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# THE EVOLVING NATURE OF STRATEGIC CRIMINAL JUSTICE PLANNING

## TESTIMONY BY

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### LITTLE HOOVER COMMISSION SACRAMENTO, CALIFORNIA

## **BACKGROUND**

There are times in history when circumstances and knowledge come together at just the right time to create meaningful opportunity. This is such a time. With instability and problems facing our society, emerging solutions offer potential breakthrough progress for justice and safety. Public concern is at a high level over terrorism, immigration, drug abuse, violent crime and offenders reentering our communities from prison. Unfortunately federal, state, tribal and local units of government confront the worst economic climate in decades. The public and government decision makers are demanding more from the justice system. They want a return on their investment – to feel safer now and to know that their tax dollars will help buy protection in the future.

Community-based strategies such as community policing, have shown that the public wants to be involved. These approaches show that communities and justice agencies can work together toward a common end to achieve better results. It is time to assess what we know about the structures and processes that effect positive system change and broad participation at the community level. The current fiscal crisis may create opportunities with more receptive agency heads, more amenable political leaders, and a willingness to forge new alliances.

With a dynamic fiscal and political environment, it is wise to anticipate rather than react under pressure. For several years, the National Criminal Justice Association (NCJA) representing state agencies responsible for criminal justice strategic planning and resource administration in collaboration with the Office of Justice Programs (OJP), U.S. Department of Justice has examined the changing nature of criminal justice strategic planning. As a result of this work, the following principles have been identified:

- A strategic approach can help control resources and improve cost efficiency
- Collaboration at county, city, and neighborhood levels will be more effective and focused if there is a state strategic process
- There are many tools available that can be used as circumstances dictate
- There are programs available to best use scarce resources

## **LEGAL AND HISTORICAL FOUNDATION**

Crime and justice at the local level was not a priority of the federal government until 1964 when crime in the streets became a presidential campaign issue. Subsequently, a combination of reformers wanting to improve archaic institutions and others reacting to disorder in the streets and on campuses supported the passage of the 1968 Omnibus Crime Control and Safe Streets Act. This Act established the Law Enforcement Assistance Administration (LEAA) to dispense federal block grants to states for crime and justice activities. To obtain funding, states were required to establish a State Planning Agency (SPA) to develop and submit a comprehensive state plan, defined by Congress as:

*A total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State; goals, priorities and standards must be established in the plan and the plan must address methods, organization, and operation performance, physical and human resources necessary to accomplish crime prevention, identification, detection and*

*apprehension of suspects; adjudication; custodial treatment of suspects and offenders and institutional and non-institutional rehabilitative measures.*

This mandate proved difficult, due to fragmentation of the justice process, and states approached planning in one of three general ways:

1. Limited decisionmaking: states used a balanced allocation of federal funds, distributing to agencies with a formula rather than based on analyses
2. Centralized planning: States used a top-down approach and maintained control over decisionmaking, and
3. Justice planning and coordination model: Shared decisionmaking with local agencies; attempted to minimize the negative effects of fragmented policies and decisionmaking.

These limited planning efforts coincided with a greater demand by Congress for funding evaluations of what works, as Congress found little documentation of what was accomplished in the early years.

In the mid-1970s the representatives of the SPAs who were charged with administering the LEAA funding formed an association to share information and represent their interests in Washington. This “National Conference of State Criminal Justice Planning Administrators” evolved into today’s National Criminal Justice Association (NCJA) which now includes a much broader membership but still has the state level interest as a primary focus.

Despite efforts in the 1970s to enhance LEAA’s funding impact, Congress was still concerned about the results of the millions of dollars authorized and spent. In 1979, LEAA was reauthorized as the Office of Justice Assistance, Research and Statistics (OJARS). OJARS had lower funding levels and less red tape. Funds flowed more directly to localities based on formulas, and less emphasis on comprehensive planning.

This approach continued through 1983. Despite the decreased funds and reduced emphasis on planning, an estimated one-third of the states retained significant planning and coordination at the state level; another third maintained some semblance of planning; and the last third essentially served as a pass through for federal funds. The years of experience with planning and multi-disciplinary coordinating boards did leave a recognition that collaborative efforts among disparate agencies and the public did not occur naturally. It also left a legacy of activism and system perspective that did not exist before. The criminal justice system became more open, and those involved increased their knowledge and skills. In many states, the planning and evaluation infrastructure was retained, and not just at the state level.

Subsequent reauthorizations changed the agency’s title to Office of Justice Programs (OJP) and added programs and new emphases, notably related to victims, domestic violence, and drug offenders. Funding increased again substantially with the 1994 Crime Act. There has been an increasing requirement that applications for funding include evidence of planning and collaboration.

By the late 1990s over \$5 billion was supplied by the federal government for local crime fighting, compared to less than \$1 billion at the high point of the 1970s. The number of funding “streams” also increased to over 20 programs now being administered by the OJP.



## CONTEMPORARY CRIMINAL JUSTICE PLANNING

Many state planning agencies have adapted to these changes and have maintained an important role in managing resources for state and local criminal justice. Many programs require that each Governor designate an agency to administer funding coming to the state. In many cases the state planning agency or its successor has been given that responsibility. In some states, the criminal justice planning agency has also been given the responsibility for administering federal “non-criminal justice” programs such as homeland security and other state funding programs for mental health, substance abuse, and social services.

In 2000, the NCJA undertook a survey of state approaches to criminal justice planning and resource administration. The findings of this survey revealed that criminal justice planning in many states has changed over the years to adapt to new funding strategies and sources. The states that have maintained a strong planning function have expanded their scope to include a broad range of federal and state funding sources and have abandoned the linear top-down planning process practiced in the 1970s.

States responding to the survey defined criminal justice planning as planning at the community level involving key community leaders in issue identification and action planning. The process was defined as inclusive decision-making, driven by the needs and values of the local community. State administrators stressed that it meant collaboration and coordination at the community level resulting in the efficient and effective use of resources. The collaboration was stressed as part of local ownership and interaction about what needs to be done at the community level and what to do about it. Several respondents commented that government and crime are local and therefore best addressed at the local level.

Four critical elements of community based strategic planning were identified:

### *Critical Element #1 -- Commitment to “bottoms-up” planning*

A dedication to assisting communities and local governments develop comprehensive strategies to respond to the crime and delinquency problems in their neighborhoods. In this approach, communities and local governments manage the community-based planning process. Local participants identify necessary services, gaps in delivery, and the specific public safety problems to be addressed. The state agency, in this approach, supports and facilitates community involvement through resources, training, and technical assistance.

Efforts to promote planning of this nature are not mutually exclusive to either the state or the local level; rather, they must complement one another. State agencies must work with one another and also foster meaningful relationships with officials at the local level to encourage the process. Likewise, local government and elected officials must build relationships with community leaders and state administrative agencies to ensure that the plan is implemented and “workable”.

### *Critical Element #2 -- Creating the Capacity to Support Community-Based Planning*

Building a capacity, at both the state and local levels, to ensure that the community-based planning process remains locally focused; becomes institutionalized; and continues as a priority of the community and government at all levels.



*Critical Element #3 -- Process Should Be “Key Stakeholder” Driven*

Many actors at the community level and all levels of government need to be aware of the benefits of community-based planning initiatives and support their implementation to ensure that the effort is successful. All of these stakeholders must have access to information regarding community-based planning and believe -- to sustain their involvement -- that the process will either benefit them individually or better the community as a whole. This, like creating an infrastructure to support the planning process, will foster long-term commitment and institutionalization of collaboration among agencies on public safety and crime prevention issues.

*Critical Element #4 -- Integration of Funding Streams*

Combining funding streams and other resources into one fund upon which the community may draw is important in changing the manner in which grants from the states are perceived by local agencies, and to diminish the categorical nature of existing public safety grant programs.

This integration is important for a number of different reasons: first, the more categorical nature of current funding streams somewhat precludes the need for planning by pre-selecting the applicant’s priorities, based on the programs and initiatives the grant program supports. The planning exercise is less meaningful when the priorities are already determined. Existing funding programs also foster categorical approaches to agency staffing and may impede communication between agencies. Making funding streams more fungible - - those that originate both the state and local level -- is a critical element of making the planning process one of value and mitigating barriers to interagency communication, at all levels of government.

States that have committed to implementing this type of planning and resource management have seen a fundamental change in the role of the state level criminal justice planning agency. Rather, than implementing a rigid planning process carried out by state officials that require local units of government to conform to a pre-determined set of priorities and program strategies, state agencies are now in the role of managing a much more complex process. Local communities are defining needs and identifying strategies to address criminal justice problems across a broad range of issues. The state agency exercises “executive leadership” conferred on it by the Governor to convene state and local decision makers and to marshal resources to address the needs identified by community members. This approach becomes more critical as resources diminish and national priorities change. The state planning agency becomes the mechanism that can leverage federal and state resources to implement crime prevention and control strategies that are relevant to the needs of individual communities.

