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The Policy Dilemma: Federal Crime Policy and the Law Enforcement Assistance Administration

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THE POLICY DILEMMA: FEDERAL CRIME POLICY AND THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION. BY *Malcolm M. Feeley* and *Austin D. Sarat*. Minneapolis: University of Minnesota Press. 1980. Pp. viii, 172. \$17.50.

Among the Great Society programs whose value has been questioned is the Omnibus Crime Control and Safe Streets Act of 1968¹ (SSA), "the master plan for the national war on crime" (p. 4). Although only "suggestive answers" can be given to the "question of whether the expenditures of billions of dollars under the . . . Act helped to reduce the crime rate, alleviate the crime problem, or increase government's crime fighting capabilities" (pp. 4-5), Malcolm Feeley and Austin Sarat believe that the Act's effectiveness can be measured indirectly by examining its implementation. In *The Policy Dilemma*, they report the harsh conclusions of such an examination. The Act, they found,

has not led to the creation of institutions which have developed the authority and expertise to significantly alter traditional crime fighting strategies. In this respect the Act must be considered a failure, or its importance must be downgraded and it must more modestly be considered little more than a structure for distributing federal funds to hard-pressed local law enforcement and criminal justice agencies. Even here, however, its success is in doubt because there are other more cost-effective ways to achieve this same aim. [Pp. 5-6.]

Feeley and Sarat blame the Act's failure on what they call "the Policy Dilemma" — an increasing demand for public services despite a growing recognition that the government is unable to deliver these services efficiently and effectively (p. 11).

1. Pub. L. No. 90-351, 82 Stat. 197 (codified in scattered sections of 5, 18 app., 28, 42, 47 U.S.C.).

Feeley and Sarat consider two distinct explanations of the Policy Dilemma. The first attributes the failure of governmental policy to the indecision of politically motivated policy-makers. Such indecision leads to policy that is poorly designed and often inconsistent and to the ineffective use of the public authority.² The second views the problem as structural: The implementation process itself cannot effectively translate policy into action. Since self-interested bureaucrats administer the programs, their results invariably differ from the articulated policy, even if that policy is decisive and well-intentioned.³ Feeley and Sarat use these theories to explain the failure of the SSA.

They first describe the social and political climate that led to the passage of the Act. The rising crime rate and outbreak of racial violence in the 1960s had made crime a politically important issue. The Johnson Administration proposed the legislation in 1967 to combat the public perception that it was soft on crime. The compromise that emerged from Congress, however, differed substantially from the Administration's proposal. Congressional displeasure with Great Society grant-in-aid programs and the political climate created by candidates Nixon and Wallace both contributed to dramatic changes in the original bill. The initial proposal was designed to attack the roots of crime, but the compromise version instead emphasized increasing the effectiveness of law enforcement. Feeley and Sarat's attempt to analyze the failure of the SSA in terms of political resolve leaves the reader somewhat confused because their analysis does not help the reader to place the Act's failure into perspective. Their discussion of the first explanation of the Policy Dilemma may thus be of little interest to readers unfamiliar with public policy analysis.

The authors' exploration of the second theory begins by describing the mechanics of the Act. The SSA created the Law Enforcement Assistance Administration (LEAA) to distribute planning funds and action grants, sponsor research and development projects, and provide technical assistance to the states. State Planning Agencies (SPAs) were established to coordinate state-wide attacks on crime. The Act also provided for Regional Planning Units, which performed functions similar to those of the SPAs at the local level. Congress articulated broad policy goals and established procedures for determining the sorts of projects to be pursued, but offered no concrete suggestions.

The remainder of the book examines three areas where federal crime policy has been ineffective: comprehensive planning, innovation, and evaluation. In analyzing these areas, Feeley and Sarat maintain that the SSA failed because of structural and organiza-

2. See T. LOWI, *THE END OF LIBERALISM* (2d ed. 1974).

3. See J. PRESSMAN & A. WILDAVSKY, *IMPLEMENTATION* (2d ed. 1973).

tional defects in the LEAA and the SPAs. These defects, they argue, result from poorly defined goals, poor planning, and the ineffective use of public authority.

Although planning was a major concern of the LEAA and the SPAs, Feeley and Sarat's research indicates that there was no uniform conception of "planning." Interviews with SPA officials revealed six distinct, sometimes contradictory, conceptions of "comprehensive planning" under the SSA. The authors argue that such confusion is built into the Act because of its conflicting goals. The block grant approach seeks to minimize federal interference, but one of the Act's underlying premises is that the decentralized nature of law enforcement precludes meaningful reform.

The SSA's failure to provide a coherent and well-defined concept of "innovation" also contributes to its failure. The responsibility for innovation fell on the SPAs, which lacked the means, the authority, and the freedom to innovate. Feeley and Sarat blame this defect on the political compromise necessary to get the SSA through Congress: "The block grant structure appears to be a near-perfect instrument for launching a bold vision, while at the same time assuring that it will have no fundamental impact" (p. 97).

Although Feeley and Sarat's research revealed no confusion about the meaning of "evaluation," they did find that there had been little meaningful evaluation of how effectively LEAA funds were being used. Many SPA officials considered evaluation a waste of time and money because the evaluations were rarely used in future planning. Since goals were often expressed vaguely, moreover, it was difficult to establish meaningful criteria by which to judge effectiveness. The authors' research also suggests the existence of organizational impediments to meaningful evaluation, including, for example, a lack of coordination between planning and evaluation staffs, SPAs' lack of control over funded projects, and complex funding requirements.

Feeley and Sarat conclude that although the LEAA has efficiently distributed federal aid to local law enforcement agencies, the jury is still out on whether its efforts have reduced crime. Whatever success the Act has had in reducing crime, they argue, cannot be credited to the vision of its drafters. The Act "presented a broad but essentially rhetorical vision which substituted expenditure for goals. The result is an administrative structure without the ability or authority to translate vision and money into a coherent plan" (p. 135).

Although *The Policy Dilemma* attempts to examine carefully the failure of the SSA in light of the policy dilemma presented by an increased demand for public services and the government's decreasing ability to provide such services, the discussion proceeds in such broad terms that one quickly loses interest. The book is essentially a

formal analysis of the SSA and is unconcerned with the development of concrete programs under the Act. To remain interested in Feeley and Sarat's study, the reader must be familiar with either general public policy analysis or the Act itself. For readers with the requisite background, however, the book may prove enlightening.