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# Department of Justice

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ADDRESS

By

ACTING ATTORNEY GENERAL RAMSEY CLARK

at the

Legal Forum

of the

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It may seem anomalous for a federal to come to California to stress the importance of state and local government in criminal justice and law enforcement. But such is my purpose and this has been my message during my years in the field.

The reason is based on both principle and practice.

As a matter of principle, and with greater urgency as the nation grows, the instrumentalities of government which protect lives and property, which adjudicate guilt or innocence of offenses against society, which deprive individuals of their liberty, which incarcerate and endeavor to rehabilitate offenders, should be close to the people served. The role of the federal government in law enforcement has not been and should not be central. There is no more local phenomena than crime in the streets, the very subject of the reserved powers, the police powers, of the states. A free man must be protected in the exercise of his rights from the lawless by a police known and responsible to him in his community and respected by him as a citizen.

Our practice conforms to our principle. There are more local policemen in Los Angeles County than there are agents of the FBI in the entire country. The California prison system has nearly 50% more felons in custody than the entire Federal Bureau of Prisons. There are twice as many probation offices in Los Angeles County as there are in the entire Federal Probation Service. Your state courts with criminal jurisdiction far exceed in number all federal courts with criminal jurisdiction. There are nearly 7 times as many deputy sheriffs for Los Angeles than Deputy United States Marshals for the nation.

California is blessed with excellence in service and leadership in every phase of criminal justice and law enforcement. Both your citizens and the nation are the beneficiaries.

While stressing the roles of state and local governments in law enforcement I will endeavor to relate these to the federal responsibilities in meeting our national needs and to some of the things now being done.

To journey to California to discuss this subject is to carry coals to Newcastle. For much of what we are doing in Washington draws its example and inspiration from what has already been done in this state--and from new programs in which you are demonstrating continuing leadership. The state government, the universities, private agencies of research, and local governments are all deeply involved in finding solutions for the difficult and persistent problems of crime in our society. No state has advanced our common interest more than California. No state is applying more effectively so wide a range of new and proven techniques to the full cycle of criminal justice--in its courts, in its police agencies, in the field of corrections.

As a nation we are concerned increasingly about the effectiveness of the states as laboratories of social change and adjustment. Increasingly, doubts are raised about the quality of personnel in state agencies and the capacity of state legislatures to authorize needed change. Much of the

machinery of state governments appears obsolescent and rigidly cast.

California reassures us. State government can provide leadership, can attain excellence and can be effective. In the area where I labor--justice and law enforcement--skepticism cannot withstand the objective facts which demonstrate constant progress under vigorous leadership. In no other state has there been such a mobilization of talent or such a generation of action.

As you know, a searching and comprehensive study of crime in America has been undertaken by the President's Commission on Crime and the Administration of Justice. The President has requested that it provide citizen and public official alike with realistic programs and working strategies for the future. It will make its land-mark report early next year.

The composition of the non-partisan commission, of its staff, and its advisory bodies is heavily indebted to this state. Three of the nineteen commission members are Californians--your Attorney General Tom Lynch, San Francisco's Police Chief Tom Cahill, and Otis Chandler of Los Angeles. Two of the five commission task forces are being directed by Californians. The police study is headed by Gene Muehleisen, on leave as Executive Director of the Commission on Peace Office Standards and Training in the California Department of Justice. Kim Nelson, who is a professor of public administration at the University of Southern California is in charge of the corrections task force.

The Commission has made an equally large levy on this state in gathering its consultants and advisory staffs. Richard McGee, the outstanding Director of the California Youth and Corrections Agency and Thomas Reddin who is a deputy chief of the Los Angeles police have played important advisory roles. Significant consultant studies have been made by Dean Donald Cressy of the College of Letters and Sciences of the University of California at Santa Barbara and by Dean Joseph Lohman of the School of Criminology at Berkeley.

Fortunately for California the Crime Commission completes its work soon, and the "brain drain" from California to Washington will be relieved.

From its Commission's efforts, certain facts about crime and the general features of the problem are already clear.

The first is that there are few areas of citizen concern which have been more shrouded in myth, fantasy, and ignorance. Large areas of important knowledge have hardly been penetrated and remain uncharted. Gross misunderstanding has afflicted us. Public feelings have wavered from morbid fascination and exaggerated terror to false apathy.

Crime statistics themselves are highly unreliable. The FBI and Mr. Hoover have been leaders in the compilation of crime statistics. But local figures and techniques must be greatly refined before we have an

accurate picture. In many areas large numbers of crimes are unreported. Major deficiencies in the figures on crimes processed in the courts and the numbers of criminals successfully rehabilitated in our corrections institutions exist. Both the incidence of crime and effectiveness of crime prevention efforts are hard to measure. When crime reporting improves, crime statistics often rise without an actual increase in the incidence of crime.

Sometimes a crime rate rise merely reflects a greater effectiveness by police in reporting arrests and the greater confidence of the citizen in reporting a theft, assault, or act of vandalism. This state and most of its 475 law enforcement agencies have an excellent tradition of consistent and comprehensive reporting. This virtue and the good practices of its well-trained law enforcement professionals means that more offenses are accounted for in its statistics than in many other states.

The greatest progress in crime reporting and statistics has been made in California. With the help of a large grant made under the Law Enforcement Assistance Act you are moving further to design and install the first state-wide criminal justice information system. Your experience and initiative has had a central influence on the work of the Crime Commission and on the Justice Department.

Second, we are learning that we have only begun--sporadically and marginally--to apply the tools of science, operations research, of expert management to the tasks of criminal justice. The courts, the police, the corrections agencies have derived little benefit from technology and science in allocating their scarce resources, in sensibly controlling their workloads, in building up banks of ready and useful information.

There are many possibilities here--some still speculative, others within practical realization. Our technological genius and scientific revolution can be servants of our criminal justice system.

Let me give you two illustrations from this state. An application of systems technology in the aerospace industry to crime was made in a study by the Space General Corporation at the request of Governor Brown. A copy of this significant report was handed to me for use by the U.S. Department of Justice by Governor Brown at the Governors mansion in 1965. It shows that a computer controlled, state-wide information system can be made to work while at the same time yielding much important information such as added proof that young people between 14 and 24 commit most crimes. Since this age group will rise in numbers by 127 percent between 1960 and 1980 in this state (as against a total population rise of 78 percent) this finding is profoundly important.

A persistent problem is how to relieve the police and courts in the processing of minor misdemeanors. Traffic offenses, small claims, drunkenness, some code offenses ought to be treated in ways which reduce the burden on police and courts.

One possible approach is being developed in California communities. In Contra Costa County police citation in lieu of street arrest, booking and physical detention shows promise. After consultation by radio with the central police agency in cases which do not involve security or identification problems a citation and summons is issued at the place of arrest. By being able to release misdemeanants at the scene in certain traffic, petty theft, breach of peace and minor assault and municipal ordinance cases the public benefits. Police efficiency rises. Public safety is improved. Jail cases for pre-trial detention drop sharply. And the civil liberties of persons arrested are protected by bringing the tools of good management and modern communications to bear on crime in the local neighborhood.

That science can be the instrumentality of justice is dramatized by possibilities emerging for the development of low cost and universally available alarm and surveillance systems. Trials can be both facilitated and justice enlarged if sight and sound recordings could make confessions and interrogations visible to the court; if machines could record, transmit, and duplicate the proceedings, if techniques could be found to assist in speeding and properly clearing court dockets.

Third, we have seen that all aspects of the criminal justice cycle are organically connected and that the quality of criminal justice in each jurisdiction affects all others. The policeman, the judge, the corrections official and the agencies they serve cannot be islands to themselves. They are necessarily related to and dependent on each other. Each are parts of the whole.

Across the country there has been a costly deficit of attention and reform in the field of corrections. Over two million persons both enter and depart from the corrections sphere each year. It remains a sad fact that some aspects of our corrections systems breed as much crime as they prevent. The accumulating evidence when joined to high rates of recidivism is disturbing.

--Barely 5 percent of all personnel working in local institutions and jails devote their time to treatment and training. More than 90 percent are administrators and guards. Yet these institutions imprison many of the country's first offenders--presumably the least hardened and most perceptive to rehabilitation.

--Twelve states have no probation services for adult misdemeanant offenders, seven states have only its barest fragments, and most others are spotty.

--Only five states have half-way houses, a hopeful method of helping former offenders learn to cope with the pressures of returning to society. Only a handful of states operate work release programs in institutions for adult offenders.

--Thirty of our state-operated adult institutions, which hold those convicted of more serious crimes, provide no form of vocational training.

--Nearly one-half of all state felony probation and parole officers supervise over 100 persons at a time against a recommended caseload of fifty. Nearly half the states have starting pay of prison guards of under \$4,000; two pay less than \$3,000.

--Only 20 percent of operating costs of state and local corrections work is allocated to community-based services such as parole, probation, and after-care. Yet, two-thirds of offenders are theoretically under such care.

Again California does not fall within these general indictments. Probably better than any state it has in recent years faced the problems of reintegrating offenders in society and improving the quality of treatment they receive while in detention.

What has been tried in this state is beginning to have wider influence across the country. In the Justice Department and among corrections officials everywhere the alternatives to incarceration which you have devised have been especially noteworthy. Though some of California's efforts are still experimental, the results of community treatment of offenders whose crimes are not serious or which do not raise serious official community objections have been encouraging.

The California Youth Authority Community Treatment Program, the excellent coverage of parole supervision, the use of adult conservation corps, the development of work furlough programs for selected inmates, and the relatively low parole caseloads in this state are all exemplars of the directions in which we must move nationally.

The President's Commission is giving corrections a most intensive study. Their findings will reflect much of what is being done in California.

So will the Federal government and the States profit from California's leadership in narcotics control. Only this month Congress adopted the Federal Narcotics Addict Rehabilitation Act, based largely on principles of civil commitment and rehabilitation employed in California for over five years. The California experience in rehabilitation centers, out-patient and community treatment, and half-way and half-way back houses charts the course of the future.

Finally, and above all, it is clear that we as a people have failed to devote from our abundant resources sufficient money, people, effort and interest to serve the ends of justice. We have no greater concern on earth. To its pursuit we must give our best.

This is all to say that the answers to the elusive subject of crime have come and will come largely from the experience of our cities and states, and from their leadership and diligence. It is to say that the quality of criminal justice in each state effects every state. And to say that we have miles to go before we sleep.