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COMPTROLLER GENERAL OF THE UNITED STATES
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The Honorable Joseph R. Biden
Chairman, Subcommittee on Criminal
Justice
Committee on the Judiciary
United States Senate

SEN 02516 S. 241 (96th Cong.)

Dear Mr. Chairman:

By letter dated March 8, 1979, you requested our comments on S. 241, a bill to restructure the Federal Law Enforcement Assistance Administration (LEAA) and our views on the need for measurable legislative objectives to permit assessment of LEAA's accomplishments in the future.

AGC 00187

On January 27, 1978, we issued a staff study entitled "Federal Crime Control Assistance: A Discussion of the Program and Possible Alternatives" (GGD-78-28). That study summarized and reviewed the reported results of the LEAA program, and discussed several alternatives to consider in defining the Federal role in crime control and criminal justice improvement.

In performing our study, we noted that various reports, studies, and debates show that there has been a significant amount of confusion over the goals and objectives of the Omnibus Crime Control and Safe Streets Act program. To some, the act is designed to prevent, control, and reduce crime and juvenile delinquency. To others, its goals are less ambitious; to strengthen and improve law enforcement and the administration of justice through technical and financial assistance provided by the Federal Government. Still others view it as merely providing some additional form of fiscal relief.

This ambiguity over goals and objectives has been a problem in determining the impact of the program in terms of the congressional mandate. To avoid such problems in the future, we suggest that the ultimate goals and necessary objectives of the restructured program be clearly defined and compatible with one another. The process of defining the ultimate goals and necessary objectives may well specify

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those levels of accomplishment or performance for which the Congress would hold the program accountable overall. Alternatively, a provision could be incorporated into the proposed legislation calling upon the Office of Justice Assistance, Research, and Statistics, in cooperation with State and local governments, to develop measurable program objectives and necessary criteria to be employed in the assessment of program accomplishments. This provision could also require that such objectives, criteria, and specific program performance expectations be developed within some specified period of time after enactment of the legislation, with review by the oversight committees as part of the annual departmental authorization process. This latter alternative would provide additional time to derive realistic and evaluable performance goals and reach agreement on necessary measures, data, and indicators to assess the program overall.

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The proposed legislation to "sunset" Federal programs (S. 2), in particular, underscores the importance and relevance of clear legislative objectives to structure the assessment of program accomplishments. As you know, GAO has been working closely with the Congress in developing aids to improving the congressional oversight process. These efforts have included developing draft legislative language to increase clarity in the specification of legislative goals and objectives as well as the development of a model of oversight process steps, reflected in a recent report, "Finding Out How Programs Are Working: Suggestions for Congressional Oversight," (PAD-78-3). An effective review and evaluation process is vital to assuring that oversight and authorization efforts of legislative committees adequately address the accomplishments and progress, as well as the shortcomings of Federal agency operations and programs.

To be able to provide the Congress with necessary evaluative information about federally supported crime control and criminal justice improvement efforts, the proposed Office of Justice Assistance, Research and Statistics; the States; and local governments must be able to provide for continuity in the evaluation of at least those major programs which are focused upon meeting the legislative goals of the larger program. In a previous study of evaluation in LEAA and selected States, we recommended that greater emphasis be placed on building evaluation into programs and projects before their implementation, at Federal, State, and local levels. In this

regard, provisions for establishing adequate evaluation capability are essential.

Although the bill under consideration recognizes the need to evaluate the program, we believe there is still a major need for clarity as to how this will be accomplished systematically. Areas for consideration should include (1) what kinds and how much evaluation information should be generated; (2) who will do it; and (3) what assurances are needed so that the evaluation information is adequate to meet the policy and decisionmaking needs of the variety of users involved in the program.

One central issue which should be considered is whether the bill sufficiently provides for the necessary linkage between research, program development, program implementation, and evaluation. I cannot stress too highly the importance of insuring that conceptualizing, planning, designing, and implementing action programs be accomplished in such a way as to maximize opportunities for necessary collateral evaluation planning and design so that (1) the programs and projects intended are, in fact, implementable, (2) they are capable of being evaluated, and (3) their evaluations are designed and carried out in such a manner that one is able to use the resulting information in the policymaking and decisionmaking processes upon which the direction and success of the program ultimately depends.

There also appears to be a need to consider ways to insure that sufficient coordination will occur between the various organizational units proposed in place of the current agency (that is, the National Institute of Justice, the Law Enforcement Assistance Administration, and the Bureau of Justice Statistics), and between them and State and local governments, so that program and project planning, development, and evaluation will be better than it has been to date. If coordination does not develop or breaks down, then there is a serious question as to whether there will be sufficient evaluation information to meet the demand for program accountability. The high level of significance we have attached to this issue is directly related to a provision in the bill to use the results of evaluation studies as a basis for accepting, rejecting or terminating action programs and projects.

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In our July 14, 1978, report on LEAA and States' evaluation activities, "Evaluation Needs of Crime Control Planners, Decisionmakers, and Policymakers Are Not Being Met," (GGD-77-72), one of our conclusions was that the resources devoted to evaluation were inadequate and we recommended specific legislative provisions be made to insure adequate funding for evaluation. Under the proposed legislation, the States will still bear a significant responsibility for evaluation, either in directly supporting Federal evaluation requirements to insure compliance or in carrying out their own necessary mandated evaluation activities. Part H of the proposed legislation contains a number of administrative provisions, which set forth requirements to insure that there be "continuing evaluation" of formula grants, national priority grants and discretionary grants. For this requirement to be successfully implemented, there will be a need for the agency to develop clear and concise provisions to insure that there is adequate evaluation planning, sound methodological designs, and valid data to produce evaluation results of acceptable quality and usefulness. However, unless specific allocations of funds are made for establishment and/or maintenance of an effective evaluation capability in States and involved local governments, competition for available funds with action programs could leave little or no money for evaluation.

We have outlined some other specific issues, questions, and suggestions (see Enclosure) you and your colleagues may wish to consider to improve and strengthen legislative provisions for program evaluation in and increase the effectiveness of the Federal crime control and criminal justice assistance effort.

We hope we have been of assistance and appreciate the opportunity of commenting on the proposed legislation.

Sincerely yours,

R. J. KELLER

Deputy Comptroller General
of the United States

Enclosure

ENCLOSURE

Additional Comments on S. 241 - A Bill to Restructure LEAA and Amend the Omnibus Crime Control and Safe Streets Act

The following represents some specific issues and questions we believe, if sufficiently addressed and resolved, may contribute to improving the effectiveness of the Federal crime control and criminal justice assistance program.

FLEXIBILITY IN PROGRAM IMPLEMENTATION

There is a need to provide for flexibility in program implementation to increase the prospects for identifying and testing new or improved concepts that have potential for achieving legislative goals.

In S. 241, section 403 calls for a funding application which covers a 3-year period, and provides for mandatory annual amendments if new programs or projects are to be added to or deleted from the original application. This annual cycle could prove unnecessarily restrictive if a State or locality decides that a given program or project cannot or should not be implemented and identifies an alternative but is unable to make the substitution until the annual amendment is prepared and approved by LEAA. The provisions of the existing block grant program seem to allow for greater flexibility in this regard. The question of whether the approval of formula grant projects by LEAA is contrary to the objectives of the act also needs to be considered.

Also, it is not clear to what extent the statutory restrictions in the present proposals on the use of program funds for planning, program development, evaluation and related coordination functions will affect the quality of funded projects. Although it remains to be seen, the restrictions may foster a growing dependence upon models developed at the Federal level which may or may not be congruent with State and local conditions. Also, it would be difficult for Federal program managers to implement program concepts without grass roots planning and program development at State, local, and community-neighborhood levels.

One could argue that the effect on funded projects could be assessed with more certainty if the current State planning

process were streamlined and broadened to cover a 3-5 year period with an annual update. Such a change could reduce paperwork, but would still emphasize a need for planning (be it comprehensive, systemwide, program or project level). Such planning may be vital to assuring the quality and ultimate effectiveness of implemented action programs.

We note that S. 241, "Part F - Discretionary Grants" states as one of its purposes to

> "improve the comprehensive planning and coordination of State and local criminal justice activities."

We believe that consideration should be given to whether sufficient emphasis has been placed on planning in other parts of the bill. If there is not sufficient State or local capability and continuity to plan effective programs (either of proven or likely effectiveness) and/or to insure they can be and are evaluated, then we may be no better off than before.

STRENGTHENING PROVISIONS FOR EVALUATION AND PROGRAM ACCOUNTABILITY

We noted in S. 241 that section 604 mandates evaluation of grants funded under Part F - Discretionary Grants with provisions requiring that such methods be used in the evaluation in order to determine their impact and proven "effectiveness" in achieving stated goals. However, in Part E - National Priority Grants, the provisions for their evaluation are unclear, the criteria for "effectiveness" are not well established, and methods for determining effectiveness may be based on research, demonstration or evaluation. On the last point there is a potential loophole in which previous programs which were merely "demonstrated" and may not have been evaluated as to their impact and effectiveness, could be used as the sole basis for certifying other national priority programs as proven "effective."

A collateral issue here is the methods by which programs and projects are to be proven "effective" and involves

- --how the results of evaluation studies become certified as "the last word" as far as proven "effectiveness" of existing or intended programs and projects is concerned; and

- --who does the certification.

Based on our assessment of the quality of evaluation work completed in the mid 1970's we would not have much confidence in the validity and reliability of such previous studies and their applicability for such purposes unless there is significant improvement and/or other confirming evidence upon which one could reach a more sound conclusion.

S. 241, Part H, Section 802(b) sets forth requirements for establishing rules and regulations to assure "continuing evaluation" of programs or projects conducted with formula (Part D), national priority (Part E), or discretionary grant (Part F) money, in order to determine whether such programs or projects have achieved the performance goals stated in the original application. Some questions we believe need answered here are

1. How are "performance goals" to be defined?

2. Who defines what the "performance goal" and level of attainment shall be relative to acceptable program or project outcomes?

3. Specifically where will the performance goals be stated

   --in the subgrantee's application; or

   --in the triennial application submitted by the State Council?

4. What happens if the "performance goal" changes over the life of the program or project?

   (a) Will the evaluation be performed relative to some level of performance now no longer considered realistic or appropriate?

   (b) If the performance goals are negotiated and adjusted after the original application has been approved, will there be sufficient capability to permit an adjustment in the evaluation of performance goal attainment; particularly if such evaluation requirements and the evaluation itself are supervised from LEAA headquarters.

Another evaluation provision of this section concerns determining whether such programs and projects have contributed or are likely to contribute to the improvement of the criminal justice system and the reduction and prevention of crime. This provision seems to make explicit the two-fold goals of the legislation--system improvement and crime reduction and prevention. What this would appear to mean from the standpoint of program accountability is that "crime reduction and prevention" outcomes of funded programs and projects will be used in assessing the ultimate accomplishments of the entire program, due to the fact that system improvement and crime reduction and prevention goals are intertwined. The assumption presumably is that all system improvement efforts are expected to contribute in some measurable way to crime prevention and reduction. We question whether such an assumption is realistically warranted. Moreover, if it is unrealistic, then there is a need for some clarity with respect to what the ultimate evaluation criteria for determining the "success" of the program is or shall be. For example, if it was intended that the assessment criteria be based on both system improvement and crime reduction and prevention--but in a separable way, then the words "and/or" might be inserted in place of the word "and" on line 24 of page 73 of S. 241.

A third evaluation provision of section 802 states that such evaluations determine the "impact" of funded programs and projects on communities and participants and their implication for related programs. The question here is whether "impact" means determining the side effects of the program funded and which other programs are effected--criminal justice or other human services programs, tax structure and revenues--and at what level (Federal, State, local or all three).

S. 241 calls also for conducting evaluations which compare the effectiveness of programs conducted by similar applicants and different applicants as well as between programs and projects receiving formula grant funds with those receiving priority and/or discretionary grant money. This stipulation approaches the recommendation in our July 1978 report which called for program level evaluations to cut down on the costs of evaluation and to increase the yield of evaluation information which gets at the question of the relative effectiveness of programs and projects. However, again we must emphasize that to be able to assess crime reduction and systems improvement outcomes, cost-effectiveness, and impact on communities, participants and related

programs may require assuring there is adequate evaluation capability at State and local levels as well as the Federal level to insure that the prerequisites for evaluation are built into the program and projects in advance.

Finally, S. 241 requires States to submit an annual performance report which implies some assessment of the effectiveness of funded programs and projects in achieving legislative objectives, as well as those specified by the grantees. We believe there should be some additional clarification as to whether such overall "assessments" are evaluation-based; that is, to be developed on the basis of results and information yielded from evaluations which have been conducted on formula, priority/special emphasis, and discretionary funded programs and projects, or whether such "assessments" may be performed with less objective methods. Greater clarity as to what performance report assessments are to be based upon is essential to insure valid interpretation of program accomplishments and anticipating what resources will be required to support evaluation and monitoring efforts to maintain accountability for the program overall.