cost "spillovers" demand concerted action, or if one believes that to be effective the components of the criminal justice system must be treated on an interlocking rather than fractionated basis, then the areawide device may be an important part of the answer.

Action Grants

In fiscal 1969, Congress appropriated \$29 million for action grants to carry out law enforcement and

criminal justice improvement programs under the Safe Streets Act. The fiscal 1970 appropriation is over seven times this amount. Federal action grants may be used for the following purposes specified in the Act: public protection; recruitment and training of law enforcement personnel; public education relating to crime prevention and respect for law and order; construction of buildings or facilities; prevention and control of organized crime, riots, and civil disorders; and recruitment and training of community service officers.

The Act provides that 85 percent of the total action funds in LEAA's annual budget must be allocated to the States in block grants. The amount each State receives is based solely on its population. As shown in Table 11, the 50 States were awarded a total of \$24.5 million and \$179.4 million for fiscal 1969 and fiscal 1970, respectively, with an average per capita allocation of 12.5 cents for the first year of action programs and 90.1 cents for the second year.

The remaining 15 percent of LEAA's action budget constitutes a pool of funds which may be used at the Administration's discretion to:

...advance national priorities, draw attention to programs not emphasized in State plans, and provide special impetus for reform and experimentation within the total law enforcement improvement structure created by the Act. Discretionary funds represent only a small portion of the total aid that will be available to State and local government and, thus, will be used for special emphasis and supplementation rather than to meet the massive or widespread need that State plans and 'block grant' action funds must address.⁶⁴

In 1969, for example, a large part of the \$4 million in available discretionary funds was used to meet pressing city and State crime reduction needs. These awards included: grants of up to \$100,000 to each of the nation's 11 largest cities for special anti-crime projects; a \$600,000 allocation to six States to assist in developing a prototype computerized criminal justice statistics system, and \$150,000 to other grantees for initiation of a model computerized organized crime intelligence system; allotment of \$350,000 to 11 States and the District of Columbia to bring each jurisdiction's

total action grant award up to a \$100,000 minimum level necessary to permit a meaningful start on crime prevention and control programs; \$1.3 million to continue general research and demonstration projects begun under the auspices of the Office of Law Enforcement Assistance; grants amounting to \$180,000 to the International Association of Chiefs of Police and the American Correctional Association to help sponsor conferences; an award of \$230,000 to 64 State and local law enforcement agencies to facilitate their participation in the FBI's National Crime Information Center.⁶⁵

In fiscal 1970, \$32,250,000 in discretionary funds will be made available for State and local crime reduction projects. Ten million dollars will be used for aiding from 60 to 90 jurisdictions in a special group of 112 "target" cities including: 69 with over 200,000 population; 21 with less than 200,000 people but having a Model Cities program; 10 in the 75,000 - 250,000 population range with crime rates well above the national average; and 12 that are the largest municipalities in their State, yet are not included in the previous groups. Grants will be limited to \$250,000 for cities of one million or more inhabitants and \$150,000 for other eligible localities. The remaining \$20 million in discretionary monies will help finance the following types of State and local programs: police, courts, and corrections improvement; organized crime, narcotics, riots, and civil disorders prevention and control; crime information and statistics; and American Indian law enforcement. Finally, some of these funds will be used to supplement action allocations to small States, raising their grant awards on the average of 30 percent per State.⁶⁶

Despite this basically project grant approach, the discretionary grant guidelines require all city applications to be consistent with their State's comprehensive law enforcement plan, and to be submitted to the State planning agency for review and approval. SPAs, in turn, must furnish appropriate assistance to applicants, coordinate discretionary project proposals with statewide plans, and certify that the amount of action subgrants will not be reduced simply because a city has been awarded discretionary dollars. Disbursements of most of these grants will be made

⁶⁵U.S., Department of Justice, Law Enforcement Assistance Administration, *1st Annual Report of the Law Enforcement Assistance Administration*, pp. 4-5.

⁶⁶U.S., Department of Justice, Law Enforcement Assistance Administration, Office of Law Enforcement Programs, *Guide for Discretionary Grant Programs: Fiscal Year 1970*, pp. 25-91.

⁶⁴U.S., Department of Justice, Law Enforcement Assistance Administration, Office of Law Enforcement Programs, *Guide for Discretionary Grant Programs: Fiscal Year 1970* (Washington, D.C.: U.S. Department of Justice, 1970), p. 1, mimeo.

**TABLE 11 – ACTION GRANT AWARDS TO SPAS BY PER CAPITA AMOUNT
FY 1969 – FY 1970**

| States | FY 1969 Action Grant (including 307b) | Per* Capita (cents) | FY 1970 Action Grant | Per** Capita (cents) | Total Crime Rate 1968 (per 100,000) |
|----------------|--|---------------------------|----------------------------|----------------------------|--|
| Alabama | 433,840 | 12.3 | 3,175,000 | 90.1 | 1,441.0 |
| Alaska | 100,000 | 36.9 | 249,000 | 90.2 | 2,183.8 |
| Arizona | 200,651 | 12.3 | 1,503,000 | 90.2 | 2,788.5 |
| Arkansas | 241,570 | 12.2 | 1,787,000 | 90.1 | 1,238.3 |
| California | 2,351,610 | 12.4 | 17,287,000 | 90.1 | 3,763.8 |
| Colorado | 242,556 | 12.1 | 1,863,000 | 90.0 | 2,401.3 |
| Connecticut | 359,890 | 12.3 | 2,669,000 | 90.1 | 2,076.7 |
| Delaware | 100,000 | 19.1 | 480,000 | 90.1 | 1,943.4 |
| Florida | 737,035 | 12.2 | 5,597,000 | 90.1 | 2,901.6 |
| Georgia | 554,625 | 12.4 | 4,127,000 | 90.1 | 1,560.6 |
| Hawaii | 100,000 | 13.2 | 699,000 | 90.2 | 2,750.8 |
| Idaho | 100,000 | 14.2 | 639,000 | 90.1 | 1,147.8 |
| Illinois | 1,338,495 | 12.3 | 9,877,000 | 90.1 | 2,024.6 |
| Indiana | 613,785 | 12.2 | 4,565,000 | 90.1 | 1,804.6 |
| Iowa | 337,705 | 12.2 | 2,501,000 | 90.1 | 1,138.4 |
| Kansas | 278,545 | 12.3 | 2,065,000 | 90.1 | 1,480.2 |
| Kentucky | 391,935 | 12.2 | 2,906,000 | 90.1 | 1,474.4 |
| Louisiana | 448,630 | 12.2 | 3,344,000 | 90.1 | 1,785.7 |
| Maine | 119,552 | 12.1 | 882,000 | 90.2 | 891.4 |
| Maryland | 451,095 | 12.3 | 3,349,000 | 90.1 | 3,293.6 |
| Massachusetts | 665,500 | 12.3 | 4,902,000 | 90.1 | 2,384.6 |
| Michigan | 1,055,020 | 12.2 | 7,817,000 | 90.1 | 2,697.8 |
| Minnesota | 438,770 | 12.1 | 3,308,000 | 90.3 | 1,869.1 |
| Mississippi | 288,405 | 12.3 | 2,117,000 | 90.1 | 711.5 |
| Missouri | 564,485 | 12.3 | 4,155,000 | 90.1 | 2,265.2 |
| Montana | 100,000 | 14.3 | 627,000 | 90.1 | 1,403.3 |
| Nebraska | 176,248 | 12.2 | 1,310,000 | 90.2 | 1,347.9 |
| Nevada | 100,000 | 22.9 | 405,000 | 90.2 | 3,020.8 |
| New Hampshire | 100,000 | 14.5 | 634,000 | 90.2 | 807.4 |
| New Jersey | 860,285 | 12.3 | 6,372,000 | 90.1 | 2,437.6 |
| New Mexico | 123,250 | 12.3 | 896,000 | 90.1 | 2,342.3 |
| New York | 2,250,545 | 12.5 | 16,392,000 | 90.1 | 3,544.6 |
| North Carolina | 618,715 | 12.2 | 4,625,000 | 90.1 | 1,345.7 |
| North Dakota | 100,000 | 15.9 | 562,000 | 90.1 | 634.1 |
| Ohio | 1,284,265 | 12.2 | 9,563,000 | 90.1 | 1,719.5 |
| Oklahoma | 305,660 | 12.1 | 2,291,000 | 90.1 | 1,608.7 |
| Oregon | 245,514 | 12.4 | 1,806,000 | 90.1 | 2,231.1 |
| Pennsylvania | 1,427,235 | 12.2 | 10,591,000 | 90.1 | 1,296.7 |
| Rhode Island | 110,432 | 12.3 | 819,000 | 90.2 | 2,639.3 |
| South Carolina | 317,985 | 12.1 | 2,406,000 | 90.1 | 1,393.6 |
| South Dakota | 100,000 | 14.9 | 599,000 | 90.1 | 979.1 |
| Tennessee | 478,210 | 12.2 | 3,562,000 | 90.1 | 1,598.0 |
| Texas | 1,333,565 | 12.3 | 9,926,000 | 90.1 | 2,064.3 |
| Utah | 125,715 | 12.3 | 929,000 | 90.1 | 1,816.2 |
| Vermont | 100,000 | 23.7 | 387,000 | 90.2 | 787.0 |
| Virginia | 557,090 | 12.3 | 4,150,000 | 90.1 | 1,626.0 |
| Washington | 379,610 | 11.9 | 2,971,000 | 90.1 | 2,373.1 |
| West Virginia | 220,864 | 12.2 | 1,640,000 | 90.2 | 786.5 |
| Wisconsin | 515,185 | 12.3 | 3,795,000 | 90.1 | 1,245.5 |
| Wyoming | 100,000 | 31.2 | 290,000 | 90.1 | 1,346.0 |
| TOTAL | 24,543,372 | 12.5 | 179,411,000 | 90.1 | |

*Based on July 1, 1967 population estimate.

**Based on July 1, 1968 population estimate.

Source: U.S., Department of Commerce, Bureau of the Census, *State Government Finances in 1968* (Washington, D.C.: U.S. Government Printing Office, 1969), p. 50; U.S., Department of Justice, Law Enforcement Assistance Administration, *1st Annual Report of the Law Enforcement Assistance Administration* (Washington, D.C.: U.S. Government Printing Office, 1969), pp. 33-34; U.S., Department of Justice, Law Enforcement Assistance Administration, *Guide for Comprehensive Law Enforcement Planning and Action Grants: Fiscal Year 1970*, (Washington, D.C.: U.S. Department of Justice, 1970) p. 31, mimeo; U.S., Department of Justice, *Uniform Crime Reports – 1968* (Washington, D.C.: U.S. Government Printing Office, 1969), pp. 60-5.

**TABLE 12 – SPA SUBGRANTS OF ACTION FUNDS TO LOCAL UNITS
FEBRUARY 28, 1970
(48 States Reporting)**

| State | Total Amount of FY 1969 Action Grant (inc. 307b) | % made available to local units | Amount charged to local share retained at State level | % of Local Share (75%) | Amount charged to State share retained at State level | % of State Share (25%) |
|-----------------|--|------------------------------------|--|---------------------------------|--|---------------------------------|
| Alabama | 433,840 | 55.6 | 0 | — | 27,950 | 25.7 |
| Alaska | — | — | — | — | — | — |
| Arizona | 200,651 | 88.4 | 84,405 | 56.0 | 0 | — |
| Arkansas | 241,570 | 76.1 | 0 | — | 0 | — |
| California | 2,351,610 | 60.2 | 0 | — | 37,092 | 6.3 |
| Colorado* | 242,556 (1969) | 73.0 | 0 | — | 35,663 | 58.8 |
| | 1,863,000 (1970) | 62.8 | — | — | 235,719 | 50.6 |
| Connecticut | 359,830 | 69.8 | 10,000 | 3.7 | 0 | — |
| Delaware | 100,000 | 74.9 | 0 | — | 0 | — |
| Florida | 737,035 | 74.9 | 0 | — | 0 | — |
| Georgia* | 554,625 (1969) | 46.0 | 0 | — | 30,000 | 21.6 |
| | 4,127,000 (1970) | 68.7 | — | — | 228,950 | 22.0 |
| Hawaii | 100,000 | 86.8 | 0 | — | 8,050 | 32.2 |
| Idaho | 100,000 | 86.4 | 11,353 | 15.1 | 0 | — |
| Illinois | 1,338,495 | 48.9 | 0 | — | 25,917 | 7.7 |
| Indiana | 613,785 | 31.5 | 0 | — | 0 | — |
| Iowa | 337,705 | 65.5 | 0 | — | 58,146 | 68.9 |
| Kansas | 278,545 | 58.1 | 0 | — | 57,697 | 82.9 |
| Kentucky | 391,935 | 62.0 | 65,000 | 22.1 | 73,966 | 75.5 |
| Louisiana | — | — | — | — | — | — |
| Maine | 119,552 | 75.8 | 0 | — | 0 | — |
| Maryland | 451,000 | 70.8 | 0 | — | 13,750 | 12.1 |
| Massachusetts | 665,500 | 67.9 | 0 | — | 36,950 | 22.2 |
| Michigan | 1,055,020 | 74.8 | 104,000 | 13.1 | 25,000 | 9.4 |
| Minnesota | 438,770 | 76.4 | 0 | — | 103,593 | 94.4 |
| Mississippi | 288,405 | 41.8 | 18,000 | 8.3 | 5,000 | 6.9 |
| Missouri | 564,485 | 72.1 | 0 | — | 116,224 | 82.3 |
| Montana | 100,000 | 62.4 | 0 | — | 16,600 | 66.4 |
| Nebraska | 176,238 | 78.0 | 0 | — | 2,400 | 5.4 |
| Nevada | 100,000 | 57.8 | 0 | — | 11,750 | 47.0 |
| New Hampshire | 100,000 | 60.6 | 13,800 | 18.4 | 21,700 | 86.8 |
| New Jersey | 860,285 | 88.3 | 0 | — | 0 | — |
| New Mexico | 123,500 | 46.2 | 0 | — | 0 | — |
| New York | 2,250,545 | 79.7 | 0 | — | 260,297 | 46.2 |
| North Carolina* | 618,715 (1969) | 30.6 | 0 | — | 0 | — |
| | 4,625,000 (1970) | 22.5 | 0 | — | 0 | — |
| North Dakota* | 100,000 (1969) | 86.9 | 0 | — | 5,500 | 22.0 |
| | 562,000 (1970) | 30.5 | NA | — | NA | — |
| Ohio | 1,284,265 | 68.5 | 106,500 | 11.0 | 0 | — |
| Oklahoma | 305,660 | 67.2 | 0 | — | 45,140 | 59.1 |
| Oregon | 245,514 | 54.2 | 0 | — | 42,180 | 68.7 |
| Pennsylvania | 1,427,235 | 68.7 | 0 | — | 100,000 | 28.0 |
| Rhode Island | 110,432 | 67.7 | 9,345 | 11.3 | 0 | — |
| South Carolina | 317,985 | 58.2 | 56,115 | 23.5 | 64,700 | 81.4 |
| South Dakota | 100,000 | 70.3 | 0 | — | 14,800 | 59.2 |
| Tennessee | 478,210 | 64.4 | 0 | — | 30,000 | 25.0 |
| Texas | 1,333,565 | 59.6 | 0 | — | 153,186 | 45.9 |
| Utah | 125,000 | 30.3 | 15,000 | 16 | 17,072 | 54.6 |
| Vermont | 100,000 | 70.9 | 64,686 | 86.2 | 0 | — |
| Virginia | 557,090 | 75.9 | 0 | — | 18,000 | 12.9 |
| Washington | 379,610 | 49.7 | 0 | — | 29,363 | 30.1 |
| West Virginia | 220,864 | 61.5 | 61,765 | 37.2 | 7,547 | 13.7 |
| Wisconsin | 515,000 | 67.3 | 0 | — | 73,000 | 56.6 |
| Wyoming | 100,000 | 85.4 | 36,102 | 48.1 | 11,603 | 46.4 |

*1970 action grant included because SPA supervisory board had approved local project applications for 1970 funds and award notices had been issued by February 28, 1970.

through the State planning agency.⁶⁷

The Safe Streets Act specified matching requirements for all action grant programs, including discretionary awards. Federal funds are available to cover 75 percent of the cost of riot, civil disorders, and organized crime control projects; 50 percent of the cost of constructing buildings or facilities; and 60 percent of the cost of all other action programs. Grantees may make their matching contribution either in cash or in kind. These matching ratios in effect compromise the block grant principle, since they constitute an incentive device for achieving what Congress--not the States and localities--considers to be top priority crime reduction programs.

"Pass Through" of Action Funds. The Safe Streets Act provides that State law enforcement planning agencies must make available 75 percent of their action block grant to units of general local government or combinations thereof. In keeping with the block grant concept, no population or crime index criteria are specified in the Act to guide SPAs in determining which jurisdictions should be awarded subgrants and what amount they should receive. These agencies are required, however, to give "special emphasis" to projects dealing with organized crime, riots, and civil disorders prevention and control.

Critics of the block grant approach charge that this statutory imprecision, coupled with the traditional inability or unwillingness of some States to assist in solving urban problems, has resulted in all but a few States allocating an insufficient share of Federal anti-crime funds to large urban areas with the greatest incidence of crime. They contend that most States have distributed small action subgrants to large numbers of rural and suburban jurisdictions, as well as to urban units, so that virtually all localities get a "piece of the action" regardless of their needs, resources, and law enforcement expenditure levels. This "buckshot" method, so the argument runs, precludes a careful targeting of dollars on the most pressing crime problems. Opponents also allege that some States have retained funds designated for local governments and have used them for purposes ostensibly of local benefit but which, in fact, usually have been of low priority to recipients.

Supporters of block grants reply that most SPAs are well aware of the major crime areas in their State and have made subgrants accordingly. Furthermore, they assert that disbursements of Federal funds to bolster the law enforcement capabilities of rural and suburban jurisdictions are quite necessary since crime knows no boundaries. After all, when big city crime problems spill over into outlying areas, these localities must be well equipped to deal with them. Proponents also point out

that many States are "passing through" more than the required 75 percent of action funds, which attests to their concern with helping to meet the needs of their political subdivisions. Defenders of the present arrangement assert that this State responsiveness coupled with LEAA's use of discretionary funds, has resulted in an effective double-pronged attack on urban crime problems.

Table 12 shows the proportion of 1969 and 1970 action funds that 48 States responding to ACIR's Safe Streets Act questionnaire had made available to individual local governments or regional units by February 28, 1970. Twelve of these States "passed through" more than the required 75 percent local share; six of these allotted 85 percent or more of their total action block grant to local jurisdictions. Eight months after receiving their action grant allocation from LEAA, however, two-thirds of the States still had not awarded the full 75 percent portion of such monies to cities, counties, and areawide bodies.

With respect to funds retained at the State level for programs directly benefiting local governments, six States charged all of the cost to the local share, and eight others charged part of the cost. The amounts here ranged from four percent to 86 percent of the "pass through" figure, and totaled \$656,071. The types of programs included: recruitment and training of police, probation and parole, juvenile delinquency, and narcotics control personnel; purchase of riot control and communications equipment; establishment of crime laboratories; and development of a computer based criminal justice information system.

On the other side of the coin, 36 SPAs charged against their portion of action funds the cost of programs directly benefiting local units, amounting to \$2,044,505. In 19 States, over 45 percent of the State share was used for these purposes. Typical programs included: training for police officers, prosecutors, judges, and probation and parole personnel; purchase of communications equipment; organized crime and riot prevention and control projects; juvenile delinquency treatment programs; arson investigation units; police-community relations workshops; crime laboratories; criminal code revision; court organization studies; and crime statistics.

These aggregate findings suggest that many of the States reporting have been quite responsive to the crime reduction needs of their local jurisdictions, either directly through the allocation of more total action

⁶⁷U.S., Department of Justice, Law Enforcement Assistance Administration, Office of Law Enforcement Programs, *Guide for Discretionary Grant Programs: Fiscal Year 1970*, p. 6.

funds than required by statute or indirectly through financing with part of the State's block grant share anti-crime programs and services which SPAs consider to be of direct benefit to localities. This does not necessarily mean, however, that Federal funds are being funneled to large areas with the greatest incidence of crime.

Data presented in Table 13 tend to confirm the allegation that some SPAs have spread Federal anti-crime action funds thinly among a large number of local units, particularly those in rural and small suburban areas. Jurisdictions under 10,000 population constituted half of all city subgrantees in the 48 States surveyed and they received seven percent of the municipal action funds, with the average subgrant being \$1,285. Those under 25,000 accounted for 66 percent of the city subgrantees and for 14 percent of the municipal awards; their average subgrant was \$1,959. Cities of less than 50,000 constituted 77 percent of this type of subgrantee and were awarded 24 percent of the total \$11.4 million allocated to municipalities; the average subgrant here was \$2,782.

The county figures are somewhat similar, although far fewer dollars were made available to these jurisdictions. Counties under 10,000, for example, accounted for 26 percent of all subgrantees of this type and for eight percent of the total \$5.6 million in action funds awarded to counties; their average subgrant was \$2,308. Counties under 25,000 comprised half of this kind of subgrantee and received 17 percent of the total funds for county programs, with an average subgrant award of \$2,447. Finally, jurisdictions with less than 50,000 population constituted two-thirds of the county subgrantees and were allocated 23 percent of the total county action monies, with their average award being \$2,511.

On the other hand, cities and counties above the 50,000 level received 76 percent of the total \$17 million in action subgrants awarded to these units. There is a steady progression in terms of both the total amount of awards and the average award per subgrantee as we move from the 50,000 - 100,000 population category upward. At the same time, the 48 States surveyed awarded a total of \$346,390 to "other" local units (townships, towns, villages, school districts, etc.) and \$2,827,146 to multijurisdictional units.

With respect to the charge that State planning agencies have not "passed through" sufficient funds to large areas having pressing crime problems, LEAA has concluded that its studies reveal urban crime programs are receiving adequate attention from the States. Appendix Table B-1 is a slightly modified version (American Samoa, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands have been excluded)

of an attachment to the Attorney General's March 12, 1970 testimony before Subcommittee No. 5 of the House Judiciary Committee. It indicates that, as of the end of 1969, cities over 50,000 had received 59 percent of all local action funds distributed by SPAs. These 411 jurisdictions contain 40 percent of the nation's population and 62 percent of its serious crimes. This "pass through" figure, however, includes not only subgrants to individual cities, but also those to countywide or regional law enforcement and criminal justice programs in which cities were directly participating. Another attachment to the Attorney General's statement (see Appendix Table B-2) revealed that the 15 cities in the nation having the highest crime rates were awarded more subgrant funds than their population warranted, but on the average received only 67 percent of the amount based on their proportion of the State crime index.

A more detailed view of the relationship between city anti-crime need and effort, and Federal financial assistance under the Safe Streets Act is provided in Table 14. Data are presented in connection with the amount of action subgrants 45 States had made to their five largest cities (in all cases, not less than 25,000 population) ⁶⁸ by February 28, 1970 relative to the proportion of total State index crime, State-local police expenditures, and local police outlays accounted for by these jurisdictions. (see Figure 4)

Looking solely at crime rates, five States awarded more to their five largest cities than the latter would have received on the basis of their share of index crime. Seven States awarded proportionate amounts of subgrants (within five percent above or below the measure), and 33 States awarded substantially less monies than warranted.

In terms of the five largest cities' portion of total State-local police expenditures, 12 States awarded more than a commensurate amount of subgrants to these jurisdictions, 12 others awarded a commensurate amount, and 21 States awarded less than a commensurate amount. According to the five largest cities' share of total local police outlays, seven States awarded more than a proportionate amount of subgrants, 10 States awarded a proportionate amount, and 28 States awarded less than a proportionate amount.

No general consensus exists, of course, regarding the reliability of these three factors as measures of crime control need or effort. The crime index is perhaps the most controversial, given the wide gaps and inconsistencies in reporting. Some critics allege that an

⁶⁸In 17 States, less than five cities were observed due to this population limitation.

**TABLE 13 – SUBGRANT AWARDS TO CITIES AND COUNTIES
FEBRUARY 28, 1970
(48 States Reporting)**

| Population Group | Cities | | | Counties | | |
|---------------------------|---------------------------------|--------------------------|------------------------------|---------------------------------|--------------------------|------------------------------|
| | Total Amount of Subgrant Awards | Total No. of Subgrantees | Average Award Per Subgrantee | Total Amount of Subgrant Awards | Total No. of Subgrantees | Average Award Per Subgrantee |
| Over 500,000 | \$ 2,890,226 | 29 | \$99,663 | \$1,611,877 | 52 | \$30,998 |
| 250,000–500,000 | 2,199,920 | 59 | 37,287 | 754,240 | 38 | 19,848 |
| 100,000–250,000 | 1,914,883 | 95 | 20,157 | 1,148,127 | 80 | 14,352 |
| 50,000–100,000 | 1,667,018 | 118 | 14,127 | 754,266 | 92 | 8,199 |
| 25,000–50,000 | 1,099,185 | 142 | 7,741 | 343,841 | 127 | 2,707 |
| 10,000–25,000 | 845,488 | 210 | 4,026 | 492,728 | 190 | 2,593 |
| Under 10,000 | 829,074 | 645 | 1,285 | 461,556 | 200 | 2,308 |
| TOTAL | 11,445,794 | 1,298 | 8,818 | 5,566,635 | 779 | 7,146 |

underreporting of crime incidence occurs in rural and small suburban areas, thus distorting allocations of funds based on this factor. The unavailability of data in connection with State-local court and prosecution expenditures, it is argued, produces an underrepresentation of local crime reduction efforts, since many cities and counties play a significant fiscal role in these areas.

These “pass through” figures also do not take into account spillover benefits to the five largest cities from subgrant awards made to other jurisdictions, particularly counties and combinations of local units, and from statewide crime reduction programs. Another important consideration is that the amounts of funds made available to the five largest cities during the period under examination are conditioned by the willingness of such jurisdictions to apply for financial aid and by the time involved in preparing proposals. The failure of some of these cities to receive action subgrant awards in proportion to their share of the State crime rate, State-local police expenditures, or local police outlays, then, may be a reflection of their reluctance or delay in applying for funds. In his testimony before a subcommittee of the House Judiciary Committee, the Attorney General pointed out some examples of this situation:

Other cities have simply failed to display initiative in applying for grants. San Francisco and Oakland each applied for one

State grant of about \$20,000 each and these grants were awarded. But Los Angeles has so far received \$564,000. San Francisco has also received a \$100,000 discretionary grant. Cleveland made only one request for \$58,000 and it was granted. Cleveland also received a \$100,000 discretionary grant. It has yet to initiate the project for which it received this grant. In other instances, cities such as Chicago were simply not prepared because of organizational problems to draw up sufficient plans for fund applications.⁶⁹

With respect to county anti-crime need and effort, unfortunately similar figures cannot be presented because crime rates for these jurisdictions are not available. Table 15, however, shows that the five largest counties in 46 States received far less of the \$20,185,965 in action funds made available to local units by State planning agencies than did their municipal counterparts. These counties were awarded 15 percent of the total amount “passed through” to individual localities and multijurisdictional units, while the five largest cities were allocated 38 percent.

⁶⁹ Statement of Attorney General John N. Mitchell before Subcommittee No. 5 of the House Judiciary Committee, p. 14.

**TABLE 14 – FIVE LARGEST CITIES SHARE OF STATE CRIME RATE, STATE-LOCAL POLICE EXPENDITURES, LOCAL POLICE EXPENDITURES,
AND LEAA ACTION FUNDS
FEBRUARY 28, 1970
(45 States Reporting)**

| State | Five Largest Cities Share of: | | | |
|-----------------------------|-------------------------------|--|------------------------------------|--|
| | Total Index Crime in State | Total State-Local Police Expenditures | Total Local Police Expenditures | Local "Pass Through" Safe Streets Act Funds |
| Alabama (a) | 51.0% | 33.1% | 40.4% | 9.8% |
| Alaska | — | — | — | — |
| Arizona | 73.0 | 26.3 | 34.6 | 26.2 |
| Arkansas | 42.0 | 23.0 | 30.8 | 17.5 |
| California | 37.7 | 27.2 | 32.2 | 12.0 |
| Colorado | 63.9 | 44.9 | 58.0 | 39.0* |
| Connecticut | 44.9 | 30.1 | 36.1 | 57.6 |
| Delaware (b) | 37.0 | 31.5 | 50.6 | 42.4 |
| Florida | 34.4 | 21.0 | 24.0 | 2.7 |
| Georgia | 41.7 | 31.5 | 37.1 | 37.0* |
| Hawaii | NA | NA | NA | NA |
| Idaho (c) | 12.1 | 8.9 | 11.5 | 12.4 |
| Illinois | 59.2 | 59.1 | 65.2 | 25.0 |
| Indiana | 47.1 | 30.8 | 38.1 | 20.7 |
| Iowa | 36.6 | 22.8 | 34.9 | 56.8 |
| Kansas | 52.9 | 30.6 | 38.2 | 32.4 |
| Kentucky | 53.3 | 32.1 | 44.3 | 52.4 |
| Louisiana (d) | 56.7 | 34.7 | 42.6 | — |
| Maine (e) | 16.3 | 8.9 | 13.7 | 12.2 |
| Maryland (f) | 54.2 | 44.5 | 51.2 | 32.2 |
| Massachusetts | 41.4 | 34.8 | 37.9 | 44.9 |
| Michigan | 51.5 | 42.3 | 49.4 | 26.2 |
| Minnesota | 59.9 | 35.1 | 41.2 | 44.9 |
| Mississippi | 44.6 | 22.9 | 34.2 | 14.3 |
| Missouri | 65.6 | 57.2 | 66.3 | 0** |
| Montana (g) | 38.9 | 21.2 | 28.2 | 6.1 |
| Nebraska (h) | 68.6 | 36.9 | 47.5 | 13.3 |
| Nevada (i) | 53.6 | 46.0 | 54.1 | 18.4 |
| New Hampshire (j) | 34.6 | 30.9 | 41.3 | 20.4 |
| New Jersey | 31.9 | 21.9 | 25.2 | 53.9 |
| New Mexico | 64.0 | 35.2 | 50.0 | 34.6 |
| New York | 81.2 | 68.4 | 73.9 | 69.0 |
| North Carolina | 32.8 | 18.8 | 24.8 | 0** |
| North Dakota (k) | 47.5 | 32.2 | 40.3 | 27.2* |
| Ohio | 47.6 | 37.0 | 41.1 | 41.6 |

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TABLE 14 – FIVE LARGEST CITIES SHARE OF STATE CRIME RATE, STATE-LOCAL POLICE EXPENDITURES, LOCAL POLICE EXPENDITURES, AND LEAA ACTION FUNDS—Continued

| State | Five Largest Cities Share of: | | | |
|------------------|-------------------------------|---------------------------------------|---------------------------------|---|
| | Total Index Crime in State | Total State-Local Police Expenditures | Total Local Police Expenditures | Local "Pass Through" Safe Streets Act Funds |
| Oklahoma | 59.5% | 34.5% | 43.1% | 33.2% |
| Oregon | 48.3 | 38.3 | 46.5 | 16.0 |
| Pennsylvania | 67.2 | 46.5 | 56.6 | 30.0 |
| Rhode Island | 68.1 | 55.6 | 63.4 | 76.5 |
| South Carolina | 30.6 | 19.3 | 28.0 | 6.1 |
| South Dakota (l) | 40.8 | 21.0 | 30.4 | 33.8 |
| Tennessee (m) | 67.1 | 47.6 | 58.1 | 35.3 |
| Texas | 52.2 | 34.8 | 40.9 | 39.0 |
| Utah (n) | 50.9 | 32.6 | 40.0 | 13.0 |
| Vermont (o) | 16.5 | 13.2 | 27.5 | 0 |
| Virginia | 40.4 | 27.3 | 37.0 | 34.7 |
| Washington | 48.1 | 40.4 | 49.2 | 45.3 |
| West Virginia | 43.4 | 23.8 | 33.2 | 24.8 |
| Wisconsin (p) | 41.1 | 34.5 | 37.7 | 43.9 |
| Wyoming (q) | 33.5 | 21.5 | 29.2 | 15.9 |

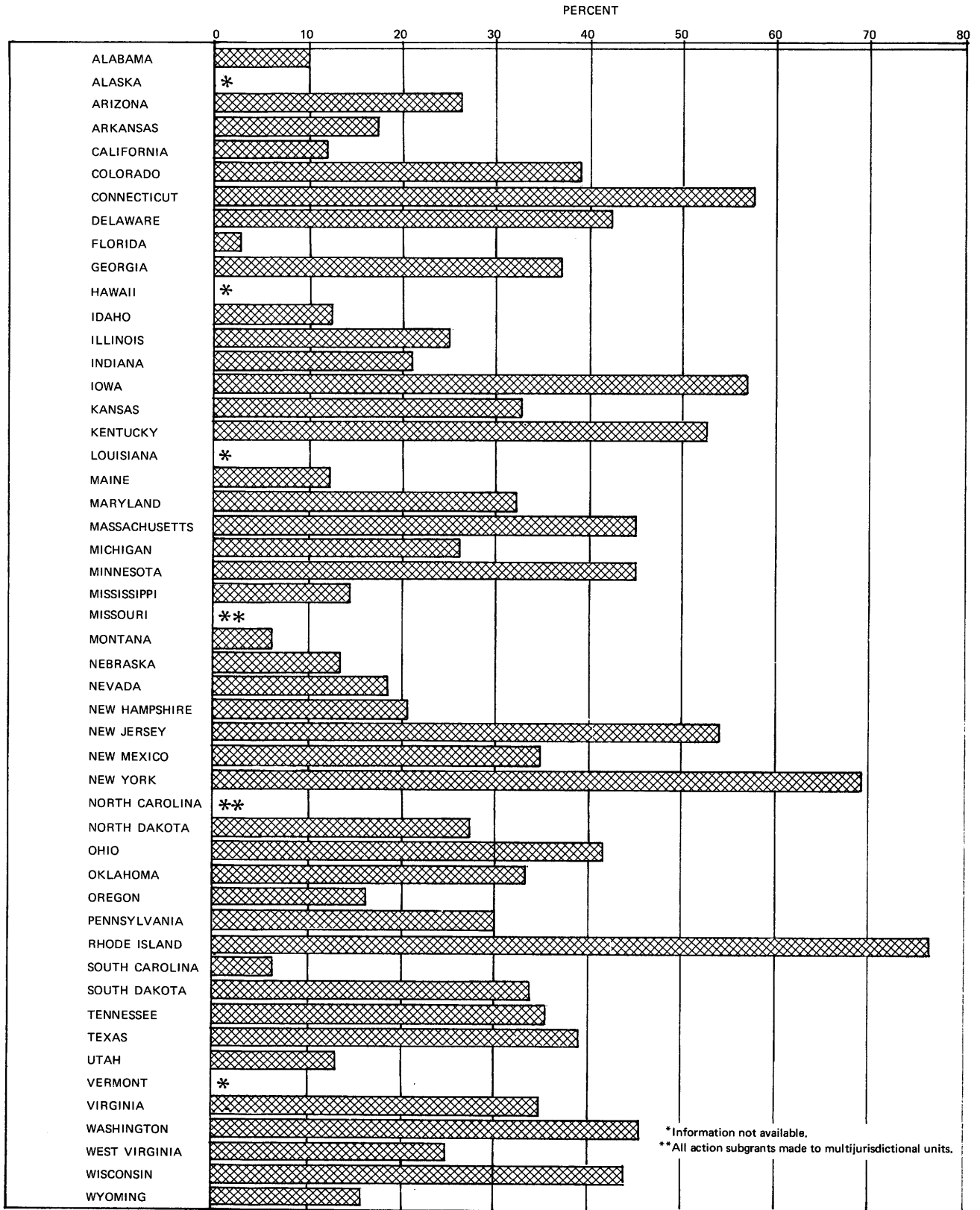
- (a) Includes four cities: Birmingham, Mobile, Huntsville, Montgomery.
- (b) Includes one city: Wilmington.
- (c) Includes one city: Boise.
- (d) Includes four cities: New Orleans, Baton Rouge, Shreveport, Lake Charles.
- (e) Includes one city: Portland.
- (f) Includes one city: Baltimore.
- (g) Includes four cities: Great Falls, Billings, Missoula, Butte.
- (h) Includes three cities: Omaha, Lincoln, Grand Island.
- (i) Includes three cities: Reno, Las Vegas, North Las Vegas.
- (j) Includes four cities: Manchester, Nashua, Concord, Portsmouth.
- (k) Includes four cities: Fargo, Grand Forks, Minot, Bismarck.
- (l) Includes three cities: Sioux Falls, Rapid City, Aberdeen.
- (m) Includes four cities: Chattanooga, Nashville-Davidson, Memphis, Knoxville.
- (n) Includes three cities: Salt Lake City, Ogden, Provo.
- (o) Includes one city: Burlington.
- (p) Includes four cities: Milwaukee, Madison, Green Bay, LaCrosse.
- (q) Includes two cities: Cheyenne, Casper.

*Includes 1969 and 1970 action subgrants.

**All action subgrants made to multijurisdictional units.

Source: U.S., Department of Justice, *Uniform Crime Reports—1967* (Washington, D.C.: U.S. Government Printing Office, 1968), pp. 177-93; U.S., Department of Commerce, Bureau of the Census, *Finances of Municipalities and Townships: 1967 Census of Governments*, Vol. 4, No. 4 (Washington, D.C.: U.S. Government Printing Office, 1968), pp. 101-244; U.S., Department of Commerce, Bureau of the Census, *Compendium of Government Finances: 1967 Census of Governments*, Vol. 4, No. 5 (Washington, D.C.: U.S. Government Printing Office, 1968), pp. 76-126.

Figure 4
 FIVE LARGEST CITIES' (AT LEAST 25,000 POPULATION) SHARE OF LEAA ACTION FUNDS, BY STATE
 FEBRUARY 28, 1970



**TABLE 15 – TOTAL AMOUNT OF ACTION SUBGRANTS TO 5 LARGEST CITIES AND 5 LARGEST COUNTIES
AND PERCENT OF TOTAL LOCAL SHARE
FEBRUARY 28, 1970
(46 States Reporting)**

| State | Cities | | Counties | |
|--------------------------|------------------|------------------------|------------------|------------------------|
| | Amount | % of Total Local Share | Amount | % of Total Local Share |
| Alabama | 36,248 | 11.1 | 34,464 | 10.5 |
| Alaska | — | — | — | — |
| Arizona | 39,536 | 26.2 | 6,880 | 4.5 |
| Arkansas | 31,742 | 17.5 | 13,193 | 7.2 |
| California | 221,271 | 12.0 | 340,683 | 19.0 |
| Colorado* | 630,958 | 39.0 | 449,237 | 28.0 |
| Connecticut | 155,521 | 57.6 | NA | NA |
| Delaware | 46,935 | 62.6 | 19,885 | 26.5 |
| Florida | 15,000 | 2.7 | 151,833 | 27.4 |
| Georgia* | 1,321,295 | 37.0 | 498,826 | 14.0 |
| Hawaii | NA | NA | 86,805 | 115.7 |
| Idaho | 13,468 | 18.0 | 10,553 | 14.1 |
| Illinois | 251,712 | 25.0 | 54,540 | 5.0 |
| Indiana | 95,361 | 20.7 | 13,313 | 2.8 |
| Iowa | 145,083 | 57.2 | 27,401 | 10.8 |
| Kansas | 67,774 | 32.4 | 53,265 | 25.4 |
| Kentucky | 154,313 | 52.4 | 0 | 0 |
| Louisiana | — | — | — | — |
| Maine | 25,509 | 28.4 | 31,453 | 35.1 |
| Maryland | 116,471 | 34.4 | 129,855** | 38.3 |
| Massachusetts | 224,575 | 44.9 | 50,375 | 10.0 |
| Michigan | 207,544 | 26.2 | 163,924 | 20.7 |
| Minnesota | 148,060 | 44.9 | 106,691 | 32.4 |
| Mississippi | 31,139 | 14.3 | 0 | 0 |
| Missouri | NA | NA | NA | NA |
| Montana | 7,270 | 9.7 | 10,945 | 14.6 |
| Nebraska | 17,705 | 13.3 | 3,366 | 2.5 |
| Nevada | 29,291 | 39.1 | 28,239 | 37.7 |
| New Hampshire | 15,300 | 20.4 | 14,600 | 19.5 |
| New Jersey | 348,150 | 53.9 | 47,122 | 7.3 |
| New Mexico | 32,112 | 34.7 | 6,147 | 6.6 |
| New York | 1,173,056 | 69.0 | 284,954 | 16.0 |
| North Carolina | NA | NA | NA | NA |
| North Dakota* | 135,776 | 27.3 | 39,769 | 8.0 |
| Ohio | 400,962 | 41.6 | 58,988 | 6.1 |
| Oklahoma | 76,203 | 33.2 | 1,598 | 1.0 |
| Oregon** | 29,632 | 16.0 | 54,825 | 29.7 |
| Pennsylvania | 323,707 | 30.0 | 127,919 | 11.0 |
| Rhode Island | 63,334 | 76.5 | NA | NA |
| South Carolina | 14,714 | 6.1 | 14,266 | 5.9 |
| South Dakota | 25,375 | 33.8 | 1,535 | 2.0 |
| Tennessee | 136,334 | 38.0 | 22,237 | 6.2 |
| Texas | 392,260 | 39.0 | 11,250 | 1.0 |
| Utah | 13,338 | 14.2 | 5,012 | 5.3 |
| Vermont | 0 | 0 | 6,182 | 8.2 |
| Virginia | 145,116 | 34.7 | 53,786 | 12.8 |
| Washington | 129,185 | 45.3 | 1,587 | 1.0 |
| West Virginia | 41,184 | 24.8 | 4,800 | 2.8 |
| Wisconsin | 173,171 | 44.8 | 47,642 | 12.3 |
| Wyoming | 18,817 | 25.1 | 5,883 | 7.8 |
| TOTAL | 7,721,507 | | 3,095,828 | |

*Includes 1969 and 1970 action subgrant awards.

**Data pro-rated by SPA.

In summary, the various tables dealing with the "pass through" issue present a mixed view of State experience under the block grant approach. As of February 28, 1970, nine SPAs made directly available to local units more action funds than required by statute, and 36 indirectly aided localities by charging to the State action share programs benefiting such jurisdictions. At the same time, 14 retained local "pass through" dollars at the State level to help finance programs which SPAs considered to be of direct assistance to local governments. In the aggregate, cities and counties over 50,000 population received the bulk of action subgrants, but some SPAs distributed small amounts of funds in grants to many jurisdictions under 10,000 which had less serious crime problems. Twelve of the 45 State planning agencies reporting "passed through" to their five largest cities more or a commensurate amount of action funds than were warranted by the latter's share of the State crime rate. With respect to these jurisdiction's portion of State-local police expenditures, 24 States allocated an amount equivalent to or greater than this index warranted. Finally, 17 SPAs made available adequate or larger proportions of funds compared to their five largest cities' share of total local police outlays.

State Matching Contribution. One measure of a State's concern with solving local problems is the extent to which it is willing to put up its own funds to cover part of the non-Federal matching share of grant-in-aid programs affecting cities and counties. The Safe Streets Act provides that in their comprehensive law enforcement plans SPAs demonstrate the willingness of the State to furnish technical assistance and services to local applicants, and that of the State and its local governments to assume the cost of action programs funded under the Act after a reasonable period of Federal assistance.

Some observers believe that all States should not automatically serve as a funnel for a block grant award covering 85 percent of LEAA's total action appropriation, since the States vary widely in their desire and ability to respond to urban crime prevention and control needs. Instead, they argue the size of the block grant should be reduced and incentives for SPAs to demonstrate greater concern with big city crime problems should be made available, such as through giving those States which assume a sizeable part of the non-Federal share a bonus amount from LEAA's discretionary fund allotment. Others contend that State "buying in" should be made a condition for receipt of block grant awards, and that a project grant approach should be adopted when States fail to participate financially.

Defenders of the present arrangement assert that any reduction in the proportion of the block grant award to State planning agencies would be infeasible since it could result in an administrative nightmare; LEAA would have to deal with hundreds of counties and cities. They point out that a large Federal bureaucracy would probably have to be created in order to handle direct contacts with these jurisdictions. They argue that block grants and project grants do not mesh well if the real objective is to plan and execute a comprehensive and coordinated attack on crime. Moreover, they contend, to rely on "buying into" categorical aid programs as an accurate barometer of State concern with helping in local crime reduction efforts is unrealistic, since the State may provide significant assistance under Federal anti-crime programs other than the Safe Streets Act or make its own separate effort.

Table 16 reveals the amount of the in cash and in kind contribution of 48 responding States to match Federal planning and action grant awards to local units as of February 28, 1970. A total of \$791,945 was allocated by 21 of these States. Most of this figure was used to cover the full non-Federal share of local planning program costs. With respect to action subgrants to localities, no State matching contribution was made to construction program costs and only \$36,719 in cash or in kind assistance was made available for priority programs. A total of \$278,048 was provided for "other action programs." Two States—Arizona and Missouri—appear to have "bought in" on an across-the-board scale. It is important to recognize that by the time 1969 Federal action funds were awarded to the States at the end of the fiscal year some legislatures had already adjourned, precluding action on the "buying in" front.

Table 17 highlights some of the difficulties involved in relying solely on "buying in" to gauge State responsiveness to local crime reduction needs. The data on the percent of total State-local police and corrections expenditures (figures for court outlays are unavailable) show that many of the States which have not "bought into" programs under the Safe Streets Act in 1967 were assuming a substantial part of total corrections costs and a respectable share of police expenditures, in some cases significantly more than States which now contribute to the non-Federal share under the omnibus measure (see Figure 5). For example, 34 States assumed 75 percent or more of combined State-local corrections expenditures, and 16 provided 25 percent or more of combined police outlays. Not to be overlooked here is the fact that as of February 28, 1970, 36 States had used part of their share of action funds for programs they considered to be of direct benefit to local governments.

**TABLE 16 — AMOUNT OF STATE CONTRIBUTION TO MATCH FEDERAL PLANNING & ACTION GRANT AWARDS TO LOCAL JURISDICTIONS
FEBRUARY 28, 1970**

| State | Planning Programs | | | Priority Programs | | | Construction Programs | | | Other Action Programs | | |
|-----------------|-------------------|----------------|------------------------|-------------------|---------------|------------------------|-----------------------|----------|------------------------|-----------------------|---------------|------------------------|
| | in cash | in kind | % of non-Federal share | in cash | in kind | % of non-Federal share | in cash | in kind | % of non-Federal share | in cash | in kind | % of non-Federal share |
| Alabama | 0 | 15,040 | 40 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arizona | 0 | 16,000 | 100 | 5,000 | 8,000 | 30 | 0 | 0 | 0 | 53,300 | 11,700 | 41 |
| Arkansas | 12,871 | 0 | 100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Colorado | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6,600 | 0 | 100 |
| Delaware* | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Florida | 0 | 15,300 | 51 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hawaii | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 45,824 | 0 | 82 |
| Illinois | 0 ¹ | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 88,190 | 0 | — ² |
| Kansas** | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| Kentucky | 73,517 | 0 | 100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Maine | 5,570 | 4,503 | 60 | 0 | 0 | 0 | 0 | 0 | 0 | 7,820 | 30,000 | 58 |
| Minnesota | 0 | 50,571 | 100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Mississippi | 18,120 | 16,225 | 100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Missouri | 22,840 | 3,700 | 52 | 0 | 23,719 | 50 | 0 | 0 | 0 | 0 | 9,955 | 10 |
| Nebraska | 10,156 | 0 | 100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| New Jersey | 41,593 | 0 | 100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| North Carolina | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 25,019 | 0 | 40 |
| Oklahoma*** | NA | NA | NA | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Pennsylvania*** | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| Utah | 19,358 | 0 | 100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Virginia | 0 | 11,220 | 100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| West Virginia | 14,731 | 0 | 60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wisconsin | 98,000 | 0 | 100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Wyoming | 7,504 | 0 | 100 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 324,260 | 132,559 | — | 5,000 | 31,719 | — | 0 | 0 | — | 226,753 | 51,655 | — |

*The Delaware General Assembly appropriated \$1,000,000 for fiscal 1970 for a State Assistance Program to local law enforcement agencies. Funds were distributed to such agencies on the basis of the State's comprehensive plan. These monies could be used to cover the non-Federal matching share of programs under the Safe Streets Act, although no local jurisdictions applied for funds for this purpose as of February 28, 1970.

**\$19,999 provided on a project basis to help some localities meet part of the non-Federal matching share of planning and action grants.

***Not able to be determined; in kind contributions given on project basis to assist localities in matching requirements.

¹\$150,000 in State funds made available to local jurisdictions to supplement Federal planning grants so that localities could employ a criminal justice planning staff. Local units, however, still were required to provide the 10 percent non-Federal matching share.

²Amount of non-Federal matching contribution covered by State funds varied.

TABLE 17 – STATE SHARE OF STATE-LOCAL POLICE AND CORRECTIONS EXPENDITURE
1967
(in thousands of dollars)

| State | Total State-Local Police Expenditure | % State Share | Total State-Local Corrections Expenditure | % State Share |
|----------------|---|------------------|--|------------------|
| Alabama | \$30,174 | 17.9 | \$ 8,274 | 85.8 |
| Alaska | 4,661 | 47.0 | 3,114 | 100.0 |
| Arizona | 29,841 | 24.1 | 9,845 | 75.2 |
| Arkansas | 13,226 | 25.4 | 3,824 | 76.2 |
| California | 442,342 | 15.2 | 219,816 | 51.7 |
| Colorado | 26,772 | 22.8 | 12,452 | 75.3 |
| Connecticut | 48,092 | 16.5 | 13,547 | 100.0 |
| Delaware | 6,222 | 37.8 | 3,645 | 97.7 |
| Florida | 95,007 | 12.6 | 21,091 | 77.6 |
| Georgia | 43,246 | 15.3 | 19,810 | 75.4 |
| Hawaii | 14,821 | 0.3 | 4,726 | 88.3 |
| Idaho | 7,767 | 22.9 | 2,771 | 94.9 |
| Illinois | 186,324 | 9.4 | 48,482 | 80.1 |
| Indiana | 49,846 | 19.2 | 18,115 | 76.0 |
| Iowa | 29,795 | 34.6 | 11,329 | 88.4 |
| Kansas | 22,339 | 19.9 | 8,756 | 88.1 |
| Kentucky | 27,715 | 28.7 | 11,580 | 73.7 |
| Louisiana | 50,724 | 18.8 | 14,220 | 73.4 |
| Maine | 9,375 | 34.8 | 5,397 | 89.4 |
| Maryland | 66,764 | 13.1 | 32,639 | 81.3 |
| Massachusetts | 96,091 | 8.1 | 36,965 | 72.4 |
| Michigan | 135,876 | 19.1 | 45,194 | 67.6 |
| Minnesota | 37,776 | 14.7 | 18,693 | 66.2 |
| Mississippi | 19,194 | 33.0 | 5,191 | 72.5 |
| Missouri | 66,646 | 13.8 | 15,924 | 59.5 |
| Montana | 6,861 | 28.6 | 3,625 | 82.6 |
| Nebraska | 14,012 | 22.3 | 5,447 | 85.0 |
| Nevada | 13,086 | 15.8 | 5,311 | 82.0 |
| New Hampshire | 7,429 | 25.2 | 1,997 | 83.4 |
| New Jersey | 144,117 | 13.3 | 48,229 | 63.5 |
| New Mexico | 11,882 | 30.0 | 5,672 | 79.4 |
| New York | 490,381 | 7.5 | 151,212 | 37.6 |
| North Carolina | 45,112 | 24.3 | 27,976 | 90.8 |
| North Dakota | 5,106 | 20.3 | 1,837 | 88.6 |
| Ohio | 125,379 | 9.9 | 44,753 | 70.5 |
| Oklahoma | 24,182 | 20.1 | 6,950 | 86.2 |
| Oregon | 28,806 | 17.6 | 12,621 | 72.5 |
| Pennsylvania | 156,510 | 17.8 | 62,952 | 44.4 |
| Rhode Island | 14,187 | 12.3 | 4,259 | 100.0 |
| South Carolina | 22,213 | 31.1 | 9,021 | 73.4 |
| South Dakota | 6,130 | 30.8 | 2,357 | 79.0 |
| Tennessee | 36,099 | 17.8 | 13,451 | 79.1 |
| Texas | 115,331 | 14.9 | 34,356 | 67.0 |
| Utah | 10,031 | 18.4 | 4,903 | 87.6 |
| Vermont | 3,825 | 52.0 | 2,797 | 98.9 |
| Virginia | 50,294 | 35.5 | 14,108 | 94.0 |
| Washington | 41,111 | 18.0 | 25,745 | 90.0 |
| West Virginia | 11,926 | 28.4 | 4,832 | 72.0 |
| Wisconsin | 64,862 | 8.6 | 24,653 | 78.6 |
| Wyoming | 4,547 | 26.5 | 1,868 | 96.4 |

Source: U.S., Department of Commerce, Bureau of the Census, *Compendium of Public Finances, 1967 Census of Governments*, Vol. 4, No. 5 (Washington, D.C.: U.S. Government Printing Office, 1968), Table 46. Also unpublished data from U.S. Bureau of the Census on State-local and local-State intergovernmental transactions in the police and corrections function.

FIGURE 5 - PERCENT OF STATE SHARE OF STATE-LOCAL POLICE EXPENDITURE, 1967

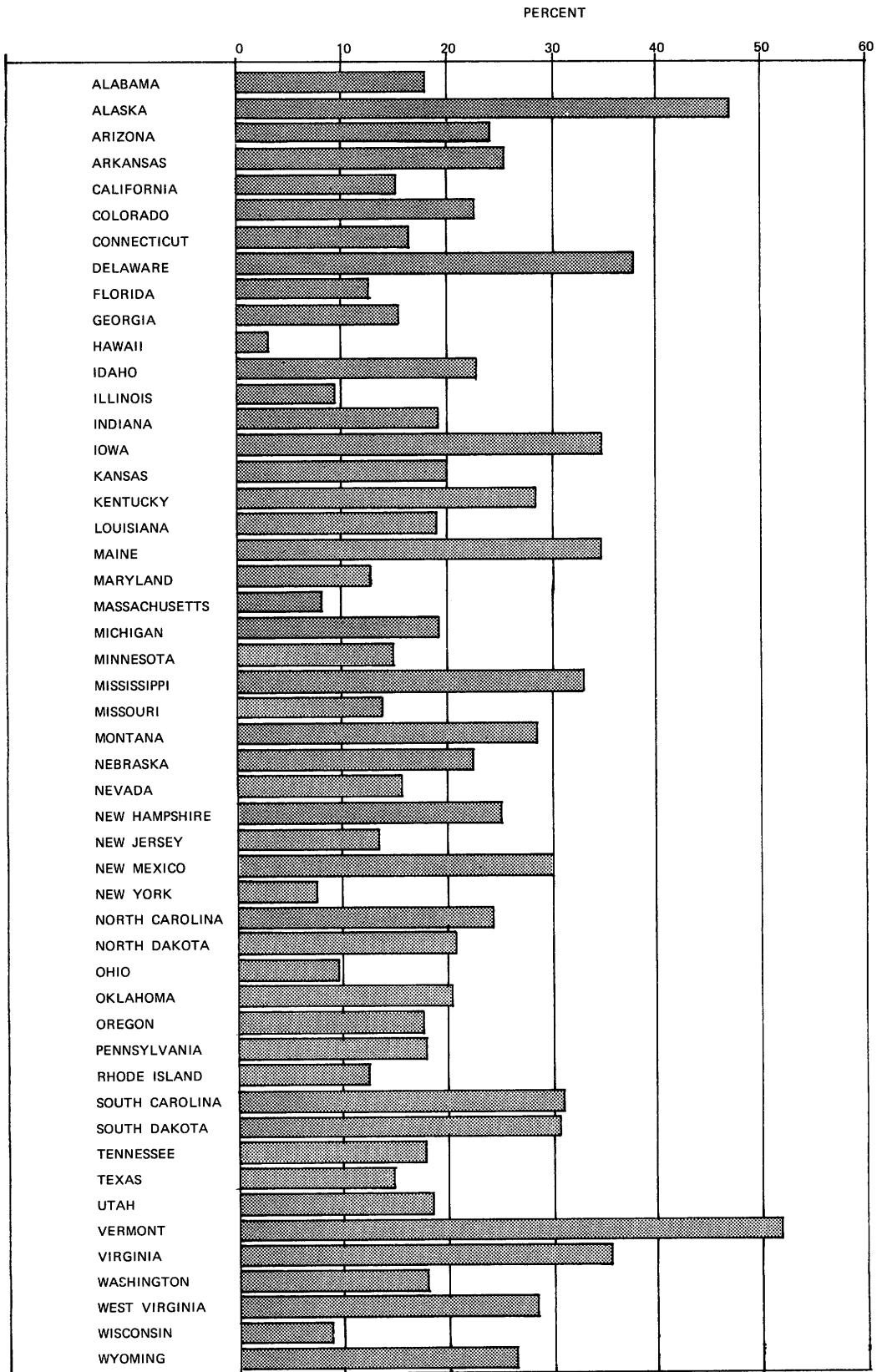
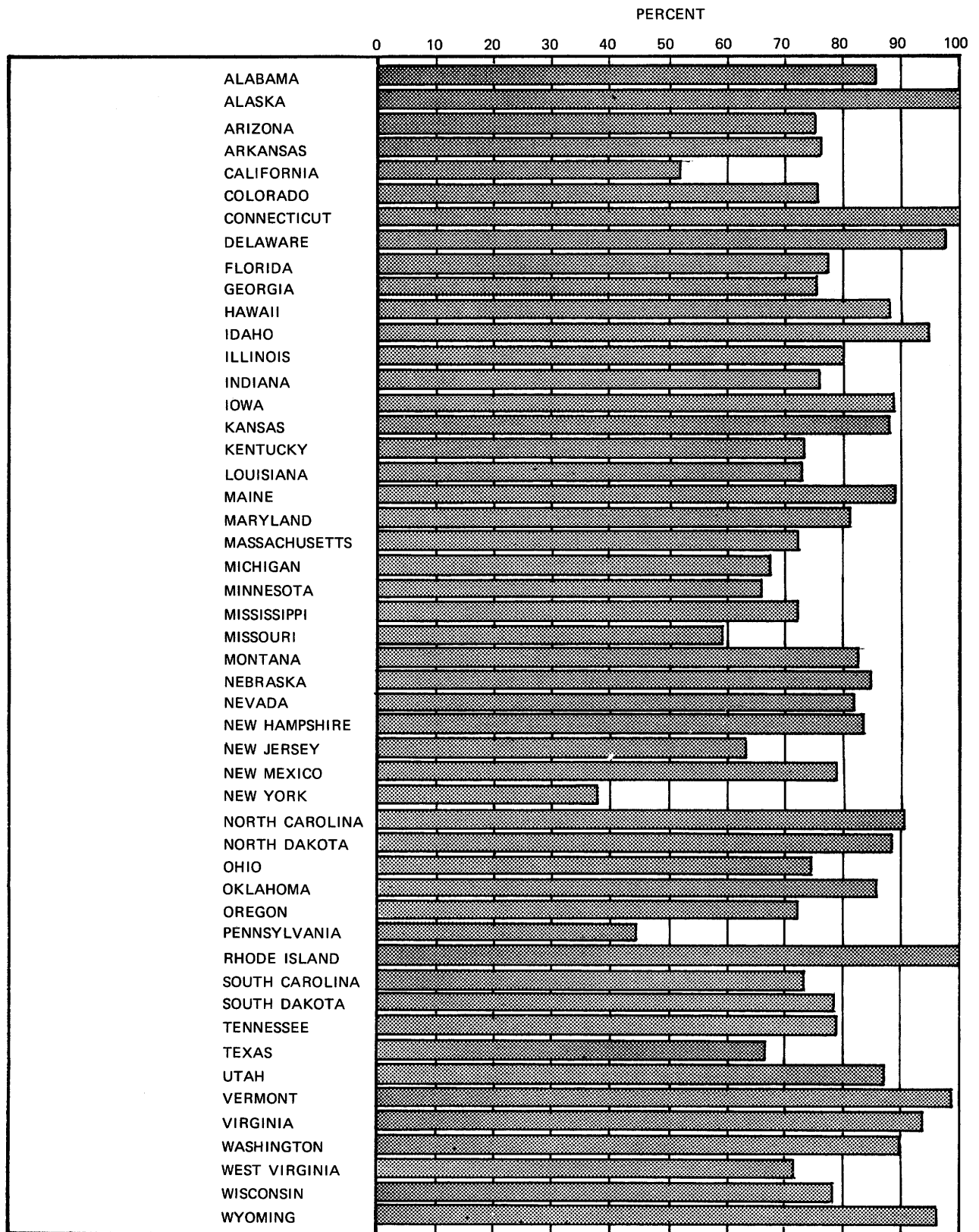


FIGURE 6 – PERCENT OF STATE SHARE OF STATE-LOCAL CORRECTIONS EXPENDITURE, 1967



In light of the foregoing, while many of the responding States are making what appears to be token or no contributions to the non-Federal share of local action program costs, this alone does not necessarily serve as a reliable measure of the State's willingness to assist local governments in combating crime. Rather, overall anti-crime effort, including "buying in," the States' share of total State-local police and corrections outlays, and indirect State financial assistance, would seem to present a more balanced view.

Purposes of Action Grant Expenditures. Federal action funds under the Safe Streets Act have been used for 12 purposes: riots and civil disorders control; upgrading law enforcement; detection and apprehension; crime prevention; correction and rehabilitation; juvenile delinquency prevention and control; prosecution, court, and law reform; community relations; organized crime control; research and development; construction; and crime statistics and information. Applications for grants for the above types of programs are, of course, based on the contents of the State comprehensive plan.

Despite the fact that one of the main objectives of the Act is to support and upgrade all components of the criminal justice system, during the first year of its operation the police function received the bulk of available funds. In the 1969 State comprehensive plans 79 percent of all action grants was earmarked for police-related programs, in contrast with a 61 percent public expenditure ratio in fiscal 1965. Fourteen percent of the action funds was awarded for corrections projects (compared with a 23 percent public expenditure ratio), while a meager six percent went for courts programs (compared with a 16 percent public expenditure ratio).⁷⁰

As a result of this early outlay pattern, some observers have questioned whether it will be possible to develop meaningful systemwide crime control planning and action programs, or whether the Safe Streets Act will remain mainly a police-oriented operation similar to its predecessor, the Law Enforcement Assistance Act of 1965. As one LEAA official has observed:

The States have shown a weak initial commitment to the fields of court, prosecution and corrections. As yet, a serious commitment to these segments of law enforcement remains to be demonstrated....Signs are encouraging but it is not yet clear whether the natural and justified priority for the largest element of

crime control--police services--will unduly overshadow the other segments of criminal justice, thereby confirming the fears of critics who see this as a police-dominated program.⁷¹

Others are less pessimistic about this initial preference for police-related programs. Courts and corrections, they point out, are notoriously poor at the fiscal in-fighting which takes place within most State and local budgetary processes. Courts, in any case, provide a special problem given the separation of powers and their concomitant reluctance to act in concert with executive branch agencies. Furthermore, the comprehensive criminal justice planning required for balanced, interrelated treatment of all the components of the system is obviously in a state of infancy, and this condition initially works to the advantage of the law enforcement sector. Preliminary indications are, however, that courts and corrections are faring much better in the 1970 State plans.

Table 18 shows the relative funding status of police programs as of February 28, 1970 in 48 States surveyed. Forty-five percent of the total \$27,857,369 in action subgrants awarded to State agencies and regional and local units were for three police-related purposes--upgrading law enforcement, detection and apprehension, and crime prevention. It is quite evident that other important components of the criminal justice system--such as prosecution, court, and law reform, juvenile delinquency prevention and control, and correction and rehabilitation--did not fare nearly so well.

This preponderance of police outlays is also reflected in Table 19 which presents a breakdown of certain objects of expenditure in terms of their recipient. Individual local jurisdictions received 60 percent of funds for training, communications systems, and equipment.

The data, then, clearly reveal that as of early 1970 most Safe Streets Act action dollars were used to bolster public safety, especially to purchase local police equipment and communications systems, and to train law enforcement personnel. Relatively small amounts of funds were made available for upgrading other components of the criminal justice system.

Administrative Issues

Three-Man vs. One-Man Administration. The Johnson Administration's Safe Streets and Crime Control bill as first presented to Congress provided for

⁷⁰ Public expenditure ratios have been derived from: U. S. Bureau of the Census, *1969 Statistical Abstract* (Washington, D. C.: U. S. Government Printing Office, 1970). p. 145.

⁷¹ Skoler, "Federal-State Administration of the Omnibus Crime Control and Safe Streets Act of 1968--A Balance Sheet," p. 5.

**TABLE 18 – AMOUNT OF FEDERAL SHARE OF ACTION SUBGRANT AWARDS TO STATE AND LOCAL JURISDICTIONS, BY PURPOSE OF EXPENDITURE
FEBRUARY 28, 1970
(48 States Reporting)**

| Purpose | Amount Federal Funds | % of Total |
|--|-------------------------|------------|
| Riots and civil disorders control (including 307(b)) | \$ 4,002,173 | 14.4 |
| Upgrading law enforcement (including training, salary increases, career development) | 5,554,399 | 19.9 |
| Detection and apprehension | 5,790,748 | 20.8 |
| Crime prevention (including public education). | 1,180,771 | 4.2 |
| Correction and rehabilitation (including probation and parole) | 3,109,929 | 11.2 |
| Juvenile delinquency prevention and control | 2,448,344 | 8.8 |
| Prosecution, court, and law reform | 1,182,543 | 4.2 |
| Community relations | 1,518,001 | 5.4 |
| Organized crime control | 937,531 | 3.4 |
| Research and development | 808,708 | 2.9 |
| Construction | 505,511 | 1.8 |
| Crime statistics and information | 818,711 | 2.9 |
| TOTAL | 27,857,369 | 100.0 |

**TABLE 19 – AMOUNTS OF FEDERAL FUNDS AWARDED AS SUBGRANTS TO STATE AND LOCAL JURISDICTIONS, BY OBJECT OF EXPENDITURE AND TYPE OF SUBGRANTEE
FEBRUARY 28, 1970
(48 States Reporting)**

| Object | Total Amount | State Agencies | Regional or Multijurisdictional Agencies | Individual Local Jurisdictions |
|---|--------------|----------------|--|--------------------------------------|
| | | % | % | % |
| Training of Law Enforcement Personnel | \$ 5,056,297 | 26.1 | 21.9 | 52.1 |
| Communications Systems | 5,854,445 | 12.6 | 21.2 | 66.1 |
| Crime Laboratories | 706,324 | 36.3 | 44.7 | 18.9 |
| Other Equipment | 4,179,303 | 10.8 | 23.0 | 66.2 |
| TOTAL | \$15,796,369 | 17.5 | 22.9 | 59.5 |

the program to be administered by a new Office of Law Enforcement and Criminal Justice Assistance in the Department of Justice, under the supervision of a Director. The Director was to be appointed by the President with the advice and consent of the Senate. These provisions were retained in the bill as reported out by the House Committee on the Judiciary and approved by the House.

In its separate consideration of the Administration bill, the Senate Committee on the Judiciary decided to substitute its own proposal. Among other changes, the substitute established within the Department of Justice, under the general authority of the Attorney General, a Law Enforcement Assistance Administration instead of a Director. The Administration was composed of an Administrator of Law Enforcement Assistance and two Associate Administrators, appointed by the President with the advice and consent of the Senate. No more than two members of the Administration were to be of the same political party. An amendatory effort was made on the floor of the Senate to remove the Administration from under the direct control of the Attorney General, but it was defeated. The bill as reported out by the Senate Judiciary Committee ultimately became the Safe Streets Act.

According to most reports, the first three men appointed by President Johnson to constitute the Administration seemed to work together fairly harmoniously, overcoming any partisan or philosophical differences they may have had. The second trio, appointed by President Nixon, consisted of a Democrat as Administrator and two Republicans as Associate Administrators. On occasion, the two Associates outvoted the Administrator on policy issues. On administrative matters, disagreements resulted in inaction, since the law was interpreted as requiring unanimity on these decisions. In this situation, it was reported, the Administrator felt that his position was untenable, and he resigned in April 1970. The resignation brought into the open the basic question of whether the "troika" arrangement is workable for administration of the Safe Streets Act.

Little appears in the record of the hearings, the committee reports, or the floor debates to document the reasons for establishing the Administration in lieu of the single Administrator. Some clues were given, however, in the Senate's debate over a related issue, i.e., whether to remove the Administration from under the direct authority of the Attorney General. A subcommittee of the Senate Judiciary Committee had approved an amendment to do just that, but this amendment was rejected by the full Committee. In the statement of their

individual views in the Senate Judiciary Committee report, Senators Dirksen, Hruska, Scott, and Thurmond stated in defense of the proposed amendment:

It is regrettable that the provision for the independent status of the Administration was dropped from the bill. We attempted unsuccessfully to reinstate the provision in the full committee, and will urge its adoption on the floor of the Senate.

In short, we don't want the Attorney General, the so-called "Mr. Big" of federal law enforcement to become the director of State and local law enforcement as well. It is true that the Attorney General is the chief law enforcement officer of the federal government. But he is not chief law enforcement officer of states or cities. We believe America does not want him to serve in this latter capacity.

Organization and management experts may object to a dilution of executive authority, but we want no part of a national police force. Such dilution, if a price at all, is a small price to pay to preserve a fundamental balance of police power.

We don't want this bill to become the vehicle for the imposition of federal guidelines, controls, and domination.⁷²

Later, in presenting the amendment on the floor, Senator Hruska argued that it would make the Administration,

...truly independent in its jurisdiction and in its powers. It was felt that to give one man the right to approve or disapprove the allocation of a fund which initially will be \$400 million, but which the Attorney General has testified that they hoped to whip up to a level of \$1 billion a year, would be too much power to vest in the hands of one individual, whoever he is, and it would better be vested in a body that would be non-partisan and independent of any single person, and therefore much better qualified to call the shots as they really see them.⁷³

The Senate did not accept the amendment.

⁷² U. S., Congress, Senate, Committee on the Judiciary, *Omnibus Crime Control and Safe Streets Act of 1967*, p. 230.

⁷³ *Congressional Record*, May 23, 1968, p. 14777.

These observations point up three arguments for placing administrative authority in the hands of a three-member Administration rather than a single Administrator or Director. First, the fear that the administration of the new Act would turn the Department of Justice under the Attorney General into a national police force. This was also one of the reasons cited for preferring block grants to project grants. Second, the fear of centering so much power in one man--the Attorney General--regardless of whether it was used to build a national police force. Third, the desire of the Republicans to prevent an increase in authority of the then incumbent Attorney General.

The partisan character of the last point, moreover, suggests that the "troika" arrangement as adopted, even though still subject to the direct influence of the Attorney General, had the merit of generating bipartisan support in the Congress, without which the bill may have failed. A final argument in favor of the three-member Administration approach is that a multi-member body may be more suitable than a single administrator in the early stages of development of policies in a new and controversial area, such as the Safe Streets Act, when the emphasis is on fresh ideas and

innovative approaches.

Proponents of a single Administrator, on the other hand, stress the basic organizational principle of pinpointing administrative responsibility in order to avoid buck-passing and to achieve expeditious decision-making. Also, countering the argument that entrance into a new, controversial field favors reliance on three heads rather than one, it is asserted that Congress had worked out the policies of the Act in fairly specific detail, and that what was needed, in light of the urgency of State and local crime reduction needs, was prompt, effective implementation of those policies. A single Administrator is more likely to move vigorously in deciding the multitude of problems that rise to the top than is a three-member Administration, particularly if the latter must act unanimously. Finally, opponents of the "troika" contend that while bipartisanship may have merit in garnering support for passage of the legislation in the first instance, it raises difficulties in getting the system to work once the legislation is passed. Personnel appointments, particularly crucial to the effective administration of any program, are likely to be the victims of disagreements among the bipartisan members of a multi-member body.

Chapter 3

CONCLUSIONS AND RECOMMENDATIONS

In this report, the extent of the Federal Government's overall involvement in crime reduction has been summarized. Chief attention has focused on the intergovernmental issues and problems which have arisen in connection with the operation of Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, the Federal Government's first comprehensive grant-in-aid program for assisting State and local law enforcement and criminal justice administration efforts and a new block grant approach. The Commission now sets forth its basic findings and conclusions, as well as recommendations for improving Federal-State-local relationships under the Safe Streets Act.

Summary of Major Findings

Federal Crime Reduction Expenditures

—The Federal Government's crime reduction outlays will total an estimated \$1,257 million in fiscal 1971, 33 percent more than in 1970 and 91 percent more than in 1969. In fiscal 1971, 41 percent of the Federal Government's domestic anti-crime expenditures will be for assisting States and localities, a significant hike over the 30 percent in fiscal 1970 and 16 percent in fiscal 1969. Moreover, direct Federal outlays for these purposes show a relative decline over this period from 84 percent in fiscal 1969, to 70 percent in 1970 and 59 percent in 1971.

—Despite rapid increases in Federal crime prevention and control outlays, the estimated 1971 figure is still only 35 percent of the \$3,633 million spent for law enforcement and criminal justice purposes by the 50 States, 55 largest counties, and 43 largest cities in fiscal 1967-1968.

—Seventy-one percent of the \$518 million in fiscal 1971 Federal expenditures for support of State and local crime reduction programs will be provided under Title I of the Omnibus Crime Control and Safe Streets Act.

Gearing Up: August 1968 - June 1969

—Between August 1968 and June 1969, each State established a law enforcement planning agency pursuant to the Act and received a planning grant from the Law Enforcement Assistance Administration (a total \$19 million was spent by LEAA on planning in fiscal 1969); each State prepared and submitted a comprehensive law enforcement plan to LEAA for approval; 40 States received special grants for the prevention and control of riots and civil disorders; and the National Institute of Law Enforcement and Criminal Justice, LEAA's research and development arm, awarded funds for studies concerning police equipment improvement, violent crime, and organized crime.

Allocation of Planning Funds

—Allocation of planning grants on a two-factor (flat sum - population) basis has resulted in the largest States receiving less total funds per capita than many smaller States. California and New York, for example, received 7.2 cents per capita compared with 30.8 cents in Vermont, 38.5 cents in Wyoming, and 43.2 cents in Alaska. Many of the so-called "urban" States having the highest crime rates fell below the national per capita average. Not to be overlooked here is the fact that even if the flat sum allocation had not been required, larger States would not have received significantly more planning funds, given the modest amounts involved in the 1969 allotment.

State Comprehensive Law Enforcement Planning

—Most States have not built sizeable new central law enforcement and criminal justice administration bureaucracies with Federal funds. As of December 31, 1969, the average size of a State planning agency professional staff was 9.3. This figure, of course, does not include the staff for new regional districts or for

existing areawide bodies assigned responsibilities under the Safe Streets Act. A major problem has been the high rate of turnover among SPA Executive Directors.

—In early 1970, the size of SPA supervisory boards varied widely from 12 in Montana and Wisconsin to 43 in Kentucky and 47 in Oklahoma, with a national average of 23 members. No significant correlation exists between the number of board members and State population, area, and crime rate.

—Some supervisory boards appear to be not adequately representative of elected local government policy-makers and executives and the general public, although over one-fourth of the board members, on the average, represent these interests. At the same time, returns to ACIR's survey from 48 States indicate that elected officials or their alternates and public members have a somewhat lower attendance rate than law enforcement functionaries at board meetings. These figures, however, cover only the period April 1969 through February 1970, and the number of supervisory board meetings held during this time varied widely among the States.

—Many 1969 State plans were not really comprehensive in their treatment of the criminal justice system, and tended to focus mainly on police needs. Greater attention to courts and corrections apparently has been given in some 1970 plans.

“Pass Through” of Planning Funds

—As of December 31, 1969—almost one year after LEAA had allotted full planning grants to the States—14 SPAs had not awarded the required 40 percent local share for fiscal 1969; five of these had made available less than 30 percent of this amount, and three less than 20 percent. Four of these States, however, had received waivers of part of the “pass through” funds in return for planning on behalf of some local governments. On the other hand, 16 States had awarded more than the mandatory 40 percent, with 11 States allocating more than 50 percent, five more than 60 percent, and three more than 70 percent. On the average, the 50 States awarded 45 percent of Federal planning dollars to local and regional units in 1969, and 71 percent of this amount actually had been paid by the end of the calendar year.

—Overall, individual cities and counties were allotted 30 percent of local “pass through” planning funds. Regional combinations of local units, then, were awarded the bulk of these grants, with 21 States allocating all such dollars for fiscal 1969 to these multijurisdictional entities and an additional eight making available more than 80 percent of these funds.

Sub-State Regional Districts

—Forty-five States have expanded the functions of existing districts or have established new regions for law enforcement planning, with the national average being 11 regions per State. Thirty of the 43 districted States responding to ACIR's survey used the former approach. By the end of 1969, 41 of the 45 States with districts had set up regional advisory councils modeled on the SPA supervisory board. Most of these districts have been assigned a wide range of planning, administrative, and fiscal responsibilities. Over one-half of the States having regions awarded them funds solely on a population basis, while in three-tenths a population-crime index formula was used. In 1969, regions in 36 of the 43 districted respondents to ACIR's poll had a full-time professional staff; in 22 of these States they were hired independently from the SPA and in 13 others with the SPA's concurrence. In only four States were regional staff on the State's payroll. No reliable data presently exist with respect to the overall size of district professional staff. If these figures were available, undoubtedly they would become a point of controversy among those who view regions as State-imposed entities which are unrepresentative of their constituent local governments.

Action Funds and the “Pass Through”

—In fiscal 1969, 85 percent of the total action funds in LEAA's budget, or \$24.5 million, was allocated to the States in block grants. In fiscal 1970, the States received \$179.4 million. The average per capita State allocation was 12.5 cents and 90.1 cents for fiscal 1969 and fiscal 1970, respectively. The remaining 15 percent constitutes a discretionary fund—amounting to \$4 million in fiscal 1969 and \$32.25 million in fiscal 1970—which LEAA may use to make project grants for meeting urgent city, county, and State crime reduction needs.

—Twelve of the 48 States participating in ACIR's survey “passed through” more than the required 75 percent local share of action funds, and six of these allotted 85 percent or more of their total action block grant. By February 28, 1970, however, two-thirds of the States still had not made available the full statutorily prescribed proportion.

—Forty-two of the 48 respondents retained funds at the State level for programs considered by SPAs to be of direct benefit to local jurisdictions. Thirty-six States charged all or part of the cost of these programs to their share of action grants, amounting to \$2,044,505. At the same time, 14 States charged all or a portion of such

costs to local action funds retained at the State level, totaling \$656,071.

State Distribution of Subgrants

—Some SPAs have spread action funds thinly among a large number of rural and small suburban units. Jurisdictions under 50,000 population constituted 77 percent of the municipal subgrantees, and received 24 percent of the \$11.4 million in action funds awarded to cities by 48 States. The average subgrant award to these small units was \$2,782. Counties under 50,000 constituted two-thirds of the subgrantees of this type, and received 23 percent of the \$5.6 million allocated for county action programs. The average subgrant here was \$2,511. Cities and counties over 50,000 were awarded 76 percent of the total action subgrants made to these units.

—Using the five largest cities' share of the State crime rate as an index of their law enforcement need, as of February 28, 1970 only five States (of 45 respondents) had "passed through" to these jurisdictions more than they would have received under this formula, and another seven had allocated a fairly proportionate amount. Applying these jurisdictions' portion of total State-local police expenditures as a barometer of their crime control effort, 12 of the 45 States made available more than this index would have allotted, and 12 other States awarded a commensurate amount. If total local police outlays alone are used as a measure, seven States "passed through" more funds than required, and ten others disbursed an amount in line with this index. No general consensus exists, however, as to the reliability of any one or combination of these factors as a gauge of State responsiveness to urban crime reduction needs or of local anti-crime effort.

State "Buying In"

—As of February 28, 1970, 23 States had made an in cash or in kind contribution to match Federal "pass through" grants to local and regional units, mainly for planning purposes. Yet, this amounted to only \$791,945 for 21 of these States. Two of the States surveyed appear to have "bought into" planning and the various types of action programs on an across-the-board basis. The fact that 1969 Federal action funds were not awarded to the States until the end of the fiscal year, after some legislatures had adjourned, partially explains this relatively small amount of State financial involvement. On the other hand, in 1967 over two-thirds of the States were assuming 75 percent or more of combined State-local corrections expenditures, and 16

accounted for 25 percent or more of total State-local police outlays.

Functional Distribution of Funds

—As of early 1970, 45 percent of the Safe Streets Act action funds awarded by 48 States had been used for police programs, including equipment, communications systems, and training. Relatively insignificant dollar amounts had been awarded for upgrading courts, prosecution, and corrections.

* * * * *

Recommendation 1: Distribution of Funds by the States: Retaining the Block Grant

The Commission concludes that the block grant arrangement established by the Safe Streets Act, with its mandatory "pass through" of 75 percent of action funds, generally has worked well. A majority of State law enforcement planning agencies, the Commission finds, are allocating an adequate share of Federal monies to large urban and suburban areas where the incidence of crime is greatest. Further, many States have provided some financial assistance to local governments in their crime reduction efforts under the Act, and have furnished substantial financial aid in other crime prevention and control programs such as corrections, courts, prosecution, and police training.

The Commission strongly believes that, although there are presently some gaps in State performance under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 in responding to the special needs of high crime urban and suburban areas, the block grant represents a significant device for achieving greater cooperation and coordination of criminal justice efforts between the States and their political subdivisions. The Commission therefore recommends that the block grant approach embodied in the Act be retained and that States make further improvements in their operations under it.

One of the major fears expressed by Johnson Administration officials, municipal representatives, and other observers during the Congress' consideration of the Safe Streets Act was that many States were ill-disposed and ill-equipped to target funds on urgent urban crime problems. They believed a block grant approach to administering and financing the Federal Government's first comprehensive grant-in-aid program for assisting State and local law enforcement and criminal justice administration efforts would reinforce rather than

reverse this State inertia. They argued that many States were unprepared functionally to handle a block grant program and to exercise wisely their discretionary authority. They also claimed that fiscally most States had steadfastly failed to significantly lighten the heavy burden that the costs of providing law enforcement services had placed on hard-pressed local government budgets.

Despite these gloomy predictions, the Commission believes that overall, most States have made remarkable progress during the first 22 month's operation of the Safe Streets Act. Each State has set up a law enforcement planning agency, and 45 have established regional districts for law enforcement planning. Within a relatively short time period, each State prepared a comprehensive plan for law enforcement and criminal justice improvements. For the first time, the plans and activities of major components of the criminal justice system--police, courts, prosecution, and corrections--have begun to be meshed into a statewide crime reduction effort. State, regional, and local crime problems are being identified, priorities are being determined, timetables and funding arrangements are being worked out, and inter-jurisdictional and inter-program relationships are being established.

With respect to the States' record in channeling action funds to local governments, as of February 28, 1970, the majority of SPAs have put the money where the crime is. At least 12 State planning agencies have "passed through" to local units more than the statutorily required 75 percent of action funds, and six of these have allocated 85 percent or more of their total action block grant to localities. Cities and counties over 50,000 population have received 76 percent of the action subgrants awarded to these jurisdictions. Furthermore, 36 SPAs charged against their 25 percent share of action funds all or a portion of the cost of State level programs directly benefiting local governments, and this amounted to more than \$2 million. At least 23 States are "buying into" planning or action programs under the Safe Streets Act, and over two-thirds are assuming 75 percent or more of total State-local corrections expenditures. These State expenditures free up local dollars for police-related and other purposes. While funds have been awarded to gear up the law enforcement capabilities of numerous small rural and suburban jurisdictions, this seems justified in view of the spillover nature of the crime problem. All things considered, then, most States have been quite responsive to the crime prevention and control needs of their larger political subdivisions, and this argues strongly against upsetting the pattern of intergovernmental relationships established under the block grant approach. Not to be

ignored is the fact that the Act is little less than two years old, and it takes time to get a balanced, multi-faceted criminal justice planning and action program underway.

Opponents of block grants, however, assert that State planning, administrative, and fiscal achievements under the Act have been limited. They contend that many 1969 State plans were far from comprehensive, and tended to focus attention on police-related needs and to largely ignore courts, prosecution, and corrections. They argue that the States, in fact, are as addicted to the project grant approach as any Federal agency. Although most States were quick to establish a State level and substate administrative apparatus, it is alleged that these agencies have turned into unresponsive and unwieldy State and regional bureaucracies that have slowed processing of city and county grant applications, delayed the receipt of funds at the local level, and siphoned off planning and action monies which should have been allocated to individual local governments. Critics also charge that SPA handling of subgrants and allocation of financial and in kind assistance to local applicants shows that most States are unconcerned with the crime reduction needs and problems of urban areas, especially big cities, and suburbs. Some of these observers focus their attention on the fact that a majority of the SPAs have not "passed through" action funds to their five largest cities proportionate to the latter's crime rate, portion of State-local police expenditures, or share of total local police outlays.

The Commission believes that, on balance, the overall planning and administrative accomplishments under the Safe Streets Act to date, coupled with evidence that a majority of States are responding to urban and suburban anti-crime needs either directly by "passing through" Federal dollars to these jurisdictions, in some cases more than required by statute, or indirectly by using part of their share of action funds for programs benefiting local units, are compelling reasons for continuing the block grant approach. At the same time, the Commission urges those States that currently do not give sufficient attention to the needs of high crime areas to move in this direction.

The Commission is fully aware of the fact that the States' response to the program has been uneven. If certain indicies of local crime reduction need and effort are used--proportion of the crime rate, share of State-local police expenditures, or portion of total local police outlays--a majority of States in 1969 did not make available commensurate amounts of action funds to their larger municipalities. Many urban counties also have not fared very well in the distribution of action monies. A number of States have spread action funds thinly among many smaller jurisdictions, and less than

half have committed their funds to help localities meet non-Federal matching requirements.

Yet, the Commission also recognizes that crime rates and outlays for police are something less than fully reliable as gauges of overall anti-crime effort. The former is only beginning to assume some degree of statistical reliability, and the latter ignores the other basic components of the total criminal justice system--components in which the States are involved in a major way. It also finds that the bulk of the action funds went to jurisdictions with a population of 50,000 or more in 1969. The Commission strongly agrees that "buying in" is an excellent measure of a State's commitment to a joint action program; this has been a basic ACIR position for six years. Yet, it appreciates the fact that this measure alone does not always give a complete picture of State involvement in or concern with solving local problems, and this is especially true with respect to a field as complex and as comprehensive as criminal justice.

Some authorities have contended that the block grant device in the Safe Streets program should be retained only in those instances where States have provided a substantial part of the non-Federal matching share. If a State failed to assume this fiscal obligation, then grants would be made by LEAA directly to local units as well as to State agencies. The unique character of the block grant device, however, coupled with overall State performance during the first 22 months of the program's operation, suggest that the most feasible approach at this point in time is to encourage but not mandate such financial participation. Almost half of the States to some extent already are "buying into" planning and action programs under the Safe Streets Act, and greater activity on this front is probable. Many States also have a heavy fiscal involvement in law enforcement and criminal justice programs not directly covered by the Act. Consequently, "buying in" requirements might unnecessarily complicate block grant administration and unduly restrict State discretion. Those States which are not now doing so, however, should make a greater effort to assist local governments in matching the non-Federal share of planning and action program costs.

Other observers have argued that while the block grant approach should be retained, the proportion of the total State allotment should be reduced from 85 to 50 percent. At the same time, the discretionary fund should be expanded from 15 to 50 percent, but coupled with a proviso that such moneys be used to increase the total amount allocated to a State which contributes one-half of the non-Federal matching costs of local programs, and gives adequate attention in its comprehensive plan to the

needs of urban areas and other jurisdictions having a high incidence of crime.

The Commission believes that this attempt to replace the present statutory arrangement with half of the action funds going for project grants to individual State agencies and local jurisdictions would ignore the pivotal position of the States in the criminal justice area. The State planning agency is in the best position to supervise, direct, and coordinate the efforts of local governments, regional units, and State agencies in formulating and updating a statewide comprehensive law enforcement plan. Once State, regional, and local law enforcement and criminal justice needs have been identified, priorities have been determined, timetables have been worked out, and interrelationships have been established, the State is much better equipped than a Federal agency to translate these plans into action programs and to oversee and assist in their implementation. The Federal Government simply is not prepared to mesh separate crime control plans and to evaluate the individual project proposals submitted by possibly 50 States and approximately 18,000 municipalities, 3,000 counties, and 40,000 police departments. Since crime is not confined to jurisdictional boundaries, only the State can weigh local priorities against regional and statewide needs. And only the State can mesh planning and action efforts under the Safe Streets Act with other State as well as regionally and locally administered and financed anti-crime programs. Bypassing the State, then, would reinforce rather than reduce the fragmentation which currently exists among the various components of the law enforcement and criminal justice system.

To sum up, the Commission finds that the block grant approach embodied in Title I of the Omnibus Crime Control and Safe Streets Act of 1968 merits support. The evidence to date regarding its operation, while not glowingly optimistic, is sufficiently promising to indicate that drastic changes now would be unwise. The block grant concept is, after all, fairly new. It would encounter a host of difficulties in no matter what functional area it might be applied. And the criminal justice field is one of the most fragmented in the whole range of intergovernmental activities. If, as the Commission believes, greater coordination and more integration of the various components of the several law enforcement and criminal justice systems are vital goals in our effort to develop effective and equitable crime reduction programs, then there is little that is promising in the record of narrow categorical project grants. The block grant, on the other hand, is designed to achieve just this kind of result. For the most part, present

intergovernmental crime reduction activities are fragmented. If given a chance, the Commission is convinced that State comprehensive plans under the Act, as developed by SPA supervisory boards, will constitute key mechanisms for making State-local criminal justice efforts part of an interrelated system. For these reasons, the Commission urges that the experiment be permitted to continue and that the defects which have been identified to date be worked out within the context of the existing block grant program.

Recommendation 2: Maintaining the Present Subgrant System

The Commission concludes that most State law enforcement planning agencies are allocating sufficient amounts of Federal funds to larger local jurisdictions which have the most critical crime problems. Further, the Commission believes it is necessary that Federal dollars continue to be made available to support the crime prevention efforts of suburban jurisdictions and urbanizing areas, as well as of core cities.

The Commission recommends that no changes be made in Title I of the Omnibus Crime Control and Safe Streets Act of 1968 to funnel additional Federal funds into high crime urban and suburban areas, except for an amendment providing that no State comprehensive law enforcement plan shall be approved unless the LEAA finds that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence.

The Commission believes that the majority of State law enforcement planning agencies have responded well to the crime prevention and control needs of their political subdivisions. The Commission, therefore, can see no reason for drastically amending the Safe Streets Act to mandate a rigid system for allocating action subgrants to large local units with the greatest occurrence of crime. Proposals such as requiring a minimum 50,000 population level for applicant eligibility or stipulating a population-crime index formula for the distribution of action funds to localities would not ensure necessarily that more dollars would be channeled to larger jurisdictions than are already being made available. Moreover, they inevitably would complicate the administration of the Act and arbitrarily would prevent certain local units from applying for Federal aid. Equally significant, they would reduce the discretion of State supervisory boards, impede the efforts of SPAs to develop genuinely comprehensive plans and, in effect, undermine the basic thrust of the block grant approach. Because crime does not obey jurisdictional boundaries, because areawide and regional solutions are needed to combat the spillover of crime

from urban to suburban to rural areas, and because SPAs need maximum flexibility in developing balanced funding of statewide, regional, and local priority projects, any altering of the present statutory arrangement in connection with the awarding of subgrants by imposing eligibility or distribution requirements is both undesirable and unfeasible.

At the same time, the Commission recognizes the merits of requiring LEAA to make a finding that, in order to be approved, each State plan must provide for an adequate allocation of subgrant funds to jurisdictions with high crime rates. This approach to the problem has the advantages of leaving the block grant intact, of being flexible, and of providing LEAA with an adequate statutory basis for seeing to it that clearly inequitable funding situations are corrected.

Supporters of strict formulas or population requirements for targeting more dollars on big city crime needs contend that wide variation is apparent in the degree to which the States have been responsive to the crime control problems of larger jurisdictions. They point out that as of February 28, 1970, two-thirds of the State planning agencies had not made available the full 75 percent local share of action funds. They indicate that 33 SPAs had "passed through" insufficient amounts of Federal monies to their five largest cities in view of the latter's share of the total State crime rate, 21 had awarded less than a proportionate amount of subgrants to these jurisdictions relative to their share of total police expenditures, and 17 had allocated less than a commensurate amount in terms of their share of total State-local police outlays. Furthermore, they assert that many SPAs are disbursing small amounts of Federal aid to large numbers of local units in rural and small suburban areas which have lesser crime rates than larger urban areas. Jurisdictions under 10,000, they stress, constituted half of all municipal subgrantees in 1969 and they received seven percent of the city action funds, with the average subgrant being \$1,285. Counties in this population group comprised one-fourth of all subgrantees of this type and were awarded eight percent of the county action funds; their average award was \$2,308.

As was noted previously, the indices used here do not necessarily provide a complete picture of a State's role in assisting the law enforcement and criminal justice administration efforts of its localities. Moreover, although a number of States have spread their subgrant allocations among many small local jurisdictions, the vast majority of "pass through" action funds have gone to jurisdictions of 50,000 or more. Overall, then, the present subgrant system has not been as inequitable as its severest critics contend, nor has it been as perfect as its staunchest defenders claim. And it is this basic

finding that provides the foundation of the Commission's position on the subgrant question. While the Commission opposes major changes in connection with jurisdictions eligible to apply for financial aid and formulas for determining subgrant awards, it believes that a more precise statutory safeguard is needed to ensure that those States which are not already doing so will pinpoint Federal money on areas having the most pressing crime problems. This objective can be best accomplished by amending the Act to specify that no State comprehensive plan would be approved unless LEAA makes a finding that the plan provides for the allocation of an adequate share of financial assistance to deal with the law enforcement problems of high crime areas.

Critics of this proposal point out that it still represents an unwarranted infringement upon State discretion under the block grant. After all, they assert, the States--not LEAA--are in the best position to know the needs and problems of their political subdivisions and to determine necessary remedial action. Furthermore, some see a danger in giving LEAA virtually unbridled leeway under this requirement. Still other opponents contend that in view of tight plan approval deadlines, this proposal is not a foolproof way of ensuring that States will adequately meet urban crime reduction needs. It is also claimed that this provision duplicates both the Act and LEAA's program guidelines, which require States to take into account local crime problems. Finally, some argue that the lion's share of Federal action dollars already goes to cities and counties over 50,000 having the highest crime rates, making this modification unnecessary.

The Commission, however, believes that the proposal has the advantage of assuring cities and counties that their State will be responsive to the special needs of large areas with a heavy incidence of crime while, at the same time, not penalizing the large number of SPAs which have furnished adequate assistance to these jurisdictions. By relying on the discretion of LEAA, rather than on rigid statutory provisions such as a formal "certification" requirement, this approach offers administrative flexibility consistent with the block grant principle. It also requires LEAA to make a specific finding regarding the status of high crime areas in the State comprehensive plan, something which has not always been done in the past. This procedure, in turn, would give LEAA more leverage in encouraging some States to give greater attention to the crime reduction problems of their large urban and suburban jurisdictions.

Recommendation 3: Strengthening All Components of the Criminal Justice System

The Commission finds that while in 1969 State law enforcement planning agencies allocated inadequate amounts of Federal funds for improvements in court systems and correctional institutions, more attention has been given to these functions in some 1970 plans. The Commission concludes that the States should make greater efforts to upgrade all components of the criminal justice system.

The Commission recommends that no changes be made in Title I of the Omnibus Crime Control and Safe Streets Act of 1968 to require or encourage a greater channeling of Federal funds to court and corrections related projects, since modifications of this type would constitute an infringement on State and local discretion under the block grant approach contained in the Act. At the same time, the Commission urges that State comprehensive law enforcement plans should give greater attention to improving all components of the criminal justice system.

As of February 28, 1970 only 11 percent of all Federal action funds awarded to State agencies and local jurisdictions in 48 States went for correctional and rehabilitative programs, and a meager four percent for prosecution, court, and law reform. At the same time, 45 percent of such monies was allocated for police-related purposes. Continuance of this lopsided funding pattern can only negate the essential thrust of the basic legislation--development of a balanced, effective, and interrelated system of corrections, courts, prosecution, and police in all 50 States.

A heavy emphasis on police may be appropriate during the initial phase of the program, but most experts recognize that a law enforcement focus alone is self-defeating in the long run. The Commission is aware that many States already have given or intend to give more attention to all components of their criminal justice system; a number of 1970 comprehensive law enforcement plans represent a marked departure in this respect from the 1969 plans. The Commission believes that those SPAs which are not presently doing so should make available greater amounts of funds under the Act for improvements in courts, prosecution, and corrections.

Some observers contend that the most feasible approach to correcting programmatic disparities and to achieving a more balanced flow of aid would be to amend the Safe Streets Act to permit LEAA, at its discretion, to waive wholly or partially the requirement that 75 percent of the Federal action funds allotted to

the State planning agency be made available to units of general local government. Others favor increasing the Federal share of the costs of developing and implementing court, prosecution, and correctional programs, and some would couple increased Federal matching with earmarking of a part of LEAA's appropriation for use in improving these functions. Still others advocate placing a ceiling on the amount of action funds which may be used for police-related purposes.

The Commission rejects these alternatives since, in general, they would constitute an undesirable infringement on the discretion accorded to States and local governments under the block grant device. Specifically, waiver of "pass through" provisions in some cases would weaken the rather fragile foundations of State-local collaboration within the program. This proposal, as well as those calling for a hike in matching or imposition of a ceiling on police expenditures, probably would result in fewer funds being made available for law enforcement, and this would hit hardest those who are quite literally on the firing line in the battle against crime. Moreover, none of these approaches takes into account the impact of the States' greater fiscal capacity relative to their political subdivisions upon the traditional division of funding responsibility between these jurisdictions for police, courts, and corrections. Revisions along the above lines, then, would benefit the States more and would ignore the needs of hard-pressed localities. Finally, adoption of these proposals would not automatically guarantee increased outlays for courts and corrections. The secondary treatment of these areas in the 1969 plans and subgrant outlays is merely a repeat of the meager success courts and corrections have had generally in achieving adequate funding in the State and local budgetary process. There is no reason to believe they will be helped very much by any of these Federal prescriptions.

The Commission believes that the answer to the problem lies in the process that now is underway in the various States. Court, prosecution, and correctional interests generally are well represented in all of the SPAs--some even contend too much so. Developing genuinely balanced and comprehensive criminal justice plans is more and more the paramount goal of these State planning bodies. The tasks of meshing the various components of the system and of achieving balance among these functional areas is difficult at best, and developing formulas suitable for all 50 States would be equally troublesome. Given all these considerations, the Commission rejects proposals for mandated change. But it does urge the SPAs and their State, local, public, and professional representatives, to focus more on ways and means of strengthening all components of their

respective criminal justice systems.

Recommendation 4: Maintaining Present Representation Requirements for SPAs

The supervisory boards of most SPAs, in the Commission's judgment, are sufficiently representative of law enforcement and criminal justice agencies as well as elected policy-making officials of units of general local government.

The Commission recommends that the present provisions of Title I of the Omnibus Crime Control and Safe Streets Act, and of related program guidelines, providing for balanced representation of interests on the supervisory boards of State law enforcement planning agencies be retained.*

SPAs play a paramount role under the Act. They condition the basic approach their State takes in developing a coordinated anti-crime program. They determine the procedures for administering the Safe Streets Act at the State and substate levels. They serve as a critical forum for reconciling State, regional, and local needs. They give local jurisdictions a say in the development of the State's criminal justice programs. They constitute a prime mechanism for identifying and interrelating the efforts of splintered law enforcement and criminal justice responsibilities. The composition of the SPA supervisory board, then, is critical to the effective performance of these tough assignments.

Some authorities contend that the majority of these boards are dominated by law enforcement and criminal justice professionals and that elected local policy-makers are greatly underrepresented. They charge that this imbalance has led to the development of State comprehensive plans which do not adequately reflect the crime reduction needs of their political subdivisions. Consequently, they advocate greater representation of local political executives on supervisory boards.

Supporters of present representation requirements assert that this revisionist position ignores certain hard political and administrative facts of life. As of early 1970, they point out, the composition of most SPA

*Senator Muskie dissents from this recommendation and states: "Concerning this recommendation, Table 6 of the Commission report indicates that locally elected officials compose only 11 percent of the State supervisory board membership. In the light of this fact, it would appear that some changes should be made in the Act itself, or the guidelines for its implementation, to provide for a greater degree of representation of local officials and local interests regarding the responsibility for planning and budgeting the law enforcement improvement program and the integration of these programs into total community improvement effort."

boards in terms of overall numbers of State and local policy-makers and professionals was nearly two-to-one in favor of local officials. They note that many local political executives have tended to deputize police officials to represent them at board meetings. As a result, expansion of the supervisory boards to give local officials a greater voice might instead bolster the ranks of law enforcement functionaries. These observers also point out that LEAA's program guidelines have designated eight representational categories, and hence allegations that States on their own are responsible for any "stacking of the deck" against elected local policy-makers are unfounded. Some also contend that a substantial increase in the number of city and county elected officials serving on the board might place the State in an untenable position, since representatives of local governments would have an unprecedented veto power over State anti-crime programs. Finally, they argue that any expansion of the size of SPA boards could easily transform them into unwieldy, bickering bodies where rhetoric rather than reason might be the guiding behavioral norm.

For these and other reasons, the Commission supports retention of the present provision contained in the Act and LEAA's program guidelines regarding supervisory board membership. SPAs already meet these requirements, and any mandated increase in the proportion of elected local policy-makers might upset the functional balance needed to develop an interlocking criminal justice planning process. Due to political pressures and numerous competing demands on their time, many elected spokesmen are not able to assume a vigorous membership role in supervisory board affairs; their attendance record at meetings highlights this difficulty. The tendency of these officials to name police officers as their alternates already gives law enforcement interests greater representation in board deliberations vis-a-vis corrections, court, prosecution, and other interests. Yet, these non-police functions have been traditionally "minor claimants" in the battle for funds in the State and local budgetary process. As a result of these factors, expanding the number of elected local political executives serving on SPA boards could have the indirect effect of increasing the voice of those interests least in need of added representation.

To put the argument somewhat differently, elected local officials already comprise one-tenth of the representatives on the typical SPA. If these members assume a direct and dynamic leadership role, the views of city and county policy-makers inevitably will have an impact on SPA deliberations. Moreover, if these political executives interact with local law enforcement and criminal justice specialist members in a constructive fashion, there can be little doubt that local concerns as a

whole will be given more than adequate consideration. These local policy-makers and professionals, after all, constitute nearly two-thirds of all SPA members.

The Commission, then, believes that the existing basis for according representation on supervisory boards provides an adequate foundation for achieving a balance between the administrative generalists and the various criminal justice specialists, as well as among the different specialized categories. It is convinced that both kinds of representational balance are crucial prerequisites for hammering out comprehensive and coordinated criminal justice plans. Where representational imbalances have emerged, the Commission feels that the existing LEAA guidelines provide ample room for corrective action.

Recommendation 5: Retaining Regional Districts

The Commission concludes that the majority of regional law enforcement planning districts established by the States have developed into viable mechanisms for carrying out areawide planning, conducting certain action programs, reviewing local applications for Safe Streets Act funds, and coordinating interlocal crime reduction efforts.

The Commission recommends that States retain and strengthen their regional law enforcement planning districts.

The Commission finds that generally the States' response to LEAA's urging that "regional combinations" be set up for areawide law enforcement and criminal justice planning and coordination efforts has been commendable. Jurisdictional isolationism is about the last way to mount an effective battle against crime, and the regional districts are a positive means for curbing this curse of both metropolitan and nonmetropolitan areas.

Most anti-crime programs, with the exception of certain police activities, can not be planned or meshed at the local level by merely relying on the uni-jurisdictional approach. The fragmented scene that now confronts the criminal justice field is largely a result of the failure to recognize this intergovernmental fact of life. The need for a multijurisdictional approach, then, is compelling. Moreover, those who argue that the SPA should be the sole planner and coordinator for all State and regional efforts ignore the need to differentiate between urban and rural area crime problems and appropriate remedial measures. Such spokesmen also overlook the need to have intermediary bodies which are both responsive to and interrelated with the unique set of planning and coordinating difficulties of individual regions.

The task of building some consensus among the competing functional components and between these and the political decision-makers can not and should not be assigned to the SPAs alone. The districts, in effect,

serve as regional replicas of the SPAs in this respect, and this division of labor, in the long run, ought to strengthen the instrumentalities themselves as well as facilitate the Act's implementation.

The Commission believes that districted States should take steps to beef up the comprehensive criminal justice planning capability of these regional units. Available evidence indicates that the coordination and review and comment functions of many districts could be strengthened. Although regions in at least 32 districted States currently review local applications for action subgrants before their submission to the State planning agency and in 22 States they perform such review on referral from the SPA, this important function might well be conducted by all districts. Why set up such entities if not for areawide review and coordination purposes? Furthermore, in only 20 States have regional units been assigned a review role in connection with the law enforcement components of local Model Cities plans, and in 17 States concerning applications for Juvenile Delinquency Act funds. In only 11 States do regions review Highway Safety Act project proposals. Meshing Safe Streets Act projects with activities under the above programs is a critical role which more regional districts might assume.

Some complain that the districts have added an unnecessary and expensive layer of bureaucracy to the program. Some claim that they actually have hindered localities in upgrading their law enforcement and criminal justice efforts. And some charge that they divert critically needed planning funds away from local governments. These criticisms, however, overlook the rather obvious fact that areawide planning and especially coordination can only be performed by a regional instrumentality — not by individual jurisdictions. Most cities and counties lack coordinating councils for criminal justice activities. In addition, a recent ICMA survey indicated that 80 percent of 574 participating municipalities agreed that units other than cities should be the instrumentalities to conduct comprehensive criminal justice planning. Hence, any thought that these jurisdictions generally can assume the planning function of the districts is a bit fanciful.

Most regional agencies, then, have emerged as important forums for criminal justice coordinating and planning purposes. Most now serve as functioning vehicles for letting individual jurisdictions in the area involved know of the law enforcement activities of their neighbors. Most provide meaningful inputs to SPA efforts. For all these reasons, the Commission endorses the retention of these regional bodies and urges the States to take steps to strengthen them.

Recommendation 6: Authorizing Waiver of the Personnel Compensation Limit

Payment of realistic salaries is essential to improving State and local law enforcement and criminal justice administration capabilities and to reducing the incidence of crime. The Commission finds that the provision of the Safe Streets Act requiring that not more than one-third of the amount of an action grant may be spent for personnel compensation to some extent has hampered the efforts of State and local governments to recruit new personnel and to retain their present employees.

The Commission recommends that the Law Enforcement Assistance Administration be authorized to waive the ceiling on grants for personnel compensation contained in Title I of the Omnibus Crime Control and Safe Streets Act of 1968.*

Personnel compensation constitutes a substantial portion of the expenditures for State and local crime reduction programs. Ninety percent of overall local law enforcement outlays, for example, are for this purpose. Many jurisdictions, however, have inadequate numbers of well trained policemen, correctional officers, prosecutors, judges, and other criminal justice professionals. Recent efforts have gone far toward bettering the pay and caliber of police departments, but correctional institutions and courts are still facing serious problems in attracting and retaining qualified personnel. Specialized positions in criminal justice planning and administration, crime research and statistics, and training also are difficult to fill.

In light of the foregoing, some authorities contend the Act's provision that no more than one-third of an action grant may be used for personnel compensation has hindered the efforts of some jurisdictions to meet their most pressing need-- acquiring sufficient personnel to operate their law enforcement systems. As a result of this provision, it is claimed, action grant awards have been used for the purchase of equipment and for projects which were of secondary or even tertiary priority to the recipient. Some also argue that this personnel limit violates the spirit of the block grant approach by unduly circumscribing the discretionary authority of State law enforcement planning agencies. Moreover, it is asserted, this ceiling restricts the freedom of cities, counties, and regional units to establish their own law enforcement priorities and to develop programs

*Congressman Fountain, Budget Director Mayo, and Supervisor Roos dissent on this recommendation.

to meet these needs. Consequently, some of these observers advocate deletion of the compensation limit contained in the Act. Others prescribe removal of this curb only with reference to non-police personnel, since they believe that the Federal Government should not substantially underwrite the costs of local police officers' salaries and that absence of this restriction would lead in effect to the establishment of a Federal police force.

The Commission fully appreciates the fact that provisions like the personnel compensation limit are not fully consistent with the spirit of the block grant approach. It also recognizes that in some jurisdictions this requirement has precluded the funding of top priority crime reduction programs. At the same time, a few conditions are compatible with the block grant concept since some national objectives must be accorded recognition. The Commission agrees with those who fear that deletion of the personnel compensation ceiling might tempt some States and localities to apply only for funds for this purpose rather than developing innovative proposals for law enforcement and criminal justice reforms--an expressly stated Congressional purpose in enacting the measure.

The Commission, therefore, seeks to strike a balance in this area between giving States and localities maximum discretion in formulating project proposals to meet their own needs and recognizing a national criminal justice goal as set forth by Congress. This can be done by authorizing LEAA to waive the personnel compensation ceiling. This proposal represents a flexible approach to the issue. It avoids completely deleting the statutory limitation, as well as restricting it to certain categories of law enforcement personnel. By giving LEAA this discretionary authority, critical law enforcement and criminal justice personnel needs of States and localities can be considered on a case-by-case basis in conjunction with the broad program goals established in the State comprehensive plan. This approach also avoids the possibility of abuse that an outright repeal of the personnel limit might produce. It would encourage applicants to mesh their personnel and "hardware" needs into innovative programs without having to worry about the effects of an arbitrary ceiling on the type of proposal that could be developed. Finally, it does not rely on the invidious comparisons implicit in recommendations for applying the compensation limit only to police personnel.

Recommendation 7: Modifying LEAA's Administrative Structure

Reliance on a three-member Law Enforcement Assistance Administration, the Commission finds, has

created obstacles to the effective, efficient, and economical administration of the Safe Streets Act. The Commission believes that these difficulties can only multiply as Congress appropriates greater amounts of funds for programs under the Act, and hence that continuance of this tripartite arrangement is unnecessary and undesirable.

The Commission recommends that Title I of the Omnibus Crime Control and Safe Streets Act of 1968 be amended to create the position of Director of Law Enforcement and Criminal Justice Assistance who, acting under the general authority of the Attorney General, would be responsible for administering the Act. He shall be one of the three-man Law Enforcement Assistance Administration. The Commission further recommends that the Director be appointed by the President with due regard to his fitness, knowledge, and experience to perform the duties of the chief administrator of the LEAA.*

The requirement that LEAA be administered by a three-man leadership--no more than two of whom may come from the same political party--has realized many of the fears of its initial critics. The recent departure of LEAA's Administrator and two other top officials only dramatizes what insiders had known for some time--a triumvirate is an "administrative monstrosity," and the crude attempt at "political accommodation" that it symbolizes neither serves the political interests involved nor achieves much real accommodation.

The Commission believes that the logical solution to the serious troubles generated by this Congressionally mandated "troika" is to amend the Act to authorize the appointment of a single Director to serve as the chief member of the three-man LEAA. The Director should be assigned responsibility for and exercise authority over all of LEAA's activities under the Act. This would establish a clear superior-subordinate relationship between the Director and his two associates.

Various arguments have been advanced by those supporting the present setup. Unanimous action by a bipartisan body can ward off certain kinds of

*Senator Muskie dissents from this recommendation and states: "This recommendation, as envisioned by the Commission's members approving it, would make the Law Enforcement Assistance Agency administrator a Presidential appointment, without the advice and consent of the Senate of the United States. Even if it were possible to support the proposition that there should be but one administrator, and hence support the goal of the recommendation in this regard, the important position held by the administrator within the whole intergovernmental law enforcement structure must be regarded as significant enough to justify Senate consent to the appointment."

politically-motivated attacks on LEAA. This tripartite structure also can serve as a potential check on arbitrary actions or favoritism, and this is particularly important in view of the large amount of discretionary funds available for LEAA distribution. The delays resulting from the need to produce agreement among the Administrator and the two Associate Administrators, then, may well be a good thing in a program area as new, as untried, and as potentially controversial as this major comprehensive Federal crime reduction effort. Moreover, good judgment in making appointments, it is argued, will solve most of the practical problems ostensibly stemming from this "troika" provision.

Despite the foregoing, the Commission feels that the Safe Streets program is too important to leave basic LEAA direction to the uncertainties of personality and to the possibility of political stalemate. The goals of the legislation are too critical to waste the top leadership's

time with bickering over administrative details, such as approving travel vouchers, and hiring and promoting lower level professional personnel and interns. The need for good people in the agency is too great to allow petty partisanship to serve as a major conditioner of personnel selection. LEAA's appropriation is growing too large and the need for action is becoming too urgent to allow a continuance of administration by three-man consensus. Good management and good politics, in the long run, clearly dictate the need for scrapping this cumbersome arrangement. At the same time, the Commission feels that complete abolition of the LEAA would raise unnecessary political criticisms and conceivably might endanger the basic reform sought here--focusing primary responsibility for the program in one chief administrator. The need for deputies would arise in any event and the recommendation advanced here recognizes this need.



APPENDIX A

BoB APPR: 151-S-70001
Expiration Date: May 31, 1970

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS WASHINGTON, D.C. 20575

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968 Questionnaire to SPA Directors

I. Action Grants

1. a. Total amount of your State's action grant (including 307(b)) in FY 1969 \$ _____.
- b. Percentage of action funds allotted to units of local government _____
2. a. Amount charged to 75 percent local government share but retained at the State level for programs directly benefiting local jurisdictions. \$ _____
- b. Identify in general terms the purposes of these programs and the amounts of funds allocated to each. _____

3. a. Amount charged to 25 percent State government share retained at the State level but used for programs directly benefiting local jurisdictions. \$ _____
- b. Identify in general terms the purposes of these programs and the amounts of funds allocated to each. _____

4. Indicate the following information for the five largest cities and counties in your State:

| Local Jurisdiction | Total Dollar Amount of Action Subgrants through Feb. 28, 1970 |
|--------------------|---|
| Name of City | |
| 1. | \$ |
| 2. | |
| 3. | |
| 4. | |
| 5. | |
| Name of County | |
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| 5. | |

5. Total number and dollar amounts of action subgrant awards of Safe Streets Act Federal funds made for expenditure by various types and sizes of local jurisdiction through February 28, 1970.

| Grantee | Total No. of Subgrants** | Total Dollar Amount of Action Subgrants |
|---|--------------------------|---|
| Total, All Cities | | \$ |
| Over 500,000 | | |
| 250,000 - 500,000 | | |
| 100,000 - 250,000 | | |
| 50,000 - 100,000 | | |
| 25,000 - 50,000 | | |
| 10,000 - 25,000 | | |
| Under 10,000 | | |
| Total, All Counties | | |
| Over 500,000 | | |
| 250,000 - 500,000 | | |
| 100,000 - 250,000 | | |
| 50,000 - 100,000 | | |
| 25,000 - 50,000 | | |
| 10,000 - 25,000 | | |
| Under 10,000 | | |
| Total, All Other Local Units (including townships, towns, villages, school districts, etc.) | | |
| Over 100,000 | | |
| 50,000 - 100,000 | | |
| 25,000 - 49,999 | | |
| 10,000 - 24,999 | | |
| Under 10,000 | | |
| Total, All Multijurisdictional Units (e.g. councils of government, regional planning agencies*, etc.) (Specify name of unit & population served.) | | |
| | | |
| | | |

*Where a regional planning agency is the unit charged with distributing subgrants, indicate only that portion of the grant which is to be expended by such agency and include the pass-through subgrants in the appropriate categories above.

**Place NA in this column if no jurisdictions of this size or type exist.

6. Amount of State contribution through February 28, 1970 to match Federal planning and action grant awards to local jurisdictions under the Safe Streets Act for:

- a. Planning programs
- b. Priority programs (riots, disorders, organized crime)
- c. Construction programs
- d. Other action programs

| Amount | | Percentage of Non-Federal Share Covered By State Contribution: |
|---------|---------|--|
| in cash | in kind | |
| \$ | \$ | |
| | | |
| | | |
| | | |

7. Amount of Federal share of Safe Streets Act action subgrant awards to State and local jurisdictions through February 28, 1970 for:

| Purpose | Amount of Federal Funds |
|---|-------------------------|
| a. Riots and civil disorders control (including 307(B)) | \$ _____ |
| b. Upgrading law enforcement (including training, salary increases, career development) | _____ |
| c. Detection and apprehension | _____ |
| d. Crime prevention (including public education) | _____ |
| e. Correction and rehabilitation (including probation and parole) | _____ |
| f. Juvenile delinquency prevention and control | _____ |
| g. Prosecution, court, and law reform | _____ |
| h. Community relations | _____ |
| i. Organized crime control | _____ |
| j. Research and development | _____ |
| k. Construction | _____ |
| l. Crime statistics and information | _____ |

8. Amounts of Safe Streets Act Federal funds awarded as subgrants to State and local jurisdictions through February 28, 1970 for:

| Purpose | Grantee | | |
|--|----------------|---|--------------------------------|
| | State Agencies | Regional or Multijurisdictional Law Enforcement Units | Individual Local Jurisdictions |
| a. Training of Law Enforcement Personnel | \$ | \$ | \$ |
| b. Communications Systems | | | |
| c. Crime Laboratories* | | | |
| d. Equipment (other than b & c) | | | |

*Does not include crime scene equipment, I.D. kits, simple camera equipment, fingerprinting kits, and other types of equipment used generally in routine police operations.

9. Briefly describe any State services in the areas of law enforcement and criminal justice made available to local jurisdictions prior to the Safe Streets Act. If none, so indicate.

10. Total number of action subgrants awarded to State and local jurisdictions through February 28, 1970 in terms of time elapsed from receipt of application by the SPA (or State regional planning office if procedure requires this) to date of award notice. (If applications were received before the award of action funds by LEAA, start counting the time for them from the date of receipt of award from LEAA).

| Time Elapsed | No. of Subgrants Awarded |
|---|--------------------------|
| a. One month or less | _____ |
| b. 1-3 Months | _____ |
| c. 3-6 Months | _____ |
| d. More than 6 Months | _____ |
| e. Number of subgrant applications which on February 28, 1970 had been pending more than two months without action. (Do not count if applicant was notified by February 28, 1970 that funds were not available from current State allocations and that application was being retained for later consideration). _____ | |
| f. What percentage of your FY 1970 allocation could be awarded to quality applications pending as of February 28, 1970? _____ | |

11. Beginning with the month in which the first action subgrant was awarded (excluding 307(b)), indicate monthly through February 1970 the total amount awarded.

| Month | Amount of Federal Funds |
|-------|-------------------------|
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II. Regional Planning Districts and Multijurisdictional Law Enforcement Units

1. Indicate the following information if your State is divided into regional districts for law enforcement planning:

a. Number of districts _____

b. Basis for districting (Check one)

_____ (1) Existing districts were used either exclusively or with minor modifications.

(a) Kind of existing district _____

_____ (2) Districts were determined by SPA Policy Board:

(a) Tentative districting plan made available for comment by local jurisdictions _____ .

(b) Other advance consultation was undertaken with cities and counties. _____
If so, explain.

_____ (3) Local jurisdictions were requested to form districts.

c. (1) Percent of total State planning grant allotted to general units of local government or combinations thereof.

FY 1969 _____ FY 1970 _____

(2) Of the amount allotted to units of local government, what percent was allotted to regional planning districts?

FY 1969 _____ FY 1970 _____

2. Functions performed by regional districts for law enforcement planning in your State: (Please indicate "yes" or "no")

_____ a. Performs planning for area of jurisdiction.

_____ b. Coordinates planning by units of local government.

_____ c. Makes planning subgrants to units of local government.

_____ d. Reviews applications from units of local government for action subgrants *before submission to the SPA.*

_____ e. Reviews applications from units of local government for action subgrants *upon referral by the SPA or after receiving an information copy directly from the applicant.*

_____ f. Makes action subgrants to units of local government.

_____ g. Expends action funds as ultimate grantee.

_____ h. Reviews Model Cities law enforcement plans.

_____ i. Reviews Highway Safety project proposals.

_____ j. Reviews Juvenile Delinquency Act project proposals.

3. Please comment separately on how Model Cities, Highway Safety, and Juvenile Delinquency proposals are coordinated with the Safe Streets Act at the local and State levels.

4. Staffing of regional or multijurisdictional law enforcement units in your State: (Please indicate "yes" or "no")

- _____ a. Units have paid staff.
- _____ b. Paid staff is hired by SPA without unit's concurrence.
- _____ c. Paid staff is hired by SPA with unit's concurrence.
- _____ d. Paid staff is hired by unit with SPA's concurrence.
- _____ e. Paid staff is hired independently by unit.
- _____ f. Other (explain) _____
- _____ g. Regional staff on the State's payroll.
If so, why? _____

_____ h. If staff is hired by SPA, indicate the amount of salary charged to the 40 percent local share of planning funds and the 75 percent local share of action funds.

III. SPA Operations

1. Briefly describe the nature and extent of methods used in consulting elected, executive, or legislative officials of general units of local government regarding development of the 1969 and 1970 state-wide comprehensive law enforcement plans. (Quantify if possible meetings, conferences, workshops, and other contacts with local officials)

2. Attendance at meetings of SPA Policy Board and Executive Committee held from April 1969 through February 1970:

| Members' Name, Position & Affiliation | Type of Member* | Date of Meeting | | | | | | |
|--|-----------------------|---|--|--|--|--|--|--|
| | | (Check if member was present and enter an A if he was represented by an alternate. Leave blank if he was not represented) | | | | | | |
| Policy Board: | | | | | | | | |
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| Executive Committee: | | | | | | | | |
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| *Key | | | | | | | | |
| LA – local appointed | | | | | | | | |
| LE – local elected | | | | | | | | |
| SA – State appointed | | | | | | | | |
| SE – State elected | | | | | | | | |
| P – public | | | | | | | | |

3. Name and tenure of each Staff Director your SPA has had since its establishment. _____

4. SPA Policy Board responsibility for approval and disapproval of action subgrant applications: (Please indicate "yes" or "no")

- _____ a. All approval and disapproval authority delegated to SPA staff.
- _____ b. Policy Board approves and disapproves applications above \$ _____
- _____ c. Policy Board approves and disapproves all applications, normally after discussing each of them.
- _____ d. Policy Board approves and disapproves all applications normally without individual discussion unless a problem or controversial case.
- _____ e. Other (Specify) _____

5. Indicate how, on balance, the following agencies are organized to perform their law enforcement and criminal justice functions.

| Agency | Organization Pattern (Check one) | | |
|---|--|---|--|
| | Specialized – Generally by Police, Courts, and Corrections | System-wide – Such as Training, Communications, Prevention, Juvenile Delinquency, etc. | Generalists – No Sub- Organization Other than Planning and Administrative |
| a. SPA Policy Board | | | |
| b. SPA Staff | | | |
| c. Regional Law Enforcement Policy Group | | | |
| d. Staff of Regional or Multijurisdictional Law Enforcement Units | | | |

Return to:

Advisory Commission on Intergovernmental Relations
Washington, D.C. 20575

State _____

Name and Title of Responding Officer

Date _____

APPENDIX B
TABLE B-1
ACTION FUNDS AWARDED AND DISBURSED AND AVAILABILITY TO CITIES OF
50,000 POPULATION OR OVER
DECEMBER 31, 1969

| State | Total 1969 Award by LEAA | SPA Subgrant Awards | | | |
|--|-----------------------------|---------------------|--------------------------|--|---------------------------------|
| | | Total | To Cities of 50,000 + | Percentage to Cities of 50,000 + | Total Funds Disbursed by SPA |
| Alabama | \$ 433,840 | \$ 104,510 | \$ 0 | \$ 0 | \$ 104,510 |
| Alaska | 100,000 | 0 | 0 | 0 | 0 |
| Arizona | 200,651 | 196,200 | 39,536 | 20.2 | 187,254 |
| Arkansas | 241,570 | 209,622 | 21,964 | 9.2 | 209,334 |
| California | 2,351,610 | 2,047,572 | 704,616 | 34.4 | 481,800 |
| Colorado | 242,556 | 236,549 | 95,440 | 40.3 | 197,227 |
| Connecticut | 359,890 | 340,617 | 215,617 | 63.3 | 63,207 |
| Delaware | 100,000 | 100,000 | 29,814 | 29.8 | 14,053 |
| Florida | 737,035 | 431,409 | 180,116 | 41.7 | 151,535 |
| Georgia | 554,625 | 554,625 | 161,519 | 29.1 | 154,036 |
| Hawaii | 100,000 | 38,865 | 38,865 | 100 | 24,165 |
| Idaho | 100,000 | 91,104 | 14,811 | 16.2 | 43,595 |
| Illinois | 1,388,495 | 707,320 | 479,536 | 67.7 | 391,264 |
| Indiana | 613,785 | 351,944 | 128,303 | 36.4 | 150,343 |
| Iowa | 337,705 | 334,305 | 187,599 | 56.1 | 162,322 |
| Kansas | 278,545 | 186,564 | 64,924 | 34.8 | 103,326 |
| Kentucky | 391,935 | 144,049 | 144,049 | 100 | 0 |
| Louisiana | 448,630 | 251,514 | 56,741 | 22.5 | 217,777 |
| Maine | 119,552 | 74,797 | 9,912 | 13.2 | 17,042 |
| Maryland | 451,095 | 451,095 | 108,946 | 24.1 | 149,371 |
| Massachusetts | 665,500 | 632,565 | 398,400 | 62.9 | 85,670 |
| Michigan | 1,055,020 | 1,054,300 | 352,856 | 33.3 | 7,135 |
| Minnesota | 438,770 | 363,473 | 194,735 | 53.5 | 0 |
| Mississippi | 288,405 | 142,931 | 11,917 | 8.3 | 44,468 |
| Missouri | 564,485 | 529,153 | 360,181 | 68.0 | 140,294 |
| Montana | 100,000 | 68,499 | 1,112 | 1.6 | 49,311 |
| Nebraska | 176,248 | 176,248 | 38,201 | 21.6 | 96,224 |
| Nevada | 100,000 | 78,674 | 9,000 | 11.4 | 50,442 |
| New Hampshire | 100,000 | 52,977 | 14,100 | 26.6 | 38,877 |
| New Jersey | 860,285 | 854,669 | 475,076 | 55.5 | 229,420 |
| New Mexico | 123,250 | 87,869 | 6,045 | 6.8 | 87,869 |
| New York | 2,250,545 | 1,970,013 | 1,175,569 | 59.6 | 293,152 |
| North Carolina | 618,715 | 607,395 | 164,810 | 27.1 | 77,451 |
| North Dakota | 100,000 | 100,000 | 24,363 | 24.3 | 53,929 |
| Ohio | 1,284,265 | 731,782 | 365,172 | 49.9 | 398,589 |
| Oklahoma | 305,660 | 243,080 | 55,233 | 22.7 | 109,132 |
| Oregon | 245,514 | 96,085 | 17,388 | 18.0 | 21,085 |
| Pennsylvania | 1,427,235 | 959,809 | 549,244 | 57.2 | 240,524 |
| Rhode Island | 110,432 | 110,432 | 27,393 | 24.8 | 76,897 |
| South Carolina | 317,985 | 141,469 | 10,017 | 7.0 | 53,978 |
| South Dakota | 100,000 | 86,559 | 7,122 | 8.2 | 30,529 |
| Tennessee | 478,210 | 295,682 | 126,060 | 42.6 | 96,094 |
| Texas | 1,333,565 | 774,098 | 572,613 | 73.9 | 242,503 |
| Utah | 125,715 | 82,641 | 27,573 | 33.3 | 29,993 |
| Vermont | 100,000 | 50,172 | 0 | 0 | 21,857 |
| Virginia | 557,090 | 436,065 | 210,362 | 48.2 | 0 |
| Washington | 379,610 | 178,438 | 122,116 | 68.4 | 28,404 |
| West Virginia | 220,864 | 118,590 | 34,907 | 29.4 | 75,607 |
| Wisconsin | 515,185 | 408,977 | 147,156 | 35.9 | 256,699 |
| Wyoming | 100,000 | 100,000 | 0 | 0 | 53,675 |
| TOTAL | 24,544,072 | 18,385,306 | 8,180,039 | 44.4 | 5,811,920 |
| | x 75% | x 75% | | | |
| | \$18,408,054 | \$13,788,980 | 8,180,039 | 59.3 | 5,811,920 |
| Percentage of subgrants to total award | | | | 75 | |
| Percentage of funds disbursed to subgrant awards | | | | 31.5 | |

Source: U.S., Department of Justice, Law Enforcement Assistance Administration.

**TABLE B-2
CORE CITY STATISTICS OF 15 CITIES WITH HIGHEST CRIME RATE
MARCH 1970**

| City | Population | | Crime | | Actual Subgrant | Amount of Subgrant According to Population | Amount of Subgrant According to Crime | Actual Amt. as a Percent of Amt. Based on Population | Actual Amt. as a Percent of Amt. Based on Crime |
|--------------------------------|-------------------|--------------------------------|------------------|---------------------------------|---------------------|--|---------------------------------------|--|---|
| | Total | Proportion of State Population | Total Index | Proportion of State Crime Index | | | | | |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| Newark, N.J. | 392,900 | 5.6% | 34,660 | 20.0% | \$ 126,839 | 47,861 | 170,934 | 265.0% | 74.2% |
| Baltimore, Md. | 911,000 | 24.2 | 67,157 | 54.3 | 108,946 | 109,165 | 244,945 | 99.8 | 44.5 |
| Oakland, Calif. | 392,600 | 2.0 | 28,333 | 3.9 | 18,750 | 40,951 | 80,265 | 45.8 | 23.4 |
| San Francisco, Calif. | 715,000 | 3.7 | 47,108 | 6.5 | 20,000 | 75,760 | 133,092 | 26.4 | 15.0 |
| District of Columbia | 809,000 | 100.0 | 49,360 | 100.0 | 99,882 | NA | NA | NA | NA |
| New York, N.Y. | 8,072,700 | 44.6 | 482,990 | 75.2 | 777,786 | 878,626 | 1,481,450 | 88.5 | 52.5 |
| Pittsburgh, Pa. | 548,400 | 4.7 | 32,230 | 21.2 | 52,186 ¹ | 45,111 | 203,480 | 115.7 | 25.6 |
| Detroit, Mich. | 1,602,000 | 18.3 | 94,590 | 40.1 | 247,438 | 192,940 | 422,774 | 128.2 | 58.5 |
| Los Angeles, Calif. | 2,850,000 | 14.8 | 163,162 | 22.6 | 564,840 | 303,041 | 462,751 | 186.4 | 122.1 |
| Saint Louis, Mo. | 690,200 | 14.9 | 39,054 | 37.3 | 208,178 | 78,844 | 197,374 | 264.0 | 105.5 |
| Boston, Mass. | 605,200 | 11.1 | 32,887 | 25.4 | 177,030 | 70,215 | 160,672 | 252.1 | 110.2 |
| Denver, Colo. | 489,600 | 23.9 | 24,072 | 48.9 | 69,606 | 56,535 | 115,672 | 123.1 | 60.2 |
| Saint Paul, Minn. | 316,200 | 8.7 | 15,300 | 22.5 | 68,500 | 31,622 | 81,781 | 216.6 | 83.8 |
| Minneapolis, Minn. | 457,800 | 12.6 | 21,236 | 31.2 | 82,594 | 45,798 | 113,404 | 180.3 | 72.8 |
| Louisville, Ky. | 387,400 | 12.0 | 17,940 | 37.7 | 110,712 | 17,286 | 54,306 | 640.5 | 203.9 |
| TOTAL (excl. DC) | 18,431,000 | 21.0% | 1,100,719 | 44.9% | \$2,633,405 | \$1,993,755 | \$3,922,900 | 132.1% | 67.1% |

¹Pennsylvania subgranted only 67% of its LEAA grant by the end of 1969. All the other States containing the 15 cities with the highest crime rate subgranted 87-100% of their respective grants.

Source: U.S., Department of Justice, Law Enforcement Assistance Administration.

PUBLISHED REPORTS OF THE ADVISORY COMMISSION
ON INTERGOVERNMENTAL RELATIONS ¹

- Coordination of State and Federal Inheritance, Estate and Gift Taxes. Report A-1, January 1961. 134 pages.
- Investment of Idle Cash Balances by State and Local Governments. Report A-3, January 1961. 61 pages (out of print; summary available).
- Governmental Structure, Organization, and Planning in Metropolitan Areas. Report A-5, July 1961, 83 pages; U. S. House of Representatives, Committee on Government Operations. Committee Print. 87th Congress. 1st Sess.
- State and Local Taxation of Privately Owned Property Located on Federal Areas. Report A-6, June 1961. 34 pages, offset (out of print; summary available).
- Periodic Congressional Reassessment of Federal Grants-in-Aid to State and Local Governments. Report A-8, June 1961. 67 pages, offset (reproduced in Appendix of Hearings on S. 2114 Before the U. S. Senate, Subcommittee on Intergovernmental Relations of the Committee on Government Operations. January 14, 15 and 16, 1964 88th Cong. 2d Sess.)
- Local Nonproperty Taxes and the Coordinating Role of the State. Report A-9, September 1961. 68 pages.
- Intergovernmental Responsibilities for Water Supply and Sewage Disposal in Metropolitan Areas. Report A-13, October 1962. 135 pages.
- Transferability of Public Employee Retirement Credits Among Units of Government. Report A-16, March 1963. 92 pages.
- *The Role of the States in Strengthening the Property Tax. Report A-17, June 1963. Vol. I (187 pages) and Vol. II (182 pages). \$1.25 ea.
- Statutory and Administrative Controls Associated with Federal Grants for Public Assistance. Report A-21, May 1964. 108 pages.
- The Problem of Special Districts in American Government. Report A-22, May 1964. 112 pages.
- The Intergovernmental Aspects of Documentary Taxes. Report A-23, September 1964. 29 pages.
- State-Federal Overlapping in Cigarette Taxes. Report A-24, September 1964. 62 pages.
- Relocation: Unequal Treatment of People and Businesses Displaced by Governments. Report A-26, January 1965. 141 pages.
- Federal-State Coordination of Personal Income Taxes. Report A-27, October 1965. 203 pages.
- Building Codes: A Program for Intergovernmental Reform. Report A-28, January 1966, 103 pages.
- *State-Local Taxation and Industrial Location. Report A-30, April 1967. 114 pages. 60¢.
- *Fiscal Balance in the American Federal System. Report A-31, October 1967. Vol. I, 385 pages. \$2.50; Vol. 2 Metropolitan Fiscal Disparities, 410 pages. \$2.25.
- *Urban and Rural America: Policies for Future Growth. Report A-32, April 1968. 186 pages. \$1.25.
- *Intergovernmental Problems in Medicaid. Report A-33. September 1968. 122 pages. \$1.25.
- *State Aid to Local Government. Report A-34, April 1969. 105 pages. \$1.00.
- *Labor-Management Policies for State and Local Government. Report A-35, September 1969. 263 pages. \$2.00.
- Factors Affecting the Voter Reactions to Government Reorganization in Metropolitan Areas. Report M-15. May 1962. 80 pages.
- *Performance of Urban Functions: Local and Areawide. Report M-21, September 1963. 281 pages. \$1.50.
- State Technical Assistance to Local Debt Management. Report M-26, January 1965, 80 pages.
- *A Handbook for Interlocal Agreements and Contracts. Report M-29, March 1967. 197 pages. \$1.00.
- *Federalism and the Academic Community: A Brief Survey. Report M-44, March 1969. 55 pages. 60¢.
- The Advisory Commission on Intergovernmental Relations. A Brochure. M-46. August 1969.
- *Urban America and the Federal System. Report M-47. September 1969. 140 pages. \$1.25.
- 1970 Cumulative ACIR State Legislative Program. Report M-48 August 1969.
- *State and Local Finances, Significant Features, 1967 to 1970. Report M-50, 307 pages. \$2.25.
- *The Commuter and the Municipal Income Tax. A Background Paper. Report M-51. April 1970. 30 pages.
- *The Gap Between Federal Aid Authorizations and Appropriations. A Staff Analysis. Report M-50. June 1970. 46 pp. \$.50.

¹Single copies of reports may be obtained without charge from the Advisory Commission on Intergovernmental Relations, Washington, D. C. 20575.

*Multiple copies of items may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C. 20402.

