

The original documents are located in Box 66, folder “FY 1978 Director's Review - Justice (2)” of the James M. Cannon Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

PRISONS

Issue Paper
Department of Justice
1978 Budget
Issue #4: Federal Correctional System

Background

The Bureau of Prisons operates 34 correctional institutions and 15 community treatment centers which house U.S. prisoners convicted of violating Federal law. In addition, the Bureau operates three metropolitan correctional centers (MCC's or jails) in New York, Chicago, and San Diego, and contracts with local detention facilities in other areas to hold prisoners in custody while awaiting trial.

Justice is requesting construction funding in 1978 for three new prisons and three additional MCC's. Subissue #4A discusses the requested new prison construction, and Subissue #4B, the new jail construction.

Subissue #4A: Prison Construction

Currently, Federal prisons are overcrowded. On October 21, 1976, the total committed population was 26,155, an increase of 20% over the daily average of 1975, and 24% over the designed capacity of the current system.

This overcrowding has resulted from substantial increases in prison population due to many factors. First, the general rise in crime has caused an increase in the number of persons convicted of Federal offenses. Secondly, judges have been tougher in sentencing, relying less on community-based facilities or probation and more on institutional commitment. Parole officers have followed this trend as well, refusing to grant many paroles. In addition, the unavailability of Federal detention space (jails - see the following subissue) has forced the utilization of space in some penal institutions for this purpose.



Relief from this problem is not anticipated. Several planning models for prison population currently exist, and the Bureau of Prisons uses some of these in their planning process. Although there are problems in estimating future prison population, most correctional authorities would probably agree that the current Bureau estimate of 30,000 U.S. prisoners in 1986 is a conservative estimate.

Statement of Issue

Should new Federal prison construction be funded in 1978?

Pros.

- Construction of the three requested facilities would provide 920 additional spaces in FY 1980, and 500 more in 1981, thereby decreasing overcrowding (after adjustments to reflect construction already underway) to 10% over design capacity in 1981. This assumes that none of the present older prison facilities will be closed and that existing facilities will not be used for detention purposes.
- Current administration proposals for mandatory sentencing and tougher treatment of repeat offenders would increase future prison populations. Additional construction is a necessity if sentences are to be increased.

Cons.

- Additional construction will expand the Federal system when efforts should be increased to utilize State and local facilities, because they have 90% of all committed prisoners; a separate Federal system is not necessary, and should be discouraged.
- Many correctional authorities indicate that institutional treatment stifles rehabilitation. They recommend the use of community-based residential centers as a more effective method of treatment. Construction of new institutions obviously rejects this theory.

-- The Federal Prison System is increasingly criticized for not utilizing existing Federal, State, or local surplus facilities for its correctional institutions. New construction should not be pursued until all possible alternatives are studied.

Alternatives

- #1. Approve new prison construction for 1978 (Agency req.).
- #2. Approve new prison construction for 1978, but substitute the Lake Placid, New York, Youth Facility for the Northeast Youth Facility (OMB rec.).
- #3. Reject the request for new prison construction.

Analysis

<u>Budget Authority/Outlays</u> <u>(\$ Millions)</u>	<u>1977</u>			<u>1978</u>			<u>1979</u>			<u>1980</u>			<u>1981</u>		
	<u>BA</u>	<u>O</u>	<u>POS</u>												
Alt. #1 (Agency req.)	5	1	-	38	7	-	26	30	160	16	25	622	20	22	872
Alt. #2 (OMB rec.)	25	2	-	20	15	-	32	25	391	14	23	622	19	22	872
Alt. #3	--	-	-	--	--	-	3	3	160	3	3	160	3	3	160

Agency Request

<u>(Difference from Alt. #1 (Agency request)</u>	<u>1978 Outlays</u>	<u>1979 Outlays</u>
(Alt. #2 (OMB rec.)	+8	-5
(Alt. #3	-7	-27

Agency Request: Alternative #1. The Department requests funds for construction of youth facilities in California and the Northeast, and funds for site acquisition and planning for an adult penitentiary in the South Central Region. The Department maintains that attempts to obtain surplus facilities and increase the use of alternative types of incarceration have not been successful in providing enough space. In their view, there is little choice but to build new correctional institutions to relieve present overcrowding, which hinders rehabilitation and threatens the security of inmates and staff.



OMB Recommendation: Alternative #2. Additional prisons are necessary to relieve current overcrowding which, as the Department indicates, causes general program disruption. Field visits have demonstrated the critical nature of this problem, and although the costs are great, the request is justified. Dependence upon surplus facilities or expanded use of community-based facilities for additional space is neither realistic nor appropriate in many cases. We recommend approval of the new facilities based on confidence that there will be few suitable excess facilities in the future. At the worst, if population suddenly decreases--which is doubtful--new institutions could be utilized to replace the three older inadequate institutions currently in operation.

Along with this recommendation for new construction, we believe efforts should be intensified to obtain surplus facilities suitable for correctional uses, particularly military facilities. The Bureau of Prisons has identified several military facilities which are currently under utilized, and could be used for correctional purposes, but the Department of Defense has refused to release these facilities. We are not convinced that DOD has fully justified its continued use of these facilities, and recommend further review of DOD requirements. Use of surplus facilities will not relieve all of the problems, but it could provide some additional space.

Construction of these facilities will not relieve all of the existing overcrowding, but will succeed in reducing the problem somewhat. It should be noted that based on our estimates that prison population will continue to increase, the Department will probably request funds for prison construction for at least the next five fiscal years. Their current master plan, which is based on an expected 1986 population of 30,000, includes 19 new institutions at a cost of \$436 M.

Our recommendation does differ from the Department request in one respect. We have substituted a youth facility at Lake Placid, New York, for that requested in the New Jersey/Philadelphia area. This is accomplished through a 1977 supplemental rather than a 1978 request, and is based on the decision to build a correctional institution in Lake Placid which can be utilized to house athletes during the 1980 Winter Olympics. The Department opposes this modification.

Subissue #5B: Jail Construction

Most persons who are held in custody for a violation of Federal law are detained prior to sentencing in contracted local detention facilities--usually city or county jails. The number of Federal detainees is relatively small, only 2% of the national jail population. Recent increases in crime and tougher judicial attitudes have substantially increased the jail population. The problem has been further complicated by recent decisions of Federal and State/local courts restricting overcrowding and actually closing some below-standard facilities.

Because of problems locating suitable space for Federal detainees, funds were provided in 1973 for a Metropolitan Correctional Center (MCC) in San Diego, California, to house Federal detainees and short-term commitments. The facility was justified as a model for urban corrections and clearly reflects that emphasis upon inspection. Shortly thereafter, in 1974, funds were approved for similar MCC's in Chicago and New York, based on the lack of adequate local facilities and the need to accommodate increased numbers of Federal detainees. In the 1977 budget funds were approved for site acquisition and planning for MCC's in Detroit and Phoenix, again justified on the basis of the lack of adequate local facilities and the Federal caseload.

The result of these decisions has been an increased demand for MCC's in several urban areas (especially Los Angeles). As a response, the Department has established a task force to study the Federal detention program and to recommend criteria for future MCC construction. The task force has not formally released any recommendations, but informal communication indicates that the task force will recommend no future MCC's unless the Federal caseload is over 250 detainees and local facilities are not available.

Federal judges have been quite involved in the pressure for these facilities; they prefer a MCC they can control rather than a local facility they cannot control. They also claim that MCC's offer significant sentencing alternatives which are otherwise unavailable. Local officials involved in contracting for Federal detainees are also anxious for MCC's, because it relieves them of the caseload and the overall Federal involvement. There appears to be little interest in limiting the growth of these facilities from criminal justice officials in urban areas.

Statement of Issue

Should additional funds for metropolitan correctional centers (MCC's) be approved for 1978?

Pros.

- It is apparent that Federal caseload is increasing in many urban areas, and local facilities are either inadequate or filled to capacity. Additional MCC's will relieve this problem.
- Federal judges indicate additional MCC's offer opportunities to detain and sentence offenders who would otherwise be free to pursue criminal activity.
- MCC's can be utilized, in some cases, to house State or local offenders for special security or other reasons.

Cons.

- Federal detainees comprise only 2% of all jail inmates. A separate Federal network of MCC's is not required for such a small part of the total. Local facilities or other surplus Federal facilities can accommodate the Federal caseload.
- Local correctional systems, especially jails, are in poor condition in many urban areas. Federal construction efforts should focus on improving these facilities and accommodating the Federal detainee, rather than establishing a separate Federal system and ignoring the local problem.
- Much more analysis of the Federal detention situation in each urban area, plus the capacities of local facilities, is needed before further construction is approved. Past decisions have not been based on enough analysis; e.g., recent examination of the Los Angeles caseload indicates that it could be a higher priority than some projects in this request.

Alternatives

- #1. Approve additional funds for MCC's in Detroit, Phoenix, and the Washington, D.C.-Baltimore area (Agency req.).
- #2. Approve additional funds for a MCC in Detroit; delay decisions on the Phoenix and Washington, D.C.-Baltimore MCCs' (OMB rec.).
- #3. Reject the request for additional funds for MCC's.

Analysis

<u>Budget Authority/Outlays</u> (\$ Millions)	<u>1977</u>		<u>1978</u>		<u>1979</u>		<u>1980</u>			<u>1981</u>		
	<u>BA</u>	<u>O</u>	<u>BA</u>	<u>O</u>	<u>BA</u>	<u>O</u>	<u>BA</u>	<u>O</u>	<u>POS</u>	<u>BA</u>	<u>O</u>	<u>POS</u>
Alt. #1 (Agency req.)	5	1	46	5	2	34	14	26	425	11	10	425
Alt. #2 (OMB recom.)	3	1	14	2	2	12	6	11	125	5	5	125
Alt. #3	-	-	--	-	2	2	2	2	---	2	2	---

Agency Request

<u>(Difference from Alt. #1 (Agency request)</u>	<u>1978 Outlays</u>	<u>1979 Outlays)</u>
(Alt. #2 (OMB rec.)	-3	-22
(Alt. #3	-5	-32

Agency Request: Alternative #1. The Department requests funds to construct MCC's in Detroit, Phoenix, and the Washington, D.C.-Baltimore area. These facilities would be activated in 1980 and would each cost approximately \$3 M to annually operate.

OMB Recommendation: Alternative #2. We do not support the development of a network of Federal jails. Although there are problems in continuing to utilize many State and local facilities for Federal detention purposes, additional MCC's are not necessary at this time, with the exception of the Detroit proposal. We therefore recommend a moratorium on all MCC construction until the Department develops a comprehensive policy for handling Federal detainees. To date, their proposals have largely been responses to political and judicial pressure from particular urban areas, with little regard to long-range implications. Specific criteria should be developed so that MCC's are only constructed when there are no other viable alternatives--including the use of surplus facilities--for housing Federal detainees.

In Detroit, special circumstances warrant MCC construction funding in 1978 (site and planning funds were provided in 1977). There appears to be no viable alternatives to an MCC in this area, and continued delay will disrupt Federal detention programs. Current use of the Federal correctional institution at Milan, Michigan, for detention has created overcrowding, disrupted programs, and increased U.S. Marshals' costs of transporting detainees to and from trial appearances. Local judges also have indicated to OMB staff that the President has indicated his support for the MCC on several occasions. We do not believe this project can be avoided.

Issue Paper
Department of Justice
1978 Budget
Issue #5: Law Enforcement Assistance Administration

Program Background

The rapid increase of crime during the 1960's led to the formation of the President's Commission on Law Enforcement and the Administration of Justice. The Commission studied the crime problem along with responsible criminal justice agencies, and concluded that a significant reduction in crime would be possible if several key objectives were "vigorously" pursued. One of these objectives was "a vastly enlarged program of Federal assistance to strengthen law enforcement, crime prevention and the administration of justice." The Commission stated that "a Federal program totaling hundreds of millions of dollars a year during the next decade could be effectively utilized." Congress responded by enacting the Omnibus Crime Control and Safe Streets Act of 1968, which established the Law Enforcement Assistance Administration (LEAA), a new Federal criminal justice assistance program.

The Act failed to precisely define LEAA's objectives, stating that in order to "prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government." Whether the agency was primarily established to provide assistance to reduce crime or to improve State and local criminal justice systems was not delineated.

Whatever the objective, eight years, over 100,000 grants, and five billion dollars later, the impact of LEAA must be assessed. Presumably, LEAA should be able to point to significant improvements in criminal justice systems and--although the complexity of the crime problem limits the linkage somewhat--a resulting reduction in crime as evidence of its impact. Unfortunately, little evidence supports either those conclusions or opposite claims that LEAA has had no significant impact on criminal justice or crime. LEAA officials are quick to note that their total budget comprises only 5-6% of all criminal justice expenditures, and significant impact from such a small investment is hardly possible. Nevertheless, review of the program's outputs--as opposed to outcomes--is appropriate.

On the positive side, the agency has accomplished many of the specific objectives identified by the President's Commission as necessary for improvement of criminal justice and reduction of crime. These include:

- The creation of 55 state planning agencies (SPAs) and numerous regional planning units to coordinate the activities of State and local criminal justice systems;
- Training, both academic and task-specific, of several thousand criminal justice personnel, especially law enforcement officers;
- Better crime and criminal justice information, through the development of data systems for criminal justice agencies;
- Research and development of several innovative techniques to improve criminal justice and reduce crime.

The impact of the above accomplishments on criminal justice systems or crime reduction, however, is unclear. State planning agencies exist, but few have authority over significant portions of the criminal justice expenditures in their jurisdictions; e.g., only 2 of the 55 SPAs actually plan for the total criminal justice resources in their States. Overall formal education and technical training levels of criminal justice personnel have increased, yet there is little evidence to suggest that this increase has contributed to major improvements in the operation of criminal justice agencies. Massive amounts of crime and criminal justice data are available, but are rarely utilized. Criminal justice research and development has been expanded, yet law enforcement biases have forced most resources into projects of little benefit, and the remaining amounts have been devoted to limited efforts for other components of the criminal justice system. Finally, LEAA's own discretionary programs appear to have been a "shotgun" approach, based on little planning or strategy and minimal feedback to interested States and localities.

Congress has attempted to correct LEAA's deficiencies, but in fact has exacerbated them. In its consideration of the program in 1971, 1973, and 1974, Congress added duplicative, and in some cases conflicting, programs for specific criminal justice components, plus additional administrative requirements designed to better control the use of LEAA funds. These actions did not succeed in improving the program but actually hindered it by increasing its complexity and confusing the intent of the original legislation.

The most recent reauthorization of the program continued this process. The Administration did not propose any substantive changes which would improve the agency's impact, partially because of poor analysis of available alternatives, but also because of congressional rejection of an earlier attempt to convert the program into special revenue sharing. The resulting proposal was a continuation of the present program for five years at \$6.8 billion dollars, based on maintenance of the Federal commitment to assisting States and localities in crime reduction. Congress rejected much of the Administration's proposal, believing instead that further categorization and administrative requirements were needed to improve LEAA. The recently signed public law does not improve LEAA, however, but adds more roles and responsibilities to its already diverse mission.

A lack of consensus regarding the relationship of crime and criminal justice agencies further restricts LEAA improvement. As previously stated, the 1967 Commission concluded that weaknesses in criminal justice agencies--law enforcement, courts, and corrections--were a key part of the crime problem. Recent thought on the issue, however, plus eight years of Federal criminal justice assistance, suggests that this conclusion may not be entirely accurate. Study of the changing morals and values of our society, political and economic differences between certain sectors of our communities, and changing proportions of the "high risk" youth population, may provide far more insight into crime than continued focus on the operation of criminal justice agencies. Many criminologists state that crime is not solely related to inabilities of criminal justice agencies, but to other forces well beyond these agencies' control. It seems evident that improvement of criminal justice systems will, at best, have a marginal impact on the overall crime problem because of these external factors.

Statement of Program Issue

Should LEAA be reorganized into a single bloc grant program for financial assistance, and a single categorical grant program for technical assistance and research?

Pros.

- The existing legislation includes several duplicative and conflicting programs which defy coordination and management. Reorganization would eliminate these programs and replace them with a cleaner structure which could be better coordinated and managed.

- Current financial assistance programs--bloc grants--are burdened with excessive guidelines and strict requirements resulting from LEAA and congressional desire to control the program. Reorganization would focus on reviewing these restrictions with the intention to provide maximum discretion for States and localities in determining the uses of LEAA funds, and clarification of the appropriate Federal involvement.
- Technical assistance and research programs--LEAA's discretionary efforts--are generally fragmented and void of an overall strategy. Reorganization would base these programs in a strengthened National Institute, which would utilize better program development. All projects would be an integral part of an overall strategy relating to crime or criminal justice system problems.
- Generally, LEAA management is weak. A reorganization would eliminate many of the burdens currently hindering accomplishment of the agencies' objectives. It would also bolster the agency's morale and improve recruitment of qualified personnel, thereby increasing the abilities of the agency to manage itself.
- Current Federal criminal justice assistance programs are ineffective and wasteful of scarce Federal resources. Reorganization would demonstrate a proactive stance towards the crime issue, and would attempt to increase Federal impact on this complex problem. Funds allocated for LEAA would be better utilized.

Cons.

- Congress has made it quite evident that it prefers to solve LEAA's problems by further categorization and more administrative requirements for control and accountability. Reorganization is a rejection of this method. Congress has rejected other proposals to consolidate the program or maintain it at a manageable level, and will probably reject this proposal.
- LEAA officials are striving to improve the agency's management and have implemented several new processes which attempt to address the problems. A radical change, i.e., a reorganization, will upset these processes and delay immediate improvement.

-- The complexity of the crime problem, coupled with the little knowledge available on the issue, limits the probable chances for a major improvement resulting from even a reorganized program.

Program Alternatives

- #1. Reorganize the program as specified through proposal of new enabling legislation for 1978.
- #2. Reorganize the program as specified by eliminating funding for some programs and modifying others administratively (OMB rec.).
- #3. Continue the present program (Agency req.).

Agency Request: Alternative #3. The Department proposed no significant changes in its 1978 request, relying instead on an incremental approach in pursuing LEAA improvement.

OMB Recommendation: Alternative #2. It is time to acknowledge the limitations of the present LEAA program and propose an alternative which is a more realistic response to not only the crime problem, but also the abilities of governmental agencies. The reorganization proposal cannot guarantee a significant impact on the crime problem, but it would provide a more effective use of available resources through an improved program structure.

The proposal would, in effect, replace 10 current programs which duplicate and conflict, with two single programs which could be better coordinated and managed. Financial assistance would be provided through criminal justice bloc grants, and technical assistance and research would be provided through categorical grants and contracts. The Federal criminal justice assistance effort would consist of these two programs, one which responds to the financial needs of States and localities, and the other which responds to information and knowledge needs.

A legislative proposal is not recommended, primarily because there is little chance that Congress would approve a major modification of the Omnibus Crime Control and Safe Streets Act, given the recent enactment of the Crime Control Act of 1976. An administrative route, although still dependent on Appropriation Committee support, would allow reorganization for 1978 and 1979, within the current legislation. In 1980, legislation would be submitted to reorganize the program formally.

It should be noted that this proposal is based on a broad interpretation of LEAA's enabling legislation, and LEAA and Department officials will surely oppose it. OMB counsel has advised that the proposal is legally sound, although some alterations may have to be made to avoid technical legal problems.

In addition, aside from the logistical and political problems, many LEAA, State and local, and other public officials involved in the program recommend modifications similar to this proposal. The recent LEAA review by the 20th Century Fund called for a similar change in the program. There is little disagreement as to the weaknesses of the present program and the appropriate solution.

Budget Background

The appropriate level of resources for Federal criminal justice assistance programs is unknown. LEAA has annually received an average of \$808 M, but there is little evidence this figure relates to either the needs of State and local criminal justice agencies, or the abilities of LEAA and its components to spend effectively. LEAA officials continue to maintain that several hundred million dollars could be effectively utilized, as the 1967 Commission recommended. Painful experience, however, suggests that money alone will not solve the crime problem, and reliance on that response ignores the reality of the issue.

In 1977, the Department initially requested \$897 M for LEAA, but quickly reduced that to \$665 M as part of their recommended route to the planning target. The President requested \$708 M, based on a more "cautious approach" in funding LEAA programs. The House Appropriations Subcommittee shared the President's intention to reduce the program, and went even further, recommending \$600 M for 1977, although this was increased to \$738 M during final floor action. The Senate Appropriations Subcommittee rejected the President's request, and recommended \$810 M. The conferees finally agreed on \$753 M.

Statement of Budget Issue

Should LEAA funding be decreased in 1978?

Pros.

- Many of LEAA's problems can be traced to its difficulties in effectively expending massive amounts of Federal funds in one fiscal year. A decrease will bring the level of resources more in line with the agency's capabilities.
- Even though the resource needs of the criminal justice system are probably great, little knowledge exists regarding the best utilization of these resources for the most impact. A decrease will reduce LEAA workload, thereby providing opportunities for evaluation and assessment to determine the most effective use of available resources.
- Many State and local LEAA components allocate funds without adequate planning or evaluation. Recent reductions have resulted in improved allocation, because of prioritization and the use of more analysis as the basis for program development. A decrease will continue this process.
- Many States and localities have also largely failed to institutionalize planning units and other successful projects. Further reductions will force these agencies to decide whether these projects are worthy of funding with their resources, and will reduce the substitution of Federal funds for State and local resources.

Cons.

- States vary according to the number of new and continuing projects. In some cases, a decrease may force termination of a promising project.
- As States become less confident of future funding levels, they will tend to utilize available funds for one-time or short term projects, such as equipment, which provide little impact on crime or criminal justice.

-- Because of LEAA's funding history, \$700-800 M is judged the appropriate Federal level of criminal justice assistance. A decrease would symbolize reduced Administration commitment to the crime problem.

Budget Alternatives

- #1. Approve \$827 M for 1978 (Agency req.).
- #2. Approve \$600 M for 1978 (OMB rec.).
- #3. Approve \$400 M for 1978.

Budget Analysis

<u>Budget Authority/Outlays</u> <u>(\$ Millions)</u>	<u>1977</u>		<u>1978</u>		<u>1979</u>		<u>1980</u>		<u>1981</u>	
	<u>BA</u>	<u>O</u>								
Alt. #1 (Agency req.)	802	897	827	883	827	841	827	831	827	828
Alt. #2 (OMB rec.)	688	866	600	802	600	663	600	615	600	604
Alt. #3	688	866	400	734	400	495	400	426	400	407

Agency Request

<u>(Difference from Alt. #1 (Agency request)</u>	<u>1978 Outlays</u>	<u>1979 Outlays)</u>
(Alt. #2 (OMB rec.)	-81	-178)
(Alt. #3	-149	-346)

Agency Request: Alternative #1. The Department requests \$827 M and 942 positions for LEAA in 1978, and indicates the request is "fiscally prudent and programmatically responsive to the criminal justice needs of States and localities." In addition, a 1977 supplemental for \$49 M and 47 positions is requested to implement the recently enacted Public Safety Officers Benefits Act, utilize special foreign currency for international programs, and add positions and funds for new programs included in the Crime Control Act of 1976. No major reductions are requested in the program.

OMB Recommendation: Alternative #2. Our recommended level, \$600 M, reflects an intention to reduce LEAA because of its poor record. Massive amounts of Federal funds must not continue to be devoted to a program which is largely unmanageable and ineffective. Current fiscal constraint requires that programs of questionable impact be reduced to provide for the best use of available resources. While more significant reductions could possibly be justified, we believe this amount is the minimum feasible level in light of the Administration's desire to focus on the crime problem. Significant reductions, i.e., alternative #3, would symbolize lower priority treatment than that presented in recent Presidential statements on the issue.

At this level of funding, we expect that there may be some program disruption. Whether this disruption will affect current crime rates or criminal justice operations is doubtful, however, given the small input of the total LEAA budget in comparison to total criminal justice expenditures, and the questionable quality of many LEAA-funded projects. Specific Presidential initiatives, however, could be continued at this level, i.e., the Career Criminal Program and the Treatment Alternatives to Street Crime (TASC) Program. In addition, the Public Safety Officers Benefit Program would be included. The Law Enforcement Education Program (LEEP) would not be included, but States would be encouraged to utilize bloc funds for this purpose, if they preferred. (See budget summary for additional information.)

SPECIAL
TOPICS

Department of Justice
1978 Budget
Special Topic: Staffing in the Federal Bureau of Investigation (FBI)

Background

The FBI has long prided itself on the ability to justify its activities on the basis of elaborate output statistics. The high point in Mr. Hoover's congressional activities centered on his annual testimony before the House Appropriations Committee, where he not only demonstrated an incredible knowledge of the FBI budget, but also "proved conclusively" that the fines, savings, and recoveries of the Bureau substantially exceeded its annual appropriation. Elaborate exhibits also showed steady increases in "investigative matters," the traditional FBI workload measure, and less dramatic rises in arrests.

Critics charged that these were largely self-serving measures which reinforced the tendency of agents to build "statistics" rather than focus on major national criminal and security problems. With the passing of Mr. Hoover, there have been many efforts to change the direction of the Bureau's activity. One of the most significant, the "quality over quantity" program, was instituted in four pilot offices in 1974, and formally expanded to all field offices in 1975. The program's objective is to expedite resolution of "marginal matters" and to concentrate efforts on major criminal and security problems.

More specifically, this meant that the Bureau was to deemphasize such traditional "statistic builders" as interstate transport of single stolen vehicles (relatively easy to solve and good for statistics since the value of the recovered cars were included in the FBI benefit calculations) and focus on more complex criminal activities, such as sophisticated white collar criminals and organized crime (bad from a statistical point of view since one "investigative matter" could eat up years of manpower and produce no recoveries). OMB has strongly supported the Bureau's efforts to focus on major criminal and security problems and allow State and local law enforcement officials to handle more routine cases.

As might be expected, the deemphasis of "statistical accomplishments" as well as the shift toward more complex cases has resulted in substantial declines in "investigative matters" and other output measures. Partly as a result of these decreases, OMB has recommended workforce reductions during the past few years. Although the Bureau has avoided cuts on the Hill, the need for improved workload data was clearly recognized.

In response to OMB and congressional prodding, the Bureau has recently implemented a new personnel management system, the Time Utilization Recordkeeping System (TURKS), which is now collecting actual agent time and cost by type of case. This is a relatively sophisticated input measurement system which has been praised by GAO. Concurrently, the Bureau is developing a new output measurement and evaluation system, which will ideally be integrated with TURKS. Unfortunately, the latter effort is not yet completed, but the FBI planning and evaluation staff appear committed to comprehensive output measurement, which will be closely integrated with revised field inspection procedures. This should encourage additional reallocation of resources.

For the 1978 request, however, the Bureau and OMB must rely on the traditional workload and accomplishment data. In addition, the Department has submitted its traditional September budget submission for OMB's review and a subsequent (October 27, 1976) 1978 budget proposal. The proposal takes into account recent departmental pronouncements which substantially reduced workload in the FBI. It also recommends significant shifts in personnel in 1977 and 1978, as well as a reduced budget request for 1978, which we believe represents a sincere effort on the part of Justice to respond to questions EGD raised at the OMB hearing and subsequent meetings.

1978 Requested Increases (Initial Submission)

The FBI requested no additional agents in 1978, but an increase from the 1977 appropriation of 448 non-agent positions and 373 related work-years. The lower level technical support personnel will assist agents in white collar crime (32 positions), and the counterintelligence programs (83 positions). They will also provide clerical support for a massive fingerprint automation program (300), and offer other administrative support, primarily for ADP (33). In addition, an adjustment of end-of-year staffing to reflect the 202 additional personnel add-on by the Congress for freedom of information (FOIA) in the 1977 appropriation was requested.

- Freedom of Information (FOIA): OMB concluded in the 1977 budget review that the FBI could absorb personnel requested for FOIA. The Congress disagreed and added 202 work-years. A subsequent review of the FOIA workload requirements, including a detailed FBI plan to implement FOIA and to reduce the huge backlog (over 8,000 requests pending as of September 16, 1976) appears to support the need for at least 202 work-years to handle FOIA activities.

- Technical Support Personnel: OMB has strongly encouraged the FBI to expand its efforts to utilize lower graded, non-agent personnel for routine matters that do not require the skills of a special agent. The Bureau has moved very slowly in this area and the 1978 request represents a major new thrust to hire paraprofessional staff to replace agents. Technical support personnel could be used effectively in white collar crime activities where there has been a substantial increase in Federal emphasis and in counterintelligence activities where workload has also been increasing.
- Fingerprint Automation: The FBI is entering the critical conversion phase of the automation effort. Approximately 2-3,000 employees and \$15-20 M will be saved annually after automation is completed. The Bureau estimates a need for 300 positions full-time for three years to convert over 14 million fingerprint cards for computer application. OMB has strongly supported this effort and has approved \$14.5 M for system design and equipment acquisition.
- Administrative Support: Approximately 275 FBI personnel are currently assigned to ADP related functions. 15 additional programmers and 15 data entry personnel are being requested for 1978. In addition to the fingerprint operations, the new staff will contribute to overall ADP efforts, including implementation of the new management reporting system.

Base Program

- Internal Security: The Department concluded (with some prodding from the Congress) that FBI personnel should no longer be involved in internal security investigations unless there is reason to suspect that a Federal statute has been violated. The Socialist Worker Party investigation is a typical case which would not be investigated under these new guidelines. As a result of this decision, substantial caseload decreases (30,000 in 1976, 8,000 in 1977, and 5,000 in 1978), unrelated to the "quality over quantity" concept, have occurred. The Department and the FBI maintained initially that these decreases include a large number of marginal "matters" which require little agent time. They argued that little savings could be realized from the decision. However, in response to requests for additional justification to maintain the planned level for this program, the Department and the FBI submitted a revised budget proposal which substantially reduced the resources necessary to conduct internal security operations in 1977 and 1978, under the Attorney General's new guidelines. The revised proposal:

- Reduced the number of positions planned for internal security in 1977 by 653, but requested that 179 of this staff be reprogrammed to freedom of information (FOI) unit to work with a proposed task force of 200 agents to eliminate the 8,000 backlog in FOI requests.
- Reduced the 1977 end-of-year ceiling from the present 19,579 to 19,307 (Justice had originally requested an increase of 202 in 1977 to reflect congressional appropriation action).
- Reduced the pending 1978 budget request by 653 positions (removed in 1977 from the internal security base), but requested that the 179 reprogrammed positions be maintained in the FOI unit in 1978, to avoid future backlogs.

The revised proposal is similar to the analysis EGD developed and is sufficient to accommodate reprogramming we were prepared to recommend for the non-agent increases. In addition, the proposal would correct another problem area which has concerned this Administration and the Congress--elimination of the backlog in freedom of information currently pending in the FBI.

Statement of Issue

Should OMB accept the Department's revised budget proposal for the FBI in 1978?

Pros.

- The new initiatives (automation, agent replacement) would be provided but through reprogramming of existing resources.
- The backlog of freedom of information would be eliminated by 1978, and adequate staff would be provided to avoid reoccurrence.
- Personnel (EOY and FTP) would be decreased substantially in 1977 from the appropriated level. Increases would be provided in 1978, but overall staff and personnel funding would be lower than the 1977 levels.

- The proposal represents a sincere, unprecedented effort by the FBI to be responsive to the Administration's effort to hold personnel and spending at lowest possible levels.

Cons.

- The FBI is probably overstaffed in other base programs where further reductions may be possible.
- EGD is planning to closely examine the workload requirements of the Freedom of Information Act and providing additional staff to increase the maintenance level to 381 positions may be premature.

OMB Recommendation: We recommend acceptance of the revised Justice staffing proposal for the FBI. The proposal will:

- Reduce staffing substantially in a low priority area;
- Permit expeditious completion of an automation effort that will result in 2,000-3,000 annual work-year savings by 1981;
- Eliminate the substantial FOIA backlog; and
- Provide for the introduction of non-agent personnel to perform routine investigative matters.

We have reservations about the longer term requirements for FOIA personnel, but will closely monitor their utilization. Although we believe that additional agent reductions may be possible in other areas, we agree with the Department that these should be deferred until 1979 to provide FBI with a year to refine and implement fully their workload and output measurement systems.

BUREAU
SUMMARIES

Agency Request and Recommendation Summary

Drug Enforcement Administration
Salaries and Expenses

	1976 <u>Act.</u>	<u>1977 Agency Request</u>		1977 OMB <u>Rec.</u>	1978 <u>Req.</u>	1978 <u>Rec.</u>	1979 <u>Rec.</u>
		<u>Current</u> Approp.	<u>Proposed</u> Supplementals				
Budget Authority (\$M)	155	161	+4.0	163	183	166	166
Outlays (\$M)	146	169	+3.7	170	185	170	170
Work-years:							
Appropriated FTP	3,957	4,007		4,007	4,437	4,084	4,092
Reimbursable FTP	42	44	--	44	44	44	44
Other	58	59	--	59	86	59	59
End-of-year (FTP)	3,996	4,153	+40	4,153	4,594	4,185	4,185

Agency Request

1977

° Supplemental appropriation of \$4,049 K:

- Initiate a methadone diversion unit in the compliance and regulatory program (40 positions, \$1,819 K); end-of-year is also requested to increase by 40 positions;
- Travel (\$933 K) and gasoline (\$272 K) costs;
- Health benefits (\$342 K); and
- ADP services (\$683 K).

1978 Agency Request

Justice requested \$20.9 M, 209 positions, and 454 work-years from 1977 for DEA. The increases provide:



- Criminal enforcement: (\$8,597 K, 49 positions, 289 work-years)--to purchase 6 aircrafts, replace 442 cars, provide technical support to agent enforcement efforts, increase laboratory staff, reduce lapse, and general support staff.
- Compliance and regulation: (\$1,963 K, 49 positions, 50 work-years)--to increase compliance programs, assist foreign government to develop compliance programs, reduce lapse, and general support.
- State and local assistance: (\$7,124 K, 30 positions, and 23 work-years)--to assume funding of the task forces and to provide assistance to state regulatory enforcement agencies.
- Intelligence: (\$3,262 K, 81 positions, and 76 work-years)--to increase utilization of automated information systems, provide additional clerical support, permit 48 agents to return to domestic enforcement, reduce the lapse, and increase the general support staff.

In addition, a \$900 K decrease is proposed to reflect one less workday in 1978 and non-recurring equipment purchases.

OMB Recommendation

1977

- ° Disapproval of the request to establish a methadone diversion unit in DEA. EGD does not believe DEA should involve the Federal Government in an active role of trying to control diversion of methadone from 68,000 retail level registrants.

The courts have determined that retail distributors can dispense methadone and there is no evidence which suggest that massive diversion will result. We believe DEA should monitor the extent of diversion by utilizing existing resources and through contacts with state regulatory agencies. OMB should be prepared to reconsider this request, if positive evidence demonstrates that States cannot handle their responsibilities and the Federal Government should be involved.

- ° Provide \$1.5 M to accommodate increases in ADP costs (\$600 K), health benefits (\$340 K) and travel and airfare (\$560 K). We believe DEA can meet the other requirements through improved management and current appropriations.

1978 Increases

- ° Personnel increases and the task force funding issue are discussed in Issue #1A and Issue #1D respectively.
- ° EGD does not believe DEA should be permitted to add 6 additional aircraft to its existing airforce fleet of 39 planes. Aircraft have not yet proven to be effective in controlling the illicit flow of hard drugs (e.g., most drugs seized from planes are marihuana and cocaine).
- ° We are not recommending additional funds to buy cars. The amount included in the base is sufficient to procure 327 additional cars in 1978. We believe that level of replacement is adequate for a stable work force.
- ° EGD recalculated the within grade requirements and reduced the request by \$288 K.

Agency Request and Recommendation Summary

Immigration and Naturalization Service
Salaries and Expenses

	1976 Act.	1977 Agency Request		1977 OMB Rec.	1978 Req.	1978 Rec.	1979 Rec.
		Current Approp.	Proposed Supplementals				
Budget Authority (\$M)	214.6	234.0	6.0 (19.0)	234.8	260.9 (310.5)	241.1	240.3
Outlays (\$M)	201.0	231.9	6.0 (19.0)	232.7	258.6 (308.2)	238.8	239.7
Work-years:							
Appropriated FTP	7,989	8,608	92 (245)	8,625	9,175 (10,715)	8,681	8,699
Reimbursable FTP	21	1		1	1	1	1
Other	526	509		509	509	509	509
End-of-year (FTP)	8,529	9,124	122 (490)	9,146	9,471 (11,362)	9,220	9,220

(proposed new initiative)

Agency Request

There are two requests--the resource estimates contained in the September 15, 1976, budget submission, and an augmented "prevention package" (shown in parentheses in the table above) which was mailed to the President and to OMB on September 13.

Budget Submission: INS proposes six supplementals totaling 122 FTP positions and \$6,025 K for FY 1977; for FY 1978, the agency requests increases of 225 FTP positions and \$20.9 M above the requested level for FY 1977.

FY 1977 supplemental requests:

- \$1,300 K for overtime pay attributable to the Airport and Airways Development Act.
- \$1,656 K and 122 FTP positions for new Immigration and Nationality Act amendments.
- \$1,242 K for additional costs of in-service personnel transfers.
- \$500 K to upgrade naturalization attorneys as a consequence of a recent CSC ruling.

- \$1,327 K for statutory increases in health benefits, per diem, postage rates, etc.
- INS also requests an upward adjustment of 730 in the end-of-year FTP ceiling to reflect Congress' actions on the FY 1977 appropriation.

FY 1978 increases:

- \$2.6 M for various items identified as "uncontrollable."
- \$15.7 M and 114 FTP employees for enforcement programs. The largest personnel component is for inspectors at ports of entry (70), and the largest funding component is for the Border Patrol--\$11.1 M for fencing, communications equipment, vehicles and aircraft, \$1.8 M for facilities construction, and \$.8 M for personnel (primarily pilots) and associated training. Small increases are requested for detention and deportation and for the investigations force.
- \$2.9 M and 111 FTP employees for service activities and general administration. Most of the funds are personnel-related, though \$1.1 M is requested for automated equipment to improve efficiency in the processing and dissemination of information.

Prevention Package: This INS request, which came to OMB through the Attorney General without benefit of review by central Justice staff, calls for significant increases in personnel (490 in FY 1977, 1,401 more in FY 1977) and for large amounts of sophisticated equipment for all enforcement arms of the Service. Cost is estimated at \$19 M in FY 1977 and \$49.6 M in FY 1978.

OMB Recommendations

Strategically, and somewhat at variance with last year, OMB recommends modest increases to improve the INS's abilities to serve legal immigrants and the public at large, coupled with a holding action in illegal alien enforcement activities. (To achieve these ends, an upward adjustment in the FY 1977 end-of-year personnel ceiling will be necessary.) We recommend that in FY 1977-78 the Administration make a major effort to achieve enactment of legislation which would make it illegal to employ illegal aliens. (Issue Paper #2.)

Prevention package: OMB recommends against the prevention package in its entirety. This hastily prepared resource "wish list" has been characterized by the Deputy Attorney General as of lower priority than anything else in the Justice budget submission, which already exceeds the FY 1978 outlay planning target by \$200 M. (Issue Paper #2.)

1977 Base Program

- End-of-year personnel ceiling: OMB recommends increasing the ceiling to reflect congressional action and make it possible to avoid significant new increases in FY 1978.
- Supplemental requests: We recommend supplemental appropriations totaling \$800 K and authorization of 22 new FTP employees in FY 1977. This will cover the \$500 K cost of upgrading naturalization attorneys as ordered by CSC, and fund 22 adjudicators (\$300 K) to implement the Immigration and Nationality Act Amendments of 1976. We believe the remaining supplemental requirements (\$5,225 K) can be met from existing appropriations.
- Interior repatriation base program: In our view preliminary experience suggests this program is conceptually unsound. We recommend termination of the program on January 1, 1977, reprogramming of the remaining \$2,052 K to meet supplemental needs in FY 1977, and an associated reduction of \$3.9 M in the FY 1978 base program.

1978 Program Increases: With respect to enforcement personnel, we believe the unrequested increases appropriated by Congress in FY 1977 (100 inspectors, 200 investigators) are sufficient for the Service in FY 1978; we recommend no personnel increases for inspections, detention and deportation, or the investigations force. We recommend three new positions (pilots) for the Border Patrol. We also recommend:

- For Border Patrol training programs, \$200 K.
- For construction of Border Patrol facilities; \$700 K for a station and garage at San Luis, Arizona, and for a station and holding rooms at Yuma, Arizona.
- For Border Patrol motor vehicle replacements, \$2.8 M, the total amount requested.
- For replacement of Border Patrol communications equipment, \$500 K, and for new sensor units, \$200 K.
- For fencing and lighting on the border at El Paso, \$1 M, but we recommend against additional fencing at San Ysidro at this time.
- For electronic security systems at existing detention and deportation facilities, \$323 K, the amount requested.

- Budgeting for two rather than eight leased helicopters at this time, but we believe the issue should be reexamined when the helicopter test project initiated in May of 1976 has been evaluated. Cost of two helicopters is \$250 K.

We recommend against the remainder of the aircraft, vehicles and electronic equipment requested for the Border Patrol.

With respect to public services and overhead (administrative) activities:

- We believe the 100 adjudicators authorized by Congress for FY 1977 which were not requested in the President's budget, supplemented by 22 additional adjudicators mentioned above under "Supplementals," will enable the Service to implement changes to the immigration statutes.
- We propose \$226 K for 20 FTP employees, about half the number requested, for naturalization activities to attack the backlogs that are of concern to Congress and the President.
- Records and Information Services are demonstrably undermanned; we recommend approval of the INS request for 43 FTP employees at a cost of \$670 K.
- 24 FTP employees are requested for General Administration. We recommend 8 (\$130 K) to perform budget functions, statistical analysis, accounting and financial analysis-- all areas in which the agency is weak. In addition, we recommend a program increase of \$1.1 M for information processing and data systems.

Agency Request and Recommendation Summary

Federal Bureau of Investigation
Salaries and Expenses

	1976 Act.	1977 Agency Request		1977 OMB Rec.	1978 Req.	1978 Rev. Req.	1978 Rec.	1979 Rec.
		Current Approp.	Revised Proposal					
Budget Authority (\$M)	486	494	494	494	520	504	504	504
Outlays (\$M)	469	497	497	497	520	504	504	504
Work-years:								
Appropriated FTP	19,271	19,579	19,281	19,281	20,012	19,553	19,553	19,553
Reimbursable FTP	171	164	164	164	145	145	145	145
Other	3	86	86	86	26	6	6	0
End-of-year (FTP)	19,990	19,781	19,307	19,307	20,229	19,555	19,555	19,555

Agency Request

FY 1977

-- The revised budget proposal request a decrease of 474 authorized and end-of-year positions from the 1977 appropriation. The decrease reflects a reassessment by the Department and the FBI of the staffing requirements needed for internal security operations and elimination of the backlog currently pending in the freedom of information unit.

FY 1978

Justice originally requested net increases of \$25.8 M in budget authority, 448 non-agent positions and 373 related work-years from 1977 for the FBI. The revised proposal reduces the request to \$10 M in budget authority and decreases FTP-EOY staff by 226 from the current ceiling. Specifically, the revised increases include:

- \$4 M and 448 positions to permit (1) continuation of on-going automation (in the identification and records management divisions), (2) lower level technical staff to replace agents, and (3) additional clerical staff for the legal counsel office.
- \$13.6 M for new and replacement equipment, a portion of which is classified;
- \$2 M to expand the undercover program;
- \$2.7 M for additional transfers;
- \$3.1 M for design cost, repairs, research, etc.;
- \$17.8 M for uncontrollable increases (e.g., within-grade, SLUC, travel, terminal leave).

The requested decreases include:

- \$19 M resulting from non-recurring equipment, savings from retirements, one less day, and 80 fewer temporary work-years.
- \$14.2 M and 474 fewer authorized positions resulting decreasing in internal security and reorganization of the freedom of information unit.

OMB Recommendation

Approval of the revised budget proposal under the following conditions.

- Freedom of Information: OMB will undertake a thorough review of the staff required to maintain this program and will recommend adjustments to base if appropriate.
- Equipment: FBI will provide OMB with a long range replacement and modernization plan which identifies the critical equipment needs of the Bureau over the next 5-10 years.

- Undercover Program: That the funds be authorized on an annual basis rather than no-year as requested.
- Additional Transfers: That the 200 additional transfers provided in 1978, be considered as temporary one-year increases rather than an increase to base.
- Uncontrollables: The Department and FBI be required to provide OMB with an assessment of current practices and requirements for printing and postal services. Included in that report should be recommendations to reduce the requirements and ever-increasing costs of those base items.

EGD believes the Department and the FBI will agree to each of the conditions recommended.

Agency Request and Recommendation Summary

General Legal Activities

	1976 Act.	<u>1977 Agency Request</u>		1977 OMB Rec.	1978 Req.	1978 Rec.	1979 Rec.
		Current Approp.	Proposed Supplementals				
Budget Authority (\$M)	62.3	64.1	10.2	71.7	79.0	70.9	71.4
Outlays (\$M)	63.3	64.5	10.0	71.0	78.5	70.4	70.9
Work-years:							
Appropriated FTP	2,225	2,194	116	2,236	2,500	2,295	2,305
Reimbursable FTP	4	3		3	3	3	3
Other	95	69		69	69	69	69
End-of-year (FTP)	2,174	2,248	139	2,302	2,507	2,341	2,341

Agency Request

For FY 1977

- An increase of \$3,730 K and 118 positions total for the Civil Division's Swine Flu litigation program (91 positions, \$3,071 K) and its Freedom of Information and Privacy section (27 positions and \$659 K).
- An increase of \$6,494 K and 21 positions made up of: \$607 K for SLUC and per diem for most divisions; \$344 K for reduction of lapse in Tax; \$4,878 K for private counsel fees in Civil and Criminal; \$185 K for increased appellate workload in Criminal; \$355 K for expert witnesses in Lands; and \$125 K for a sex discrimination task force in Civil Rights.

For FY 1978

- An increase of \$1,845 for uncontrollable increases to base.
- An increase of \$1,094 K for Tax Division, which includes 42 new positions.

- An increase of \$1,637 K for Criminal Division, which includes 30 new positions.
- An increase of \$1,233 K for Civil Division, which includes 55 new positions.
- An increase of \$978 K for Lands Division, which includes 12 new positions.
- An increase of \$563 K for Civil Rights, which includes 17 new positions.

OMB Recommendation

For FY 1977

- Approval of 28 positions and \$1,228 K for the Swine Flu program so that it can begin to gear up for the litigation expected. Reductions of the amount requested are warranted because: (1) the program will not be able to absorb all personnel requested in the first year, (2) the amount requested for resources, while based on the best information available at the time, is still very uncertain, and (3) it will be some time before the litigation actually gets underway.
- Approval of 18 positions and \$659 K for the Freedom of Information/Privacy Act litigation program, which is already far behind with a backlog that promises to continue to mount in the coming year. The reductions from the requested amount are based on a higher number of cases per attorney, which should be possible as more experience is gained with the program.
- Approval of \$4,878 K for private counsel fees in Civil and Criminal Divisions in order to obviate the problems of conflicts of interest and multiple defendants in the cases being handled.
- Approval of \$607 K for the SLUC and per diem expenses requested, as well as 8 positions (\$106 K) to deal with the appellate backlog in Criminal Division, and \$355 K for increased expert witness fees for Indian cases in Lands Division.

For FY 1978

- Approval of \$1,845 K for uncontrollable increases to base.
- Approval of \$413 K and 11 positions for Tax Division to deal with Appellate and Criminal cases, particularly in the white collar crime area.
- Approval of \$540 K for Criminal Division, which consists of 6 new positions for the Public Integrity Section, and other funds for reducing lapse in specific sections.
- Approval of \$403 K and 19 positions for the Civil Division, with the majority for the Torts and General Litigation Sections.
- Approval of \$782 K and 3 positions for the Lands Division, with almost all (\$700 K) for expert witness fees for Indian cases.
- Approval of \$67 K for the Civil Rights Division for support activities.

Agency Request and Recommendation Summary

Antitrust
Salaries and Expenses

	1976 Act.	1977 Agency Request		1977	1978	1978	1979
		Current Approp.	Proposed Supplementals	OMB Rec.	Req.	Rec.	Rec.
Budget Authority (\$M)	22.2	24.0	2.5	25.4	28.6	27.2	27.4
Outlays (\$M)	21.3	23.2	2.5	24.6	27.8	26.4	26.6
Work-years:							
Appropriated FTP	738	814	51	814	974	879	882
Other	49	43		43	43	43	43
End-of-year (FTP)	779	842	81	873	983	886	886

Agency Request

For FY 1977:

- An increase in the end-of-year FTP ceiling from 842 to 873, reflecting 31 positions added by Congress.
- Supplemental appropriations of \$2,495 K--\$453 K for unavoidable SLUC costs, and \$2,042 K for new personnel (81 FTP positions, 50.5 work-years) and extraordinary litigating expenses related to the AT&T case.

For FY 1978:

- Uncontrollable base increases of \$512. K.
- Personnel increases totaling 36 FTP positions (26 work-years), and an additional \$526 K to reduce the lapse rate and thereby achieve an additional 30 work-years.
- An increase of \$2,685 K for extraordinary litigating expenses of the IBM and AT&T cases.
- Increases of \$395 K for sundry expenses of training, ADP support, etc.

OMB Recommendation

For FY 1977:

- Adjustment of the end-of-year ceiling to reflect congressional action, as requested.
- Approval of the \$453 K supplemental request for SLUC.
- Approval of an increase of \$952 K for extraordinary litigating expenses in the AT&T case, but no additional personnel for this case. Since the case is just entering the discovery stage, workload is still somewhat discretionary (see Issue Paper #3B under "Litigative Resources").

For FY 1978:

- Thirteen FTP positions (9.8 work-years) and \$405 K for the activity "policy development and implementation," which includes research and analysis, policy development and long range planning, evaluation of enforcement activities, FOIA activities, and training.
- Approval of an increase of \$526 K to bring about a reduction in lapse and increase available work-years by 30.
- \$1,342 K--half the amount requested--for extraordinary litigating expenses of the IBM and AT&T cases.

Agency Request and Recommendation Summary

U.S. Attorneys and Marshals

	1976 Act.	1977 Agency Request		1977 OMB Rec.	1978 Req.	1978 Rec.	1979 Rec.
		Current Approp.	Proposed Supplementals				
Budget Authority (\$M)	146.5	160.9	1.3	161.1	177.4	170.4	172.0
Outlays (\$M)	146.1	158.3	1.1	158.5	176.9	168.8	170.4
Work-years:							
Appropriated FTP	5,121	5,462		5,462	5,941	5,619	5,678
Reimbursable FTP	40	14		14	14	14	14
Other	277	265		265	265	265	265
End-of-year (FTP)	5,162	5,545		5,496	6,034	5,712	5,712

Agency Request

For FY 1977

- An increase of \$185 K for per diem and mileage allowances.
- An increase of \$1,090 K for renovation of temporary detention facilities operated by the U.S. Marshal's Service.

For FY 1978

- Annualized cost of continuing the 1977 program in 1978 (\$4,078 K).
- An addition of \$10,952 for U.S. Attorneys, which includes 434 positions, participation in two computer management systems and the AG's Advisory Committee on U.S. Attorneys, as well as increased litigative expenses and library materials.
- An addition of \$1,315 K for U.S. Marshals, which includes 104 positions.

OMB Recommendation

For FY 1977

- Approval of the \$185 K for per diem and mileage allowances, as provided for under the new guidelines of GSA.

For FY 1978

- Approval of \$4,498 K for U.S. Attorneys. This provides 142 additional positions (a number that comports with the increase in caseload projected for FY 1978) and all of the non-personnel costs requested.
- Approval of \$915 K for the U.S. Marshals. This provides 74 additional positions, with emphasis on improving the execution of process (which was criticized by a GAO report), the handling of prisoners (based on the man-hours projected to be needed), and financial and management support (an area in which the Marshals are sorely deficient).
- Approval of \$4,078 K for cost of continuing the 1977 program in 1978.

Agency Request and Recommendation Summary

Community Relations Service
Salaries and Expenses

	1976 Act.	1977 Agency Request		1977 OMB Rec.	1978 Req.	1978 Rec.	1979 Rec.
		Current Approp.	Proposed Supplementals				
Budget Authority (\$M)	4.0	4.5		4.5	5.1	5.0	5.0
Outlays (\$M)	4.1	4.4		4.4	5.0	4.9	4.9
Work-years:							
Appropriated FTP	99	111		111	134	131	131
Reimbursable FTP							
Other	10	18		18	18	18	18
End-of-year (FTP)	103	110		140*	144	140	140

Agency Request

- Additions to base of \$492 K.
- An increase for training in mediation, \$86 K and two positions.
- An increase for executive direction (primarily evaluation) of \$52 K and two positions.

OMB Recommendation

EGD recommends no increases beyond the uncontrollable cost of continuing the 1977 program in 1978. No comprehensive evaluation of the Service has been undertaken since it was created in 1964. While the two positions in "executive direction" are requested to begin a meager evaluation effort, a strong evaluation of the Service should be begun using some of the additional funds and positions that Congress provided in FY 1977.

*This increase in EOY-FTP is to reflect congressional appropriation increases in FY 1977.

Agency Request and Recommendation Summary

Federal Correctional System

	1976 Act.	1977 Agency Request		1977 OMB Rec.	1978 Req.	1978 Rec.	1979 Rec.
		Current Approp.	Proposed Supplementals				
Budget Authority (\$M)	240	302	3	327	370	338	327
Outlays (\$M)	238	277	3	281	319	323	347
Work-years:							
Appropriated FTP	7,468	8,035	-	8,035	8,562	8,396	8,757
Reimbursable FTP	956	989	-	989	1,021	1,021	1,021
Other							
End-of-year (FTP)	8,582	9,098	-	9,017	9,531	9,286	9,706

Agency Request

The Department requests a net increase of \$68 M and 510 positions, which results from increases of \$125 M and 510 positions offset by decreases of \$57 M. The increases consist of \$8 M for uncontrollables, \$92 M for construction, \$7 M and 305 positions for prison activation, \$8 M and 8 positions for the National Institute of Corrections, \$3 M for increased use of contracted space, and \$4 M and 197 positions for other increases. A 1977 supplemental of \$3 M to pay for increased inmate population is also proposed.

The Department's submission primarily reflects its intention to relieve current prison overcrowding and other detention problems, as well as a desire to generally improve the operation of the Federal Prison System.

OMB Recommendation

For 1977 we recommend supplemental appropriations of \$3 M, the amount requested, for costs resulting from an increased inmate population already realized.

For FY 1978 we recommend a net increase of \$36 M and 319 positions, which results from increases of \$91 M and 319 positions offset by decreases of \$55 M. Components include the following:

-- \$7 M for uncontrollables, a reduction from the request because we believe certain items are unnecessary or can be absorbed.

-- \$63 M for construction of:

-- Youth facilities in New York and California, which will provide further relief from current overcrowding (see prison subissue). The youth facility in New York will be located at Lake Placid, and utilized as housing for athletes of the 1980 Winter Olympics. This project (\$22 M) was substituted for a similar youth facility (\$18 M) requested in 1978. Because of timing, we recommend a 1977 supplemental instead of a 1978 appropriation.

-- A Metropolitan Correctional Center in Detroit, which will alleviate current detention problems in that area (see jail issue).

-- Several renovation projects, which will improve the physical condition of existing facilities.

Our recommendation is \$29 M less than the Department's request, because--at least for the present--we oppose construction of metropolitan correctional centers in Phoenix, Arizona, and the Washington, D.C.-Baltimore area. Further study is necessary before a decision on these projects can be made.

-- \$7 M and 274 positions for activation of new facilities available for operation in 1978.

-- \$7 M for the National Institute of Corrections--actually a net increase of \$3 M--to provide additional funds for training and technical assistance, research and evaluation, and the establishment of correctional standards and goals. The Department requested increases of \$8 M and 8 positions. We recommend a more orderly development of this organization.

- \$3 M, the same as the Department's request, for increased contracting with State and local facilities. These funds are necessary to pay for increasing costs of housing Federal detainees in State and local facilities.
- \$1 M and 45 positions for other increases, \$3 M and 132 positions less than the request.

Agency Request and Recommendation Summary

Law Enforcement Assistance Administration

	1976 Act.	1977 Agency Request		1977 OMB Rec.	1978 Req.	1978 Rec.	1979 Rec.
		Current Approp.	Proposed Supplementals				
Budget Authority (\$M)	810	753	49	688	827	600	600
Outlays (\$M)	921	863	34	866	883	802	663
Work-years:							
Appropriated FTP	744	775	24	755	895	755	755
Reimbursable FTP							
Other	120	100	--	100	105	100	100
End-of-year (FTP)	765	808	47	808	920	808	808

Agency Request

The Department requests a net increase of \$74 M and 112 positions over 1977. Bloc grants are increased 6%; categorical grants and contracts are increased 13%. A supplemental for 1977 including \$49 M for the Public Safety Officers Benefits Program, a special foreign currency program, and other increases is also requested.

The Department indicates its submission is "fiscally prudent and programmatically responsive to the criminal justice needs of States and localities, as well as congressional and Presidential initiatives."

OMB Recommendation (See LEAA Issue)

We recommend \$600 M for LEAA in 1978. Current fiscal constraint requires that programs of questionable impact be reduced to provide for the best use of available resources. While additional reductions could possibly be justified, this amount is the minimum feasible level in light of the Administration's desire to focus on the crime problem. Significant reductions would symbolize lower priority treatment than that presented in recent Presidential statements on the issue.

We also recommend rescissions totaling \$65 M for 1977, resulting in a final appropriation of \$688 M. To reach this figure, we have eliminated \$40 M for the Law Enforcement Education Program (LEEP), which is no longer an appropriate area for categorical Federal assistance. (States can use bloc funds for this purpose.) In addition, we have deleted \$15 M for Community Anti-Crime Assistance, a new categorical program added in the new legislation that is not necessary because it duplicates existing authority and funding.

EGD recommends rescission of \$10 M appropriated for a proposed High Crime Program that was not authorized in the 1976 act and transfer of \$30 M remaining funds from this program to fund the costs of the recently enacted Public Safety Officers Benefit Program (PSOB) in 1977. Funding the PSOB program is included in the 1978 recommendations.

As to additional manpower in the request, we do not believe increases are currently necessary in 1977 or 1978 in light of our proposed funding reductions and the proposed reorganization.

Agency Request and Recommendation Summary

General Administration
Salaries and Expenses and Working Capital Fund

	1976 Act.	<u>1977 Agency Request</u>		1977	1978	1978	1979
		<u>Current</u> Approp.	<u>Proposed</u> Supplementals	OMB Rec.	<u>Req.</u>	<u>Rec.</u>	<u>Rec.</u>
Budget Authority (\$M)	21.6	20.4	4.6	25.0	28.2	24.7	25.0
Outlays (\$M)	23.2	20.8	1.6	22.4	28.1	25.1	25.0
Work-years:							
Appropriated FTP	769	765		769	809	784	789
Reimbursable FTP	328	316		348	356	348	348
Other	61	65		65	65	65	65
End-of-year (FTP)	1,121	1,079		1,145	1,215	1,165	1,165

Agency Request

For FY 1977:

- ° An increase in end-of-year FTP ceiling from 1,079 to 1,148: to correct a conceptual error in the FY 1977 budget and allowance letter, reflect Congressional action, and provide an increase of 35 reimbursable employees.
- ° Supplemental appropriations of \$1,595 K: for conversion of the Department's telephone system (\$500 K), for a "catch up" SLUC adjustment (\$1,078 K), and for other uncontrollable increases (\$17 K).
- ° A supplemental appropriation of \$2,975 K for a one-time capitalization of the Working Capital Fund. As a practical matter, no outlays are associated with this supplemental.

For FY 1978:

- ° An increase of \$1,580 K for uncontrollables, of which the largest component (\$1,226 K) is an uncontrollable SLUC adjustment.
- ° A net increase of 51 FTP employees, distributed fairly uniformly throughout the Parole Commission and the several policy direction and policy coordination offices of the Department.



- The establishment of a Federal Justice Research program under the direction of the Attorney General, at a cost of \$2,750 K in the first year.
- The establishment of an extraordinary litigation reserve fund, under the control of the Attorney General, at a cost of \$1,500 K in the first year.

OMB Recommendation

For FY 1977:

- Adjustment of the end-of-year ceiling to correct errors and reflect Congressional action. In addition, we recommend an increase of 32 reimbursable positions.
- Approval of both FY 1977 supplementals in the amounts requested.

For FY 1978:

- An increase of 20 FTP positions for policy and policy-related offices. In addition, we recommend approval of an increase of \$142 K to provide for a reduction in lapse (6 work-years) and restoration of the normal equipment base.
- Approval of the proposed Federal Justice Research program. However, we recommend first year funding of \$2 M, rather than the \$2.75 M requested.
- Disapproval of the proposed Attorney General's extraordinary litigation reserve fund, on the grounds that the traditional supplemental funding process is adequate to the needs of the Department.

LONG-RANGE
ESTIMATES

Department of Justice
 1978 Budget
Long-range Estimates
 (OMB estimate in millions of dollars)

		<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>
A. General Administration	B/A	25	25	25	25	25
	O	25	25	25	25	25
B. Legal Activities	B/A	294	296	299	299	299
	O	290	293	295	298	299
C. Federal Bureau of Investigation	B/A	504	504	504	504	504
	O	504	504	504	504	504
D. Immigration and Naturalization Service	B/A	241	240	230	210	210
	O	239	240	240	230	210
E. Drug Enforcement Administration	B/A	166	166	166	166	166
	O	170	170	169	168	166
F. Federal Prison System	B/A	338	327	333	351	362
	O	323	347	358	372	366
G. Law Enforcement Assistance Administration	B/A	600	600	600	600	600
	O	802	663	615	604	600
H. Offsetting receipts	B/A	-7	-7	-7	-7	-7
	O	-7	-7	-7	-7	-7
TOTAL, Department of Justice	B/A	2,161	2,151	2,150	2,148	2,159
	O	2,346	2,235	2,199	2,194	2,163



Summary Comparison of Outlay Projections

	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>
1977 Budget					
January 1976 Budget estimate	2,171	2,163	2,147	2,132	xxx
1977 Budget, mid-session					
Review estimates	2,171	2,163	2,147	2,132	xxx



AUTHORIZING
LEGISLATION

Department of Justice
1978 Budget

Authorizing Legislation Required for 1979
(under sec. 607(f), P.L. 93-344,
this legislation must be transmitted to Congress
no later than May 15, 1977)

(\$ in millions)

		1979		1980		1981		1982	
		Req.	Rec.	Req.	Rec.	Req.	Rec.	Req.	Rec.
<u>Existing programs for which authorization must be renewed in 1979:</u>									
All programs excluding the Law Enforcement Assistance Administration									
	B/A*	--	2,158	--	2,265	--	2,265	--	2,274
	O	--	2,235	--	2,308	--	2,308	--	2,271
Law Enforcement Assistance Administration									
Juvenile Justice and Delinquent Prevention Act									
	B/A	125	--	150	--	175	--	--	--
	O	13	--	75	--	145	--	150	--

*The Department has not submitted draft 1979 authorization legislation at this time.