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# REPORT TO THE CONGRESS

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## Federally Supported Attempts To Solve State And Local Court Problems: More Needs To Be Done B-171019

Law Enforcement Assistance  
Administration  
Department of Justice

*BY THE COMPTROLLER GENERAL  
OF THE UNITED STATES*

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MAY 8, 1977



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

B-171019

To the President of the Senate and the  
(1) Speaker of the House of Representatives

This is our report on efforts to solve State and local court problems with funds provided by the Law Enforcement Assistance Administration.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget; the Attorney General; and the Administrator, Law Enforcement Assistance Administration.

A handwritten signature in cursive script that reads "James B. Stacks".

Comptroller General  
of the United States

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ABBREVIATIONS

GAO	General Accounting Office
LEAA	Law Enforcement Assistance Administration
SPA	State planning agency

D I G E S T

WHY THE REVIEW WAS MADE

Nationwide studies of the courts emphasize one overriding problem--an increasing backlog of untried criminal cases and inordinate delays in bringing those accused to trial.

Because of increasing public and congressional concern over this situation, GAO, during late 1972 and early 1973, reviewed Law Enforcement Assistance Administration (LEAA) grants designed to solve State and local court problems in California, Colorado, Illinois, Massachusetts, New York, and Pennsylvania.

During fiscal years 1969-73, LEAA granted about \$1.5 billion in block funds to all the States. The States allocated about \$180 million of this to programs to improve court procedures and systems.

FINDINGS AND CONCLUSIONS

LEAA has not made sure that its grants for State court improvement programs are directed to causes of the most serious problems in State and local courts.

Neither LEAA nor the States can be certain, therefore, that the grant

programs are solving problems that need solving. (See ch. 3.)

Inadequate State plans

The States are primarily responsible for determining that the most serious problems of their criminal justice systems are identified and their causes attacked.

State plans--the bases for receiving LEAA funds--did not, however, adequately define what was needed where, or why, to solve their most critical court problems. (See pp. 14 to 16.)

Many federally funded court projects in the six States may not have been directed at reducing the most serious court problems because information was not available to identify the extent of the problems. (See pp. 16 to 22.)

For example, inefficient court administrative practices are often cited as a primary reason why courts experience backlogs and delays. Five of the States considered backlog and delay to be their most serious court problems. Yet they allocated an average of only 17 percent of their funds to projects to directly improve court administration.

Another 25 percent of LEAA funds were

allocated to projects to improve the prosecution of cases. The States did not have adequate information, however, to determine the extent that inefficient administrative practices or lack of prosecutors caused backlog and delay. (See pp. 20 to 22.)

Lack of adequate court system information and statistics partly caused this problem. For example, no States had compiled adequate statistics on time required to process cases. Without such data, it is difficult to determine which courts have the most serious processing delays and whether or not court improvement projects lessen the problem. (See pp. 16 to 18.)

When State plans addressed various court needs, LEAA did not require States to specify the degree to which Federal grant funds would affect their most serious court problems. Absence of reliable information on court operations also hampered LEAA regional offices from making adequate reviews of State plans. (See pp. 19 and 20.)

Need to improve technical assistance

To provide States with continual, direct technical assistance, a position of court specialist has been authorized for each of the 10 LEAA regional offices. Five offices did not have a court specialist at one time or another during 1973.

This position was vacant at two of the six offices GAO visited. In the other four, the court specialist devoted as little as 30 percent of his time to court-related matters. (See pp. 26 to 28.)

To provide State and local courts with expert assistance and

information, LEAA has relied heavily on the National Center for State Courts, a nonprofit organization established in 1971 with LEAA funds, and a technical assistance contract awarded in 1972 to The American University. When GAO did its fieldwork, it was too early to measure the success of these efforts in helping the States. (See pp. 29 to 31.)

As part of its technical assistance responsibilities, LEAA established a reference service by which State court planners and others could find out the results of court projects carried out in all the States. However, projects funded under most grants were not made a part of the service's data base. (See pp. 32 and 33.)

LEAA did not evaluate the results of its court program nor provide States with criteria for evaluation or training in evaluation methods.

The degree of evaluations by State planning agencies ranged from nothing to allowing the subgrantees to evaluate their own court projects. One State official told GAO that only 3 of 38 court projects had been evaluated. Those evaluations generally consisted of describing the project's function rather than its effect on the court system. (See pp. 34 to 36.)

These inadequate evaluations of court projects were consistent with GAO's findings in an earlier report to the Congress on problems of evaluating other types of LEAA-funded projects to reduce crime (B-171019, Mar. 19, 1974).

RECOMMENDATIONS

The Attorney General should direct LEAA to:

- Require States, in planning for court improvement programs, to specify standards and goals and to note what effect LEAA projects will have on attaining these goals.
- Provide States with criteria for evaluating LEAA programs and for training in evaluation methods so that State planning agencies can determine whether or not their court improvement efforts are effective.
- Staff each LEAA regional office adequately so court needs can be determined and so that appropriate technical assistance can be provided.
- Adopt procedures to make sure that LEAA-funded court systems projects are screened for quality and included in LEAA's reference system, if appropriate, so that all States will have access to the results of projects funded in each State.
- Develop court statistical reporting systems, in cooperation with the States, so courts, for example, will be able to measure accurately their progress in reducing case-loads and processing time.
- Determine how effective organizations receiving LEAA funds are in providing technical assistance to the States and to the courts.

AGENCY ACTIONS AND UNRESOLVED ISSUES

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The Department of Justice generally agreed with GAO's recommendations and has either started or plans to implement them. (See app. I.)

The Department pointed out that, in addition to the 17 percent of court

funds that went for projects to directly improve court administration, an additional average of 25 percent of the funds were used for prosecution projects, which it believed also bear directly on the backlog of cases.

GAO's concern is that the States' planning processes were not refined sufficiently so that the courts' most serious problems were adequately addressed. (See pp. 21 and 22.)

Five of the six States generally agreed with GAO's conclusions and recommendations and pointed out that, as their criminal justice planners have gained more experience, they have started developing better ways to spend LEAA funds more effectively.

The sixth State, California, agreed that data does not exist to accurately identify the causes of backlog and delay. It stated that, since it would be very difficult to establish a standard reporting system that would provide accurate data, the State can only hope that its court projects are reducing delay.

Four States noted that they encounter a major difficulty in dealing with the courts because of the judiciary's independence from the executive branch and its reluctance to become involved with Federal funds. Most of the States said that, because of the separation-of-powers principle, the courts, and particularly judges, have often been reluctant to become involved with State planning agencies.

If the LEAA program is to successfully assist State and local court systems, it is apparent that LEAA and the State planning agencies must find a way to obtain the active participation of the judiciary and court planners in the State planning process.

MATTERS FOR CONSIDERATION  
BY THE CONGRESS

This report contains no recommendations to the Congress. However, it clearly shows the extent that problems in developing LEAA-supported State plans and in providing

technical assistance have, so far, limited the abilities of States and LEAA to improve court systems. Accordingly, it should provide the Congress with information with which to exercise its oversight responsibilities for LEAA's program.



## CHAPTER 1

### INTRODUCTION

The Law Enforcement Assistance Administration (LEAA) of the Department of Justice is to help State and local governments reduce crime and delinquency and improve their criminal justice systems (police, courts, and corrections). This report deals with LEAA's efforts to assist State and local courts.

We reviewed LEAA's court improvement program to determine whether

- the program was addressing the most serious problems of the courts,
- LEAA provided adequate guidance and assistance to the States to help them improve their courts, and
- States had developed effective strategies to remedy court problems and to evaluate the results of their efforts.

We did not evaluate the success of individual LEAA-funded projects.

### THE LEAA PROGRAM

The Omnibus Crime Control and Safe Streets Act of 1968, which created LEAA, states that criminal justice problems should be dealt with primarily by State and local governments. Consequently, LEAA requires that most of the funds awarded to the States be in the form of block grants to be used as the States choose.

### LEAA assistance to the States

Improving court systems is an integral part of LEAA's program. Each jurisdiction has a State planning agency (SPA) which receives funds from LEAA to develop, in conjunction with local planning groups, the annual comprehensive plan for improving law enforcement, courts, and corrections functions. These plans should define the State criminal justice system's problems and needs and the types of programs

intended to solve these problems. Funds received from LEAA to implement the plan are called action funds.

After LEAA reviews and approves the State plan, it awards the State a block grant to implement it. The amount of block grants are based on population and comprise 85 percent of all action funds given to the States. The remaining 15 percent is awarded at LEAA's discretion. After receiving its block grant, an SPA solicits proposals for projects and awards funds for those recommended by State agencies and local governments.

According to LEAA, during fiscal years 1969-73, LEAA granted the States about \$1.5 billion in block funds from which the States allocated about \$180 million to court-related programs. LEAA also told us that, at its discretion, it had awarded about \$43 million in grants directly to cities, agencies, organizations, and individuals for special court-related projects.

LEAA has about 320 staff members at its headquarters and about 280 in its 10 regional offices. The headquarters staff works in three major operating offices which award funds and provide assistance to the States.

- The Office of National Priority Programs is responsible for providing policy and guidelines--including technical assistance--which affect criminal justice agencies nationally or in more than one LEAA region. Before October 1973 the Office of Criminal Justice Assistance was primarily responsible for carrying out these activities and for directing LEAA regional office operations.
- The National Institute of Law Enforcement and Criminal Justice, the research and development arm of LEAA, is responsible for awarding research grants and contracts and for evaluating programs funded by LEAA.
- The National Criminal Justice Information and Statistics Service is responsible for formulating national policy to develop and implement criminal justice information systems and to collect and disseminate statistics on the progress of criminal justice efforts.

The Office of Regional Operations (part of the Office of Criminal Justice Assistance until LEAA's October 1973 reorganization) coordinates the implementation of the LEAA program in the regional offices.

Before 1971 most LEAA authority and responsibility was centralized in Washington, D.C. But in May 1971, as a result of an internal task force's recommendations, the agency was reorganized and decentralized to streamline the delivery of LEAA programs to the States and to bring decisionmaking closer to the point of delivery of services. As a result, the number of regional offices was increased from 7 to 10 and their staffs were at least doubled. The regional offices received most of the administrative and program authority, including the authority to approve State plans, award block and discretionary grants, monitor and evaluate projects, and provide technical assistance to States and local criminal justice agencies. The headquarters staff of three full-time personnel was responsible for developing overall policies and regulations.

To continually assist State and local court personnel and review and approve the court sections of State plans, LEAA has authorized one court specialist for each regional office.

The National Institute of Law Enforcement and Criminal Justice has three staff members assigned full time to court-related efforts. They are to award research grants and contracts, monitor their progress, evaluate their results, and arrange for publishing and disseminating the results of successful efforts.

#### THE ROLE OF SPAs

The States must establish SPAs to prepare comprehensive plans, review and approve applications for financial aid submitted by their political subdivisions, distribute grant funds to local jurisdictions, and assist applicants. SPAs must coordinate, direct, and support the efforts of the components of their criminal justice system. Local input to the SPA decisionmaking process is provided by local or regional planning units. Final decisionmaking authority rests with the SPA Supervisory Board, which represents the interests of police, courts, correction activities, and the local communities.

Each SPA has a number of full-time personnel. Of 50 SPAs, 32 have 20 or fewer staff professionals to perform the 5 basic SPA functions of planning, administering grants, monitoring grants, evaluating projects, and auditing.

Each SPA designates at least one staff member as a court specialist. This person is responsible for involving court officials in the planning process, developing and writing the court section of the State plan, assessing and evaluating the problems and needs of the courts, and insuring that LEAA funds address these problems and needs.

## CHAPTER 2

### BACKLOG AND DELAY: THE MOST SERIOUS PROBLEM

Nationwide studies of the courts emphasize one overriding problem--the increasing backlog of untried criminal cases and the inordinate delay in processing such cases.

In February 1967 the President's Commission on Law Enforcement and Administration of Justice reported that our courts needed reform and concluded that the traditional methods of court administration have not been equal to managing huge backlogs of cases. In the Commission's opinion, justice was being denied in the United States because of the inordinate delay between arrest and final disposition. In January 1973 the National Advisory Commission on Criminal Justice Standards and Goals issued its "Report on the Courts" which noted that backlog and delay was still one of the most serious problems facing our courts.

Five of the six States we visited considered it one of their most serious criminal justice problems. Although Colorado officials did not consider it to be a serious statewide problem, they considered it one of the most serious problems in Denver. Statistics on pending cases in State courts handling felony prosecutions provided by two SPAs we visited illustrate the extent of the problem.

	<u>Case backlog at end of fiscal year</u>			
	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>
Colorado	3,409	4,053	4,705	5,429
Massachusetts	18,306	22,656	28,318	33,194

### DELAYS EXCEED SUGGESTED STANDARDS

The sixth amendment to the Constitution guarantees a speedy trial in all criminal prosecutions. To define a speedy trial, various study groups have suggested standards for disposing of felony cases. In addition, 15 States have legislated a specific time limit by which a defendant must be brought to trial. However, the States have no agreement on what the remedy should be when the right to a speedy trial is violated.

The President's Commission proposed standard maximums of 81 days from arrest to trial and 102 days from arrest to sentencing. The National Advisory Commission recommended that the time from arrest to trial for a felony generally should be no longer than 60 days.

To obtain some indication of the extent of delay, we randomly selected 200 felony cases concluded during the year ended June 30, 1972, in the New York County branch of the New York Supreme Court. Analysis of the time from arrest to sentencing, using the standards suggested by the President's Commission, showed the following.

<u>Processes involved</u>	<u>Suggested time</u>	<u>Actual average time</u>
	(days)	
Arrest to guilty plea, start of trial, or dismissal	81	243
Trial verdict or guilty plea to sentencing	<u>21</u>	<u>50</u>
Total	<u>102</u>	<u>293</u>

An LEAA-funded study of pretrial delay by researchers from Case Western Reserve University Law School included analyzing more than 1,600 felony cases from Cuyahoga County, Ohio, which includes Cleveland. The analysis showed that the average time from arrest to trial was 245 days, or about 8 months.

In January 1972 Notre Dame University completed a study of court delay, also sponsored by LEAA, which covered the courts of felony jurisdiction in two counties in Indiana which include Indianapolis and South Bend. The statistical analysis of a sample of 2,500 cases showed that the average time from arrest to sentencing was 210 days, or about 7 months.

#### IMPACT ON THE QUALITY OF JUSTICE

Criminal justice experts agree that case backlogs and processing delays have a negative effect on the quality of

justice, reduce public confidence in the criminal justice system, and are unfair to the accused.

The Case Western Reserve researchers concluded that long delays make the criminal justice system unable to adequately protect society, deter others from committing criminal acts, or rehabilitate the offender.

The President's Commission estimated that as many as 90 percent of defendants in some jurisdictions do not go to trial but plead guilty as a result of bargaining about the charge or sentence.<sup>1</sup>

The President's Commission defines "plea bargaining" as negotiation between the prosecution and the defense whereby the defendant agrees to plead guilty in return for a lesser charge or a recommendation to the judge that a lighter sentence be imposed. The defendant is thus given leniency, and the prosecution disposes of a case without bringing it to trial. The Commission considered it an acceptable means of disposing of criminal cases since a trial is unnecessary in most cases because the facts are not in dispute.

In testimony before a Senate subcommittee, the President of the National District Attorney's Association stated that, if most cases were not disposed of through negotiation, the court dockets would be so clogged that the criminal justice system could not operate.

Although the President's Commission acknowledged the merit of the negotiated plea, it recognized that, in hard-pressed courts the procedures for plea bargaining are subject to serious abuses, including

- too much leniency for a guilty plea and too much harshness for a not-guilty plea,
- quick decisions based on the desire to clear the calendar rather than on the offense and the offender, and
- informal, unsupervised, and unreviewed negotiations.

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<sup>1</sup>Data available on 190 of the 200 felony cases we sampled in the New York State Supreme Court, New York County, showed that 165 dispositions, or 87 percent, resulted from guilty pleas.

In 1973 the National Advisory Commission recommended that plea bargaining or any form of plea negotiation be eliminated within 5 years.

Criminal justice experts have also concluded that long delays can be damaging to a defendant, whether he is innocent or guilty. If an accused, but innocent person is not allowed to post bail or is unable to do so, he remains in jail for a prolonged period. This could result in

- job loss,
- family breakup,
- the requirement for public welfare to support his family, or
- an inducement to plead guilty to avoid trial.

A guilty defendant is also ill served by delay since he cannot be moved into a rehabilitation program until guilt or innocence has been determined.

Delay results in overcrowding jails with persons awaiting trial or sentencing. For example, in August 1972, three detention facilities in New York City were filled to 154, 188, and 164 percent of capacity. Citywide, detention facilities were filled to 153, 111, and 130 percent of capacity at the close of calendar years 1969, 1970, and 1971, respectively.

Finally, criminal justice experts believe that court delay lessens public confidence and respect for the criminal justice system. Society loses confidence in the system when defendants on bail commit further criminal acts or when cases are dismissed after extended delays.

The causes of delay are varied and complex. In addition to the courts, the police, correctional institutions, and the public also contribute to delay. Continuances in cases can be requested by the prosecutor or defense because of unpreparedness, unavailability of a key witness, or to gain some strategic advantage that could influence the final disposition. Police or witnesses may not appear in court at the scheduled time; judges may choose to work short court hours; outmoded facilities may disrupt efficient courtroom



operations; the court clerk may misschedule cases; the correction official may fail to get the defendant to the courtroom at the designated time. More crimes may be committed. More effective police work may result in the arrest of more suspects.

Obviously, the courts can only correct part of the problem. However, to even begin to address those problems the courts can control, court planners need to identify the extent to which specific factors cause backlog and delay in their courts.

## CHAPTER 3

### STATE PLANS SHOULD BE MORE SPECIFIC

#### AND BASED ON DATA WHICH SHOWS COURT NEEDS

LEAA has not insured that court improvement programs are identifying and addressing the causes of the most serious court problems. Because most LEAA funds are provided as block grants, it is important for LEAA to insure, through adequate technical assistance and proper planning and evaluation, that they are being used to have the maximum impact on the most serious problem--backlog and delay. LEAA funds are an important means of attacking this problem, since most State and local court funds are, of necessity, used for day-to-day operating costs.

Although LEAA is responsible for approving the plans of each State and providing assistance and guidance to them, it has not insured that the court sections of State plans are specific, goal oriented, and based on needs as demonstrated by analysis of court problems.

The six States had not developed specific strategies to reduce backlog and delay. By not developing specific data, States may not be identifying the extent of their courts' most serious problems and consequently the extent to which they should commit resources to solve them.

#### STATE PLANS ARE TOO GENERAL

The court section of the State comprehensive law enforcement plan should lay the groundwork for systematically improving court systems. According to LEAA, the section should be an action plan which identifies problems and needs in terms of priorities, sets goals and specifies programs to accomplish goals, and defines expected results. The plan should be the criteria by which limited resources are allocated, program implementation is directed and controlled, and results are evaluated. LEAA requires that the plan describe (1) the existing court system, (2) problems and needs, (3) ways LEAA funds will be used, and (4) past progress.

Backlog and delay was reported to be the most serious court problem in five of the six States visited. However,

descriptions of court problems and of needs for and uses of LEAA funds in their State plans were vague and not geared to specific problems. The needs and problems segment in the California plan stated that exact causes of delay had not been determined. Illinois claimed that the most difficult task in bringing about court improvement was determining what was really wrong with the system. New York State's needs were stated in general terms, citing, for example, the need to improve the quality of justice and the need for adequate training of people working in the system, readily accessible information for people in administrative positions, and adequate facilities in which to conduct business.

In the segment of the State plans describing how LEAA funds would be used, program goals (1) were not specifically defined, (2) were stated so that measuring results was difficult, and (3) were not specifically related to reducing backlog and delay.

Examples of general objectives were

- "\* \* \* to assist \* \* \* courts in achieving full potential \* \* \* through maximum utilization of the resources of the system and adoption of modern procedures and technology."
- "to increase the degree \* \* \* courts are effectively centrally managed."
- "to encourage judicial practices in the commonwealth which are likely to aid offenders in lawfully functioning in society."
- "Courts, district attorneys, and defender services are encouraged to develop proposals for the improvement of their managerial capabilities. Such programs might involve for example, planners or management analysts for large operating courts or agencies, or court executives of busy metropolitan courts."

The National Advisory Commission's "Report on Courts" contains standards and recommendations which can help in measuring project results. State plans should contain specific goals, such as those recommended in the report. For example, the Commission recommended that:

- A defendant be presented before a judicial officer within 6 hours of the arrest.
- A preliminary hearing, if needed, be held within 2 weeks following arrest.
- All pretrial motions be filed within 15 days of the preliminary hearing, the waiver of the preliminary hearing, or apprehension or service of summons following indictment.

LEAA does not want to require States to adopt the specific standards developed by the Commission but has said it will encourage them to set standards and goals. The LEAA Administrator commended the Commission's process for setting standards and goals to every criminal justice agency.

In October 1973 LEAA adopted the recommendations of an internal management committee report that it and the SPAs adopt a plan in 1974 to insure that States develop appropriate standards and goals to improve their criminal justice systems and that LEAA encourage States to use standards and goals in their planning processes.

Our work in the six States showed that a need exists for developing and establishing specific goals and standards so the planning process can be improved. LEAA should require all States, as part of developing comprehensive court sections of the States' plans, to specify what standards and goals they plan to adopt and why they are not adopting others recommended by the Commission. For example, the plans could include a statement, when possible, of the anticipated effect projects will have on case backlogs and case-processing time.

#### Inadequate statistical data

One of the primary reasons the plans were general was that SPAs lacked current and reliable data to identify the existence, location, and possible causes of court problems. None of the SPAs had adequate statistics on case-processing time and three of the six SPAs told us they lacked overall reliable data on their courts' operations. SPAs also indicated that they had no inventory data on their court facilities; no data on their usage; and only incomplete data on the number of judges, district attorneys, and public defenders, and their respective caseloads. This information

is vital if the SPAs are to adequately assess the courts' problems and develop projects.

In its 1973 plan submitted to the Illinois SPA, the Chicago planning region commented on the lack of court information as follows:

"One of the most difficult aspects of defining the court system is the lack of adequate data. The information storage and retrieval capacity of the entire judicial process component of the criminal justice system--prosecution, defense, trial, sentencing--is uncoordinated and extremely inadequate.

"Certainly the greatest need in the court system besides additional space and manpower is a modern data center which should not only be used for day-to-day operations but also to provide the statistical data necessary for rational and orderly planning."

The August-September 1972 issue of the "Journal of the American Judicature Society" contained research results which supported the above conclusion. The research showed that only limited court statistics are available nationally and that, with few exceptions, recordkeeping in court systems is in a primitive stage. The most rudimentary management information needs are not being met in most jurisdictions. Available court statistics are fragmentary and, in many instances, poorly defined. Despite the need for a more expeditious handling of criminal cases, few courts collect data on the time taken to process and dispose of their criminal cases.

The SPAs we visited told us either that such information was not available in their States or that they had not attempted to obtain it previously because of difficulties in developing adequate criminal justice planning systems. Although the SPAs had no information on how long it took the courts in their States to process felony cases, several, such as Illinois and New York, have begun studies to develop the data.

Because of an absence of empirical data showing the extent and causes of court problems, the programs developed in the court sections of State plans reflected individual opinions and judgments and everyday experience. It is essential that experience be used in developing State plans. However, the LEAA program has been operating long enough so data should be available to permit more objective decisions concerning the allocation of substantial resources.

LEAA has begun to assist States in developing court information systems which will provide statistical data on court administration and operations. In June 1973 it awarded \$2.2 million for 11 States to develop court information systems over a 2-year period. As of December 1973 the States had only developed preliminary plans to implement the project. LEAA expects the States to begin developing systems in 1974. If effectively carried out, this project could help in developing a system applicable to all States.

Other factors may have contributed to the reluctance of some SPAs to collect statistical data on court operations. For example, at one SPA we were told that, even if its staff knew the jurisdictions with the greatest amount of court delay, they usually only approved court projects for those courts which were receptive to change and would therefore be willing to demonstrate new approaches. Two other SPAs told us that there was not enough staff or that the staff lacked the time to collect data and the capability to research court problems.

An LEAA official responsible for court improvement efforts acknowledged that SPAs generally based their court plans on opinion rather than statistically supported statements of needs and problems and that some still propose projects not based on demonstrated problems. He agreed with us that State plans should be more specific and adequately supported and that problems and needs should be documented before LEAA approves the plan.

LEAA REGIONAL OFFICE REVIEW OF STATE PLANS'  
COURT SECTIONS SHOULD BE IMPROVED

The LEAA regional office reviews State plans primarily to insure that they are comprehensive. LEAA requires that a plan address each major component of the criminal justice system and that each important element within an area, such as the courts, be allocated funds.

LEAA has developed general guidelines for the regional offices to follow in such reviews. These guidelines did not require the plans to include specific data justifying specific projects.

Thus, LEAA's regional offices did not require or encourage the States to include in their plans specific quantifiable goals supported by specific statistical or other analytical data. They had no assurance that (1) the States were funding projects designed to solve their most serious problems or (2) the approved plans would have a significant, or any, impact on case backlogs and delays.

LEAA regional office plan reviewers used guidelines prepared by LEAA Headquarters in November 1971 to analyze plans. The guidelines specifically mention that the State plans must discuss case backlogs, court personnel, court management, judicial training, court administrative structure, criminal code revision, law student interns, and court operating manuals; if they do not, the plans should note why.

The State plans, however, generally did not contain information to show the extent that these needs were being met. Apparently, the regional office staff did not always follow the guidelines when reviewing the court sections of the State plans for comprehensiveness.

LEAA Headquarters also has issued a Comprehensive Plan General Checklist, but its primary purpose is to help a regional staff insure that plans comply with LEAA format requirements and are comprehensive. LEAA considers a court section of a plan comprehensive if it contains various types of adjudicative programs (such as training, court administration, bail reform, and facility improvement), assists prosecutors and defenders as well as the court itself, and explains how the needs in these areas are being met.

Generally, the review of the technical adequacy of the court section of the plan is left to the judgment of the court specialist, who is to rely on his knowledge of the court systems in his region. If the regional office has no court specialist or if he is not knowledgeable about the court systems in the region, the effectiveness of the review of the State plan is diminished. For example, the court sections of 1973 State plans in one LEAA region received no technical review because the regional office staff had no court specialist. In another region, due to the absence of a court specialist, the corrections specialist reviewed the court sections of State plans.

These factors can be even more serious if the State plan lacks adequate support for proposed programs and the needs for such programs because LEAA regional offices do not have independent sources of data which they can use to critically evaluate the appropriateness of State plans.

An LEAA headquarters official told us that he believed only half the LEAA regional offices had staff capable of reviewing or evaluating the adjudication-related programs or court sections of the State plans. He said this situation existed because (1) personnel lacked expertise to deal with court problems, (2) turnover of personnel with adjudicative experience was frequent, and (3) LEAA's plan to put a court specialist in each regional office was never carried out. LEAA officials told us it was difficult to hire qualified people for the position because the authorized salary level was not commensurate with the qualifications required. (Staffing problems are discussed in detail on pp. 27 to 29.)

LEAA plans to provide specific guidelines for regional office review and approval of State plans to insure that they are adequately supported and problems and needs are documented before approval is granted.

#### TYPES OF COURT PROJECTS FUNDED BY THE SIX STATES

LEAA data showed that the six States funded the following types of court-related projects.



LEAA-Sponsored Court System Projects  
in the Six States Visited  
(Percent of Total Funding  
by Court Related Program Area)

	<u>California</u>	<u>Colorado</u>	<u>Illinois</u>	<u>Massachusetts</u>	<u>New York</u> <u>(note a)</u>	<u>Pennsylvania</u>
Prosecution (including case-screening and offender-diversion projects)	34	15	35	23	33	23
Defender services	1	1	24	11	8	19
Court administration (including management studies, case-calendaring projects, and information systems)	29	28	8	16	21	11
Adult and juvenile probation and ex-offender programs	20	44	8	27	25	29
Training, conferences, and seminars	11	12	8	11	5	11
Bail reform				2	5	4
Miscellaneous projects (including facilities renovation, legal intern projects, criminal code studies, etc.)	5		17	10	3	3
Total dollar value of projects	\$4,304,846	\$3,571,063	\$8,042,697	\$2,255,794	\$19,929,206	\$3,176,210

<sup>a</sup>Does not reflect three LEAA grants totaling \$12.5 million for the operations of special narcotics courts in New York City.

Source: LEAA Grants' Management Information System--projects funded from 1969 through March 1973 (through March 1972 for Pennsylvania). (Not audited by GAO.)

Although backlog and delay is considered the primary court problem in all States visited except Colorado, those five States spent an average of only 17 percent of their court-related funds for projects to directly improve court administration. However, inefficient court administrative practices are often cited as one of the primary reasons why courts experience backlog and delay.

Some of the other projects in the six States were either only indirectly related to easing the backlog and delay problem or related to projects which, although of long-term benefit, did not appear to promise any immediate assistance to solving the problem.

For example, about 35 percent of total court projects funded in the six States were for probation, ex-offender, or

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training-related activities. Training can increase the efficiency of court system personnel and result in speedier case dispositions. Probation projects can rehabilitate individuals, thereby decreasing the recidivism rate and the number of persons handled by the criminal justice system. However, both types of projects will not immediately affect the backlog and delay problem.

In its comments on this report, the Department of Justice noted that an average of 25 percent of the funds were used for prosecution projects which, it believed, also bear directly on backlog and delay. We do not mean to imply that prosecution, probation, or training projects should not be funded or that they are not vital to improving our courts. Rather, SPAs should have a strategy for determining the various court problems and their causes and for allocating their funds adequately to address the causes of those problems.

The lack of data on the courts' problems, as discussed on pages 16 to 18, precluded the SPAs from developing such strategies. For example, the SPAs did not have adequate data to show the extent to which such factors as inefficient administrative practices or lack of prosecutors may have caused court backlog and delay. By refining their planning strategies to eliminate the problems noted earlier in this chapter, the SPAs should be able to get better data so they will have better assurance that resource allocation corresponds to the needs of their criminal justice systems.

## CONCLUSIONS

The LEAA program did not insure that courts were identifying and addressing the causes of their most serious problems. Consequently, neither LEAA nor the States can be certain that their efforts are resolving these problems. Although funding various court improvement projects will have some impact on such serious problems as case backlogs and case processing delays, LEAA's plan approval process has not guaranteed that this is happening.

To be an effective guide for action, the plans should lay the groundwork for systematically improving court systems. LEAA has not insured that the court sections of State plans are specific, goal oriented, and based on needs as demonstrated by analysis of court problems. The State plans did not present a systematically developed strategy for identifying and addressing the causes of their courts' most serious problems primarily because

- the SPAs lacked current and reliable data to identify the existence, location, and possible causes of court problems and
- LEAA's regional offices did not require or encourage the States to include in their plans specific quantifiable goals supported by specific statistical or other analytical data.

## RECOMMENDATIONS

We recommend that the Attorney General direct LEAA to

- require States to specify standards and goals in their plans for court improvement programs and to note what effect the projects will have on attaining these goals and
- develop court statistical reporting systems, in cooperation with the States, so courts, for example, will be able to accurately measure their progress in reducing caseloads and processing time.

## AGENCY COMMENTS AND GAO EVALUATION

In a March 25, 1974, letter the Department of Justice stated that it generally agreed with our recommendations and had started to implement them. The Department noted that LEAA has given increased emphasis to the courts in the past year. (See app. I.)

The Department agreed that the States should specify standards and goals for court improvement programs and noted that the LEAA 1974 planning guidelines to SPAs encourage States to use standards and goals in their planning process, and that, by fiscal year 1976, States must have comprehensive standards and goals to serve as a basis for planning and as a guide to funding.

The Department noted that LEAA has underway an effort to develop statistics on court operations. To determine the usefulness of such statistics we suggest that LEAA analyze the court sections of State plans, once the statistical effort is fully operational, to see if the information was used to improve the planning process.

Five of the States reviewed generally agreed with our conclusions and recommendations and noted that, as their criminal justice planners have gained more experience, they have started developing better ways to more effectively spend LEAA funds. The sixth State, California, agreed that data does not exist to identify accurately the causes of backlog and delay. It stated that since it would be very difficult to establish a standard reporting system that would provide accurate data, the State can only hope that its court projects are reducing delay.

Four of the States we reviewed advised us that they encounter difficulty in dealing with the courts because of the judiciary's independence from the executive branch and its reluctance to become involved with Federal funds. Because of the separation-of-powers principle, the courts, and particularly judges, have often been reluctant to become involved with State planning agencies.

One State official told us

"The courts are a separate branch of government and the administration of the courts by the executive branch (by LEAA and the SPAs) is a very delicate undertaking. Many SPA court planners have never met the Chief Justices or major presiding judges in their States. To assume that the SPA can bring about change by writing ambitious plans and awarding large grants without the cooperation and dedication of the judiciary is to overlook reality."

If the LEAA program is to successfully assist State and local court systems, it is apparent that LEAA and the SPAs must find a way to obtain the active participation of the judiciary and court planners in the State planning process.

## CHAPTER 4

### TECHNICAL ASSISTANCE SHOULD BE STRENGTHENED

The success of a block grant-in-aid program depends largely on the amount and effectiveness of technical assistance available to avoid past failures, transfer innovative and effective programs, develop model programs, provide specialized expertise, and evaluate particular approaches to problems. LEAA has not provided sufficient direct technical assistance to the SPAs to enable them to assist their State and local courts.

#### LEAA'S TECHNICAL ASSISTANCE

LEAA is responsible for providing technical assistance to the States in planning and implementing their court improvement programs. This assistance can be provided by (1) LEAA personnel directly, (2) individuals at LEAA's request under a special grant or contract, and (3) national or regional organizations under an LEAA grant or contract. LEAA's regional offices are responsible for furnishing most direct technical assistance to the States.

LEAA's technical assistance section is to help formulate LEAA policies and develop management techniques for the regional offices to use to assist the States. It is responsible for developing LEAA's national strategies in the major areas of the criminal justice system, including courts. Its staff should have an overview of court problems and should assist in developing the technical assistance capability in the regional offices.

The section had only limited success in providing guidance to regional office court specialists and improving their capabilities. It drafted a plan review checklist for court specialists; noted qualifications for the position; and held meetings, conferences, and seminars to instruct the specialists. As discussed below, no formal program exists to insure that in each regional office fully qualified court specialists are hired and trained or that they assist the States in developing effective court improvement programs.

## Regional office court specialist positions

Regional court specialists provide technical assistance to the States by giving

- information or instruction on how to administer LEAA grants,
- guidance or supervision in program development or research design, and
- assistance in systems analysis and review, program evaluation, technology transfer, and staff training.

These activities, which require day-to-day contact between the States and the specialists, are necessary so the States can adequately determine what their specific needs are and possibly seek expert advice from consultants or contractors.

Although LEAA has authorized its regional offices to hire one court specialist, the position was unfilled in two of the six regional offices we visited. In two other offices the court specialists devoted only 30 to 50 percent of their efforts to court-related activities because they had other duties. One court specialist split his time between court activities and organized crime work. The other spent most of his time as chief of the regional office's control division responsible for reviewing and administering all grants awarded within the region. His remaining time was divided among court-related work, coordinating drug abuse programs with the Office of Drug Abuse and Law Enforcement, and handling civil rights compliance matters for the regional office.

The remaining two court specialists estimated that they spent about 85 to 90 percent of their time reviewing court plans or dealing with SPA, other State, or LEAA Headquarters officials on matters pertaining to court problems or projects. One specialist was scheduled to assume additional duties as a State representative--a nonspecialized function--and, after our review, the other was assigned the additional duty of regional office contract reviewer. It is questionable whether the court specialists will be able to adequately carry out their primary responsibility, given all the other duties they are required to assume.

At least half of the 10 LEAA regional offices did not have court specialists at one time or another during 1973. As of November 1973 four offices still did not have court specialists. Three of the remaining six regional offices had turnovers in the position during the past 2 years. Even when the regions had such specialists, they spent part of their time handling non-court-related work. Thus, LEAA did not appear to provide adequate, continuous court assistance to SPAs.

At an April 1972 meeting, regional office court technical assistance personnel made the following observations on the effectiveness of LEAA's and the SPAs technical assistance.

- New technical assistance specialists need to get to know the people in the system and are presently bogged down reviewing State plans which they have had no hand in shaping.
- Some specialists have been asked to wear "other hats" by their regional administrator. This cuts into the time that they can spend on court matters.
- In some regions the territory is too big for one court specialist to cover effectively.
- LEAA's Technical Assistance Division should review the court operations in all 10 regional offices and issue guidelines on how the court specialist should operate.
- Some SPAs lack the ability to handle court work.
- Some SPAs experience a high rate of personnel turnover.

The LEAA official primarily responsible for court improvement told us he was concerned over the lack of court expertise in the regional offices and that the reorganization plan to put a court specialist in every regional office was not fully carried out. He did not believe that LEAA's court program had been given sufficient priority either nationally or regionally.



## SPA court specialists

The SPAs also had problems in hiring and keeping court specialists. An LEAA staff paper prepared and distributed to the States in late 1972 stated that the work of the SPA court specialists was vitally important to the State plan. It noted, however, that qualified court specialists were difficult to recruit and that those recruited were often too inexperienced or were incapable of meeting the demands of the position.

We did not evaluate the court specialists' qualifications but noted a high turnover rate in this position in the States visited. For example, one court specialist was in that position for only 10 months before resigning in August 1972, another has been in that position only since September 1972, and another was hired in October 1972 but left in March 1973.

Because court planning is an emerging discipline, States have different views of what the court specialist's role should be. Some of the States saw the specialist as an active participant in the State judicial planning process and as a catalyst to bring about change; others saw him merely as a collator of ideas received from court personnel. In the six States the specialists often functioned as legal counsels to the SPAs or performed other duties, such as drafting legislation, in addition to handling the administrative matters pertaining to the application, review, approval, and award of grants for court projects.

Each State can help insure that adequate staffing is available to handle its court matters if it clearly defines what the role of its court specialist should be.

## Technical assistance by non-LEAA experts

Although court specialists are to give the States general guidance on developing their plans to solve court problems, LEAA has relied on consultants or contractors to give the States expert advice on specific problems, such as data management in the courts.

LEAA has provided about \$5 million to the National Center for State Courts and awarded a \$350,000 technical

assistance contract to The American University to enable State and local jurisdictions to receive technical assistance. The Center, a nonprofit organization representing the States, was started in 1971 to help State courts improve the administration of their court systems. The contract with The American University has been effective since 1972 and provides professional assistance to courts which request help for specific problems.

We did not evaluate the work done by the Center or by consultants under the American University contract. However, as of January 1973, because of the newness of the contract, State and local courts in half the States had not requested assistance under the American University contract and, in those States that did, requests were made from only one or two courts. Further, LEAA had not evaluated the results of technical assistance provided under the grant or contract.

The Center said it planned to establish several regional offices with permanent staff so that it could eventually provide ongoing technical assistance to States. A Center official said that as of mid-1973 the Center had not established a permanent organizational structure and had not made any studies on trial delay in criminal courts. He stated that, although the Center has provided some assistance, it is engaged in several major projects and must gain the acceptance of the States before it can give them ongoing assistance.

The Center has undertaken one major project funded by LEAA to attack the delay problem in appellate courts. Screening staffs have been installed in appellate courts in four States to assist in preparing appellate cases up to the point of final disposition.

LEAA plans to increase its technical assistance expenditures during fiscal year 1975 by about 25 percent. In addition to the technical assistance discussed above, LEAA has either funded the creation of, or heavily supported the operation of, various other organizations which train judges, prosecutors, defenders, and court administrators and which study court problems. These organizations also serve as resources to States which need assistance.

The American Academy of Judicial Education, the National College of the State Judiciary, the American Bar Association, the Institute for Judicial Administration, the Institute for Court Management, the National College of District Attorneys, the National Center for Prosecution Management, and the National College of Juvenile Court Judges have been the major recipients of about \$7 million that LEAA told us it has awarded directly to organizations and individuals for court-related training, studies, and special projects. Funding these activities should result in long-term improvements in court operations and should benefit judges, prosecutors, and defenders by enhancing their capabilities.

With or without the services of outside organizations to provide technical assistance, regional office court specialists are important for insuring the success of the technical assistance program. Each type of activity discussed above would usually deal with specific components of a State's court system. The regional office court specialist should be able to perceive the total system's operations and help SPAs determine how to integrate the benefits provided to specific components of the court system into an overall approach to improve the entire system. The specialists should

- help SPAs identify the types of technical assistance that would be most useful to the people participating in the State and local court systems,
- meet with and coordinate the services of consultant teams, and
- help SPAs use the results of such technical assistance to develop more meaningful State plans.

Thus, to provide timely technical assistance and guidance to States LEAA should develop an effective strategy to insure that its regional offices are staffed with sufficient, capable personnel and that work performed under contract or grants is effectively meeting the needs of the States.

Improvements needed in  
information activities

The President's Commission on Law Enforcement and Administration of Justice's February 1967 report stated that "Once knowledge is acquired, it is wasted if it is not shared."

LEAA created the National Criminal Justice Reference Service to provide information on court studies and project results to interested parties. The service was established to provide a central reference service for the criminal justice community. It accepts information products from public and private sources, screens them for quality and suitability, and enters them into its data base. Announcements of available reports are regularly sent to users and include quarterly document retrieval indexes which cover all information products acquired by the service during a 3-month period. The reference service furnishes users with copies of documents or informs them as to where they may be obtained. The results of court studies and court improvement projects could be useful to SPAs and their grantees to

- advise them on approaches and methods that have been successful in other jurisdictions,
- prevent duplication of effort,
- preclude the adoption of unsuccessful approaches,  
and
- save the normal costs to develop and start a project.

Although the information being collected and disseminated by the National Criminal Justice Reference Service is useful, improvements are needed so users can obtain more complete information.

None of the six LEAA regional offices we visited had established formal systems for disseminating within their regions the results of court projects done in other States, although the regional offices did occasionally send copies of studies or project reports to organizations which might be interested in them.

To be of greatest assistance to its users, the reference service should include as many items on a particular research area as possible. Although research contracts and discretionary grants awarded by LEAA provide that final reports be submitted to the reference service, no similar requirement exists for block grants awarded to the States.

The LEAA project monitor for the National Criminal Justice Reference Service said that several States voluntarily submit reports on the block grant projects but acknowledged that not receiving the results of all such projects lessens the overall effectiveness of the reference service. Thus, the reference service has not been as useful as possible to the States because most projects are funded by block grants.

## IMPROVEMENTS REQUIRED IN PROGRAM EVALUATION

Evaluation of results of court improvement programs is necessary to determine

- whether individual local projects are accomplishing planned objectives,
- if a State's overall court program is having an impact on the courts' most serious problems, and
- what works well on a national level and should therefore be replicated and what should be discarded.

### LEAA evaluations

Although the Omnibus Crime Control and Safe Streets Act requires that LEAA develop data on its program's success, LEAA neither made such evaluations nor provided an evaluation system that the States could adopt.

The six LEAA regional offices we visited generally did not evaluate court programs in their jurisdictions. Although regional staff monitored specific projects to determine their status and progress, no formal evaluation programs were established. LEAA court specialists told us that they had received no evaluation guidelines from headquarters and that even if they did they would not have sufficient time to formally evaluate all the court projects funded in the States within their jurisdictions.

LEAA attempted to reemphasize its program evaluation responsibilities during the reorganization of the agency in 1971. At that time the Office of Inspection and Review was established and assigned the responsibility to

- define, quantify, and establish goals and objectives for each program within LEAA,
- develop timetables for meeting goals and objectives,
- insure that an adequate performance measurement system was implemented, and
- insure that adequate technical assistance in evaluation was provided to SPAs and other grantees.

However, an official of that Office told us in mid-1973 that LEAA had not evaluated its court-related activities and had not provided training in evaluation methods and techniques to SPAs to equip them with program evaluation capabilities they lack.

The Crime Control Act of 1973<sup>1</sup> requires LEAA to strengthen its evaluation capability and report annually to the President and the Congress on the extent to which LEAA and the States have met the goals and purposes set forth in the act.

The LEAA Administrator stated that improving evaluation capabilities will be one of the primary objectives of LEAA. He said that plans are being formulated to carry out this objective and that LEAA is emphasizing the importance of evaluation.

The LEAA National Institute for Law Enforcement and Criminal Justice's comprehensive evaluation plan, being developed in response to the new legislation, will include evaluation of court projects funded by the Institute and other selected court programs. One major effort by the Institute is an evaluation in four cities of the efforts to implement some of the recommendations of a major study funded by LEAA during 1972. The study cited 25 specific ways to reduce delay in processing cases. Another effort will determine the effectiveness of measures to expedite handling of serious cases by prosecutor offices in two cities.

Evaluations of such projects designed to impact on case-processing time illustrate how the most effective ways of reducing backlogs and delay can be identified. LEAA guidance and direction are essential if LEAA and the States are to know how to evaluate court projects to determine what does and what does not work. A previous GAO report to the Congress,<sup>2</sup> which discussed other types of LEAA-funded projects to reduce crime, also cited the need for LEAA guidance and direction and stated what is needed to evaluate specific projects.

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<sup>1</sup>This act (42 U.S.C. 3701) authorized LEAA to continue its program until June 30, 1976.

<sup>2</sup>"Difficulties of Assessing Results of Law Enforcement Assistance Administration Projects to Reduce Crime" (B-171019, Mar. 19, 1974).

## Evaluation of court programs by SPAs

LEAA requires that SPAs evaluate at least portions of the projects they fund. However, the number and extent of evaluation of court projects by the SPAs we visited was minimal.

No SPA had evaluated the results of its overall LEAA court program in terms of its effect on case backlog and processing delays. One SPA had not evaluated any court projects, although it planned to do so. Another SPA had evaluated only 3 of its 38 court projects and those evaluations discussed what the projects did rather than what effect they had on the court system.

Officials of the other four SPAs told us either that they were unaware of the extent to which evaluations had been made or that the evaluations were informal and not documented.

The SPAs offered various reasons for their lack of evaluations, including

- lack of standards for evaluating criminal justice system programs,
- inadequate statistical data,
- lack of staff capability, and
- shortage of staff.

The National Advisory Commission on Standards and Goals, in its "Report on Courts," recommended that specific guidelines be developed for evaluating court programs and practices. We support the Commission's recommendation and believe that LEAA's efforts to assist the States in developing this capability should be expeditiously carried out so the States will know what is working and can effectively plan and attack the most serious court problems in their States.

## CONCLUSIONS

LEAA did not provide sufficient direct technical assistance to the SPAs to enable them to assist their State and local courts, primarily because LEAA's regional office court specialist capabilities were weak. Because of this weakness,



and the SPAs' difficulties in hiring and keeping court specialists, LEAA has relied on consultants and contractors to provide the States' court systems with expert advice on specific problems. LEAA has not evaluated the results of the consultants' and contractors' efforts and consequently does not know how effective their efforts have been.

LEAA also did not evaluate the results of its overall court improvement program and did not provide the States with criteria for evaluation or training in evaluation methods. Until LEAA and the SPAs improve their evaluation capabilities they cannot be certain which court improvement efforts are working.

LEAA is compiling information on completed projects in its reference service data base so that results might be shared with others. The reference service has not been as useful as possible to the States, however, because it does not regularly include the results of most projects funded.

LEAA guidance and assistance to help States solve their court problems and evaluate their improvement efforts has not been adequate. With effective program evaluation and technical assistance, however, LEAA and SPAs can begin to insure that they will obtain the maximum possible benefits from the resources they allocate to court improvement programs.

#### RECOMMENDATIONS

We recommend that the Attorney General direct LEAA to

- provide States with program evaluation criteria and training in evaluation methods so SPAs can assess the effectiveness of their court improvement efforts,
- staff each LEAA regional office adequately so court needs can be assessed and appropriate technical assistance can be provided to States,
- adopt procedures to insure that LEAA-funded court system projects are screened for quality and included, if appropriate, in the data base of the National Criminal Justice Reference Service, so that all States will have access to the results of projects funded in each State, and

--assess the effectiveness of the organizations which receive LEAA funds to provide technical assistance to the States and their courts.

#### AGENCY COMMENTS AND GAO EVALUATION

The Department generally agreed with our recommendations and had either started or planned to implement them. (See app. I.)

The Department noted that LEAA plans to evaluate the efforts of one of the major groups it has contracted with to provide the States with court-related technical assistance and that another technical assistance contractor is being evaluated. To insure continued assessment of contractor's efforts, we believe LEAA should plan to evaluate the technical assistance efforts of all contractors dealing with the courts, not just the two noted in the Department's response.

According to the Department, the Office of Evaluation, a part of LEAA's National Institute of Law Enforcement and Criminal Justice, will develop evaluation criteria for the various court programs. Each LEAA regional office now has or is actively recruiting court specialists so they can provide adequate technical assistance.

The Department said that LEAA will include the results of block grant projects in its reference service. However, the Department's response was unclear as to how LEAA would screen such projects for quality to insure that only useful information is disseminated. Such a screening process is essential to make the reference service as effective as possible.

## CHAPTER 5

### SCOPE OF REVIEW

Our findings and conclusions are based on our work at LEAA Headquarters; at 6 LEAA regional offices having responsibility for 29 States and 5 other jurisdictions; and in California, Colorado, Illinois, Massachusetts, New York, and Pennsylvania. These six States accounted for about 31 percent of all State allocations of LEAA funds to court-related programs. We did most of our fieldwork from January to April 1973.

We reviewed (1) LEAA's processes for approving State plans, monitoring and evaluating programs, and providing technical assistance to grantees and (2) the States' procedures for identifying courts' problems and the way the results of improvement projects were evaluated. We also reviewed available studies and interviewed LEAA and State officials. In some States we talked with representatives of State judicial, prosecutor, and public defender organizations to identify problems of the courts and proposed solutions.

We did not fully evaluate the activities of the organizations visited but did review the impact of LEAA's and the States' efforts to improve their operations.



Address Reply to the  
Division Indicated  
and Refer to Initials and Number

## UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

March 25, 1974

Mr. Daniel F. Stanton  
Assistant Director  
General Government Division  
United States General Accounting Office  
Washington, D.C. 20548

Dear Mr. Stanton:

This letter is in response to your request for comments on the draft report titled "Efforts to Assist State and Local Courts Should be Improved" (B-171019).

Generally, we agree with the report and its recommendations and share GAO's concern regarding the need for effective planning, evaluation, and technical assistance to assure that maximum possible benefits are obtained from the resources allocated to court improvement programs. In the past, only limited staff and funds have been available to devote to improvement of State and local court systems. Within the last year, however, there has been a dramatic increase in both State Planning Agency (SPA) block grants and Law Enforcement Assistance Administration (LEAA) discretionary grants for funding court projects. Concurrent with the increase in funds, plans were initiated to increase the LEAA Central Office courts staff and undertake a new courts program initiative.

The report recommends that LEAA require States to specify standards and goals in their plans for court improvement programs and to note the effect their projects will have on attaining these goals. We recognize the need for standards and goals, and, as early as 1970, the LEAA Guide for Comprehensive Law Enforcement Planning and Action Grants required the SPAs to provide statements of objectives or goals. These goals were to be concise, informative and related to identifiable needs, problems and priorities. Where possible, plans were to include quantifiable goals supported by specific statistical or analytical data.

## APPENDIX I

The Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, further strengthened the requirement that each State's comprehensive plan must establish "goals, priorities and standards" for crime prevention and reduction. Additionally, in October 1973, LEAA adopted the recommendations of an internal management committee report. This report suggested that LEAA and the SPAs adopt a plan in 1974 encouraging States to develop appropriate standards and goals to improve their criminal justice systems with the provision that LEAA provide guidance to the States in their planning process. These recommendations were implemented in an LEAA Guideline Manual for State Planning Agency Grants (M 4100.1B) issued December 10, 1973. Each State is to begin incorporating "standards, goals, and priorities" into their Fiscal Year 1974 Comprehensive Plan. To meet the statutory requirements of the Safe Streets Act by FY 1976, each State must have a comprehensive set of standards and goals that can serve as a basis for planning and a guide to funding.

The draft report also recommends that LEAA provide States with program evaluation criteria and evaluation methods training so the SPAs can assess the effectiveness of their court improvement efforts. As early as November 1971, LEAA guidelines have required SPAs to evaluate their programs and projects and ascertain the effectiveness of their court improvement efforts. Presently, LEAA is taking action to significantly improve their assistance to States in the program evaluation area. As a first major step, a new Office of Evaluation, which will develop evaluation criteria for the various court programs, was established within the National Institute of Law Enforcement and Criminal Justice in October 1973. In addition, program evaluation has been given a high priority at the regional level as evidenced by the creation of a high level planner/evaluator position in each of the ten regional offices.

We also concur with the GAO recommendation that each LEAA regional office should be adequately staffed so that court needs can be assessed and qualified technical assistance can be provided to States. In the past, personnel ceilings and demands in other program areas have resulted in a lesser relative priority being given to court programs. At present, however, all regional offices have, or are actively recruiting, a court specialist. We believe the services of these specialists will contribute immeasurably to the success of our court improvement programs.

The report also recommends the adoption of procedures to assure that court system projects funded with LEAA funds are (1) screened for quality and (2) included in the data base of the National Criminal Justice Reference Service, so that all States will have access to the results of projects funded in each State. To date, most block grants have not produced final reports which would be worthy of dissemination through the Reference Service. Recently, however, the Reference Service has instituted a procedure for obtaining copies of substantive reports emanating from grant projects. The LEAA Grants Management Information System (GMIS) furnishes the Reference Service with a monthly listing of grant projects expecting to release reports. The Reference Service determines whether a project report was, in fact, issued during that month. If a report was issued, the Reference Service requests a copy and selects those of a substantive nature for inclusion in its data base.

In addition to GMIS, the National Center for State Courts publishes a two-volume set of reference books covering recent court improvement projects. These books, Court Improvement Programs: A Guidebook for Planners and Guidebook of Projects for Prosecution and Defense, identify and describe recent action grants in the adjudication area and provide the name of an individual to be contacted for further information on each project.

The report further recommends that LEAA develop a court statistical reporting system, in cooperation with the States, so that courts can accurately measure their progress in reducing caseloads and processing time. Over the past 2 years, the National Criminal Justice Information and Statistics Service has been implementing the Comprehensive Data System (CDS) program, which is designed to meet the objectives of the recommendation. One segment of this program provides for the development of an Offender Based Transaction System. This system will provide statistics on court operations as well as related operations which impact directly on the courts. In addition, the CDS program provides for the establishment of a Criminal Justice Statistical Analysis Center to analyze court statistics as a part of its overall system analysis and program evaluation effort.

The final recommendation suggests that LEAA assess the effectiveness of the efforts of organizations receiving LEAA funds to determine whether the technical assistance

## APPENDIX I

provided the States and their courts by these organizations results in reduced backlogs and processing time. The recommendation relates primarily to our contract with American University. The provisions of this contract require recipients to evaluate the effectiveness of the technical services provided to them by American University for each on-site visit. If an evaluation indicates that inadequate or unsatisfactory services are rendered, immediate action is taken on a joint basis by the American University staff and the LEAA staff. In this manner, immediate and effective on-going evaluations are accomplished to provide us with a current knowledge of successes and failures. We also intend to evaluate the overall effectiveness of the contract activity from a much broader perspective after sufficient experience has been gained. We do not believe that the knowledge gained from our 1 year of experience under the contract provides sufficient data for undertaking an evaluation at this time. A companion technical assistance contract for prosecutors was awarded the National Center for Prosecution Management. The effectiveness of this contract is presently being evaluated by the Rand Corporation under a recently awarded contract.

GAO identifies the most serious problem plaguing the court system as the increasing backlog of untried criminal cases and the inordinate delay in processing such cases. The report further states that, "Although the States are primarily responsible for insuring that the most serious problems of their criminal justice system are identified and their causes attacked, many of the federally funded projects to improve the courts in the six States could not directly reduce backlog or delay. For example, while projects to improve probation services and provide training to court officials have an indirect effect on backlog and delay, the six States allocated an average of 35 percent of their court funds to such projects. Moreover, the five States that still considered backlog and delay to be the primary court problem allocated an average of only 17 percent of their funds to projects to directly improve court administration."

While it is true that an average of 17 percent of the court funds was for projects to directly improve court administration, an additional average of 25 percent was used for prosecution projects, including case screening and offender diversion. These projects also have a direct bearing on the backlog of cases. The Case Western Study suggests case screening by prosecutors and defenders as one

of the keys to reducing backlog and delay. In addition, the study refers to offender diversion projects as another means of accomplishing this end. Therefore, in total, 42 percent of court funds are being expended for programs having a direct bearing on case backlog.

Another 35 percent of court funds are used for support projects having an indirect impact on the case backlog, such as the training and probation services mentioned earlier. These programs are needed to train personnel in (1) implementing the new programs and procedures designed to improve court administration and (2) assisting rehabilitated criminals, thereby reducing the likelihood that they will again become a part of the backlog of new criminal cases. We consider it vital that training be provided simultaneously with the installation of new case screening techniques and the implementation of new administrative service functions. In essence, it is our view that funds spent in a large number of areas, including bail reform and criminal code studies, impact directly or indirectly in reducing caseloads and processing time.

We appreciate the opportunity given us to comment on the draft report. Should you have any further questions, please feel free to contact us.

Sincerely,



Glen E. Pommerening  
Acting Assistant Attorney General  
for Administration



APPENDIX II

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF JUSTICE

RESPONSIBLE FOR ADMINISTERING ACTIVITIES

DISCUSSED IN THIS REPORT

	<u>Tenure of office</u>	
	<u>From</u>	<u>To</u>
ATTORNEY GENERAL:		
William B. Saxbe	Jan. 1974	Present
Robert H. Bork (acting)	Oct. 1973	Jan. 1974
Elliot L. Richardson	May 1973	Oct. 1973
Richard G. Kleindienst	June 1972	May 1973
Richard G. Kleindienst (acting)	Mar. 1972	June 1972
John. N. Mitchell	Jan. 1969	Feb. 1972
ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION:		
Donald E. Santarelli	Apr. 1973	Present
Jerris Leonard	May 1971	Mar. 1973
Vacant	June 1970	May 1971
Charles H. Rogovin	Mar. 1969	June 1970

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