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Divider Title: _____



U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

May 19, 1994

TO: Andy Foiss
FROM: Laurie Robinson
SUBJ: OJP PERSPECTIVE

You suggested I submit to the OJP Crime Bill Implementation Working Group material on the "OJP perspective." What I have set out in the attached may be useful for Working Group background -- to lay out OJP's capabilities; to educate about the grant process; and, as a complement to memos from Kathleen's subgroup and others, to flag issues for consideration.

I would summarize the arguments in favor of retaining Crime Bill programming within OJP as follows:

- OJP has a proven track record in program development and grant management in almost every area contemplated by the Crime Bill programs (community policing, boot camps, drug courts, prevention).
- Comprehensive strategies to address crime--the heart of Janet Reno's agenda for prevention and enforcement--envision a coordinated approach. All of our comprehensive programs within OJP (Weed & Seed, PACT, Comprehensive Communities Program, Title V of the Juvenile Justice Act) entail bringing together for a jurisdiction the resources needed for community policing, a coordinated corrections options program, community crime prevention, etc. It will be hard to implement this effectively if "pieces" of the funding are outside OJP. Community policing, as an example, will remain an integral part of all these AG priority initiatives (and I doubt anyone would suggest otherwise). But the result, then, is having community policing run out of two entities in the Department. That is confusing to everyone (including us).

- **History (of both bureaucracies and human nature) would tell us that separate organizations with overlapping responsibilities and missions do not coordinate and cooperate well.** An example is the experience with the separate Executive Office for Weed & Seed (EOWS) in the Deputy's office. Lack of adequate coordination between EOWS and OJP was a prime reason why the AG decided last winter to move Weed & Seed under OJP.
- **It will be very tough to get a new grant agency off the ground and running in 4 months.** It makes more sense to build on existing capabilities and structures--changing them as needed--in order to accomplish the "bottom line" mission of getting cops out on the street, and doing it quickly and well.
- **The grant-making process is complex--and risky.** It must be done with care. Aside from issues relating to waste, fraud and abuse, there are public relations--and substantive, quality issues--at stake. **Experience counts for a lot.**
- **Replicating NIJ's evaluation and research capability in a new grant agency would take time--and be difficult.** Integrating NIJ's continuing work on community policing, drug courts, prevention, etc. into the program work of a new, separate DOJ office across Pennsylvania Avenue would not be easily accomplished.
- **It will be confusing to the field, which has well-established relationships with OJP.** There is already movement inspired by the National Performance Review (the Domestic Policy Council's Indiana/West Virginia initiative, in which OJP is cooperating) to allow coordinated applications from state and local jurisdictions across Bureaus and Departments -- so they will not have to apply to a myriad of different agencies for federal assistance. **Adding new, separate grant-making offices in DOJ goes in the wrong direction, and is a burden to state and locals.**
- **Relationships also count.** OJP's staff has extremely strong ties--and real credibility--with the established constituent groups, the state criminal justice agencies which administer criminal justice formula grants, and many individual police departments and chiefs around the country. It is that network of support which can make these programs "go," or not. We need to have them on board, and on our side. It is critical that we build a constituency for what we're doing on these new programs.

- Concerns have also been expressed about the **capability and capacity of OJP personnel**. While these concerns are not unfounded--the agency was largely overlooked and isolated for 12 years in the past two Administrations--they ignore substantial changes which the AG and I have been able to make at OJP over the past 9 months. OJP staff is newly energized--and excited about implementing the Administration and AG's agenda for crime. People outside and inside the agency report that **OJP is working harder, working better and coordinating more effectively internally than at any time in its history**. Reputations die hard in DOJ. This is true in any bureaucracy. I encourage those who have these concerns to spend some time at OJP and get to know it firsthand.

- My recommendations:

- Create Executive Offices within the OJP AAG's office for Community Policing and for Drug Courts. High level appointees for these Executive Offices can provide visibility and political "oomph" to these Crime Bill priority programs.
- Place the Prison Construction program in BOP/NIC, which possesses the real expertise in prison construction.
- Beef up OJP's structure as needed to support the major crime bill initiatives. Add a heavyweight financial/grants manager as a third Deputy Assistant AG.
- Handle prevention programming under OJJDP, with close coordination between the Ounce of Prevention Council and the existing JJ Coordinating Council, and with dual sign-off on prevention grants between the OJJDP Administrator and OJP AAG.
- This structure can provide the Administration with high level visibility for its programs -- while building on existing work and proven capabilities within the Department.
- As a final point, one needs to consider the likely final Crime Bill appropriations for year one. Current indications are that appropriations may not be at the level sought by the Administration for the major Crime Bill programs. This is an added reason to proceed cautiously in year one, and to use that time to carefully plan for changes in the context of OJP's reauthorization.

Office of Justice Programs Perspective

Crime Bill Implementation

- I. OJP Capabilities**
- II. The Grant Administration
Process and How it Works**
- III. Other Significant Federal
Grant Programs**
- IV. Critical Issues**

I.

OJP Capabilities

- **Organization Structure and Experience**--Each one of the Bureaus--Bureau of Justice Assistance, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, Office for Victims of Crime, and the Bureau of Justice Statistics--brings unique capabilities and demonstrated experience to the proposed initiatives in the Crime Bill.

- Experienced law enforcement program administration and management.
- Demonstrated multijurisdictional and multidisciplinary structure and approach to criminal justice and law enforcement programs.
- Specialized and long-standing grant making abilities.

- **Examples**

- **OJJDP: Work in Prevention**

- The subgranting of Title V funds to communities undertaking prevention planning will utilize the expertise of an established network of State level advisory groups which have guided local implementation of the OJJDP Formula Grant programs since the enactment of the JJDP Act in 1974.
- These groups rely on the twenty years' experience in statewide juvenile justice planning offered by OJJDP and will select local governments to receive prevention funds by a process that includes reviewing their comprehensive prevention plans and needs assessments, and weighing community-risk factors.

OJP Capabilities

- **Examples (*cont.*)**

- **National Institute of Justice**

- **Collaborative Networking.** There are many examples of OJP's successful collaborative approach to working with the major criminal justice constituent groups. One particular good example is the Anti-Stalking Initiative.

- **The Anti-Stalking Initiative:** In 1993, NIJ joined with the National Criminal Justice Association (NCJA) to form a working group of national constituent organizations to respond to the problem of stalking. Their objective was to identify ways to address the many issues involving stalking and, equally as important, to develop model Anti-Stalking legislation. Participants included the National Conference of State Legislatures (NCSL), the American Bar Association (ABA) the Police Executive Research Forum (PERF), the National Governor's Association (NGA), the National Association of Attorneys General (NAAG) and the National District Attorneys Association (NDAA). Following the development of the Model Anti-Stalking legislation and nearly 30 related recommendations, BJA has now funded a project to encourage State and local governments to consider the model law. The project is generating a tremendous response from legislators, police officials, judges, prosecutors, and victims services providers.

- **Integrated Research Capabilities.** One of the important capabilities of OJP is the breadth of research generated by NIJ. Studies conducted by NIJ address original concepts as well as evaluate the effectiveness and merit of programs currently ongoing. This integrated process has been underway for twenty years. Two examples demonstrate, in particular, the unique and beneficial nature of NIJ's interdependent relationship with other Bureaus, here two of BJA's discretionary grant programs.

OJP Capabilities

- **Examples (*cont.*)**

- **National Institute of Justice (*cont.*)**

- **Integrated Research Capabilities (*cont.*)**

- **Boot Camps:**

- Preliminary research suggests use of boot camps can reduce prison overcrowding and achieve cost savings. To validate the merit of this trend and determine whether funding for such programs would not be wasted, NIJ has conducted extensive evaluations of boot camps in several states. NIJ's research was designed to consider the full scope of issues surrounding boot camps with the intention of deepening the full range of understanding of boot camps by, among other things, comparing them to traditional forms of incarceration. NIJ considered recidivism rates, cost savings, offender attitude change, short term effects, aftercare programs, and drug treatment programming. Research results are shared with BJA and OJJDP as their demonstration programs on boot camps continue.

- **Community Policing:**

- Since the late 1970's, NIJ-funded research projects and evaluation have been instrumental in the development of various forms of community policing. In the past 3 years, NIJ conducted more than twenty-five research, evaluation and development projects devoted solely to the concept of community oriented policing

OJP Capabilities

- **Examples (cont.)**

- **National Institute of Justice (cont.)**

- **Integrated Research Capabilities (cont.)**

- **Community Policing (cont.)**

programs. Similarly, NIJ's research was designed to consider the full scope of issues surrounding community policing to deepen the range of understanding of this important approach. One of NIJ's principal goals was to assess its impact for purposes of determining whether investing in such a program through grants from BJA to spread the concept nationally would be an effective deterrent against crime. NIJ's process and impact evaluations of new and innovative community-oriented police practices and programs are designed to achieve a more complete picture of effective community policing techniques. NIJ's effort includes collaboration with well recognized national organizations such as the Police Foundation, Police Executive Research Forum (PERF) and the Hispanic American Command Police Officers Association. NIJ is examining a number of issues in community policing: (1) Factors which contribute to the successful implementation of community policing and problem solving; (2) barriers and constraints police department encounter; (3) methods to reduce or eliminate organizational resistance to community policing; and (4) impact of community policing on crime and victimization. Additionally, NIJ is evaluating the implementation of new personnel approaches in police officer screening, selection and retention. Importantly, NIJ is already conducting evaluations of demonstration programs funded by the BJA.

OJP Capabilities

• Examples (*cont.*)

–Bureau of Justice Assistance: Corrections Options Program

- The 1990 Amendments to the Crime Control Act provided BJA with new authority to establish a comprehensive assistance program for State and local governments to develop “Correctional Options.” BJA established the Correctional Options Program within its Discretionary Grants Division as a major new initiative that provides both financial and technical assistance to State and local agencies as well as to private non-profit organizations. The program permits three different grant vehicles:
 - Grant Programs for public agencies that demonstrate correctional options as alternatives to traditional modes of incarceration and offender release;
 - Grants to private non-profit organizations to provide training and technical assistance to criminal justice personnel and to establish small innovative demonstration projects; and
 - Grants to public agencies to establish, operate and support correctional boot camps.
- In anticipation of passage of the Administration’s Crime Bill, the Corrections Options Staff has begun to explore the implications of the new crime legislation for their program. Their efforts have been aided, in part, by extensive research conducted by NIJ over the past few years into the viability of these alternatives to incarceration. Their work has also been carried out in close collaboration with the American Correctional Association (“ACA”) and other constituent groups. The consequence of their collective actions has resulted in the planning of a working seminar convened this spring for two purposes: to explore more fully the “best practices” in the field of corrections options; and to consider a host of practical questions regarding implementation of Boot Camp programs provided in the Crime Bill.

OJP Capabilities

• Examples (*cont.*)

–All Bureaus: Focus Groups

- OJP Bureaus use a series of “focus groups” to collaborate with constituent groups in implementing their programs. NIJ, for example, initiated such a series with senior level criminal justice practitioners called 21st Century Working Groups. These groups assist NIJ’s understanding of field needs, facilitate information sharing, and plan research, evaluation and technology strategies from direct field input. The 21st Century Group currently represents police chiefs, sheriffs, patrol officers, corrections officials and prosecutors. NIJ plans to host meetings with community leaders, public defenders, and judges in June and July.

–Other Existing OJP Office Organizational Support Capability

• Office of General Counsel

- Extensive knowledge of legal issues that relate to development, operation and management of OJP Bureau programs; general federal grant issues; specific issues relating to the history of the LEAA, OJARS, OJP experience; and, specialized ethics issues relating to the grant area.
- Provides advice on a wide variety of programmatic plans and goals.

• Office of Civil Rights

- Extensive knowledge of civil rights issues that relate to State and local government.
- Provides advice on civil rights issues to OJP Bureaus.
- Monitors State and local governments’ compliance with civil rights requirements.

• Office of Congressional and Public Affairs

- Broad experience balancing Congressional concerns with State and local government issues.

• Office of Policy, Management and Budget

- Extensive policy experience in grants to States and local governments.

II.

Grant Administration

• Key OJP Capability--Criminal Justice Grant Making

- Acknowledged as a complex, multi-staged process.
- Organized and managed process for successful and rapid launching of new programs.
- Offers current structure with strong capabilities to assimilate additional resources and accommodate new Crime Bill programmatic responsibilities.
- Replicates virtually all Crime Bill program activities with existing grant and cooperative agreement authority.
- Possesses sophisticated computer and filing system created, maintained, and operated through years of experienced staff implementation and development.
- Demonstrated successful grant administration through Agency coordination refined over years of trial and error and learning to mesh program and office functions.

• Process

– Stage One--Planning and Outreach; Program Guidelines

- A seminal part of OJP's planning and outreach is its annual in-house preparation of various documents including the Program Plan of each Bureau detailing their direction and goals for the upcoming year. These materials, generated for dissemination to the field, are developed after careful consideration of input from leadership of the Department of Justice, Office of Justice Programs and field constituency.
- Another of the many important aspects of OJP's outreach process are meetings designed to inform a wide variety of organizations about OJP missions and current directions. NIJ, for example, recently hosted two meetings with more than 60 association representatives and 50 research organizations to announce the 1994-95 Program Plan.

Grant Administration

• **Process** (*cont.*)

– **Stage One--Planning and Outreach; Program Guidelines** (*cont.*)

- The culmination of the planning and outreach process is development of proposed guidelines for each program. Although the actual process is internal to OJP, program guideline drafting fully reflects constituent input and the importance given by OJP staff to their concerns and suggestions.

– **Stage Two--Application Review Process**

- Submission of solicitation announcement in Federal Register; deadlines established.
- Receipt of applications by specific program offices; data entered into specialized computer system for tracking and management. Acknowledgment letters sent to applicants.
- Initial review of application for compliance with programmatic selection criteria and other general requirements identified in the solicitation.
- Determination of appropriate administrative or peer review process by Program Office. Experienced staff exercise judgment to identify specialized consultants with precise expertise in relevant fields to complete critical review, evaluation and ranking of applications.
 - As an example, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides peer review for all new OJJDP grant proposals. OJJDP's peer review process is well established and has been refined over the years. Its thoroughness has created good will and is recognized by the juvenile justice community as ensuring that program grants are awarded fairly, efficiently, and timely. The success of this part of the grant process can be leveraged to assist the Administration's initiatives in the Crime Bill. Although the process is complex, it is well

Grant Administration

• **Process** (*cont.*)

–**Stage Two--Application Review Process** (*cont.*)

understood and operationally familiar for OJJDP. Peer review steps include:

- OJJDP selects peer reviewers from a consultant pool of nearly 600 individuals nationwide based on program manager recommendations and Administrator approval. The pool has been developed over many years and consists of people with extensive knowledge and expertise in juvenile justice matters.
- The Juvenile Justice Review Committee (JJRC) makes all arrangements for meetings by panelists from around the country who may consider different applications for a variety of programs. OJJDP staff participate extensively and facilitate reports of meeting results.
- Meeting reports, supporting documents, final scores and recommendations of peer panelists are prepared expeditiously by JJRC and submitted to the Program Manager within ten days and, then, to the Administrator for decision.
- The success of this task is of enormous importance and is critically dependent on staff judgment gained through experience and knowledge of practitioners and State and Local community needs.
- Nearly all OJJDP projects are peer reviewed based on statute. Other Bureaus consider applications through peer panels or in-house review.

Grant Administration

• Process (*cont.*)

–Stage Three--Pre-Award and Award Process

- Promising projects are now formatted as “Red Books” and sent to the Comptroller's Office for a financial review. Financial reviews are coordinated with the Program Office to insure complete information. Applications must be financially cleared before any final activity. Costs must be allowable, reasonable, necessary.
- Review process made more precise by examining proposed grants against possible track record of other grants, compliance with reporting requirements, draw down records.
- Program Office prepares balance of full package for ultimate approval, i.e. application, award, award letter, grant manager's memo, financial clearance, and project summary.
- Completed “Redbooks” are sent to the Comptroller's Office, certified and then cleared by Office of Budget for fund availability.
- Comptroller's Office rechecks application and all necessary documents. Satisfactory packages are certified by Comptroller and given award date by Control Desk and sent out.
- Discretionary grants must be certified by signature of the Office of the Assistant Attorney General after Comptroller certification.
- Program Office signs award and returns “Red Book” to Control Desk for award date and mail out.

Grant Administration

• **Process** (*cont.*)

– **Stage Four--Post Award**

• **Monitoring Block/Formula and Discretionary Grants--**

– Block/Formula grantees generally visited every other year, discretionary grants on a selective basis. Many grants have a number of subgrantees. Monitoring visits in these cases are simplified and made more efficient because of the ability of auditors and monitors to review a broader array of grants. Program staff are encouraged to participate in the monitoring process. This cooperative effort improves the review by enhancing the depth and breadth of inquiry into specific areas of programmatic activity.

• **Monitoring and financial audit concerns.**

- Compliance with general terms and conditions of the grant with emphasis on any special conditions imposed on the grant.
- General review for compliance with statutory and regulatory mandates, as well as, programmatic goals and policies.
- Assessment of work products and progress.
- Compliance with the “common rules” including Drug-Free Workplace, Debarment & Suspension and Lobbying Requirements.
- Broad ranging review of eligibility requirements including subgrantee eligibility.
- Review of all aspects of financial and managerial accounting aspects of grantee and program activities in accordance with generally accepted accounting principles and auditing procedures.

III.

Comparison with other Large Federal Grant Programs

•Introduction

- OJP examined the structure and operations of other large federal agencies that administer discretionary grant programs in the \$2-3 Billion range.

•OJP Review of Other Federal Agencies

Our examination considered several factors: The amount of money the agency received in assistance funding; the percentage of the awards which were competitive versus formula grants; the number of staff administering these awards; the types of positions the staff filled and the level at which they were hired; the type of training given to staff; the organizational structure; and, whether regional or field offices were part of their structure.

Comparison with other Large Federal Grant Programs

• Four Federal Agency Grant Programs

OJP identified four Federal agencies which have discretionary grant programs larger than the grant programs we currently administer in OJP, but which are closely analogous to our own programs.

– Department of Health and Human Services

- The Department of Health and Human Services (HHS) administers about \$130 Billion in assistance -- \$13 Billion in discretionary awards.
- The organizational structure of HHS is extremely decentralized with over 60 awarding agencies and 10 regional offices with over 1,000 employees.
- The Public Health Service alone makes about 45,000 awards.
- The National Institutes of Health, which is one of the smaller HHS agencies, administers about \$10 Billion.
- HHS representatives advised that if they could restructure their organization, they would centralize their operations to avoid duplication and provide for an organizational structure that equalized the number of SES positions in both program and administrative offices. (Currently, HHS has one SES support side position for every 2 or 3 in program offices.)
- OJP is continuing to discuss grant administration issues with other offices within HHS.

Comparison with other Large Federal Grant Programs

- **Four Federal Agency Grant Programs (*cont.*)**
 - **Federal Transit Authority**
 - The Federal Transit Administration (FTA) administers about \$3.5 Billion in grants of which about \$1 Billion are for discretionary programs.
 - Most of those programs are earmarked for certain organizations.
 - To administer this program, FTA utilizes the Department of Transportation's (DOT) regional office structure and employs about 400 people in both the regions and headquarters.
 - The staffing ratio is about 75 percent program office and 25 percent administrative office.
 - Although DOT awarding agencies are autonomous and duplication exists, officials believe this system works for DOT because of its size.
 - **Department of Defense**
 - Department of Defense (DOD) mainly engages in the federal procurement contract process.
 - The nonprocurement arena is less than \$1 Billion, and most programs are only several millions of dollars.
 - However, OJP is in contact with the Advanced Research Projects Agency (ARPA) within DOD and may find its structure helpful to us.

Comparison with other Large Federal Grant Programs

- **Four Federal Agency Grant Programs *(cont.)***

- **Department of Education**

- Department of Education (DOEd) administers \$2-3 Billion which funds approximately 200 discretionary programs and equates to about 10,000 awards administered by six different program offices within the same agency.

- **OJP Strategy for the Future**

- Because much of the above information is preliminary, OJP has scheduled a meeting for June 7, 1994 to gain more information.
 - OJP has thus far received confirmation of attendance for the June 7th meeting from three federal agencies.
 - OJP will extend invitations to at least three more agencies to discuss how they administer grant programs similar to programs envisioned in the Crime Bill.

IV.

Summary of Critical Issues for Separate Grant Making Component

•General Issues

- Development of expertise in staff.
- Development of relationships with the “field” and vast network of state and local constituent and court groups.
- Time lag to implement full grant-making structure and capability.
- Administrative credibility of a new agency to the “field.”
- Benefit of current agency staff’s ability to train new employees through the mentoring process during expansion of existing programs and development and integration of additional programs.
- NPR mandate for efficient program resource allocation and elimination of duplicative functions, systems, etc.
- Need to duplicate OJP’s established Congressional liaison.
- Need to duplicate OJP’s established State and local government liaison.
- Communication with existing Bureaus within OJP (experience with separate Executive Office of Weed and Seed under Deputy Attorney General has been negative as to coordination and cooperation; EOWS is now being moved under OJP).

Summary of Critical Issues for Separate Grant Making Component

• Logistical Issues

- Inefficiencies from application and integration of technology regarding program administration and management for new and separate agency.
- Current established interconnectivity of wide range of criminal justice research facilities and data bases (for example, OJP's new "Internet" initiatives).
- Alteration of established organizational and functional lines of communication.
- Disruption if need arises to transfer certain functions and personnel to a new agency. (For example, would personnel transfers be voluntary and would there be potential union issues raised?)
- Smooth integration of current analytical functions of NIJ and BJS with other Bureaus in support of their missions.

• Quality Concerns

- Depth and accuracy of review process.
- Speed of review process.
- Consistent and equitable evaluation review process among program and financial components.
- Effectiveness and credibility of post-award review and monitoring process. Current success based on well developed and maintained collegial relationship among program and financial staff components and coordinated program and financial review functions.

Summary of Critical Issues for Separate Grant Making Component

•Cost Concerns

- Implementation of Crime Bill programs in a new agency requires more employees than adding into existing structure because of duplication of some functions (for example, General Counsel, Congressional Relations, Personnel, Evaluation, etc.).
- Significantly greater direct and indirect costs for salaries, equipment and other overhead items associated with the differential increase in employees needed for a new agency operation.

•Political Concerns

- Virtually all Crime Bill programs parallel existing grant programs of the Office of Justice Programs and its Bureaus.
- History of LEAA, OJARS and OJP demonstrate clear Congressional intent to remove political and departmental control over State and local grant making functions.
- Historically, benefits accrue to Attorneys General from limited direct control of State and local grant process.
- Long-standing efforts by Senator Biden and Congressman Hughes to maintain independence in grant-making process.
- Congressional response to DOJ's efforts to take more control over grants demonstrated in dealing with Attorney General Thornburgh's delegation of authority to AAG of OJP. Capitol Hill has reiterated concerns in this regard since the current Administration has been in Office.



U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

May 5, 1994

05 MAY 1994

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Laurie Robinson
Acting Assistant Attorney General
Office of Justice Programs

Kathleen Kennedy Townsend KKT
Deputy Assistant Attorney General
Office of Justice Programs

SUBJECT: OJP PLANNING FOR CRIME BILL PROGRAM IMPLEMENTATION -
INFORMATIONAL UPDATE

PURPOSE: To provide an informational update for the Attorney General and the Deputy Attorney General on the steps which OJP has taken to date to plan for implementation of crime bill programs -- and to highlight issues addressed and problems identified.

TIMETABLE: While programmatic planning is moving rapidly, with the passage of the crime bill imminent, this is an informational update with no time deadlines.

SYNOPSIS: OJP established a Crime Bill Working Group last fall to spearhead planning for implementation of major crime bill programs -- primarily the community policing program, boot camps and drug courts. In addition, the Group, through a variety of task forces, has focused on such practical questions as (1) grant administration, particularly given the size of the community policing program; (2) projected staffing needs and timetable; (3) evaluation of grants, especially in the community policing area; (4) training programs which should be associated with the funding, again, particularly as they relate to community policing; and (5) tapping the expertise of the broader criminal justice community (practitioners, academics, constituent organizations) as we plan for implementation. OJP will continue to explore these issues, drawing on experience and views of persons within the Department (including the Crime Bill team), the veteran OJP staff who have longterm grant management experience, and the "field."



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Office of the Assistant Attorney General

Washington, D.C. 20531

05 MAY 1994

May 5, 1994

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Laurie Robinson
Acting Assistant Attorney General
Office of Justice Programs

Kathleen Kennedy Townsend *KKT*
Deputy Assistant Attorney General
Office of Justice Programs

**SUBJECT: OJP PLANNING FOR CRIME BILL PROGRAM IMPLEMENTATION -
INFORMATIONAL UPDATE**

INTRODUCTION

Last fall, the Office of Justice Programs (OJP) recognized that the scope and complexity of Crime Bill program implementation would require extensive early planning and preparation. We set up a **Crime Bill Programs Working Group** to assess what issues need to be addressed to make the Crime Bill programs work --- and to insure that the Administration, through these programs, seizes the opportunity to have a real impact on crime in this country.

The Working Group, chaired by Kathleen Kennedy Townsend, established a number of task forces. A **Task Force on Community Policing** included three subgroups -- **Grants Administration** (chaired by Dick Ward of BJA); **Training and Technical Assistance** (chaired by David Hayeslip of NIJ); and **Evaluation** (chaired by Dr. Craig Uchida of NIJ). For the last 2-3 months, these task forces have met on a weekly basis. In addition, Task Forces were established on **Boot Camps** and on **Drug Courts**, each chaired by Tom Albrecht of BJA, and on **Administration and Management**, chaired by Cynthia Schwimmer of the Comptroller's Office. (The Schwimmer group has reached out to other federal agencies to assess their experience with large discretionary grant programs, and is looking at a variety of scenarios for grant administration, as well as the issue of insuring that the additional 300 employee slots authorized for FY'95 are recruited, hired, placed and trained efficiently.) A final Task Force, chaired by Jim Swain of BJA, is assessing our **experience under the Police Hiring Supplement** to identify lessons which can help us effectively implement the Crime Bill community policing program.

The Working Group's objective is to insure that an implementation plan is developed which

- reflects Administration priorities;
- insures that federal resources are used to help the neediest communities in effectively addressing crime prevention and enforcement;
- reflects sound grant management principles which can insure a program which is fiscally sound and well monitored from both a programmatic and a financial standpoint, drawing on OJP's longterm successful experience in grant administration;
- builds in strong evaluation components so that we can learn from the experience year-by-year under the Crime Bill programs and refine approaches as we go;
- extracts and builds soundly upon the experience to date in the field in the areas of community policing, prevention, boot camps, drug courts and other program areas; and
- effectively draws in constituent groups and practitioners to give them a real sense of "ownership" about these programs.

We have worked especially hard to draw on the experience to date in the field -- as well as under OJP programs -- with community policing. Aside from the recent experience with the Police Hiring Supplement, BJA has provided grants over past years for the Innovative Neighborhood Oriented Policing (INOP) program, and was instrumental in forming the Community Policing Consortium, which includes representatives from the influential national police organizations (International Association of Chiefs of Police, Police Executive Research Forum, Police Foundation and National Sheriffs Association). In addition, NIJ has supported a consortium of groups, including the National Center for Community Policing at Michigan State University, and the Program in Criminal Justice Management at the Kennedy School, to produce seminal materials relating to "lessons learned" to date with community policing. NIJ's "21st Century Working Group" on policing -- which brings together progressive police chiefs from major cities 3-4 times a year to share ideas and strategize for the future -- is another source of information for us in our planning. BJS, in its turn, has been collaborating with the Princeton Project, chaired by Professor John DiIulio, Jr., to develop a series of papers on outcomes from community policing.

We are drawing on all of this experience in our planning. We are also taking it a step further by holding a series of "working seminars" on specific crime bill program areas (Drug Courts, Boot Camps, Community Policing Training, Evaluation, etc.) to draw on the best minds in the field and direct our conversation to the provisions of the legislation now pending. These relationships are proving invaluable in helping us advance our thinking about the Crime Bill programs. These "friendly experts" will continue to provide advice and counsel as program implementation proceeds. Structures are now in place through which we can consult with police groups, nonprofit constituent organizations, and academics. We will extend this outreach to police unions, community organizations, and others. This help will be invaluable as we proceed -- to insure we are on the right track, to help us measure progress, and to communicate what we are learning to the criminal justice field and to elected officials at city, county, state and national levels.

Set out below are examples of the issues and problems in crime bill implementation which we have been addressing through the Working Group. What may be most important -- aside from planning for competent and sound administration of the grant programs -- is the depth and breadth of the national network of individuals and groups which the Office of Justice Programs has developed over the past 20 years. It is their cooperation and assistance that will ultimately help determine how successful this massive Administration effort can and will be.

ISSUE #1: How do we best administer the policing grants in a way that maximizes the policy objectives of the Administration and the legislation?

* After consultation with many outside persons, as well as experts within the Department (notably Grace Mastalli in OPD and Julie Samuels in the Criminal Division), the Working Group believes that we should develop a finely tuned set of criteria designed to measure the ability of a police department to implement a community policing strategy. The menu of elements includes recruitment, training, deployment strategy, performance standards, and promotion practices, as well as their plans to engage the community and forge effective partnerships with neighborhood residents. This latter point is important. It is an area where insufficient attention has probably been focused under the Police Hiring Supplement. But it is also an example of how "lessons learned" through PHS can be applied to the larger Crime Bill program.

* The Justice Department, we believe, should support three types of programs with the police grants -- those that target jurisdictions with high crime rates and great financial need; those that implement community policing in selected neighborhoods; and those that are committed to making community policing a department-wide philosophy.

* By designing a grant application that makes the policing grants contingent upon developing -- or further developing -- the jurisdiction's community policing programs, we have the ability to help shape the strategies which police departments employ to prevent and control crime and to involve citizens in collaborating with police to create order in their communities.

* By designing a grant application that focuses on the relationships between crime and violence in a community and the lack of police resources, the application process can target those communities most in need of help -- and thus most deserving of federal resources. (Where need is great and capability of a department, or their track record on community policing, is limited, special attention needs to be given to how DOJ will respond. Where a police department's track record is poor but there is a receptivity to change, and technical assistance is welcomed, it probably makes sense to proceed with them. Where departments have no demonstrated commitment to community policing, however, and receptivity to change appears low, wise use of federal dollars may dictate that we not proceed with funding. We welcome your thoughts on this issue.)

* By designing a grant application that will recognize and reward innovation, we have the capacity to insure that a percentage of grant recipients will experiment with novel approaches to community policing in particular neighborhoods. This will be instructive for future policy initiatives, and will serve as case studies to demonstrate to the public the success of our programs. These grants would be similar to those awarded under the PHS.

* By using the additional project funds (Sec. 1701(d) in the Senate bill), we can greatly increase the number of departments implementing community policing both organizationally and operationally department-wide. DOJ can target funds to these departments in a way to "push the envelope" on community policing. Funding could be used for new police hires and intensive technical assistance and training -- as well as for evaluation. These sites would be our laboratories for best practices.

ISSUE #2: How can we insure that the grant application and grant administration process is effectively managed?

* Grace Mastalli's Crime Bill Working Group on Community Policing recommended in December that DOJ seek to revise the language in the Crime Bill so as to provide maximum flexibility in administration of this program. This recommendation was approved, as you know. Ron Klain has told us he believes this objective is attainable in conference. There is no more important goal, in our view, relating to implementation of Crime Bill programs. It is critical to the effective administration of the community policing grants that the program not be administered solely on a discretionary basis, or through the complicated arrangement for

state involvement mandated in the Senate bill (which still envisions complete review at DOJ of ALL applications). Since we anticipate 10,000 or more applications, and given our experience with PHS, it is difficult to conceptualize how OJP, even with added staff or consultants, could process and make informed, effective judgments about this many applications through a completely discretionary process. (It took eight months to process 2700 applications and make some 250 grant awards under PHS, at a cost of putting many other OJP initiatives "on hold" during this period.)

* Another lesson learned from the PHS program is the difficulty of judging from Washington need and competence of small (including many rural) jurisdictions. The OJP bureaus have typically dealt over the years with medium to large jurisdictions in their discretionary grant programs. This institutional environment is based on many years of developing and demonstrating programs and projects in these size jurisdictions. We are confident that, in dealing with the medium and larger cities, we can make informed decisions. The states are in a far better position to make these judgments about small and rural jurisdictions -- especially given the volume of applications (a probable tidal wave) we can expect.

* Under the version we support, maximum flexibility would be provided to the Attorney General for the program's administration. The AG would have the authority to block grant funds to the states for funding of jurisdictions under a certain population (100,000 or 150,000). We could require the states to apply criteria developed by the Department in making their funding judgments. OJP could carefully oversee the process of review without second-guessing individual state decisions.

* As indicated earlier, our Working Group has turned to a host of other federal agencies to extract lessons and "best practices" for dealing with a grant program of this size. To date, we have not found a federal grant program of the size envisioned in the Crime Bill which is administered as a discretionary program; our inquiries continue.

* The Working Group is also evaluating ways to simplify the review process for applications. By automating the processing of routine data and using already-existing federal data bases that include census and crime data, the time required to process grant applications can be reduced.

* We are also highly cognizant of the risks associated with potential fraud in such a large -- and new -- program. Happily, OJP's Controller's Office has an extraordinary track record for excellent grant management over some 20 years; in fact, other agencies in the federal government have turned to OJP to administer their grants because of this reputation. More efforts are needed

than resting on one's laurels, however, to insure that the new program is free of the potential for fraud. We plan to consult with persons from the Inspector General's office, the U.S. Attorney's Office in Washington and persons within Main Justice to insure that all the appropriate controls are built into the process in order to minimize any potential problems.

* Finally, on June 22 we are hosting a focus group session at Brookings with academics, practitioners, representatives of large police organizations, and others to further refine these options and explore additional issues relating to the grant process.

ISSUE #3: What steps can be taken to get the policing money out on the street quickly?

* The President has committed to getting new police on the streets -- and getting them there quickly. While we can move aggressively to put things in place for implementation even before the final '95 appropriations are in hand, we obviously must move with care. This is necessary not only to assure that the grants are fairly and wisely made, but also so as to avoid, as noted above, any problems with fraud or misuse of funds.

* Along with the steps suggested above -- streamlining applications and moving a significant part of the money through the states -- the Department should also consider whether applications under the Police Hiring Supplement which showed need and a competent community policing strategy, but did not rise to the level of being funded under PHS, should be quickly awarded immediately following the beginning of the fiscal year in October. This would be a vivid demonstration of the Administration's commitment to moving the funds (while we thereafter proceed to implement the remainder of the program).

* Current DOJ projections call for adding over 300 new employees to OJP over the next fiscal year to handle the Crime Bill programming. One of our real concerns is the lag time which it takes to get new staff on board under normal federal procedures. Working with Steve Colgate, we have proposed moving ahead with language, through the Crime Bill, to provide emergency hiring authority and other authorities necessary to get people on board quickly. Kathleen is working with members of the Klain Crime Bill team to urge adoption of this language through the upcoming House-Senate conference. (As a footnote, it is critical that close and ongoing ties be maintained between Main Justice and OJP throughout the Crime Bill implementation process. We have real concerns about projections to move OJP out of the District of Columbia as we expand. Communication and integration into Main Justice's operations are much harder to accomplish at a distance. We hope that the Office of Justice Programs can maintain its close proximity to DOJ.)

ISSUE #4: What training should we be providing police departments under the Crime Bill program to help them attain the community policing objectives we set?

* The OJP Working Group has spent the last several months in conversation with groups like the International Association of Chiefs of Police, PERF, local police departments, academics and others to identify community policing curricula already in place for officers, middle managers and chiefs. Also under examination are issues relating to officer recruitment, candidate selection, candidate evaluation, and promotion policies. We are carefully evaluating community policing training in the context of having patrol officers and management understand the principles and practices of problem solving and community engagement.

* What is at stake here cannot be viewed as narrow "training." Our goal for the overall program is probably nothing short of "reinvention" of policing in the United States. Two days of training for a department's officers clearly cannot reverse years of prior instruction and experience in how policing has traditionally been done.

* The Working Group has examined several training models and visited a number of training programs. We are particularly concerned with the options available for the delivery of training services -- i.e., state or regional training centers, designated departmental experts, universities, local police departments, private non-profits or roving consultants. We have met with or consulted several police chiefs (including those in New York, Baltimore, Washington, D.C., Chicago, San Diego and St. Paul) and have begun a review of the technical training and assistance programs already provided through BJA and OJJDP.

* On May 2, NIJ hosted a highly successful focus group on effective training for community policing. It was attended by some 40 persons representing policing, training, key constituent organizations, and academia. As a result of that session -- which Kathleen chaired -- significant follow-up is planned. After a two-month effort to search out all the community policing curricula and training across the country, we will hold a curriculum session in the first week in August to identify the best curricula and the modules that should be included in any such training (including such areas as problem solving-strategic planning, communication and use of technology). We will not attempt to identify one model curriculum -- but instead offer a number of good curricula and the elements that are important for inclusion. A key focus, as well, of course, will be the integration of community policing into all regular police academy curricula.

* Within the next month, we also plan to meet with representatives of the police rank-and-file to solicit their views.

* One key and sensitive issue relating to community policing implementation relates to ethics. Traditional lore holds that the closer a cop is to the community, and the longer he or she stays on a particular beat, the more susceptible the officer is to corruption. Recent experience in New York City's force highlights continuing concerns in this area. Training will be a critical factor in insuring that implementation of community policing does not lead to greater risk of corruption within departments.

Issue #5: How will we measure the success of the policing components of the crime bill?

* The Working Group has formed a Subcommittee to address evaluation goals. In addition to assessing the activities of individual police departments, a critical component of evaluation is measuring the impact of the Crime Bill program on the community-at-large. This would entail examination of such indices as measuring fear and incidents of violence in a particular neighborhood.

* The Working Group held a successful session on evaluation at Brookings in January with a host of persons from policing and from academia (including the Princeton group which collaborated with BJS on outcome performance measures in criminal justice). Mark Moore of the Kennedy School produced an excellent paper as a result of that meeting summarizing discussion. It was the Brookings group's consensus that any evaluation strategy must set benchmarks to measure the improvement in the quality of policing, must evaluate how our efforts have aided communities in their ability to help themselves and leverage non-federal resources, and must determine how evaluation can be used as a tool for further learning and improvement. Different levels of evaluative scrutiny should be given larger, more sophisticated departments, as opposed to small ones.

* In addition, the Working Group has scheduled a follow-up meeting at Brookings for mid-June, and continues its discussion with police groups, police chiefs, the Community Policing Consortium, and such leaders as Lee Brown and Adam Walinsky.

Issue #6: How should we be planning for implementation of other Crime Bill programs -- beyond community policing -- such as boot camps, drug courts, and prevention.

* Considerable work has been undertaken to date on Boot Camps. A special Working Group subcommittee, formed in the winter, has begun developing guidelines for such a program. In February, we sponsored a working seminar on Correctional Boot Camps, held at the Great Hall at DOJ. The Attorney General attended a portion of the session and spoke. Over 40 prosecutors, academics, service providers, correctional officials and representatives of the

military and of other federal agencies, as well as constituent groups ranging from the American Probation and Parole Association to the American Correctional Association, convened for a day-long session. The group collaborated on a report addressing issues of (a) desired outcomes; (b) strategies for achieving desired results; and (c) the role of the Department in Boot Camp development.

* In the Drug Courts area, OJP hosted a three-day conference last December, which brought together over 400 practitioners, academics and drug treatment experts to discuss the variety of drug court models which are springing up around the country. There is less emerging consensus in this area than on boot camps and community policing -- perhaps because it is a newer innovation and involves people from sectors (courts and drug treatment) which have not traditionally worked together. As a step towards reaching better consensus, the OJP Working Group will host a Drug Courts Focus Group in June to assist us in grappling with potential program guidelines and related programmatic issues. We anticipate involving members of the judiciary, court administrators, representatives of the treatment community, prosecutors, and bar associations. As with the other Crime bill program areas, we will focus on issues relating to types of programs to be funded, how they should be evaluated, and information dissemination regarding workable models. As one "kick start" for our work in this area, we are using '94 BJA Discretionary Grant funds to launch a Drug Court Resource Center this summer to share information about workable Drug Court models and provide technical assistance to the field.

* Considerable attention has also been given to the area of youth crime prevention. Shay Bilchik is leading the efforts, working hand-in-hand with OJJDP, to flesh out the Ounce of Prevention Council concept. Kathleen has spearheaded an initiative since last winter to address after-school recreation programs for at-risk youth. We recently collaborated with the Carnegie Foundation and other federal agencies to host a one-day "think tank" session on this subject. Participants in the meeting included members of academia and highly regarded experts in the field. As in the other Crime Bill program areas, we are addressing issues relating to potential grant guidelines, indices for quality programs, etc.

Issue #7: How can we effectively "market" these programs to communities across the country?

Focused attention needs to be given to the question of "marketing" the Crime Bill programs to criminal justice practitioners, state and local elected officials, and criminal justice practitioners. We have no worry that jurisdictions won't race to Washington for grants as soon as the Crime Bill is passed and funded. That is not our concern. What we are concerned about is insuring that we are

taking the steps necessary to build broad national support for the vision of community policing. Local elected officials, as an example, must understand what community policing is all about, what it can do for their community, and what kind of support it needs from local government in order to succeed. Community members need to understand what community policing is, since there is little public understanding about the concept, beyond the superficial. They also need to understand what their expectations can and should be of their police departments.

We thus have an important communication job to undertake as we launch this program.

CONCLUSION

Crime bill program implementation constitutes the highest priority for OJP at present -- and for the coming months. We would be happy to answer any questions you have about the planning process, substantive focuses, or operational planning; and to meet to answer questions and discuss next steps with you, should you so desire.



U.S. Department of Justice

Office of Justice Programs

Washington, D.C. 20531

EXECUTIVE SUMMARY

05 MAY 1994

TO: THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Laurie Robinson
Acting Assistant Attorney General

SUBJECT: Reauthorization of the Office of Justice Programs

PURPOSE: To obtain approval from the Attorney General regarding a proposed plan of action for the reauthorization of OJP.

TIMETABLE:

On September 30, 1994, the authorizing legislation sunsets for OJP and three of its five Bureaus. In view of the number of months left in this Congressional session, the Attorney General's prompt attention to this matter is requested.

DISCUSSION:

We are proposing a two-stage approach to OJP reauthorization. First, in large part due to the substantial impact the Crime Bill's passage will have on OJP, we are recommending continuing the status quo with no amendments to the current statute for fiscal year 1995. Second, beginning now and in coordination with developments in the passage of the Crime Bill, OJP will continue the work it has begun to consider a plan for restructuring OJP which would support the Attorney General in identifying and promoting a comprehensive, coordinated strategy for federal assistance to state and local criminal justice.

RECOMMENDATION:

That OJP proceed under its current legislation for fiscal year 1995, and that consideration of a comprehensive reauthorization plan continue for submission some time next year.

APPROVE _____

SAPPROVE _____

ER _____



U.S. Department of Justice

Office of Justice Programs

Washington, D.C. 20531

05 MAY 1994

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: THE DEPUTY ATTORNEY GENERAL

FROM: Laurie Robinson 
Acting Assistant Attorney General

SUBJECT: Proposed Plan of Action for the
Reauthorization of the Office of Justice Programs

As you know, on September 30, 1994, the authorizing legislation sunsets for the Office of Justice Programs (OJP), and three of its five Bureaus, the Bureau of Justice Assistance (BJA), the Bureau of Justice Statistics (BJS), and the National Institute of Justice (NIJ).¹ In developing a plan of action for reauthorization, OJP held a series of meetings to elicit ideas from outside constituent groups and criminal justice practitioners, met informally with staff members from relevant Congressional committees, solicited input from OJP staff (including employees at all levels as well as managers), and convened an OJP working group to focus on reauthorization options. The purpose of this memorandum is to summarize the lessons learned and propose a plan of action for OJP reauthorization.

We are proposing a two-stage approach to reauthorization. First, with regard to fiscal year 1995, in view of the number of months left in this Congressional Session and in light of the significant changes that are likely to occur at OJP as a result of the Crime Bill, we recommend continuing the status quo with no amendments to the current statute for a one-year period. This can be accomplished preferably through the Department's appropriations process (without submitting any bill) or with a one-page OJP reauthorization bill.

At the same time, OJP will begin to develop a comprehensive reauthorization plan for submission in 1995, which will include changes to structure, authorization and programs. Also, by then the Crime Bill programs will have been put into place and important lessons will have been learned about how OJP can best fulfill its broadened mission.

¹The sunset provision for the Office for Victims of Crime (OVC) was lifted last year. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is not due for reauthorization until 1996.

The remainder of this memorandum outlines the rationale for our recommendations and provides more detail as to our plan of action.

BACKGROUND ON OJP LEGISLATION²

Because of the statutory structure of OJP and its five Bureaus, and, in some part, because of Congressional earmarking, there are significant obstacles to the Attorney General's ability to devise and implement a focused comprehensive strategy for federal assistance to state and local law enforcement and criminal justice, at least insofar as the funds appropriated to OJP are concerned. Moreover, in the past, questions about lines of authority and autonomy of Bureau directors in making awards have created conflicts and tensions between the Bureaus and OJP.

This is because, unlike other components of the Justice Department, the substantive functions of the OJP Bureaus are vested by law in their directors rather than the Attorney General. The Bureau directors are appointed by the President with the advice and consent of the Senate, and, pursuant to the statute, have final authority over all grants, cooperative agreements, and contracts awarded by their respective agencies. There is no authority in the statute which assigns the Attorney General or Assistant Attorney General a specific role with respect to the formulation or award of OJP grants and contracts.³

In 1984, when Congress first created the position of Assistant Attorney General for OJP, it provided only a limited coordinating role for the AAG for the activities of the five Bureaus. Over the years, Congress has repeatedly focused attention on the structure of OJP (and its predecessor agencies) and the allocation of authority between OJP and the Attorney General and OJP and the Bureaus, and has consistently sought to insulate the Bureaus from Department control. The most recent Congressional resistance to the Department's attempt to centralize authority was in 1992, when Congress refused to enact legislation, proposed by the Bush Administration, which would have codified a former Attorney General Thornburgh order conferring certain grant-making authorities traditionally held by Bureau directors on the OJP AAG.

²For a fuller overview of the historical perspective on OJP legislation, see the attached memorandum which was previously submitted to the Attorney General and then Deputy Attorney General Phillip B. Heymann.

³As was noted in a January 16, 1981 OLC opinion, the exercise of the Attorney General's authority may "not impose significantly on the process by which the substantive content of those contracts is determined . . ."

Thus, it is clear from the legislative history that any attempt to persuade Congress to undertake any OJP restructuring must proceed along a carefully constructed plan that has laid substantial seeds in the cultivation of Congress and interested constituent groups.

PROPOSED PLAN OF ACTION

Short-Term Plan

A. Continuing with the Status Quo for Fiscal Year 1995

Based on the following considerations, we are recommending that OJP proceed under its current legislation for fiscal year 1995. First, with a September 1994 sunset date, there is insufficient time, despite the work we have done over recent months, to lay a proper foundation for major Congressional changes to OJP, either structurally or programmatically.

Second, the Department's focus and priority this Session must remain on passage of the Crime Bill. No matter what version of the Crime Bill eventually passes, there will be a substantial impact on OJP. In anticipation of the Crime Bill's passage, OJP has established working groups which are focusing on Crime Bill programs, such as boot camps, drug courts, and community policing. Attention is being directed to such issues as effective and efficient grant administration in light of the anticipated large increase in the number of grants which will be funded, defining criteria for grant selection and providing technical assistance and training to grantees, and developing relevant evaluation criteria. Moreover, a working group is focusing on the administrative issues entailed in the potential hiring of several hundred additional personnel. Once a Crime Bill actually passes, OJP will, no doubt, be faced with a myriad of additional requirements to which it must respond. Thus, any OJP restructuring at this time would appear to be premature.

Rather than merely press for a straight-line reauthorization, consideration was given to including "technical" and/or "non-controversial" amendments to the legislation, either through informal discussion with Congressional staff or through a Department-sponsored bill.⁴ It was decided, however, that none of the amendments under consideration was worth the risk of subjecting the OJP reauthorization to the scrutiny and potential tinkering of Congress. Thus, rather than proceed along such a treacherous path, it was decided to recommend we simply continue for the next fiscal year with no amendments and incorporate suggested technical and noncontroversial amendments in future proposed legislation.

⁴Examples of possible proposed amendments, both technical and noncontroversial, are attached here.

B. Using the Appropriations Process vs. Introducing a Bill

Having decided to recommend that we proceed with the status quo for now, the next question was whether OJP continues in fiscal year 1995 through the Department's appropriations authority, or either requests the relevant Congressional committee to submit a reauthorization bill on its behalf or have the Department (with OMB approval) submit a bill for reauthorization.

It was decided that, for the same reasons noted above with regard to proposed amendments, introducing a bill and, thereby, opening OJP reauthorization on the floor could be hazardous. Thus, our recommendation would be to pursue authorization of OJP through the Department's general appropriations submission for fiscal year 1995.

After consulting with the Office of Legal Counsel, the OJP General Counsel has advised me that a Congressional appropriations which funds OJP and the Bureaus by citing the current authorization provisions would, in effect, continue those programs for the life of the appropriation despite the fact that the authorizations have expired. Moreover, with one exception, those provisions of the OJP legislation scheduled to sunset or otherwise expire in fiscal year 1994 may also be continued by language in the Department's fiscal 1995 appropriations that appropriates funds pursuant to the current statutory authorization. The single exception involves the expiring crime victims assistance formula grant program which will require specific language setting a base amount for its continuation.⁵

Long-Term Plan

Beginning now and in coordination with developments in the passage of the Crime Bill, we propose to continue the work we have begun to consider a plan for restructuring OJP which would support the Attorney General in identifying and promoting a coordinated strategy for federal assistance to local criminal justice and law enforcement which is both comprehensive and accountable.

⁵See attached memorandum from OJP Office of General Counsel citing authority for continuation of OJP and certain sunset provisions through the appropriations process. I recommend, however, that the Attorney General seek a formal opinion from OLC on this matter. Should OLC determine that the appropriations process might jeopardize the continuation of OJP and/or the expiring provisions, then we would recommend pursuing a one-page reauthorization bill which simply provides for the continuation of OJP with no legislative changes.

To that end, OJP will continue to solidify its partnership with constituent organizations and criminal justice practitioners by seeking their input as to how OJP can best be organized to meet "customer" needs. In addition, we will continue to review the broad range of past proposals for restructuring OJP and glean the best ideas they have to offer. Suggested past options for restructuring OJP have included the following:

- separating BJS and NIJ from the Department as a non-profit "National Justice Foundation," to serve as an independent sponsor of government research on criminal justice and civil issues;

- enlarging BJA by transferring the National Institute of Corrections, the grant-making arm of the Bureau of Prisons, to it; and

- merging BJA within OJP.

Each of these options, as well as their permutations, have both pros and cons which require thorough review, broad input and realistic consideration in light of Congressional interests and constituent group concerns.

If you approve this course of action, over the next year, we will continue to solicit additional input from OJP staff, many of whom have worked for the agency since its LEAA days. Finally, we will continue to foster ties with Congressional staff in hopes of alleviating (or, at the very least, not aggravating) the earmarking problem, as well as paving the way for considering any OJP renovation.

Attachments



U.S. Department of Justice

Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

December 23, 1993

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Laurie Robinson
Acting Assistant Attorney General

SUBJECT: Proposed Plan of Action for the Reauthorization
of the Office of Justice Programs

On September 30, 1994, the authorizing legislation for the Office of Justice Programs (OJP), and three of its five Bureaus (the Bureau of Justice Assistance (BJA), the Bureau of Justice Statistics (BJS), and the National Institute of Justice (NIJ)) sunsets.¹ Pursuant to our conversation in November, the purpose of this memorandum is to provide a brief history of "where we are," identify opportunities for change, and set out a proposed plan of action for the coming months.

In developing a proposed plan of action for the reauthorization, much has been learned from reviewing legislative histories, reports, and hearing records related to OJP. During the past several years, the Inspector General, the GAO, and the Justice Management Division have criticized OJP for structural and programmatic failures. Key members of Congress and interest groups also have accused OJP of 1) failing to demonstrate a commitment to state and local assistance, and 2) failing to make Congress, state and local officials and private groups a part of the priority setting process. Symptomatic of this disaffection are Congressionally imposed requirements on grants administered by the various Bureaus, and the growth in "earmarking" of Bureau appropriations.

Reauthorization presents the opportunity to create a process to continue efforts now underway to rebuild relationships. It also gives us the chance to put in place a process to capitalize on the knowledge and insights of a variety of outside groups and Hill staff, and to seek broad input in addressing issues related to the structure and mission of OJP and the Bureaus.

¹The sunset provision for the Office for Victims of Crime (OVC) was lifted last year. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is not due for reauthorization until 1996.

LEGISLATIVE BACKGROUND

Current Organization of OJP

OJP consists of five Bureaus-- program agencies-- as well as an administrative component headed by the Assistant Attorney General for OJP.² Each of the Bureaus is headed by a director who "shall report to the Attorney General through the Assistant Attorney General," but who also is appointed by the President with the advice and consent of the Senate.

Unlike other components of the Justice Department, the substantive functions of the five OJP Bureaus are vested by law in their directors rather than the Attorney General. The statutes provide that the directors "shall have final authority over all grants, cooperative agreements, and contracts awarded by" their respective agencies (emphasis added).³ Nothing in the statutes assigns the Attorney General or Assistant Attorney General any specific role with respect to the formulation or award of OJP grants and contracts. As was pointed out by the Department's Office of Legal Counsel in a January 16, 1981, opinion, the exercise of the Attorney General's authority may "not impose significantly on the process by which the substantive content of those contracts is determined..."

Questions about lines of authority and the autonomy of Bureau directors in awarding discretionary grants have created conflicts and tensions between the Bureaus and OJP. Former Attorney General Thornburgh brought this issue to a head when, in 1991, he issued an Order conferring certain grant-related authorities traditionally held by Bureau directors on the Assistant Attorney General for OJP. In a response to a Congressional request for an opinion on the legality of the Order, the Comptroller General ruled this delegation to be illegal.

²The statutory provisions governing OJP and its bureaus are the Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. § 3711 et seq.; the Juvenile Justice and Delinquency Prevention act, as amended, 42 U.S.C. § 5601 et seq.; and the Victims of Crime Act of 1984, as amended, 42 U.S.C. § 10601 et. seq.

³See 42 U.S.C. § 3722(b) (NIJ); 42 U.S.C. § 3732(b) (BJS); 42 U.S.C. § 3741(b) BJA; and 42 U.S.C. § 10605(b) (OVC). The OJJDP head, while not expressly provided such final authority, is given broad authority to "award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts." See 42 U.S.C. § 5611(b).

Specifically the ruling opined:

...the provision of the Attorney General order authorizing the Assistant Attorney General to countermand or direct the award of contracts and grants violates the plain terms of the statutes, which explicitly reserve to the OJP agency directors final authority over such contracts. Further, this provision and the provisions of the order authorizing the Assistant Attorney General to set policies and priorities for the OJP agency heads in essence shift policy control over the OJP programs from the agency heads to the Assistant Attorney General, contrary to the statutory schemes.⁴

Congress has consistently sought to insulate these programs from Departmental control. In 1984, when Congress first created the position of Assistant Attorney General for OJP, it provided a limited coordinating role for the AAG for the activities of the five Bureaus (42 U.S.C. 3712). "Coordination" is not automatic however, precisely because of the separate statutorily created bureaus.

HISTORICAL PERSPECTIVE ON OJP STRUCTURE

The structure of OJP (and its predecessor agencies) and allocation of authority between OJP and the Attorney General, and within OJP, have received focused attention from Congress since 1967. The history between the Department and the Congress has been marked by controversy regarding who should exercise policy control over OJP programs. The Bureaus operate independently -- yet when there is a problem, Congress looks to OJP for the accountability.

The current statutory framework for OJP has its antecedent in the Omnibus Crime Control and Safe Streets Act of 1968, which assigned grant-making functions directly to the Law Enforcement Assistance Administration (LEAA) within the Department "under the general authority of the Attorney General." The legislative history indicates that the "general authority" language was intended to give LEAA a large measure of independence from the Attorney General while still allowing the Attorney General to

⁴See August 2, 1991 opinion of the Comptroller General of the United States to Congressman McCandless on the validity of Order No. 1473-91 issued by former Attorney General Richard Thornburgh.

coordinate LEAA's programs with other crime programs in the Department. See 114 Cong. Rec. 14,777 (1968). The 1968 Act did not contain language giving LEAA final authority over grant and contract matters.

During the 1971 and 1974 reauthorizations, procedural and substantive changes were made in LEAA's organizational structure and restrictions attached to funding. Perhaps frustrated over the failure to control violent crime, despite the allocation of billions of dollars in federal aid to state and local law enforcement between 1968 and 1975, Congress, beginning in 1975, initiated numerous hearings to consider proposals to overhaul LEAA's administrative and grant-making structure. The General Accounting Office and a DOJ Study Group, created by then Attorney General Griffin Bell, also conducted reviews and evaluations of LEAA's effectiveness.⁵ One outcome of this review process was a Congressional amendment to the LEAA statute in 1976, centralizing authority for policy direction in the Attorney General. Meanwhile, in 1979, President Carter took steps to abolish LEAA-- a slow death which few seemed to mourn.

In 1979, Congress passed the Justice System Improvement Act (JSIA). This Act represented a complete overhaul of the Federal Government's state and local law enforcement assistance program. The statute restructured LEAA into four separate agencies: a new streamlined LEAA; an independent National Institute of Justice (NIJ); an independent Bureau of Justice Statistics (BJS), and the Office of Justice Assistance, Research and Statistics (OJARS), which was to play a coordinating role among the agencies and to provide direct staff and administrative support to them. Through the JSIA, Congress significantly contracted the scope of the Attorney General's authority. The Act omitted the broader 1976 language which had assigned policy direction and control over the programs to the Attorney General, and explicitly resided policy

⁵In a legislative history of OJP prepared for the June 1993 Working Group Assessment of the Anti-Drug Abuse Act of 1968, the Rand Corporation summarized criticisms, leveled at LEAA at that time from nearly every quarter, into several categories:

- Inadequate evaluation of projects funded by LEAA;
- Excessive use of federal funds for state and local administrative planning purposes;
- The "earmarking" of federal funds;
- Unnecessary "red tape" and administrative requirements imposed on state and local agencies;
- Unrealistic expectations as to LEAA's ability to reduce violent crime in America.

setting and final authority over grants and contracts with agency directors. The legislative history confirms that the Congressional purpose was to "scale back" the Attorney General's policy authority while enhancing the authority of the directors.

With the enactment of the Justice Assistance Act of 1984, Congress established the Office of Justice Programs and created the position of Assistant Attorney General for OJP.⁶ OJP was created as an administrative office with fundamentally the same authority as OJARS. Bureaus were placed under the "general authority" of the Attorney General, and their final grant and contracting authority was preserved. In taking these affirmative steps, Congress rejected a Reagan Administration proposal to give the Department greater control over the bureaus. The Administration's proposal would have required the appointment of OJP agency heads by the Attorney General, and would have vested the Department with control over the research, statistical and grant-making activities. Added in 1984 to the roster of OJP Bureaus were a new independent Office of Juvenile Justice and Delinquency Prevention (OJJDP); the Bureau of Justice Assistance (BJA), to administer block and discretionary grant programs for state and local anti-crime efforts; and the Office for Victims of Crime (OVC).

A similar Administration proposal to exercise greater control over the Bureaus was rejected when Congress reauthorized OJP in 1988. Congress again declined to dilute the authority of the Bureaus and provided that OVC and BJA, in addition to the three other Bureaus, would be headed by Presidential appointees.

The most recent Congressional resistance to the Department's attempt to centralize authority was in 1992, when the 102nd Congress refused to enact legislation, proposed by the Bush Administration's Department, which would have codified the Thornburgh Order.

OPPORTUNITIES FOR CHANGE

We are at an historic point in our federal commitment to working with state and local governments. The resistance by the Reagan

⁶Following protracted negotiations over OJP's structure and programs, the objectives of the 1984 Act include:

- Fund programs with a history or high probability of success with a special emphasis on violent crime and second offenders.
- Produce statutory and regulatory specifications to eliminate red tape.
- Eliminate burdensome planning requirements and substitute a simplified application process.

and Bush Administrations to state and local support has been transformed into a recognition that the Federal Government should encourage and reward the planning process at the state and local level.

"Partnerships" form a cornerstone of this Attorney General's and Administration's priorities. OJP's reauthorization process is a vehicle for us to depart from the practices of the prior two Administrations by bringing Congress and outside constituent groups into the reauthorization process at an early point. Because they will be independently active in shaping Congress' view, it makes sense to draw them in early and make the process an inclusive one.

Proposed Plan of Action

A. Complete Our Research and Formulate A Strategy by the End of December

Focus groups, or small working group meetings, are proposed as the vehicle for informal exchanges. The broad topic for discussion is:

"How OJP and the Bureaus can be better structured and managed to respond to state and local needs."

Among those invited to these meetings should be D.C. representatives from constituent organizations, as well as representatives from a broad range of practitioner groups including the:

- U.S. Conference of Mayors;
- National Conference of State Legislators;
- The Council of State Governments;
- National District Attorneys Association;
- National Governors Association;
- National Criminal Justice Association;
- National Legal Aid and Defender Association;
- National Association of Criminal Justice Planners;
- American Correctional Association;
- International Association of Chiefs of Police;
- American Bar Association;
- National Association of Attorneys General; and
- Hill Staff.

Other suggestions:

- Consider a letter from the AG targeted to invitees.
- Draw Bureau staff into the process. Request their proposals for amendments by mid-February.
- Convene a group of practitioners, including among others judges, prosecutors, and members of corrections, law enforcement, probation, pretrial, and the indigent defense bar, for a discussion of how OJP can better respond to practitioner needs.

B. Conduct Focus Groups or Working Group Meetings in January and February.

Some key issues to be posed include:

1. What steps can be taken to ensure greater coordination among OJP component agencies and with other federal agencies dealing with like issues?
2. How should OJP be structured? How many Bureaus? How can we promote a better management structure? (This question and the ones that follow are the basic issues.)
3. How should power be allocated between the Bureaus and OJP? Should the Bureaus retain final grant authority or should it be transferred to the AAG?
4. How do we best administer federal assistance to states and localities for community policing, drug courts, boot camps, etc? What funding mechanisms should be employed and under what circumstances?
5. How do we accommodate the interdepartmental initiatives; e.g., Empowerment Zones?
6. How do we achieve a better outreach to the field in formulating program plans?
7. How do we better communicate to the field what funded projects discover and how OJP and the Bureaus can relate to others trying to improve their programs and systems?

Remaining open to input, as we deal with Congressional staff and outside groups, is important. We can learn a great deal from the process and their insights. The process can also build support and enthusiasm for OJP and its mission so that, when our

legislative proposal goes to the Hill, constituent groups will say it is the product of an open exchange of ideas and information.

C. Draft Legislation by Early April.

This is an historic opportunity for the Department and OJP. We are marking the 25th anniversary of LEAA. The Senate Crime Bill is the biggest in history. There has been no major OJP reauthorization since 1984.

In addition to addressing any programmatic changes, our legislative proposal should address the structural issue within the confines of what the Congress will allow us to do, information on which we'll glean during this process. Some of the options that have been suggested include:

-- Separating BJS and NIJ out of the Department into a non-profit "National Justice Foundation," to serve as an independent sponsor of government research on criminal justice and civil justice issues. While the credibility of research sponsored by this agency possibly would be enhanced, the Department would be deprived of an important resource.

--Merging BJA within OJP and enlarging the Office by transferring to it the National Institute of Corrections, the grant-making arm of the Bureau of Prisons. This addition could better integrate and coordinate the Department's criminal justice grant programs, although correctional officials would probably resist any consolidation fearing a loss of some funding opportunities with such a move.

--Revising existing lines of authority to merge the Bureaus with OJP. If past is prologue, Congress will resist attempts to remove final grant-making authority from the Bureaus, although Departmental Control over the application of Administration and Attorney General policies would be enhanced under such a proposal.

Although unlikely, Congress could ask the Department to submit a legislative proposal that conforms to the Crime Bill or some version thereof. In the very least, the uncertain dynamics of the upcoming appropriations process should be monitored for potential impact on the reauthorization.

Our legislative proposal should also set out 5 or 6 key goals marking the imprint of this Administration on how best to conduct the federal role in responding to state and local needs. Included may be an exhortation regarding better utilization of resources through coordinated efforts. A letter from the Attorney General, transmitting the proposed legislation to the Hill, should be prepared.

This timetable will allow Congress to hold hearings on the legislation before the Memorial Day recess, review proposals during the summer, and have the reauthorization wrapped up before the August recess. If we adopt "flexibility" as our guiding principle, we can conduct an orderly, open and constructive process, and produce a realistic legislative proposal which hopefully will be warmly received by Congress.

PROPOSED AMENDMENTS FOR REAUTHORIZATION

BJA

- (1) In Section 504(a) - 502 should be 501(b)
- (2) In Section 510 (a)(3) - 502 should be 501(b)
- (3) In Section 511 - 503 should be 501(b)
- (4) Add a general waiver provision which would allow the BJA Director to waive the state match provision in emergency situations.

BJS

- (1) Add language that would ensure statistics are not subject to political influence.

OVC

- (1) Section 1402(e)(1) - Amend obligation period to allow the states to have the "year of award plus two succeeding fiscal years" in which to spend the compensation or assistance grants from OVC instead of the current "year of award plus one fiscal year" obligation period.
- (2) Section 1403 (Compensation) should be amended to specify state compensation program a "payor of last resort".
- (3) Restore state compensation eligibility requirements previously found at Section 1403(b)(1) (medical expenses, including mental health counseling, loss of wages and funeral expenses) omitted in 1988 when Congress amended 1403(b)(1)
- (4) Amend 1403(a) and 1404(a)(2) to allow states to use 5% of each year's compensation or assistance grants for its costs for administering the grants.
- (5) Section 1404A - Eliminate program sending dollars to HHS for child abuse prevention and treatment grants by HHS.
- (6) Section 1404(d)(1) - change the definition of "State" not to include territories or possessions of the United States -- except for Puerto Rico and the Virgin Islands -- for the purposes of receiving the base amount of \$200,000 for assistance grants.

- (7) Section 1407 - Administrative Authority of OVC Director
Amend VOCA to give the OVC Director the clear authority over his or her personnel choices.
- (8) Other possible amendments include:
- * Simplify the fund distribution formula
 - * Give the OVC Director discretion to carry over money or allocate the money to certain project categories

NOTE: ALL RECOMMENDED CHANGES IN BOLD ARE CONSIDERED MORE THAT TECHNICAL AND MAY BE CONTROVERSIAL.



U.S. Department of Justice

Office of Justice Programs

Washington, D.C. 20531

APR 19 1994

MEMORANDUM

To: Laurie Robinson
Acting Assistant Attorney General

From: Olga R. Trujillo 
General Counsel

Subj: Reauthorization or Appropriation for Sunsetting
Provisions

As per your request we have considered whether a Congressional Appropriation which funds OJP Bureaus for fiscal year 1995 would operate to continue the sunseting or expiring authorization provisions absent a reauthorization of those provisions. (See attached Memo for a list of sunseting or expiring provisions).

A reauthorization or amendment of the expiring provisions is the correct and preferable manner of continuing the programs in question. See Office of the General Counsel, U.S. General Accounting Office, I Principles of Federal Appropriations Law, 2d ed. at 2-34 (1991) [hereinafter Appropriations Law] (explaining that rules of the House of Representatives prohibit appropriations for expenditures not authorized by law). However, a Congressional Appropriation which funds the OJP Bureaus by citing the current authorization provisions (i.e. 42 U.S.C. § 3793 for OJP, BJS, BJA, and NIJ, and 42 U.S.C. §§ 13014 & 13024 for OJJDP (Victims of Child Abuse Act provisions)) would in effect continue those programs for the life of the appropriation despite the fact the authorizations have expired. See Appropriations Law at 2-57 ("... the appropriation of funds for a program whose funding authorization expired, or is due to expire during the period of availability of the appropriation, provides sufficient legal basis to continue the program during that period of availability, absent indication of contrary congressional intent.") (citing Decisions of the Comptroller General).

Therefore, the expiring provisions of OJP, BJS, BJA, NIJ, and OJJDP may be continued by language in the FY 1995 appropriation that appropriates money pursuant to the current statutory authorizations. See e.g. H.R. 2519, Pub. L. 103-121, Title I, 107 Stat. 1153 (1993) (An act making appropriations for

the Department of Justice and other agencies for fiscal year 1994) [hereinafter 1994 Justice Appropriation Act] (relevant portions attached). However, the expiring Victims Act provision, (42 U.S.C. § 10603(a)(5) is not authorization language as in the cases above. This provision instead establishes the base amount (\$200,000) for Victim Assistance formula grants to the States "through FY 1994." Without a specific amendment to this section indicating a base amount for use after fiscal year 1994, the Victims Office will not have the guidance from Congress for allocation of Victim Assistance grant funds. Without this guidance, the grant award amounts may be called into question. If not amended, we would assume Congress wants the base amount to remain the same. Nevertheless, specific language setting a new base amount is recommended to avoid confusion as to the base amount after FY 1994.

We also researched whether the general DOJ authorization provision, contained in Justice Appropriations Acts passed since 1981, would automatically authorize continuance of OJP and its Bureaus if placed in the FY 1995 appropriation. See e.g. 1994 Justice Appropriation Act, section 102, 107 Stat. at 1163. Our conclusion is that such a provision would not authorize the continuance of OJP or its Bureaus. This "general authorization provision" only continues the authorities contained in the Department of Justice Appropriation Authorization Act for Fiscal Year 1980, 93 Stat. 1040 (1979). The authorities contained in this 1980 appropriation, however, do not authorize the programs of OJP or its Bureaus. Therefore, a general DOJ authorization provision in the FY 1995 appropriation, similar to that in the FY 1994 appropriation, would not operate to authorize the programs or functions of OJP and its Bureaus.

Attachments

Statutory Authorization Sunsets or Expirations

OMNIBUS FY 1994 expirations

BJS 42 U.S.C. § 3793(a)(1)

NIJ 42 U.S.C. § 3793(a)(2)

OJP and BJA except parts D,E,F,G,L,M,N,O, 42 U.S.C. § (a)(3)

BJA part L =PSOB act no sunset § 3793 (a)(4)

BJA part D & E 42 U.S.C. § 3793 (a)(5)

BJA correctional options grants § 3793 (a)(6)

BJA part N 42 U.S.C. § 3793 (a)(7)

BJA remaining sections 42 U.S.C. § 3793(a)(8)

BJA part O 42 U.S.C. § 3793 (a)(9)

OJJDP Act

Most authorizations expire 1996 including the Victims of Child Abuse authorizations.

However, 42 U.S.C. § 13014 and § 13024 expire in 1994, and

42 U.S.C. § 5671(a)(6)(A) and 42 U.S.C. § 13054 which expired in 1993.

Victims Act

Although the Victims Act contains no sunset provisions per se, the following provision needs to be addressed because it only provides a base amount adjustment figure through 1994.

42 U.S.C. § 10603(a)(5)

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Divider Title: _____

**CRIME BILL: POLICE PROVISIONS
PLANNING AND IMPLEMENTATION ISSUES**

DRAFT 5/20/94

A. OVERVIEW

1. Scope. What is the full range of police programs covered by the crime bill?
2. Organization/Structure. What organizational, management, and staff structure is most appropriate to implement the expected provisions? Who should lead this effort?

B. POLICE HIRING

1. Application/Selection Process for Reaching 20,000/100,000. What is the most fair and efficient application process? On what basis do we assign funding priorities (need, community policing strategy, and ability to deploy quickly)? How can we reach 20,000 in the first year? How do we reward positive law enforcement steps and avoid perverse incentives?
2. Ensuring Quality Officers. What steps can be taken to ensure that rigorous selection and training standards are maintained during the accelerated process of hiring and deploying officers?
3. Safeguards Against Fraud, Waste, and Abuse. How can we build in safeguards to minimize problems that might occur with such a large infusion of federal dollars over a relatively short time period?
4. Monitoring and Evaluation. What level of monitoring is feasible and appropriate? How should we evaluate our efforts?
5. Outside Participation. How can the Department effectively tap into the experience, manpower, and technical assistance available from outside organizations in the planning, implementation, and evaluation of these programs?

C. OTHER POLICING INITIATIVES

1. Relationship to Hiring Grants. How will the other policing programs be coordinated with the hiring grants?

SAMPLE OPTIONS

Application/Selection Process for Reaching 20,000/100,000. What is the most fair and efficient application process? On what basis do we assign funding priorities (need, community policing strategy, and ability to deploy quickly)? How can we reach 20,000 in the first year? How do we reward positive law enforcement steps and avoid perverse incentives?

Option A. Develop a 2-track or parallel set of funding priorities. First, rank applicants based on need, strategy, CP track record, geography, and other appropriate selection criteria. Second, rank applicants based on ability to absorb the funds and hire quickly. Information relevant to this ability would be part of an expanded implementation plan in the application. For example, the second group may have access to a regional police academy that has regular classes; or they may have a pre-qualified group of applicants, etc. Initial funding goes to departments that score highly on both selection criteria and ability to hire and train quickly (like Albany, GA).

Option B. Since 91% of the 2,760 PHS applicants were not funded, due more to lack of money than need, DOJ could go further down the PHS scores and fund those departments first.

Option C. Replicate the process designed for the Police Hiring Supplement Program, using same selection criteria and applications already received but not funded. In addition, enlarge the applicant pool by soliciting new applications from jurisdictions that did not apply to the PHSP by re-distributing the Application Kit.

Option D. Create a "bifurcated" application process that would use standard crime and socio-economic data collected routinely by Federal agencies to evaluate public safety need and a streamlined narrative to be provided by the applicant that describes their community policing strategy.

The first aspect of this process would require the Department to develop a "geographic information system" (GIS) database with information from the FBI, Labor Department, and Census Bureau on crime (Part I, arrest data, and violence) as well as poverty, unemployment, per capita income, population growth, etc. (If feasible and desirable, we could incorporate other measures of need such as official designations or rankings by HUD or relevant state agencies.) Analysis of these data would include current relative rankings, assessment of trends, as well as comparisons to applicants of similar type (police, sheriff, housing authority, etc.) and size within the same region/state. The product of this analysis would be a "pre-selection" or "pre-nomination" of potential awardees based on public safety and economic need.

The second aspect of this process would require applicants to provide narrative descriptions of their strategy for using additional officers, as well as a brief discussion of public safety and/or economic need that was not captured by the nationally collected data incorporated into the GIS. Final award selections would be based on consideration of scores from both aspects of the process.

Option E. Create a "hybrid" of Options C and D, in which applications from small jurisdictions would be considered using Option C, and those from large jurisdictions would be considered using the approach proposed in Option D.

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Divider Title: _____

May 19, 1994

MEMORANDUM

SUBJECT: IMPLEMENTATION OF CRIME BILL PRISON GRANT PROGRAMS

There are several prison grant programs in the House and Senate Crime bills. This memorandum sets forth the general outlines of the program that we anticipate may be included in the final bill and the issues that arise with respect to the implementation of this program. There are, in addition, provisions in the House and Senate bills that provide funding for boot camps and alternatives to incarceration under the "Certainty of Punishment for Youthful Offenders" program. These will be considered separately.

I. Outline of Likely Prison Grant Program

The Conference Report will likely include a prison grant program with the following general characteristics:

- Funding: \$6 to \$10 billion will likely be authorized for the prison grant program over five years.
- Applicants: Applicants will include states and, possibly, multi-state compacts. This is a small, contained pool of applicants. Because there will be a limited number of applications filed, this grant program should be somewhat simpler to implement than many of the other grant programs contained in the Crime Bill.
- Distribution of Funds: At least some portion of the funds available under this program are likely to be distributed to states pursuant to a formula such as that contained in Title VIII, Truth in Sentencing, in the House Crime Bill. This plan provides funding based on the level of violent crime in each state.

In addition, a portion of the funds are likely to be distributed to states that meet specified conditions -- including "truth in sentencing," "three strikes and you're out" and adoption of other sentencing and criminal justice policies.

Finally, the remaining portion of the funds are likely to be available for distribution to states on a discretionary basis.

- Use of Funds: Grant funds will be used to build, operate and otherwise expand correctional capacity -- in bootcamps, jails, prisons and other correctional facilities -- to house violent and other offenders.

II. Implementation of Prison Grant Program

The size and substance of the prison grant program present an unprecedented challenge for the Department. There is substantial experience within the Department to draw from. However, because the program is unlike anything previously administered, there is no division that would most naturally administer the grants.

A. Existing Expertise within the Department

Many of Justice's components have expertise to lend to the effort to make the prison grant program effective.

First, the Office of Justice Programs and several of its components -- most notably the Bureau of Justice Assistance -- have expertise in awarding grants and have recently awarded about \$10 million to state and local correctional authorities pursuant to the Corrections Options amendments to the Omnibus Crime Control and Safe Streets Act of 1968.

Second, the Bureau of Justice Statistics, also within OJP, collects and analyzes data about state criminal justice systems that will be essential to use in establishing criteria for the grant program and for reviewing applications.

Third, the National Institute of Justice has vast experience in criminal justice research and program evaluation.

Fourth, the National Institute of Corrections -- contained within the Bureau of Prisons -- has specialized on state and local correctional systems and programs. NIC provides technical assistance to states in the operation and planning of all parts of the correctional programs including jails, alternatives to incarceration, prisons for special populations and maximum security prisons.

Fifth, the Federal Bureau of Prisons itself has expertise in all areas of corrections from prison construction and administration to planning for population growth and operating maximum security institutions.

Finally, the Office of Policy Development has played a crucial role in reviewing the proposed grant programs in the House and Senate Crime bills and determining what criteria should appropriately be used in the distribution of funds. OPD will certainly continue to play a key role in assuring that the Department's implementation plan comports with the goals of the legislation.

B. Special Considerations in Planning Implementation

The following issues should be considered in implementing the prison grant program:

First, unlike certain other programs in the Crime Bill, this grant program does not necessarily need a high-profile, well-known director. Instead, the program could well benefit from a director who has experience and a working knowledge of state and local correctional systems. A highly regarded, former state correctional administrator, for example, could be well-suited to run the program. Accordingly, we should not worry about attracting a high-profile director in making a determination about how the program should be implemented and where, in the Department, the program should reside.

Second, because the size of the grants awarded under the prison grant program are likely to be quite substantial, the evaluation and auditing of the use of the funds will be essential.

C. Administration of the Program

Any existing division within the Department of Justice that is asked to assume responsibility for implementation and administration of this program will, by necessity, have to significantly revise its mandate. No single division is currently equipped to administer a \$6 to \$10 billion grant program -- either with respect to personnel, equipment, management systems, or evaluation and review. Indeed, as a practical matter, a new entity will administer the program -- even if this new entity is contained within an existing division of the Department.

There are a number implementation options to consider.

Option 1: Bureau of Justice Assistance

BJA has extensive experience awarding grants and administering grant programs. It has administered several hundred million in grant funds and several grant programs each year. However, BJA does not have the depth of experience or the contacts and working relationships with state correctional

authorities that other entities within the Department have. In addition, BJA is likely to have other new grant programs to administer after the Crime Bill is passed.

Option 2: Create a new office within OJP

The Department could create a new office within OJP -- drawing on the management system in the division. This new office would benefit from the support of the Office of the Comptroller, the Office of the General Counsel, the Office of Congressional and Public Affairs and the other administrative offices of OJP.

The benefits of this approach are obvious: OJP has many years of experience implementing grant programs, awarding grants, reviewing applications and assuring that grant funds are spent and used appropriately.

On the other hand, OJP will likely be implementing numerous new grant programs contained in the Crime Bill. Many of these programs will be complicated, with thousands of applicants and wide-ranging criteria. It may be too much for OJP to also administer this substantial prison program.

Option 3: National Institute of Corrections

NIC, an agency with a \$10 million annual budget and a staff of about 70, has focused its work on providing technical expertise to state and local correctional authorities. NIC has unparalleled expertise in state corrections and excellent working relationships in every states. However, if NIC is designated to implement the program, we must recognize that this will significantly transform the agency.

Option 4: Federal Bureau of Prisons

The Federal Bureau of Prisons has experienced a more than doubling of the prison population in recent years and is planning for even greater future growth. This agency is a leader in corrections and has set standards for prison administration, construction, managing growth and correctional programming.

The Bureau's standing nationally and the demands it faces make it both well and ill-suited to the task of administering a \$6 to \$10 billion grant program. On the one hand, the agency is facing enormous strains keeping pace with the increase in the federal prison population. On the other hand, the Bureau of Prisons has unusual expertise, enormous research capabilities, a highly organized and efficient structure, a reputation as the nation's preeminent correctional system and it has worked with officials from every state correctional system.

**Option 5: Create a new entity under the Deputy Attorney
General**

A new division could effectively draw on the resources and expertise in corrections and criminal justice that exists throughout the Department. Experts could be detailed to the new division from the Office of Justice Programs, the Bureau of Prisons and the National Institute of Corrections. However, it is unclear whether a five-year prison grant program would merit its own division. In addition, much of the expertise throughout the Department is being utilized in ongoing, essential endeavors. If we take people from the Bureau of Prisons, NIC, BJA and elsewhere, we are going to interfere with the administration of existing programs.

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Divider Title: _____



U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and
Delinquency Prevention

Office of the Administrator

Washington, D.C. 20531

MEMORANDUM TO: Andy Foiss
Chair, Crime Bill Implementation Task Force

THROUGH: Shay Bilchik *Shay Bilchik*
Associate Deputy Attorney General

FROM: *John J. Wilson*
John J. Wilson
Acting Administrator

SUBJECT: Information From Working Group--Crime Bill
Prevention Programs

The Crime Bill Implementation Task Force has asked this Working Group to address the most appropriate mechanism to implement the Prevention Programs in the Crime Bill. The attached paper addresses this issue through an analysis of OJJDP's current structure and program capacity, and modifications that could be made to improve the Office's ability to administer the Prevention Programs in the Crime Bill.

The Prevention and Intervention Programs in the Crime Bill address areas which correlate with OJJDP's current efforts. For example, OJJDP's "Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders," includes prevention, intervention and treatment programs on a continuum of service to at risk youth and those who have entered the juvenile justice system. It comprises effective and promising approaches in family strengthening, support for core social institutions, delinquency prevention, and graduated sanctions, including the expansion of community based programs and services, residential and nonresidential, secure and nonsecure, in order to provide a full range of sanctions.

OJJDP staff has extensive experience in the delinquency prevention programming areas reflected in the Crime Bill. It would be constructive to build on both this experience and the existing initiatives in implementing the Crime Bill. The Office's prevention programs could be expanded to allow distribution of grant funds to a greater number of communities, and larger numbers of youth and families. With the addition of a prevention specialist at the Senior Executive Service level to work with the

Administrator, the Deputy, and the OJJDP management team, the integration of the authorized prevention programs in the Crime Bill with OJJDP's other prevention efforts could be accomplished quickly. Through the Coordinating Council on Juvenile Justice and Delinquency Prevention, we will establish linkages with the Ounce of Prevention Council. The result will be increased collaboration and coordination of program efforts and the rapid and effective allocation of dollars to promising youth and family serving programs in communities across the Nation.

OJJDP has had lead responsibility for delinquency prevention programs for youth at risk for delinquency and youth in the juvenile justice system since the passage of the JJDP Act in 1974. OJJDP pioneered the development of delinquency prevention theory in the period 1975-1980, including risk-focused prevention and the Communities That Care model. Its network of 57 State agencies is poised to assist in the delivery of funds to local communities to implement comprehensive delinquency prevention plans currently being developed under Title V. The Office has also been involved in efforts with other Departments, including HHS, Education, and HUD to coordinate their primary prevention programs with OJJDP's delinquency prevention programs for at risk and delinquent youth and the Attorney General's initiative to prevent violence.

OJJDP is in an excellent position to move forward to implement the Crime Bill along a very short time-line, but it must operate in a structure that is clearly defined. The present structure with OJP oversight has worked very well. However, a structure that vests grant sign-off authority either jointly in OJP and OJJDP, or OJJDP and some combination of OJP and a new Associate Attorney General, could work equally well. In this respect, OJJDP is not greatly concerned about which entity in the Department is designated to receive the appropriation. It will be critical, however, that OJJDP be involved at a primary level in policy and program development efforts for the prevention programs established by the Crime Bill.

Although the Department of Health and Human Services has had a role in delivering primary prevention services to youth at risk for harmful behaviors since 1974, the primary responsibility for delivering delinquency prevention programs and services has been vested in OJJDP for the past 20 years. With this 20-year foundation of expertise in program development and implementation in place, it would weaken the existing Federal delinquency prevention initiative to move this responsibility outside the Department of Justice. Further, because the prevention program legislation will call for the use of the Ounce of Prevention Council, and direct that it work in conjunction with the Coordinating Council to achieve coordination between Federal

agencies, OJJDP is in a unique posture to facilitate the implementation of these programs. OJJDP has supported the Coordinating Council for the last 20 years through program staff and the services of its Juvenile Justice Resource Center support contract. This working relationship, as well as OJJDP's experience in multi-agency coordination would be a valuable asset in coordinating the array of Federal delinquency prevention programs in the Crime Bill.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

INTRODUCTION

In 1974, Congress enacted the Juvenile Justice and Delinquency Prevention (JJDP) Act (Public Law 93-415, 42 U.S.C. 5601 et seq.). This legislation established the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the Department of Justice, charging the Attorney General and the Office to provide Federal leadership and support to State and local governments in their efforts to prevent delinquency and improve the juvenile justice system. Prior to 1974, delinquency prevention program responsibility was split between the Department of Justice, which handled juveniles once they entered the juvenile justice system, and the Department of Health, Education and Welfare, which was responsible for prevention programming prior to a juvenile entering the system. The JJDP Act required OJJDP to address juvenile justice and delinquency prevention issues in a comprehensive, coordinated manner and to support research, training, and program initiatives that respond to a broad spectrum of juvenile justice issues, including the funding and coordinating of a full range of delinquency prevention programs for youth at risk of delinquency and youth in the juvenile justice system. Since its enactment, the JJDP Act and the Office have evolved to meet the changing needs of the juvenile justice system and to address new concerns in delinquency prevention, control, treatment and related programs, including the addition of the Missing and Exploited Children's Assistance Act in 1984 and the Victims of Child Abuse Act in 1992.

OJJDP's annual appropriation, which reached \$100 million in FY 1980, was reduced to \$77 million by FY 1993, due primarily to a lack of Reagan/Bush Administration support for prevention programming. The 1992 reauthorization of the JJDP Act authorized OJJDP to support research, training, and program efforts in a number of new priority areas, including mentoring, gender bias and gender-specific services, hate crime education, and State challenge grants. Congress also established the Title V Prevention Incentive Grants Program to provide a dedicated focus for prevention programs at the local level, building in a strong role for the State Advisory Groups (SAG's), appointed in each State by the Governor to set policy, establish program priorities, and review and approve applications submitted to fund programs under the Title II Formula Grants Program.

In FY 1994, OJJDP's appropriation was increased by \$30 million, to \$107 million, to enable OJJDP to fund new programs authorized in the 1992 amendments to the JJDP Act (Part G - Mentoring (\$4 million) and Title V - Prevention Incentive Grants (\$13 million)) as well as to increase the Formula Grants Program, Part D - Gangs, and Part C - discretionary grants under the Special Emphasis Program and the National Institute of Juvenile Justice and Delinquency Prevention. The 1995 budget request for OJJDP provides an additional \$69,250,000, including \$30 million to expand the Title V program, and 22 positions to

support the program increase. In addition, the pending Crime Bill has a number of juvenile related programs that are slated to be administered by OJJDP or that could be assigned to OJJDP for implementation.

OJJDP's current organizational structure does not maximize the Office's ability to respond to new program and policy directions, including the potential impact that passage of the Crime Bill would have on OJJDP staffing and budget. While this document, therefore recommends modifications to the OJJDP structure, it also stresses the importance of establishing clear lines of authority and responsibility for the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice in implementing the Crime bill. Primary prevention programs that address factors that place children at risk of dysfunction or harm, such as Early Development and support of children and families for prenatal care, and general youth development and support programs, cross multiple agency program responsibility lines. However, programs that are specifically designed to prevent juvenile delinquency by focusing resources and programs on youth identified as at risk of delinquency (secondary prevention) and on youth who have engaged in statutorily prohibited conduct that has brought them into the juvenile justice system (tertiary prevention) are currently the responsibility of OJJDP and the Department of Justice. The establishment of the Ounce of Prevention Council, operating in conjunction with the Coordinating Council for Juvenile Justice and Delinquency Prevention, will assist greatly in the implementation of a comprehensive approach towards prevention efforts.

This document provides background information on OJJDP (budget, staffing and structure), considerations for restructuring the Office in response to the implementation of the 1995 budget requested and the passage of the Crime Bill, and modifications to OJJDP's operations that would facilitate both. OJJDP looks forward to meeting these new challenges and has established a base of program development, implementation, and administrative oversight expertise that will enable it to continue to play a strong leadership role in juvenile justice and delinquency prevention in the years to come. The Office is also ready to make a significant contribution to the efforts of the Ounce of Prevention Council.

OJJDP STRUCTURE AND PROGRAM DEVELOPMENT PROCESS

OJJDP uses a team approach in the development of policy and programs, using ad hoc committees of managers and staff from different program divisions to gather information, design programs, and coordinate with OJP and with other Federal agencies. The Office has substantial expertise in-house in a variety of program areas, as well as in research, statistics, program development and evaluation. It is also able, through its Juvenile Justice Resource Center (JJRC) contract, to tap into National experts to obtain White Papers and other forms of expert advice designed to inform the program development and implementation process. The Office utilizes the public review and comment process extensively in setting our program priorities. Its planning staff in the Information Dissemination and Planning Unit also handles the publication of competitive program announcements which, under current funding, accounts for 90% of all new funding. OJJDP's Concentration of Federal Efforts

staff, using the JJRC contract, oversees the peer review process, a process which is exemplary in providing informed and fair program competitive application assessments and funding recommendations. It also supports the Coordinating Council on Juvenile Justice and Delinquency Prevention.

OJJDP's current organizational structure, however, does not maximize the Office's ability to respond to new program and policy directions (see attachment #1). This is due to limited policy and planning staff in the Office of the Administrator, the fragmentation of the National Institute of Juvenile Justice and Delinquency Prevention (NIJJD) into three separate program divisions, and the absence of sufficient line staff with child exploitation/victimization expertise (OJJDP's current program responsibilities include missing and exploited children (\$6.7 million) and victims of child abuse (\$8 million). OJJDP also needs to be structured in a way that will allow management to focus staff expertise on program planning and coordination in the critical program areas of prevention and graduated sanctions.

While OJJDP's operational components do match up with the Crime Bill programs, the Office will need to reorganize to meet the challenge of the Crime Bill. Three changes are proposed: (1) reestablish NIJJD as a single organizational unit in OJJDP to provide a coordinated range of program services including: information and data collection, preparation, and dissemination; training and technical assistance; research, program development, demonstration, evaluation, and special studies and reports; statistics and system development; State Advisory Group support; and standards development and implementation; (2) establish a policy, planning and coordination unit in the Office of the Administrator to: coordinate administration policy and the program development work of NIJJD; coordinate OJJDP program development and implementation with OJP, DOJ, and other Federal agencies, particularly with the Ounce of Prevention Council; administer the Part A Concentration of Federal Effort program, including providing staff support to the Coordinating Council on Juvenile Justice and Delinquency Prevention; and provide long term planning for all OJJDP programs; and (3) establish discrete discretionary grant program units responsible for development and coordination of program activities in major functional program areas, including prevention, graduated sanctions and child victimization that address specific topics of concern such as, for child victimization, abuse and neglect, sexual exploitation, teen suicide, and crime victimization.

In FY 1993, OJJDP's appropriation was \$77 million with an authorized FTE allocation of 58. OJJDP has focused programs in the past year on helping to reverse the trends of juvenile violence, juvenile victimization and family disintegration. OJJDP has built on the foundation it laid in previous years to move program initiatives forward for expansion, demonstration and replication of effective programs in these areas (see attachment #2). We continued these efforts in 1994 through a variety of active programs in the areas of delinquency prevention, family strengthening, community-based alternatives to incarceration, improvements to the juvenile justice system, violence and hate studies, and serious, violent, and chronic offender program development (see attachment #3).

In FY 1994, OJJDP received a \$30 million budget increase, to \$107 million, without an increase in staffing. However, additional positions have been recruited which will keep OJJDP at the 58 FTE allocation for FY 1994 but, once the positions are filled, OJJDP will be operating at 64 FTE. This will enable OJJDP to meet the program requirements of the new programs authorized by the 1992 amendments to the JJDP Act which received an appropriation for the first time in FY 1994: Mentoring Program (\$4 million); and Title V - Prevention Incentive Grants Program (\$13 million).

IMPLEMENTATION OF OJJDP'S MISSION

OJJDP seeks to focus its assistance on the development and implementation of programs with the greatest potential for reducing juvenile delinquency and on cultivating partnerships with State and local organizations. To that end, OJJDP has set three goals that constitute the major elements of a sound policy for juvenile justice and delinquency prevention: 1) to promote delinquency prevention efforts, 2) to foster the use of community-based alternatives to the traditional juvenile justice system, and 3) to improve the juvenile justice system. These three elements are consistent with the programs in the Crime bill.

Delinquency Prevention

A sound policy for delinquency prevention strives to strengthen the most powerful contributing factor to good behavior: a productive place for young people in a law-abiding society. Preventive measures can operate on a large scale, providing gains in youth development while reducing youthful misbehavior. The first goal of OJJDP is to identify and promote programs which prevent or preclude minor, serious, and violent delinquency from occurring (and which prevent the commission of status offenses).

Congress appropriated \$13 million in Fiscal Year 1994, under Title V of the JJDP Act, for a new delinquency prevention program. This program also supports OJJDP's "A Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders" by reducing the onset of delinquency among youths who might otherwise have begun on a pathway to serious, violent and chronic delinquency. Moreover, "community planning teams" will be established under this program to conduct risk and resource assessments in order to determine what delinquency prevention programs are needed for a particular jurisdiction. In communities that are planning system responses to violence, including serious, violent and chronic delinquency, the work of these planning teams can be coordinated with other system planning. OJJDP's prevention initiative is also being coordinated with the Department of Health and Human Services' Family Preservation Support and Services Program in order to maximize the impact of these complementary programs.

The following are some key features of OJJDP's delinquency prevention program implementation efforts for F.Y. 1994:

- o Some 5,000 local official and community leaders will be trained in risk focused prevention and community planning teams will implement the risk and resource assessment process over the next six months.
- o Local units of government will then submit applications for Title V funding for local prevention programs that the local community has determined are needed to prevent delinquency, based on the community's assessment of its needs and priorities. Communities must provide a matching contribution and are expected to establish partnerships with the private sector, including corporations and foundations.
- o These prevention programs may include a number of multi-disciplinary program approaches incorporated in the Attorney General's national agenda for children:
 - job training and employment opportunities,
 - drug abuse education,
 - after school programs, and
 - other programs cutting across disciplines and linking schools and social service agencies. *Another example of the coordination effort is OJJDP's interagency initiative with the Department of Education to develop and provide a "Best Practices" guide to conflict resolution programs for students from kindergarten to grade 12. The guide would provide valuable information on criteria and program elements considered "best practices" for an effective conflict resolution program.

There are other delinquency prevention programs for which communities engaging in comprehensive community planning can apply directly to OJJDP for funding. They include projects that initiate or expand specific family strengthening efforts. In addition to self-help, these include crisis intervention and treatment models. Families that will benefit include those that have children in the juvenile justice system, including non-English speaking families. Communities wishing to help troubled families as a means of preventing delinquency would be provided a variety of resources, including OJJDP's publication on Family Strengthening Program Models.

The Prevention efforts outlined in the Crime bill have a direct relationship with the on-going prevention initiatives of OJJDP and the coordination that is already taking place with the Office with the Departments of Health and Human Services, Education, Interior, Labor, Commerce and Housing and Urban Development. The coordination contemplated by the creation of the Ounce of Prevention Council will benefit from these existing partnerships and the use of the Coordinating Council on Juvenile Justice and Delinquency Prevention. In this

regard OJJDP is in a very strong position to assume a lead role in the administration of the prevention programs in the Crime Bill.

OJJDP is prepared to maximize the impact of the dollars dedicated to prevention programs by building on the expertise developed through 20 years of program development and implementation. OJJDP recommends that it participate in the administration of the following programs:

Title X, Subtitle F, Secs. 1051-1052, Assistance for Delinquency and At-Risk Youth (with our amendments)

* Authorized through the Attorney General

Title XXII, Secs. 2201-2202, Juvenile Drug Trafficking and Gang Prevention Grants (with our amendments)

* Authorized through BJA

Title X, Subtitle C, Secs. 1030-1034, Police Partnerships for Children (with our amendments)

* Authorized through the Attorney General

The following programs to be partially administered by or coordinated with OJJDP:

Title X, Subtitle A, Secs. 1001-1006, Model Intensive Grant Programs (with our amendments)

* Authorized through the Attorney General

-- OJJDP should play a role in administering some of these programs since they are to be focused on children, youth, and families

Title XIV, Sec. 1401, Community Policing

* Authorized through the Attorney General (with our amendments)

-- OJJDP will want to play a role in administering or coordinating those grants which focus on afterschool programs (such as the Police Athletic League) and others targeting children and youth

Title XXV, Subtitle C, Sec. 2521, Rural Domestic Violence and Child Abuse Enforcement (with our amendments)

* Authorized through the Attorney General

-- OJJDP will want to administer funding for child abuse prevention and treatment with the Victims of Child Abuse Act.

The following programs in the Crime bill are already authorized to be administered by OJJDP:

Title X, Subtitle M, Secs. 1099H-1099O, Gang Prevention Services for Boys and Girls

* Authorized through OJJDP (with our amendments - should be integrated with existing Part D Gang Program)

Title X, Subtitle N, Secs. 1099P-1099T, Anticrime Youth Councils

* Authorized through OJJDP (with our amendments)

Community Based Programs

Communities cannot afford to place responsibility for juvenile crime entirely on the juvenile justice system. A sound policy for combatting juvenile crime makes full use of a community's less formal, often less expensive, and less alienating responses to youthful misbehavior. OJJDP's second goal is to identify and promote community-based alternatives for each stage of a child's contact with the juvenile justice system, emphasizing options which are least restrictive and promote or preserve positive ties with the child's family, school and community. Community-based alternatives to the juvenile justice system are strongly supported in OJJDP's Program Plan through such programs as the alternatives for juvenile female offenders, alternative community-based effort for Native Americans, juvenile restitution, permanent families for abused and neglected children, and the serious, violent, and chronic juvenile offender treatment program.

The following community-based program in the Crime bill may be administered, at least in part, by OJJDP:

Title X, Subtitle Q, Secs. 1099DD-1099KK, Community-Based Justice Grants for Local Prosecutors (with our amendments)

* Authorized through the Attorney General.

The following program in the Crime bill may be administered by or coordinated with OJJDP:

Title XXI, Secs. 2101-2102, Alternative Punishments for Young Offenders

* Authorized through BJA

-- IF this provision is interpreted to apply to adjudicated juveniles **OR** OJJDP would like to experiment with some reverse waiver programs, then OJJDP will want to administer part of this program. Note: Program can also be considered under OJJDP's third goal, "Improvement of the Juvenile Justice System."

Improvement of the Juvenile Justice System

The limited resources of the juvenile justice system must be reserved for the most difficult and intractable problems of juvenile crime. A sound policy concentrates the more formal, expensive, and restrictive options of the juvenile justice system in two areas:

- o Youth behavior which is most abhorrent and least amenable to preventive measures and community responses; and
- o Problems of youths and their families which exceed community resources and require more stringent legal resolution.

The new programs currently funded under this objective support the Comprehensive Strategy. The four new violence studies will provide valuable information regarding community violence patterns, with a particular focus on homicides, and identify strategic law enforcement responses. Child-centered community policing will be furthered, under joint support from the Bureau of Justice Assistance, in New Haven, Connecticut. The city's exemplary program will serve as a host site for training other jurisdictions. In another effort, promising program models for prevention, intervention, and treatment of female juvenile offenders will be identified and distributed to jurisdictions across the country. Other projects will focus on detention and corrections, helping the juvenile justice system refocus resources on the most serious, violent, and chronic offenders while improving conditions of confinement.

The National Council on Crime and Delinquency (NCCD) is currently reviewing program models both old and new ones to identify the most effective/promising program models for inclusion in OJJDP's Comprehensive Strategy. This review will result in four documents: 1) Early Intervention Against Violent Behavior, 2) Preventing Serious, Violent, and Chronic Juvenile Delinquency: A Selective Review of Programs, 3) Graduated Sanctions for Serious, Violent, and Chronic Juvenile Offenders, and 4) Risk Assessment and Classification for Serious, Violent and Chronic Juvenile Offenders. Each of these "best practices" reports identifies effective programs. Initially, the four products will be distributed separately, then combined into an "operations manual" providing jurisdictions a blueprint for assessing their present juvenile justice system and for planning new programs that respond to a community's identified needs.

Also, the Department of Justice has moved to consolidate information for broad dissemination as a result of the Interdepartmental Violence Initiative and the initiation of Project PACT. Through PAVNET (Partnerships Against Violence Network), the Department of Justice has created a computer program for all Federal Government clearinghouses and resource centers with a concern in violence reduction and youth-at-risk to deposit information and to access the same data base. Its primary service is seen as a support to the existing PACT projects and those pending and future ones (see attachment #4).

Finally, a major effort under this goal will be focused on community interventions with violent youth gangs. Additional funds appropriated this year for Part D of the JJDP Act will be used to expand the Office's previous work in this area into an Integrated Gang Program to include demonstration programs and evaluation, research, training, technical assistance, and information dissemination. Many cities experiencing gang problems will benefit directly from information and technical assistance resource to address gang violence.

These ongoing efforts are all complementary to provisions in the Crime Bill and will allow OJJDP to move forward quickly with the implementation of the prevention programs.

STAFFING AND BUDGET FOR MODIFIED OJJDP STRUCTURE

The President's budget request for FY 1995 includes an increase of \$69,250,000 in program funds and 22 positions and 11 FTE to support the increased funding. Although a modified budget request is being submitted which will reduce the increase to \$44,250,000, no programs will be eliminated. The program budget increases are: \$10.5 million in Part B - Formula Grants; \$3.75 million in Part C discretionary; \$7 million in Part D - Gangs; \$17 million in Title V - Prevention Incentive Grants Program and \$35 million for Part E - State Challenge Grant Activities (see attachment #5).

The 22 additional positions requested will be critically needed for OJJDP to implement the State Challenge Grant Program (\$35 million), to expand the Prevention Incentive Grants Program to \$25 million and to fund the range of programs required to assist State and local grants to implement OJJDP's comprehensive strategy for serious, violent and chronic juvenile offenders. The positions will include both clerical (5) and program manager (17) who will assist in the development, implementation and management of these and other high priority innovative discretionary grant programs. The seventeen (17) program manager positions will range from entry to mid-level and will primarily be responsible for the processing of applications and grant administration, in addition to assisting with program development. They will monitor grants through the review of progress reports and site visits, provide technical assistance, and ensure compliance with applicable grant objectives and program and fiscal rules. Filling these positions will free up higher level staff with more juvenile justice experience to devote more time to program development and both intra-agency and interagency coordination of programs and activities. OJJDP envisions a blended effort of new staff working with the best of the current staff with their expertise to create "a new team" to plan the implementation of the prevention and juvenile justice provisions of the Crime bill and the program goals of the Office of Juvenile Justice and Delinquency Prevention. A significant addition to the staff will be a prevention specialist at the SES level to oversee the development of the prevention programs authorized under Title V and in the Crime Bill. The creation of this team will facilitate the development of new and innovative program concepts to address issues of high priority to the Administration and the Nation, such as delinquency prevention, family strengthening and support, mentoring, community-based program and services, and graduated sanctions.

The request for 22 additional positions will give OJJDP 80 positions. The blending of current and new staff as described above will help OJJDP more efficiently administer our current program and will allow the Office to build the staff which will help in the planning process for the detailed implementation of the Crime bill. The blending of staff will also allow the Office to better address policy and program coordination.

Crime Bill

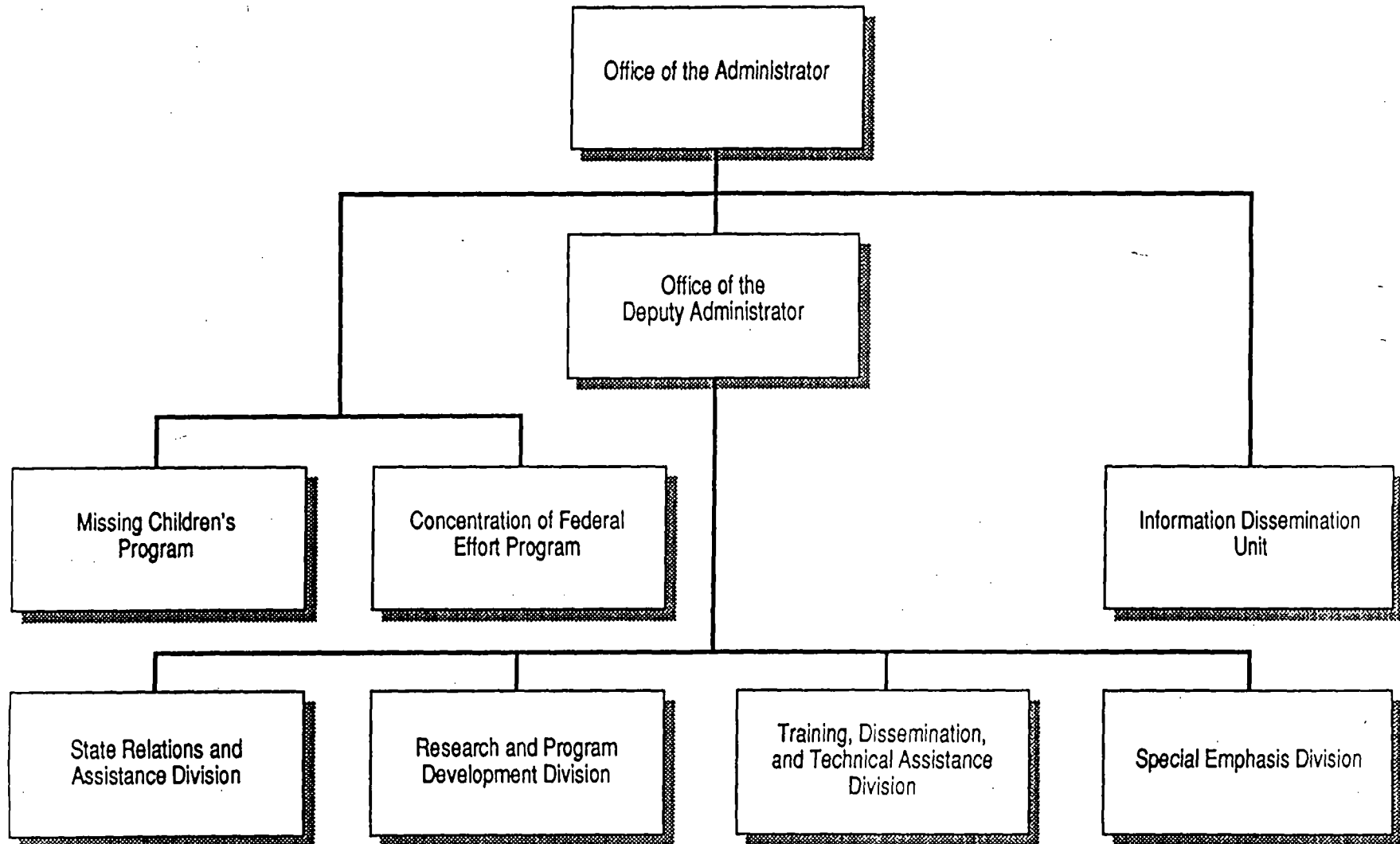
Positions related to the implementation of the Crime Bill are separate and distinct from the FY 1995 staffing request. However, OJJDP is looking toward restructuring its administrative structure in early 1995 to more effectively administer current programs and plan for the implementation of Crime Bill programs (see attachment #6). We reviewed the programs in the crime bill which we feel are reasonably likely to be within OJJDP's responsibility and have determined that 56 professional positions and 11 clerical positions would be needed to implement all of these authorities. OJJDP will use National Institute for Juvenile Justice and Delinquency Prevention resources, particularly the program development, evaluation and research functions in the Research and Program Development Division, the training and technical assistance capabilities of the Training and Technical Assistance Division and the planning information functions of the Information, Dissemination and Planning Unit to assist State and local governments and other beneficiaries of the Crime Bill to participate in program development and implementation. The hiring of the prevention specialist at the SES level will allow us to coordinate all prevention efforts within OJJDP, regardless which unit or division is working on the day-to-day administration of the program.

SUMMARY

This memo provides the past and present capabilities of the Office of Juvenile Justice and Delinquency Prevention to perform the programmatic and policy aspects of the Crime bill. OJJDP has demonstrated through solid program experiences and expertise its ability to manage programs successfully. The enhancement of OJJDP's structure with increased staffing in the delinquency prevention policy and program areas will allow for the full and timely implementation of the Crime bill. Through the workings of the Coordinating Council on Juvenile Justice and Delinquency Prevention and its linkage to the Ounce of Prevention Council, increased collaboration and coordination of efforts can be realized in order to effectively allocate funding dollars to effective and promising programs in communities throughout the country. The Coordinating Council on Juvenile Justice and Delinquency Prevention will additionally serve effectively in the capacity of an advisory group to the Ounce of Prevention Council.

OJJDP is able to best deliver services quickly, efficiently, and appropriately, maximizing the impact of each dollar spent on prevention and juvenile justice. It is in a position to build on the coordination initiatives which are already ongoing at Justice with the Departments of Education, Health and Human Services, Interior, Labor, Commerce, and Housing and Urban Development. It can take advantage of the flexibility the Crime Bill will offer in the prevention area through the use of the Ounce of Prevention Council while at the same time utilizing the tremendous resources it has in the Coordinating Council, OJJDP staff and in its experience in the areas of program and policy development.

Office of Juvenile Justice and Delinquency Prevention



OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) was created by the Juvenile Justice and Delinquency Prevention Act (JJDP Act) of 1974, as amended, Public Law 93-415, to provide Federal direction, coordination, resources, and leadership in preventing and controlling juvenile crime and in improving the Nation's juvenile justice system.

OJJDP awards discretionary and formula grants that address a broad array of juvenile justice and delinquency prevention issues, both nationally and through State and local subgrant assistance awards. The Office also coordinates the activities of all Federal juvenile delinquency prevention efforts through its leadership of the Coordinating Council on Juvenile Justice and Delinquency Prevention. In addition, OJJDP funds research, development, demonstration, and dissemination activities that develop and communicate information about what works in all aspects of the juvenile justice system: prevention, intervention, adjudication, and supervision.

OJJDP is comprised of the Research and Program Development Division, the Training and Technical Assistance Division, the Special Emphasis Division, the State Relations and Assistance Division, the Concentration of Federal Efforts Program, the Missing Children's Program, and the Information Dissemination, and Planning Unit. In Fiscal Year 1993, OJJDP supported the following new or continuation programs.

Research and Program Development Division

OJJDP pursues a comprehensive research agenda. Its Research and Program Development Division is working to develop a base of knowledge on national trends in juvenile delinquency; create a statistics and systems development program for data collection and information sharing among juvenile justice agencies; identify the developmental pathways to delinquent careers and the best methods for preventing, intervening, and treating delinquency; and analyze practices and trends in the juvenile justice system. Under each of these areas, special attention is focused on status offenders, serious and violent juvenile crime, family strengthening, and illegal drug use.

Children in Custody Census. The Children in Custody Census is a joint effort by OJJDP and the U.S. Bureau of the Census to better understand trends in confinement and juvenile detention practices across the country. The Bureau of the Census collects national data on juvenile custody facilities and provides numbers and characteristics of youth held in these facilities. This biennial census studies approximately 3,300 public and private juvenile

detention, correctional, and shelter facilities. Produced since 1971, the series monitors trends in the characteristics of the population on the census date, and the number of admissions and discharges from juvenile facilities for the previous year.

During Fiscal Year 1993, the 1993 census was conducted for OJJDP which has a reference date of February 16, 1993. This census also collected annual data for calendar year 1992. As with past censuses, this effort surveyed publicly and privately operated facilities regarding programming within the facility, facility characteristics, design capacity, as well as operational characteristics. The census also examined the population in these facilities covering demographics, offense characteristics, and admission/release data.

Effectiveness of Juvenile Offender Prevention and Treatment Programs: What Works Best and for Whom. This grant has identified, described, and evaluated the effectiveness of the various juvenile offender prevention and treatment programs which are currently being used by the juvenile and family courts. In Fiscal Year 1993, more than 400 Program Director's surveys were received from the field. An indexing matrix was developed which will enable the reader to locate information about each program on the same categories in the database.

During Fiscal Year 1994, a "What Works" manual will report on the findings of this study which will include prevention and treatment programs for juvenile offenders from court intake through probation to the juvenile and family courts. As a result of this project, Federal, State and local funds can be directed to those programs which have proven to be effective. With limited funds at all levels the need to help juveniles efficiently and effectively as possible is strong, therefore, proven programs of successful outcomes should be considered a priority for funding.

Juvenile Justice Data Resources. This program addresses the need to enhance the availability of juvenile justice data sets by archiving them at a data archive. This program provides for checking, cleaning, and standardizing the data sets. The program further produces for each data set codebooks that conform to the generally accepted standards for such documents.

National Juvenile Court Data Archive. This program collects, processes, analyzes, and disseminates available data concerning the nation's juvenile courts. The Archive collects automated data and published reports from juvenile courts throughout the nation. Using the automated data, the Archive produces comprehensive reports on the activities of the juvenile courts. These reports examine referrals, offenses, intake, and dispositions, as well as specialized topics such as minorities in juvenile courts or specific offense categories. The Archive also provides assistance to jurisdictions in analyzing their juvenile court data.

Development of Comprehensive Programs for Serious, Violent and Chronic Offenders. This project will develop model designs for a comprehensive approach to serious, violent, and chronic juvenile offenders. The models will include programs that address prevention services for at-risk youth and their families and graduated sanctions for juvenile offenders. Program assignments will be guided by risk and needs assessment instruments at each level of the juvenile justice process. The grantee will conduct extensive literature reviews, survey practitioners, visit exemplary programs and hold focus groups with managers of successful programs.

The major objectives of this program development project are: to develop target group criteria for each of seven strategies to comprehensively address serious, violent and chronic offenders, to develop comprehensive program designs for implementation, and to develop a plan for testing and demonstrating the comprehensive program models in selected sites. The results of this project will be written reports on the "state of the art" in prevention, graduated sanctions, risk assessment and model designs for a comprehensive approach to serious, violent, and chronic juvenile offenders.

Evaluation of Cities in Schools Program. The grantee is conducting a process and impact evaluation of (1) the Cities in Schools (CIS) Program replication process and related training and technical assistance provided by the CIS national organization to States and local communities, and (2) the effectiveness of the CIS model as implemented by States and local communities. In determining the effectiveness of the CIS model, the local programs' ability to reduce school dropout rates and the cost of implementing the program will be examined. This project was carried out in three separate tasks. Task I was a study of the CIS national organization and the National Center for Partnership Development where the training and technical assistance are developed. Task II was a study of representative sites that identify strengths and weaknesses of local programs including Department of Labor sponsored programs. In 1993, Task III was to study the Exemplary CIS programs to document their success. The results of the project's tasks will produce several documents of value to the Federal agencies involved in the funding of the CIS program.

Hate Crime Study. This study will assess the characteristics of juveniles who commit hate crimes, including a profile of such juveniles based on the motives for committing hate crimes; whether such juveniles are familiar with publications or organized groups that encourage the commission of hate crimes; the characteristics of hate crimes committed by juveniles, the types of law enforcement investigations conducted with respect to such crimes; the law enforcement proceedings commenced against juveniles for committing hate crimes; and the penalties imposed on such juveniles as a

result of such proceedings; and the characteristics of the victims of hate crimes committed by juveniles.

Independent Evaluations. This contract will continue to conduct independent third party evaluations of selected OJJDP-funded programs. This contract focuses on the efficacy, cost-effectiveness, and impact of OJJDP's discretionary programs. Projects to be examined in Fiscal Year 1994 include:

- 1) Satellite Pre-School Program;
- 2) National Institute of Corrections Training for Juvenile Detention and Corrections Personnel;
- 3) Disproportionate Representation of Minorities Initiative;
- 4) Serious Habitual Offender Community Action Program, and;
- 5) Juvenile Boot Camps

Juvenile Justice Statistics and Systems Development Program. This project is conducted by the National Center for Juvenile Justice, in cooperation with researchers at the Justice Policy Research Cooperation and Research Triangle Institute Corporation and Research Triangle Institute. It is divided into two tracks -- the National Statistics Track and the Systems Development Track.

The National Statistics Track is developing a comprehensive National Juvenile Justice Statistics Program that will produce a series of routine offending the victimization and the justice system response. The research team has identified what information is already being collected and what significant information gaps exist. Proposals have been developed for improving juvenile custody statistics and data on transfer of juveniles to criminal courts. Existing data has been presented in special reports. The principal product of this track will be a Report to the Nation on Juvenile Crime and Victimization.

The Systems Development Track assessed juvenile justice agencies' decisionmaking and related management information systems (MIS) in Maricopa County, Arizona. The research team worked in close cooperation with Maricopa to identify key decision points and in developing a process to be used by other jurisdictions for developing or improving management information systems.

Juvenile Justice System Handling of Sex Offenses and Offenders. This project is assessing how the juvenile justice system protects the community, individuals, and juveniles from the effects of juvenile sex offenses. The project has three specific objectives: (1) to identify effective practices in the juvenile justice system's response to juvenile sex offending; (2) to identify weaknesses in the juvenile justice system's response to juvenile sex offending that lead to further victimization; and (3) to determine whether similar sexual offending behavior is generally handled in a consistent manner by the juvenile justice

system, and if not, to determine the factors, including offender characteristics, related to the inconsistent response.

The project began with a review of current literature and program materials related to the functioning of the juvenile justice system. With this data, the grantee the National Council on Crime and Delinquency (NCCD) is developing a typology of juvenile sex offenses and offenders. NCCD will then identify promising approaches to the sex offender problem at each level of the system, surveying jurisdictions nationwide to identify specific approaches to dealing with sex offenders. NCCD will select 7 sites for further in-depth investigation and track 400 juvenile sex offenses through the system in three sites to determine how the system responded in specific cases. In Fiscal Year 1993, NCCD completed the initial literature review, conducted most of the site visits, and completed a data collection form for following the 400 juveniles through the juvenile justice system.

Delay in the Imposition of Sanctions. This project is a continuation of the research undertaken to study the delays in the delivery of sanctions to juveniles in the juvenile court system and make realistic recommendations on how to correct the problems. During Fiscal Year 1993, this grant implemented Phase II which was an intensive site study to evaluate the effect which case processing delays have on a juvenile court's effectiveness and efficiency in handling delinquency cases, including the effect on the juveniles themselves.

Research Program on Juveniles Taken Into Custody. The Research Program on Juveniles Taken into Custody is designed to respond to the reporting mandate specified in the Juvenile Justice and Delinquency Prevention Act. The National Council on Crime and Delinquency (NCCD) is working in concert with the Bureau of the Census to develop nationally representative information on the numbers and characteristics of juveniles taken into custody.

During 1993, NCCD continued to refine, test, and implement the State Juvenile Corrections System is being implemented to produce relevant and timely data on juvenile custody populations. State legislatures and juvenile justice professionals will be able to utilize these statistics to enhance comprehensive planning and policy decisions.

In addition, NCCD prepared two annual reports for OJJDP to submit to the President and Congress. These reports provided a detailed summary and analysis of the most recent data regarding the number of juveniles taken into custody, the rate at which juveniles are taken into custody, and the trends demonstrated by the data.

Study to Evaluate Conditions in Juvenile Detention and Corrections. OJJDP initiated this project in response to the 1988 JJDP Act amendments. The amendments requires OJJDP to conduct a

study to (1) review conditions in detention and correctional facilities for juveniles and the extent to which such facilities meet recognized national professional standards, and (2) make recommendations to improve conditions in such facilities. The study was funded in the fall of 1990 and conducted in 1991. It surveyed all 984 public and private juvenile detention centers, reception centers, training schools, camps, and ranches in the United States. These types of facilities hold about 69 percent of the population of juveniles in custody. It evaluated conditions in four basic categories: basic needs (living space, health care, food, clothing, and hygiene); order and safety (security, suicide prevention, inspections, and emergency preparedness); programs (education, recreation, and treatment services); and juvenile rights (access to the community and limits of staff discretion). In Fiscal Year 1993, the full report, Conditions on Confinement: Juvenile Detention and Corrections Facilities, was completed. OJJDP sponsored a National Teleconference to disseminate the findings and stimulate decision about the recommendations.

Resources to Improve Conditions of Confinement for Juveniles. This project is designed to improve conditions in training schools and detention centers across the country by examining an array of monitoring vehicles that are potentially much more far-reaching than litigation.

Federal Initiative to Deinstitutionalize Status and Non-Offenders in the States. This project will provide a report on the state-of-the-art Federal initiative to "deinstitutionalize status and non-offenders (DSO) in the States." A research and review will be completed by the National Criminal Justice Association on the Juvenile Justice and Delinquency Prevention Act legislative history, key Congressional and Federal regulatory and administrative DSO-related actions as well as major case law in the States.

Violence Study--Causes and Correlates. OJJDP supported additional analyses of data collected under its Program of Research on the Causes and Correlates of Delinquency, conducted at the State University of New York at Albany, the University of Pittsburgh, and the University of Colorado. These analyses are intended to benefit directly the "Chronic, Serious, and Violent Offender Program Development" project. The grantees carried out a comprehensive planning effort, including an in-depth analysis of data bases, and critically assess the Causes and Correlates Program design, methods, survey instruments, and data collection procedures for adaptation to three new sites, viz. Washington, D.C.; Los Angeles, California; and Milwaukee, Wisconsin.

Special Emphasis Division

The Special Emphasis Division provides discretionary grant funds directly to public and private agencies, organizations, and individuals to demonstrate tested approaches to delinquency prevention and control. During Fiscal Year 1993, the Division implemented demonstration and replication programs in such areas as the chronic juvenile offender, curbing illegal drug use by high-risk youth, drop-out prevention, and advancement of community-based sanctions.

Gang-Involved and Gang-Affected Women and Their Babies. OJJDP supported components of this comprehensive, multi-component anti-gang initiative that targets primarily minority and female youth. The project, which also is funded from State and local resources, includes a Youth Gang Unit that provides intensive supervision for youth on probation and coordinates agencies involved in gang suppression activities; a Gang Street Law Model and Skill-Building Concepts Program, which provides law-related education for high-risk youth; a residential treatment program designed to reduce the number of youths committed to the State Training School; supported for the Portland House of Umoja, a residential facility modeled after the Philadelphia House of Umoja; and a program designed specifically for gang-affected and gang-involved young women. Since the inception of the project, 102 youth have been selected into the program; 73 have been enrolled in pregnancy/parenting training; 74 families have been received health services; 57 youth re-enrolled in public school; 59 in alternative school; 33 entering continuing education; 58 were referred and 28 were selected for employment training; 11 completed training; 27 were hired and maintained a job while in this program; and 2 of 2 completed their restitution program requirement.

Reaching At-Risk Youth in Public Housing. This is a collaborative interagency program between OJJDP, the Bureau of Justice Assistance and the Department of Housing and Urban Development to establish Boys and Girls Clubs in public housing across the nation. These programs are designed to provide needed services to high-risk youths who live in public housing, thereby preventing their involvement in youth crime, drug abuse, and gangs.

In Fiscal Year 1993, the Boys and Girls Clubs recruited over 1,475 at-risk youth and established ten clubs in public housing developments in Harlingen, TX; Oakland, CA; Brockton, MA; Santa Fe, NM; Union County, NJ; Reading, PA; McKinney, TX; Salt Lake City, UT; Jacksonville, FL; Troy, NY.

Schools and Jobs are Winners. This project provides educational, recreational, and social services and employment to extremely disadvantaged youth and their families. The project has three components: pre-employment training, job skills training and

a combination of intensive case management with recreational and tutoring activities. The pre-employment training gives students instruction in job hunting, resume writing, and interviewing from teachers hired especially for the project. Job skills training is offered in three areas-- clerical services, food services, and health services. Case management by two workers involves one-on-one counseling, home and school visits, and coordination of recreational and educational services, such as tutoring.

The project serves tenth, eleventh, and twelfth grade students from South Philadelphia High School. Youth must meet the low-income guidelines of the Private Industry Council and be at risk of involvement in gangs or drugs. One unique feature of the project is that students receive a stipend for participation. During the first two years of the project, over 211 participants were enrolled in the program.

Targeted Outreach: Gang Prevention & Intervention Component.

This program is designed to enable local Boys and Girls Clubs to prevent youths from entering gangs and to intervene with gang members in the early stages of gang involvement to divert them away from gangs and toward more constructive programs. In Fiscal Year 1993, more than 1,000 youth between the ages of seven and 17 were integrated into the core and prevention programs and 140 youth between the ages of 12 and 18, who were fringe members of gangs, were recruited into the program through the efforts of the four youth gang early-intervention sites. The National Office of Boys and Girls Clubs of America will provide training and technical assistance to the 57 existing sites and to the 20 new gang prevention and 4 intervention sites.

Urban Discovery Ministries, Inc. (UDM). This program is an after school learning center program to prevent school dropout and gang recruitment. In conjunction with the Huntersville Recreation Center; the Norfolk State University; Old Dominion University Baptist Student Union; Granby High School and Hampton Roads United Christian the purpose of this program is to establish positive relationship with at-risk youth by giving them remedial education and using the Huntersville Recreation Center as a potential intervention for reducing crime and drug abuse while increasing their education and future employability.

In Fiscal Year 1993, the project assisted 47 young people on a one-on-one computer assisted tutorial program. The exact tutorial placement of each youth was determined by administering the California Achievement Test. This test will also be used for future progress. Twenty-six Huntersville Recreation football players and six cheerleaders were enrolled into the learning center to transfer the discipline of athletics to their academic lives. The support, influence and discipline provided by the Huntersville recreation coaches and cheerleaders sponsors motivated the juveniles participation in the project. The project became an

integral component of the outreach established through the partnership of Urban Discovery Ministries, Inc., and the Huntersville Recreation Center. Thirteen children from the learning center attended special camp week at the Triple R Ranch in Chesapeake, VA and seven youth spent nine days at the Kids Across America camp in Missouri. Forty-one tutor/mentors participated in the project. Six training sessions, followed with ongoing, on-the-job training, were conducted for tutors. Donations were received in the amount of \$1,000 from Chick-Fil-A for T-shirts and achievement tests for the children. In addition, the Virginia Department of Education awarded UDM a \$10,000 grant to establish a service learning program for disadvantaged youth.

Big Spring Police Department - "Mobile Precinct An Anti-Crime Concept." The purpose of the Big Spring Police Department was to implement a community-based crime prevention demonstration project by establishing three mobile precinct substations. The program focuses on community policing; organizing community in creating safehouse networks for youth; and coordinating specialized diversion services for at-risk youth who have become involved with the law.

In Fiscal Year 1993, the mobile precinct has been placed in five different locations. Contact have been made with over two thousand youth, fourteen community organizations and all the schools in the grant area. A door to door contact was made with all residents explaining the program and its purpose in making the affected area more self-reliant in handling problems with each other before police intervention became necessary. The project has also offered help with day care programs, after school programs and week-end projects for the youth.

Model Sentencing and Custody Guidelines in Parental Abduction Cases. The goals of this project are to increase the awareness on the part of the police, prosecutors, and the courts of the seriousness, dynamics and complexities of parental abduction cases; to improve the quality of local parental abduction investigation and prosecution; and to enable judges to make more accurate and effective decision in post-abduction or more accurate and effective decisions in post-adjudication or post-recovery custody determination. As a result of this new project, prosecutorial charging, sentencing, and post abduction or post-recovery custody guidelines, and a judicial bench book that incorporates the guidelines for sentencing and provides guidance with regard to custody determinations will be developed.

Race Against Drugs. Sponsored by the National Child Safety Council, the Race Against Drugs (RAD) program is a unique drug awareness, education and prevention campaign designed to help young people understand the dangers of drugs and live a non-impaired lifestyle. With the help and assistance from 21 motor sports organizations and with the cooperation of the Federal Bureau of

Investigation and National Child Safety Council it has become a fun and exciting new addition to drug abuse prevention programs. RAD is 2-1/2 years old and now includes national drug awareness and prevention activities at schools, malls and motor sports events, posters, 21 TV public services announcements, signs on t-shirts, hats, decals, etc., and specialized programs like the "Adopt-A-School Essay and Scholarship" program and 6-8 grades school Be A Winner Action Book, A RAD Adult Guide and A RAD Coloring Book for K-4 grades. Thus far, and working with Weed and Seed Sites, major events have been conducted in Seattle, Washington; Washington, D.C.; Richmond, VA; and Kansas City, Missouri. An estimated 25,000 youth 12-14 years old and their families have been reached by this program.

Due Process Advocacy Program Development. This program establishes or supports advocacy programs and services that encourage the improvement of due process available to juveniles in the juvenile justice system and the quality of legal representation for such juveniles. Under this project the grantee, the American Bar Association (ABA), examines approaches to improving due process and the quality of representation for juveniles in the juvenile justice system and will determine which are the most promising and cost-effective. From this survey effort, the ABA will develop a strategy for a nationwide program to improve due process and the quality of representation for juveniles in the juvenile justice system.

Satellite Prep School Program and Early Elementary Schools for Privatized Public Housing. This program is a collaborative effort between OJJDP, the Chicago Housing Authority (CHA), and the Westside Preparatory School and Training Institute (WSP) to establish a kindergarten to 4th grade Prep School on the premises of the Ida B. Wells Housing Development for children living in this public housing development. The Wells Prep School opened with kindergarten and first grade students on September 14, 1992. The Fiscal Year 1993 funding will continue to provide support for the kindergarten and 1st grade and the addition of the 2nd grade. The Prep School operates as an early drop out intervention educational model based upon the Marva Collins Westside Preparatory School educational philosophy, curriculum, and teaching techniques. A combination of one-on-one, and large and small group instruction will be used. A curriculum guide is under review, and a training manual is being developed.

The project completed a nine-month planning phase in July 1992. Students were selected in July, and teachers received special training in August. The Satellite Prep-School opened with 45 kindergarten and first grade children. With the addition of the second grade in 1993, the student population grew to 80 students.

Children at Risk (Strategic Intervention for High-Risk Youth). OJJDP, the Bureau of Justice Assistance (BJA), and the Center on

Addiction and Substance Abuse (Center) of Columbia University have undertaken a joint effort to help communities rescue their high risk pre-adolescents from the interrelated threats of crime and drugs. In urban communities multi-service, multidisciplinary neighborhood-based programs are being established to provide a range of opportunities and diverse services for pre-adolescents ages 11-13 years of age and their families who are at high risk for involvement in illegal drugs and crime. Simultaneously, the criminal and juvenile justice systems are targeting resources to reduce illegal drug use and crime in the neighborhoods where these young people reside. This program has been established in the following six sites: 1) Austin, Texas; 2) Bridgeport, Connecticut; 3) Memphis, Tennessee; 4) Seattle, Washington; 5) Savannah, Georgia; 6) Newark, New Jersey.

Projects in the six cities are implementing a comprehensive, experimental program that includes intensive educational, social service, and criminal justice activities for high-risk youth in impoverished neighborhoods. The grantees worked to create drug-free zones near schools, recreation facilities, churches, and other community establishments frequented by youth. The goal is to mobilize residents to work with the criminal justice system to identify and remove drug dealers and criminal offenders from their neighborhoods. In addition, criminal and juvenile justice system agencies will provide prevention and intervention services.

The program is supported by public and private funds. Public funds are directed to the project through a grant from the Bureau of Justice Assistance that includes funds from the Office of Juvenile Justice and Delinquency Prevention. The National Institute of Justice also is a partner in this endeavor. Private funds to the project come from the Annie E. Casey, Ford, Prudential, Rockefeller, and Ronald McDonald foundations, and The Pew Charitable Trusts through a contract with the Center on Addiction and Substance Abuse (CASA) at Columbia University in New York.

Accountability-Based Community Intervention Program. OJJDP awarded funds to the District of Columbia's Department of Human Services and the Court of Common Pleas of Allegheny County to develop the "Accountability-Based Community Intervention Program." The goal of the District of Columbia project is to design and implement an accountability-based community intervention system of reform to the District of Columbia's juvenile justice system. To achieve this goal, the grantee will follow a logical, collaborative effort that will involve a wide range of local and Federal collaborators to help design a program strategy and implementation plan that will include validated classification and evaluation instruments; plans for community-based programs and services; and components of such varied issues as victim assistance and victim awareness, parental responsibility, health care, education,

substance abuse and violence prevention, family therapy and support, restitution, and personal accountability.

The goal of the Court of Common Pleas of Allegheny County project is to develop a systemwide strategy of intervention, treatment, and rehabilitation for juvenile offenders in Allegheny County. The systemwide strategy will emphasize accountability and sanctions with increasingly intensive community-based intervention, treatment and rehabilitation services as the juvenile's level of offending increases. The project includes a systematic review of Allegheny County Juvenile Court's service needs to identify gaps, or areas that need increased attention, and to create a plan for developing and implementing these services.

Teens, Crime and Community: Teens in Action in the '90s. This is a national scope continuation program between OJJDP, the National Crime Prevention Council (NCPC), who in partnership with the National Institute for Citizen Education in the Law (NICEL) operates the Teens, Crime and Community program. With the Fiscal Year 1993 award, the national partners through the National Teens, Crime and the Community Program Center, moved to harness the energies of young people toward constructive activities, and to reduce crime and violence in their schools and communities. The partners will enlarge the Program Center to serve as a formal clearinghouse for information and materials dissemination and to provide technical assistance and training to communities in establishing the program.

The TC&C demonstration program has operated in three (3) secure juvenile justice sites: California Youth Authority; Justice Resource Institute and the Rappahannock Youth Detention Facilities, Virginia. Two Court Probation Sites: Tri-County Prevention Incorporated and Virginia Beach. Rural sites: Iowa, South Carolina, Washington State, and Texas. Native American sites with the Jicarilla Apaches and Southern Utes Tribes.

In addition to the above, seventeen trainers, representing a variety of communities and professions, have been trained to provide training to other communities. A National Center for Teens Crimes and Communities Technical Assistance has also been established. NCPC has developed a dissemination plan which includes the distribution of brochures and materials through its networks and the NICEL, law related education network.

Prevention of Hate Crimes. This project is to establish or support programs designed to prevent and to reduce the incidence of hate crimes by juveniles. These programs include: model educational programs that are designed to reduce the incidence of hate crimes, and sentencing programs that are designed specifically for juveniles who commit hate crimes and that provide alternatives to incarceration. OJJDP will provide funds to assess existing curriculum materials and to develop a multi-purpose curriculum that

is appropriate for general educational settings and for use in institutional or placement settings.

The Congress of National Black Churches: National Anti-Drug Abuse Program. The overall plan for this program currently operating in 35 cities, calls for the development and implementation of a national public awareness and mobilization strategy to address the problem of drug abuse in targeted communities across the United States. The goals of the national mobilization strategy are to summon, focus, and coordinate leadership. This award will provide funding to expand the program into 10 to 15 additional cities.

Drug Abuse Prevention--Technical Assistance Voucher Project. The major focus of this program has been to provide support to community groups in their efforts to reclaim their communities, to drive out criminal activity, vandalism, and other anti-social behavior, and replace those undesirable activities with healthy, safe, and economically secure environments at the neighborhood and community levels. The project has provided technical assistance vouchers to neighborhood groups to establish or strengthen youth programs and activities which combat violence and reduce delinquency. This method of delivery has allowed these neighborhood groups to secure technical assistance inexpensively from sources which are familiar with their programs and their community characteristics.

Effective Strategies in Extension Service Network, Phase II. This is a collaborative interagency program sponsored by OJJDP, the National Highway Traffic Safety Administration, and the Department of Agriculture's Extension Service, in which OJJDP and NHTSA provide the funding. The purpose of this program is to reduce youthful alcohol and other drug abuse and impaired driving by encouraging communities throughout the Nation to engage in comprehensive, community-wide planning in prevention, intervention, and treatment. The catalysts for these community coalitions are juvenile court judges and Extension Service professionals who guide key community leaders through the Community Systemwide Response (CSR) planning process.

During Fiscal Year 1993, the CSR National Center for Action within the Extension Service System marketed the CSR process, supported training for new community CSR coalitions, and sustained CSR programs by providing technical assistance, and developed and implemented a CSR process evaluation plan. This was accomplished with technical assistance from the National Council of Juvenile and Family Court Judges.

Fiscal Year 1993 activities and accomplishments included implementing the selection process for expanding the CSR process to new States and counties, implementing the training plan and process for initiating new CSR projects, providing technical assistance and

collecting data and writing reports in response to the plan for national, State and local evaluations of program processes and outcomes.

Partnership Plan, Phase V (Cities In Schools). This is a collaborative interagency program supported by OJJDP and the Department of Labor, Health and Human Services, Commerce and the Department of the Army. During Fiscal year 1993, the program continued implementation of a national school dropout prevention model developed by Cities In Schools, Inc. (CIS). The CIS concept brings service providers into the schools to serve alongside teachers in a coordinated team effort to keep youth in school.

CIS provides training and technical assistance to States and local communities to enable them to adapt and implement the CIS dropout prevention mode. The model focuses social, employment, mental health, and other resources on high-risk youth and their families. An individualized plan is developed for each young person, and needed remedial education, social and other services are provided to that youth and his or her family. As of September 30, 1993, the number of local CIS programs was 90; the number of project sites was 519; and the number of students reached rose to 58,234.

Intensive Community-Based Aftercare Program. Under this initiative the grantee, Johns Hopkins University in collaboration with Sacramento State University, developed a Juvenile Aftercare Program Model which can be tested in the Juvenile Justice system. The Fiscal Year 1993 funding supported training and technical assistance on the model to eight States that were selected after a national competition, viz., North Carolina, New Jersey, Texas, Colorado, Nevada, Pennsylvania, Virginia, and Michigan. These states are currently either implementing the model or planning for implementation.

Native American Alternative Community-Based Program. The program has five grantees (National Indian Justice Center, Navajo Nation Judicial Branch, Red Lake Tribal Council, Gila River Indian Community, Pueblo of Jemez) that are to develop community-based alternative programs for Native American youths who have been adjudicated delinquent and to develop a re-entry program for Native American delinquents returning from institutional placement. A multi-component design is being developed which will integrate the critical elements of the OJJDP Intensive Supervision and Community-Based Aftercare programs with cultural elements that have traditionally been utilized by Native Americans to control and rehabilitate offending youths.

Boot Camps for Juvenile Offenders: Constructive Intervention and Early Support. This initiative, which is jointly supported by OJJDP and BJA, provides boot camps for adjudicated nonviolent, juvenile offenders who are under 18 years of age. Each juvenile