

Mr. Chairman and Members of the Subcommittee:

I appreciate the opportunity to be here today to talk about coordination and duplication issues relating to the Justice Department's Office of Justice Programs (OJP). The size and scope of the federal criminal justice assistance program – charged with responsibility for effective stewardship of substantial criminal and juvenile justice initiatives -- is enormous: During the nearly seven years (1993-2000) I served as Assistant Attorney General for OJP, the agency's annual budget grew from \$800 million to over \$4 billion. In the year I departed, OJP was administering some 42,000 grants totaling over \$23 billion.

From my experience, however, it is clear that OJP's unusual and unwieldy structure -- coupled with the more than 60 often overlapping funding streams it administers – hinders its ability to advance a rational, integrated, customer-friendly program to help states and localities fight crime. For that reason, I commend the Subcommittee for addressing this issue. The goal of ensuring responsiveness to principles of good government and sound management is one all of us, regardless of party, can share.

Reflecting on history

Criminal justice in the United States has historically been, and still remains today, largely a state and local enterprise. While the federal government has remained a somewhat limited partner, its involvement in assisting state and local criminal justice has grown dramatically over the past four decades, from origins in 1965 in a small Office of

Law Enforcement Assistance (OLEA) – with an annual budget of just \$7.5 million – to the multi-billion-dollar Office of Justice Programs today.¹

Over its nearly four decades and across many Administrations, the program has provided leadership on an issue – crime -- that is as central as any to the foundations of a civil society. These contributions range from the work of the Law Enforcement Assistance Administration (LEAA) in the 1970s in professionalizing law enforcement through LEEP (the Law Enforcement Education Program); to development of bulletproof vests and forensic applications of DNA technology in the 1980s; to community-based initiatives like Weed & Seed and drug courts in the 1990s.

During my tenure as Assistant Attorney General, on my way over to Main Justice every day, I used to pass the National Archives building and ponder the quote on the front that reads, “What is Past is Prologue.” Prompted by that, in the summer of 1996, I invited past leaders of the federal assistance program to join me in Washington for a day to reflect on their own experiences and share their best thinking on the program’s future directions. Representation included individuals from both Republican and Democratic administrations and from virtually every era since 1965. Two themes emerged that day: First, that despite the different periods of the program they represented, the participants shared a common optimism and belief that the federal government can make a difference in helping states and localities address the problems of crime affecting our country. And, second, that virtually all attendees, across both parties, believed OJP should be reorganized as a single agency under one presidential appointee, with an integrated program, a “customer service” model, and strong emphasis on knowledge building

¹ It is worth noting, however, that, even with the current high levels of federal grant assistance, federal support constitutes only 4% of state and local spending relating to crime.

through research and statistics. That recommendation on a hot July day six years ago served as a catalyst in our efforts to start exploring what we could do, through structural change, to make the federal criminal justice assistance program of today more effective and stronger.

Initial observations

Three preliminary points: First, from my own experience in working 30 years in the criminal justice field, I should state at the outset that I am a very strong supporter of the federal law enforcement/criminal justice assistance program. It is my view that the federal government has a significant – and unique – role to play in providing impetus, leadership, and resources to assist state and local governments in addressing crime problems and to help move forward the “state of the art” in criminal and juvenile justice. The federal government is uniquely positioned, in my opinion, to build knowledge through research and statistical work and to provide funding and technical assistance to develop, test, evaluate, and replicate innovative approaches to preventing and controlling crime – in sum, to provide leadership as an innovator and catalyst in this important area of public policy.

Second, whatever the need for structural changes and streamlining at OJP – and there is great need for both – it is important to recognize that the agency’s career ranks include a great many motivated and knowledgeable professionals who are dedicated to the agency’s work and have made significant contributions toward the mission of reducing crime in this country.

And third, in approaching the issue of OJP’s future structure, it is important to recognize that, in fundamental ways, program work differs from research and statistics

functions. While looking for ways to achieve needed consolidation and centralization across OJP, it is crucial, as well, to preserve sufficient arms length relationships to ensure that research and statistics work is viewed as objective, credible, and not politically driven. A natural tension clearly exists between integrating knowledge-building functions into the agency's program development side, on the one hand, and ensuring that their integrity is maintained and some independence preserved, on the other. This requires careful balancing.

What are the problems?

In contrast to the LEAA program in the 1970s – an integrated organization with clear functional divisions, centralized authority, and a limited number of funding streams – OJP has evolved over time to operate with six presidential appointees (probably unique across the government in such a small agency), decentralization of policymaking and administrative responsibilities, and enormous statutory overlap in mission and responsibilities among its many bureaus and offices. Thinking of the U.S. Army slogan “Be all that you can be,” it is clear that the federal criminal justice assistance program today is *not* “all that it can be.”

The program's decentralized structure has created problems that play out principally in four areas:

Difficulty in developing a “corporate vision” for advancing the mission of the

agency: Despite the tremendous amount of money that Congress has put into state and local criminal justice, it is difficult, under OJP's structure, to implement a comprehensive plan for directing funds at key problems. Multiple offices and bureaus have pieces of responsibility, for example, in addressing issues like drugs

or gangs. Mounting one comprehensive, integrated program to address these problems requires greater centralization of authorities and a change in the culture of balkanized turf that currently exists in OJP;

Often overlapping, substantive criminal justice program initiatives administered by the presidentially appointed heads of those program components: OJP's

history provides too many examples of individual “fiefdoms” operating independently, uncoordinated in their work, and frequently competitive (or, at times, in “open warfare” with each other). During my tenure at OJP, we put tremendous energy into effecting better coordination through staff working groups, inter-bureau planning efforts, and other devices. However, despite good intentions, these efforts were not enough. Fundamental problems remain. As I described in a 1997 report to Congress, for example, four OJP bureaus and one office worked on corrections; five bureaus were addressing hate crimes; four bureaus and one office were tackling domestic violence, five bureaus and one office were addressing child abuse, and, for a period of years, it seemed *every* OJP entity was addressing youth violence. In some instances, a specialized function – e.g., statistics collection by BJS – accounts for the involvement of a bureau or office (and it is critical to OJP's mission that this niche be filled). But even accounting for that, enormous programmatic overlap remains, causing confusion to the field and potentially defusing the impact of limited grant dollars. Even where functional responsibilities appear to be clearly assigned, they are not: the Bureau of Justice Assistance has funded program evaluations; the Bureau of Justice Statistics (BJS) runs a grant program; a full research and statistics

operation exists in the Office of Juvenile Justice & Delinquency Prevention (OJJDP) – separate from the National Institute of Justice (NIJ) and BJS; law enforcement-related programs are run by BJA, the COPS Office, the Police Corps Office, NIJ, and OJJDP -- and this list could go on! And too often in the past, the work of individual bureaus rests on the individual interests of those at the helm, rather than being parts of an overall, coordinated plan.

Need for more effective means for resolving internal management issues: Again, because of decentralized authorities (including in administrative areas, like personnel) and the presence of a large number of presidential appointees in a small agency, if conflicts arise over internal management issues, they are often difficult to resolve. Good management in that situation rests on the diplomacy, “people skills,” and personalities of the individuals involved; that is not a sound way to manage an agency responsible for billions of taxpayer dollars;

A confusing labyrinthine structure presents a daunting challenge for state and local officials and criminal justice professionals: OJP is a difficult organization to navigate – even with the help of a good Web site, programs plans and other guides. During my time as Assistant Attorney General, I conducted a number of constituency focus groups. Over and over, criminal and juvenile justice practitioners and state and local officials articulated frustrations concerning the absence of a central point of contact. The state or local agency administrator in search of funding for a particular initiative may find it necessary to contact each bureau or office of OJP individually to determine the most promising source of support for the effort.

What is the impact of all this? Most fundamentally, it comes down to lost opportunities for responding to crime, such as working to

- Quickly respond to emerging crime challenges (e.g., like methamphetamine);
- Target comprehensive help to a particular jurisdiction facing special needs;
- Amass resources to undertake the important scientific process of demonstrating and evaluating new ideas – with evaluation considered at the front end of program development; and
- Fund programs grounded in research about “what works.”

What is needed is to move OJP from a confusing, decentralized agency to a more *cohesive centralized management structure comprised of coherent components with distinct functions and competencies that share a common mission.*

Have any steps already been taken to address these problems?

In fiscal year 1998 Congress, through the appropriations process, directed OJP’s Assistant Attorney General to report on the extent of coordination within the agency and steps being take to reduce duplication. I submitted a report in December, 1997 to Congress describing the steps that were being taken to reduce fragmentation and develop coordination strategies – such as joint publication of bureau program plans, coordination working groups, and more frequent cross-OJP leadership meetings. The report also spelled out options for potential remedial action, including amendment of OJP’s statutes to consolidate grant-making in the assistant attorney general and, more radically, authorization of a new integrated federal criminal justice assistance program.

In October, 1998, as part of the fiscal year 1999 appropriations for the Department of Justice, Congress directed OJP's assistant attorney general to develop a plan for a new organizational structure for OJP "...with streamlined, consolidated authorities." In addition, it amended OJP's statutes to place programmatic grant-making authority for the first time in the assistant attorney general. In response to the directive, OJP conducted outreach to over 50 constituent organizations and practitioners and consulted with persons with the Department, OJP and its bureaus. A report detailing a proposed reorganization was submitted to Congress on March 10, 1999.

A more rational structure for the federal assistance program

The goals of the reorganization plan submitted to Congress in 1999 were, in many ways, simple. They reflected basic "Management 101" principles of accountability, defined lines of authority, and clarity in definition of component functions. Specifically, the report recommended:

Consolidating programmatic work by topical area to avoid duplication and overlap and provide focused thinking -- and policy leadership -- on key issues (e.g., administering all corrections grants in one office);

Placing all research in one component and all statistical work in another;

Centralizing authorities;

Reducing the number of presidential appointees so there are not six separate decision makers and policymakers in one small agency;

Setting up a "one stop shop" point of contact in OJP for state and local practitioners to provide information about best practices and available publications, technical assistance, training, and grants – in sum, to serve as a

“traffic cop” or “triage point” in helping customers access help from throughout OJP; and

Creating “state desks” for grant management to handle grant monitoring and provide customer assistance on a geographically-organized basis (e.g., an “Iowa desk” where Des Moines’ mayor can learn about all the OJP funding coming into his state). I understand that Assistant Attorney General Deborah Daniels and BJA Director Richard Nedelkoff are moving ahead to structure BJA to set up grant management on a state-by-state basis. I applaud that. However, this needs to be done OJP-wide. Right now, as an illustration, 10 or 12 different OJP staffers separately travel to one New Hampshire state agency to monitor grants there.

This makes no sense.

There is no particular magic about the specific organizational boxes we suggested in the March ’99 report or the names we gave them. What is important, however, are the underlying principles of an integrated, centrally managed organization that they reflect.

Potential next steps

The job of overhauling an agency’s structure is daunting. Bureaucracies resist change and are skilled in slowing its pace. Interest groups are frequently invested in the status quo and many receiving substantial funding through long-established relationships with agency staff. Many practitioners express concerns about organizational change, fearing that attention to their issue area will be diminished. But even recognizing those hurdles, attention to the problems – and action – is needed.

Where to start? Let me share several recommendations:

Review the specific proposals, and the commentary supporting them, that have already been advanced, including the March '99 report and the recommendations Assistant Attorney General Daniels recently announced. The 1999 report, for example, addresses at some length steps that could be taken to better integrate research into the overall agency mission, while still preserving the integrity of research and statistical work;

Reach out to experienced state and local practitioners – preferably front line people who are not necessarily current direct OJP grantees – as well as representatives from the academic research community and other past leaders of the federal assistance program over the last four decades for their perspectives;

Undertake a legislative action plan consisting of two steps: First, on a faster track, provide OJP's Assistant Attorney General with additional statutory authority to continue consolidation of subject area offices and administrative authorities for areas like personnel. Second, on a longer term track, consider the option of developing – from the ground up – a new federal criminal justice assistance program. Here I would recommend you go back to the original 1968 Omnibus Crime Control and Safe Streets Act (Pub. L. 90-351 (Jun. 19, 1968)) to look at the potential structure of a much simpler federal assistance program with limited funding streams and clear division of authorities.

As you proceed, I would also recommend focusing particular attention on funding streams and OJP work in the area of technology. This may be the area of the single greatest confusion in the field about what funding streams exist, how they

fit with each other, and how to access them. Right now, that work is scattered through a number of OJP's bureaus and offices.

Keep in mind the importance of maintaining centers of leadership/knowledge in key practice areas. Practitioners need to feel they have a home “point of contact” in a large federal program – staff who understand and are knowledgeable about their issues and who are responsive to their needs. This is true whether for law enforcement professionals, corrections, the courts, victim assistance providers, or juvenile justice practitioners. This is an important part of ensuring that OJP is a truly customer-oriented agency. And there are effective ways to provide this kind of “home” within the agency in different areas and yet still operate under a much more cohesive and rational structure.

Recognize the natural tensions in a federal program of this kind: Throughout the history of the federal criminal justice assistance program, healthy tensions have existed: For example, over who makes decisions on funding (Federal agency officials in Washington, based on knowledge about “what works”? Or people “on the ground” at the state and local level who see, close at hand, their real needs?); and between states and localities (Should all funding to cities and counties be passed through the state?). These debates are part of the backdrop for the federal criminal justice assistance program, as they have been for nearly 40 years.

Important values are represented by each “side.” Resolving those issues will continue, as in the past, to require delicate balancing.

Examine the impact that “earmarking” has had on the federal assistance program in recent years. Discretionary grant funding is critical if the federal criminal

justice assistance program is going to test innovations and evaluate the results – probably a uniquely federal function. Yet, in recent years, most of the central discretionary grant programs for both criminal justice and juvenile justice in OJP have been Congressionally earmarked for specific projects. While many of the programs funded through this process are worthy ones, the extent of earmarking has diminished greatly the agency’s capacity to fulfill central pieces of its statutorily created mission.

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Mr. Chairman, thank you for the opportunity to present views to the Subcommittee about the federal criminal justice assistance program. Despite the challenges in tackling the set of issues before you, the gravest mistake, in my view, would be to sidestep the need for change altogether.

I would be happy to respond to any questions you or the Subcommittee Members may have.

Note: Consistent with the requirement of House Rule XI that nongovernmental witnesses state in their testimony the source and amount of any federal grants, contracts or subcontracts, I note that, through the University of Pennsylvania, I have received a grant of \$59,000 in the past year from OJP’s Executive Office for Weed & Seed to support two educational programs.