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Fact Sheet for the Honorable Charles B. Rangel, Chairman, Select Committee on Narcotics Abuse and Control, House of Representatives

July 1988

# ANTI-DRUG ABUSE ACT OF 1986

## Development of New York's Application for Funds Under the Act



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General Government Division

B-230408

July 8, 1988

The Honorable Charles B. Rangel  
Chairman, Select Committee on  
Narcotics Abuse and Control  
House of Representatives

Dear Mr. Chairman:

The Anti-Drug Abuse Act of 1986, among other things, authorized the use of federal grant funds to enhance state and local governments' drug control efforts. The act requires that each state, when applying for federal funds, submit a drug enforcement plan after consulting with state and local drug law enforcement officials. Concerned by complaints from local officials that they have not had an adequate opportunity to participate in the development of the plan and the subsequent distribution of funds, the Committee asked that we look into this matter. As agreed with the Committee, our preliminary work was done in New York State. We briefed the Committee on the status of our preliminary work on June 17, 1988. As the Committee requested, this fact sheet presents the results of our briefing.

RESULTS IN BRIEF

New York State received \$11.5 million in grant funds under the act for fiscal year 1987. New York State's criminal justice planning agency, the Division of Criminal Justice Services, consulted with state and local officials in developing its drug law enforcement plan. The plan included a formula for distributing the funds to the counties in the state and New York City. However, the state legislature made the final determination as to which activities were to be funded, who was to receive the funds, and how much they were to receive. Its distribution of funds varied somewhat from that proposed by the planning agency.

OBJECTIVES, SCOPE, AND METHODOLOGY

Our objective was to provide a preliminary analysis of how New York State obtained local participation in the development of its drug law enforcement plan and distributed grant funds to local jurisdictions. To get this information we interviewed officials of the Department of Justice's Bureau of Justice Assistance (BJA), New York State Division of Criminal Justice Services, and other New York State and City agencies. We also examined program guidance, correspondence, and other documents provided by these officials.

In addition, to determine the extent of local participation in the development of the New York State plan, we attempted to contact 28 state and local officials that the Division of Criminal Justice Services asked to provide input. We were able to contact 16 of these officials who were either members of the Drug Policy Board, established by the Governor to coordinate drug law enforcement efforts, or the local criminal justice planning officials. State officials said they no longer had a copy of the state's plan as submitted to the legislature. Our information on the state plan was obtained primarily from interviews with Division of Criminal Justice Services officials.

THE ANTI-DRUG ABUSE ACT OF 1986

The Anti-Drug Abuse Act of 1986 (Public Law 99-570) was signed into law on October 27, 1986. The act establishes the State and Local Law Enforcement Assistance Act of 1986, which provides grant assistance to states and local units of government to enhance their drug control efforts. The act specifies that programs eligible for funding fall into one of seven purpose areas: apprehension, prosecution, adjudication, detention and rehabilitation, eradication, treatment, and major drug offender programs.

Congress authorized \$225,000,000 for fiscal year 1987 for this program with nearly 80 percent (\$178,400,000) allocated to formula grants. Each state was eligible to receive a base grant of \$500,000 and a share of the remaining funds according to population. States were required to pass through to local governments an amount that was at least equal to the local governments' share of total criminal justice expenditures in the state. Additionally, the act set aside about 20 percent of the appropriation (\$44,600,000) for discretionary grants, and almost 1 percent (\$2,000,000) for a pilot prison capacity program. BJA administers the program.

### State applications for formula grants

As part of its grant application, a state had to submit a statewide drug enforcement plan. The act required that the state prepare this plan after consulting with state and local drug law enforcement officials. The plan was to define and analyze the state's drug problem, assess current drug control efforts, identify gaps in service and resource needs, and provide a strategy for addressing the drug problem. The act also required the state to submit its application to the state legislature or its designated body for review and allowed 60 days for this process.

BJA's program guidance primarily reiterated the act's requirement that states consult with state and local officials, whose duties are to enforce drug enforcement laws, but did not establish criteria defining a minimum level of local input that states were to obtain. BJA's review of state applications consisted of a standard checklist to ensure that (1) applications were complete and (2) the states had consulted with state and local law enforcement officials to prepare the plan. A BJA official said that it did not assess the degree to which states had solicited local input or the extent to which states incorporated the input into their plans.

### LOCAL PARTICIPATION IN PLAN

New York State's Division of Criminal Justice Services, the state agency responsible for criminal justice planning, consulted with state and local law enforcement representatives in developing the state's overall plan. The state's plan included a formula for distributing grant funds. The state legislature, which by state law is required to allocate all funds under state management,<sup>1</sup> made the final determination of the activities to be funded and the amount of funds to be distributed to the counties and New York City.

### Plan development

The Division of Criminal Justice Services sent a letter to 10 criminal justice planning officials requesting each of them to identify two of the act's seven purpose areas as priorities. These 10 criminal justice planning officials were from areas that had 73 percent of the state's population and geographic areas in which 95 percent of the state's felony drug arrests occurred. Overall, the planning officials represented major New York State metropolitan areas, such as New York City, Syracuse, Rochester, and

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<sup>1</sup>N.Y. State Finance Law Section 4 (McKinney 1988).

Buffalo, and other jurisdictions that had a formal criminal justice planning process.

In addition, the state's Drug Policy Board, which includes 22 law enforcement and substance abuse officials from federal, state, and local agencies throughout New York, provided input to the plan. The Board helped identify drug control strategy and assessed resource needs for the establishment of regional drug enforcement task forces.

We were able to interview 8 of the 10 criminal justice planning officials. Although they were asked to and did identify two funding priorities, the majority of the criminal justice planning officials said that they did not participate in the development of the state plan. On the other hand, seven of the eight Drug Policy Board members we interviewed said they participated by attending Drug Policy Board meetings, coordinating activities among other New York state agencies, and reviewing the state plan. Although the Drug Policy Board did not draft the plan, Division of Criminal Justice Services officials said that the Board had been influential in identifying and determining which projects should be funded.

Division of Criminal Justice Services officials said they developed a plan that incorporated the priorities and projects recommended by criminal justice planning officials and the Drug Policy Board. They said that a survey of the local criminal justice planning officials showed that the two highest priority purpose areas were apprehension and prosecution. However, within these purpose areas differences may have existed between the specific activities the local criminal justice planners envisioned, and the activities the state legislature actually funded. For example, the criminal justice planning official surveyed from New York City told us that his identification of apprehension as a priority meant that funds would be spent for New York City police department initiatives. However, the Drug Policy Board and the legislature envisioned apprehension to mean an increase in the number of regional drug enforcement task forces. That position was reflected in the final plan submitted to and approved by BJA.

#### State distribution of funds

BJA awarded \$11.5 million to New York State for fiscal year 1987. Of this amount, at least 61.73 percent was to be passed through to local jurisdictions. The remaining funds were available for state projects and administrative costs.

Officials of the Division of Criminal Justice Services said that their plan for distributing funds to local

jurisdictions, as submitted to the state legislature, included two specific efforts: the Office of Special Narcotics Prosecutor for New York City (\$700,000) and regional drug enforcement task forces (\$1,925,000); and a formula for distributing about \$4.7 million to 57 counties and New York City (which accounts for the remaining 5 counties in the state). The formula was based on the 1980 population and several 1985 crime statistics (the state crime index, felony arrests, felony drug arrests, and felony drug indictments).

New York State law requires that all funds under state management, including federal funds, be allocated by the state legislature. The legislature's allocation also included a formula for distributing funds to the state's counties and New York City. It was the same formula Division of Criminal Justice Services officials told us they had submitted to the legislature.

The legislature allocated approximately \$11.5 million of which 64 percent was for local units of government. This included funding for three specific efforts: the Office of Special Narcotics Prosecutor for New York City (\$700,000), special narcotics adjudication services for New York City (\$350,000), and regional drug enforcement task forces (\$1,925,000). The remaining local portion (about \$4.4 million) was allocated to counties and New York City using the formula (see app.).

Overall, the legislature's distribution of funds differed from that proposed by the Division of Criminal Justice Services in that the legislature funded adjudication services (\$350,000) and provided fewer funds (\$350,000) for distribution through the formula.

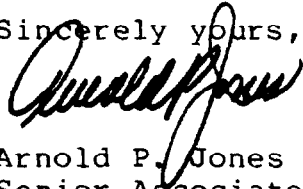
Under the formula, New York City was allocated about \$3.0 million. This amount, together with the \$1.05 million allocated for the two specific efforts in the city, resulted in a total New York City allocation of about \$4.0 million, or about 54 percent of the \$7.4 million allocated to local units of government.

Although the formula allocates the funds to counties, rather than cities (except for New York City), some counties have agreements with their major cities regarding how grant funds are to be divided between the county and the city. Generally, these agreements require that the city receive a specific percentage of the county's allocation. Accordingly, some of the larger cities in the state--Rochester, Syracuse, and Yonkers--were assured of receiving a specific amount of grant funds.

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As agreed with the Committee, we are sending copies of this fact sheet to the Co-Chairman, Senate Caucus on International Narcotics Control and Congressman Fortney H. (Pete) Stark. We plan no further distribution until 30 days from the date of this fact sheet unless you publicly announce its contents earlier. If you have any questions, please call me at (202) 275-8389.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Arnold P. Jones".

Arnold P. Jones  
Senior Associate Director



DISTRIBUTION OF LOCAL SHARE OF THE GRANT FUNDS  
UNDER ANTI-DRUG ABUSE ACT OF 1986  
NEW YORK STATE  
FISCAL YEAR 1987

FORMULA ALLOCATIONS

Local government	Total
1. ALBANY	\$ 50,721
2. ALLEGHANY	4,537
3. BROOME	25,748
4. CATTARAUGUS	8,522
5. CAYUGA	8,557
6. CHAUTAUQUA	17,033
7. CHEMUNG	11,384
8. CHENANGO	5,349
9. CLINTON	10,559
10. COLUMBIA	8,846
11. CORTLAND	6,670
12. DELAWARE	5,248
13. DUTCHESS	32,530
14. ERIE	155,105
15. ESSEX	3,760
16. FRANKLIN	6,437
17. FULTON	5,763
18. GENESSEE	5,910
19. GREENE	4,917
20. HAMILTON	538
21. HERKIMER	6,125
22. JEFFERSON	9,196
23. LEWIS	1,917
24. LIVINGSTON	6,371
25. MADISON	6,349
26. MONROE	105,450 <sup>a</sup>
27. MONTGOMERY	5,147
28. NASSAU	182,276
29. NIAGARA	29,595
30. ONEIDA	26,569
31. ONONDAGA	80,534 <sup>a</sup>

<sup>a</sup>Monroe and Onondaga Counties distribute 50 percent of their allocation to Rochester and Syracuse, respectively.

32. ONTARIO	\$ 11,800
33. ORANGE	47,956
34. ORLEANS	4,129
35. OSWEGO	12,866
36. OTSEGO	5,825
37. PUTNAM	12,953
38. RENSSELAER	17,554
39. ROCKLAND	38,021
40. ST. LAWRENCE	12,573
41. SARATOGA	19,375
42. SCHENECTADY	18,669
43. SCHOHARIE	3,248
44. SCHUYLER	1,696
45. SENECA	3,794
46. STEUBEN	9,168
47. SUFFOLK	195,502
48. SULLIVAN	10,265
49. TIOGA	4,712
50. TOMPKINS	13,123
51. ULSTER	23,310
52. WARREN	7,096
53. WASHINGTON	5,299
54. WAYNE	10,738
55. WESTCHESTER	128,211 <sup>b</sup>
56. WYOMING	3,987
57. YATES	2,314
58. NEW YORK CITY <sup>c</sup>	\$2,956,946
	<u>\$4,418,790</u>

SPECIFIC LINE ITEM ALLOCATIONS

Regional Drug Enforcement Task Forces	\$1,925,000
New York City	
Special Narcotics Prosecutor	700,000
Special Narcotics Adjudication Services	<u>350,000</u>
	<u>\$2,975,000</u>
Total funds distributed to units of local government	<u>\$7,393,790</u>

<sup>b</sup>Westchester County distributes 30 percent of its allocation to the city of Yonkers.

<sup>c</sup>New York City is comprised of five counties.

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