



# Department of Justice

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TESTIMONY

OF

EDWARD H. LEVI  
ATTORNEY GENERAL

Before  
the

SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES  
SENATE JUDICIARY COMMITTEE

Thursday, October 2, 1975

Mr. Chairman, I wish to thank you and the members of the Committee for the opportunity to testify on S. 2212, the Administration bill concerning the reauthorization of the Law Enforcement Assistance Administration.

In his message on crime, the President spoke of three ways in which the Federal government can play an important role in law enforcement. It can provide leadership to state and local governments by enacting laws which serve as models for other jurisdictions and by improving the Federal criminal justice system. It can enact and vigorously enforce laws covering criminal conduct that cannot be adequately handled by local jurisdictions. In addition, it can provide financial and technical assistance to state and local governments so that they can improve their ability to enforce the law. LEAA is the means by which the Federal government performs this final, important function.

As you know, the Omnibus Crime Control and Safe Streets Act of 1968 establishing LEAA was the first Federal program to rely primarily on block grants to states rather than on categorical grants for specific purposes to smaller units of government. In establishing the LEAA program, Congress recognized the essential role of the states in our Federal system. The Act reflects the view that since crime is primarily a local problem and criminal justice needs vary widely, a state is

generally in a better position than the Federal government to determine its own criminal justice needs and priorities.

Under the LEAA block grants, states have spent their grant funds according to their perceived needs. In fiscal year 1974 Rhode Island spent over half of its block grant funds for "detection, deterrence and apprehension" of criminals, while the State of Washington spent only 20% of its funds for this purpose, choosing to place greater emphasis on crime "prevention." Similarly, Pennsylvania placed a heavy investment of LEAA funds in "non-institutional rehabilitation" while Texas made a comparable funding effort in support of "adjudication." We believe this flexibility is one of the program's principal virtues.

Under the basic block grant approach embodied in Part C of the Act, however, LEAA is much more than a mere conduit for Federal funds. Although, as you know, the amount of basic block grant funds allocated annually to each state is based on population, each state is required to consider certain factors and develop an approved state plan before becoming eligible to receive them. These are set forth in Sections 301 through 304 of the Act. Thus, the LEAA program prompts each state, in cooperation with the units of local government, to engage in a comprehensive analysis of the problems faced by the law enforcement and criminal justice system in that state. In reviewing the state plans, LEAA is able to ensure that LEAA funds are expended for the purposes intended by the Act, while

leaving to the states the responsibility for designating the projects which will receive funds.

The LEAA funding program does not consist exclusively of block grants. LEAA also makes categorical grants for corrections programs and law enforcement education and training. In fiscal year 1975, \$113 million, or approximately 14 per cent of the LEAA budget, was allocated to categorical grants for correctional institutions and facilities and \$40 million, or approximately 4.6 per cent of the LEAA budget was allocated to the law enforcement education and training categorical grant program. These programs have provided needed visibility and emphasis in these unusual areas.

In addition, LEAA conducts a discretionary grant program designed 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."

One obvious and lasting contribution of the discretionary grant program is the work of the National Advisory Commission on Criminal Justice Standards and Goals. This Commission, funded by LEAA, has issued a series of reports with numerous, specific suggestions for improvement of law enforcement and the criminal justice system. In response to its work, Congress has required that each state establish its own standards and goals for the

expenditure of LEAA block grants. Since 1973, LEAA has provided over \$16 million in discretionary funds to 45 states to assist them in the development of those standards and goals, which are already included in the state comprehensive plans now being submitted to LEAA.

The discretionary grant program also permits funding of demonstration programs designed to test the efficacy of promising approaches to difficult problems. An important current example of this is the Career Criminal Program. In the recent past there has been a growing appreciation of the amount of crime committed by repeat offenders, often while awaiting disposition of outstanding charges against them. Last year, President Ford asked the Department of Justice to develop and implement a program to deal with career criminals, with the objectives of providing quick identification of persons who repeatedly commit serious offenses, according priority to their prosecution by the most experienced prosecutors, and assuring that, if convicted, they receive appropriate sentences to prevent them from immediately returning to society once again to victimize the community. LEAA discretionary grants are now financing such programs in eleven cities. If, as hoped, they prove successful, it is expected that they will be institutionalized in those communities, with the state and local governments assuming the cost, and widely imitated elsewhere.

Complementing the discretionary grant program is the National Institute of Law Enforcement and Criminal Justice. As the research arm of LEAA, the Institute presently serves to encourage and evaluate new programs and promote the nationwide implementation of those which are successful. Its current activities include projects concerning crime prevention through environmental design, reduction of sentencing disparity, the efficacy of police patrols, and the evaluation of the impact of federal assistance on the national criminal justice system.

In essence, we believe that the present organization of LEAA provides the needed flexibility for appropriate federal involvement in the law enforcement area, while preserving a sizable block grant program which is responsive to state and local priorities. LEAA's structure permits help for the continuum of services needed for an effective enforcement program. This includes basic and applied research to identify new approaches to solving problems, discretionary grants to demonstrate these programs in selected areas, and block grants to implement them, and other programs, on a nationwide basis. The success of each of these is interdependent. We believe that LEAA as currently constituted is fundamentally sound. Nevertheless, there are several clarifications and refinements which we believe would improve the efficacy of the LEAA program. These are embodied in S. 2212.

S. 2212 proposes that the Act be clarified by expressly stating that LEAA is under the policy direction of the Attorney General. The Act now provides that LEAA is within the Department of Justice, under the "general authority" of the Attorney General. Pursuant to this arrangement, the Attorney General is deemed ultimately responsible for LEAA. If this responsibility is to have meaning, it is my belief that the Attorney General should be concerned with policy direction. Under the proposed language change, the day-to-day operations of LEAA and particular decisions on specific grants will remain with the Administrator, as they are now. I am told the proposed addition in language makes clear what is now assumed to be the case.

I should say that as a general matter, maximizing the appropriate interaction between the Department of Justice and LEAA would, in my view, be to the benefit of both. Each has experience and expertise, on issues ranging over the field of criminal law enforcement, which should be shared. Close cooperation between the Department and LEAA should not only enhance the activities of LEAA, but increase its helpfulness to the Department as well. As part of the effort to promote this, S. 2212 proposes that the Director of the Institute be appointed by the Attorney General.

In our view, the LEAA program could also be strengthened by establishment of an expert advisory board as suggested by S. 2212. As envisioned, the board, appointed by the Attorney

General, would review priorities and programs for discretionary grant and Institute funding, but would not be authorized to review and approve individual grant applications. The views of the Board would not be binding, but I am sure they would be helpful. They would bring to the Administrator and his staff the knowledgeable views of persons outside the federal system. The discretionary funds awarded in fiscal year 1975 were at the level of \$183 million. I believe it will be useful to have an advisory board take an overview of the discretionary grant program as it proceeds, so that the Administrator and his staff will have the benefit of criticism and encouragement for the program as a whole, and with respect to important segments of it.

S. 2212 also aims at further clarifying the Act's intention to improve the law enforcement and criminal justice system as a whole, including state and local court systems. As the President noted in his message on crime, "Too often, the courts, the prosecutors, and the public defenders are overlooked in the allocation of criminal justice resources. If we are to be at all effective in fighting crime, State and local court systems, including prosecution and defense, must be expanded and enhanced." We continue to be committed to the belief that the block grant approach affords the best means of addressing this problem, which varies in dimension from state to state. However,



to emphasize the importance of improving state and local court systems, S. 2212 proposes that a provision be added in order to explicitly identify improvement of court systems as a purpose of the block grant program. While the proposed provision would not require the states to allocate a specific share of block grant funds for court reform, it would provide a clear basis for rejecting plans that do not take this interest into account.

Several LEAA studies suggest that many state and local court systems do not have a capability to plan for future needs. Thus, they have been handicapped in participating in the comprehensive state planning process which is the key feature of the LEAA program. S. 2212 would make clear that block grants can and should be used to enhance court planning capabilities. In addition, \$1 million of fiscal year 1975 discretionary funds have been earmarked for this purpose. Together, these efforts should increase the capacity of court systems to compete for block grant funds.

The court system should also benefit from the proposal in S. 2212 authorizing the Institute to engage in research related to civil justice, as well as criminal justice. In many respects, civil and criminal justice are integrally related. In the context of court systems, for example, the civil and criminal calendars often compete and conflict. Judges and juries frequently hear both criminal and civil cases and the same management

systems may apply to all cases. In addition, measures affecting federal courts invariably have effects on state and local courts. Thus, it is proposed that the Institute retain its emphasis on state and local law enforcement and criminal justice, but be permitted to fund appropriate civil justice and federal criminal justice projects as well. Accordingly, it is proposed that the Institute be renamed the "National Institute of Law and Justice."

S. 2212 also proposes providing increased resources for areas with high crime rates through the discretionary grant program. As the President noted in his crime message, "In many areas of the country, especially in the most crowded parts of the inner cities, fear has caused people to rearrange their daily lives." For them, there is no "domestic tranquility."

This condition poses a difficult dilemma for the Federal government. LEAA funds, although substantial, are a relatively small portion of the annual criminal justice expenditures in this country, representing only 6 per cent of the national total. The Federal government could not afford to underwrite a nationwide war on crime through the block grant system. Indeed, as the concept of LEAA affirms, it would be inappropriate for the Federal government to attempt to do so. Nevertheless, there is an immediate, human need for more to be done.

We believe that this need can most appropriately be addressed by increasing LEAA discretionary grants for demonstration programs in areas with the highest incidence of crime and law enforcement activity -- typically urban centers. Therefore, S. 2212 proposes that LEAA's authorization be raised by \$262 million through fiscal year 1981 to permit specifically appropriations and discretionary grants of up to \$50 million in each of five years for special programs aimed at reducing crime in these areas. LEAA believes that its experimental High Impact Crime Program has generated important information regarding urban law enforcement. It is now proposed that we build on this experience on a continuing basis through the discretionary grant program.

S. 2212 also includes several significant provisions regarding prevention of juvenile delinquency. One would authorize the use of LEAA discretionary funds for the purposes of the Juvenile Justice and Delinquency Act of 1974. A complementary provision would eliminate the related maintenance of effort requirements of the Crime Control Act and of the Juvenile Justice Act.

Authorizing use of LEAA discretionary funds to implement the Juvenile Justice Act would integrate this program with the rest of the activities administered by LEAA. If LEAA is given this authority, the need for the maintenance of effort provisions, which are inconsistent with the philosophy of the block grant

approach, would significantly diminish. The states would be free to determine their own juvenile justice needs, while LEAA would be free to finance innovative programs or compensate for perceived misallocations of resources at the state level. The suggested changes do not, of course, diminish the ability of Congress to fund the Juvenile Justice Act at levels it deems appropriate. In addition, I should emphasize, they do not reflect any weakening in our resolve to tackle the important problems of the juvenile offender. It is a most important problem.

Finally, S. 2212 proposes a five-year extension of the LEAA program. This is an important provision. The LEAA program is based on the concept of comprehensive planning. The type of programs initiated by the states will be influenced in large measure by the length of the LEAA reauthorization. We believe that the states should feel free to choose between relatively short range, immediate impact demonstration programs and longer range systemic reform efforts. An authorization of five years should reduce the possibility that their choices will be distorted by fear of the future.

In conclusion, Mr. Chairman, I would like to say that LEAA has contributed greatly to the professionalization of our nation's law enforcement and criminal justice systems. The local, state, and Federal planning processes it has engendered represent an important contribution of ever-increasing value. LEAA has, of

course, had its difficulties; but this should not surprise us because its mission is one of the most difficult in government. We believe that the philosophy and structure of LEAA, in the development of which many members of this Committee so thoughtfully participated, are fundamentally sound. With the refinements suggested by S. 2212, LEAA should be able to build on its experience and further improve its performance of a task which is as important as it is difficult.

I will be pleased to respond to any questions you may have on S. 2212 and LEAA Administrator Richard W. Velde is prepared to testify further on the LEAA program.