



Department of Justice

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STATEMENT

BY

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BEFORE

SUBCOMMITTEE NO. 3 OF THE

HOUSE JUDICIARY COMMITTEE

ON

H. R. 6508, THE LAW ENFORCEMENT ASSISTANCE ACT OF 1965

THURSDAY, MAY 20, 1965

I come today to talk about crime and punishment.

It is hardly a new subject. It is one of the most basic and enduring themes of all civilized history. But it is a vital subject. Today, the concern of our society over crime has reached a new level of urgency. The very conditions which characterize modern life--increasing urbanization, increasing mechanization, and increasing mobility--are the same conditions which create a hothouse in which crime can flourish.

And crime has flourished. Since 1940, the crime rate has doubled. Since 1958, it has increased more than five times faster than the population. Between 1963 and 1964 alone, the crime rate rose 13 percent.

As agents of government, whose first responsibility is public safety and public order, we are compelled to turn our most urgent attention to checking and controlling this growth.

We must do so, however, not only because of the direct impact--more crimes, more loss, and more victims. We must also do so because of the most widespread public alarm. When so many people change the course of their daily lives for fear of becoming yet another crime statistic, an even greater burden exists.

It is not enough to say glibly that police should be doing more. Undermanned, underpaid, already overburdened law enforcement officers all over the country have worked with devotion to prevent the increase in crime from rising still higher.

What is required is an infusion of support, of ideas, and of leadership. What is required, I believe, is for the federal government to enlarge and expand the assistance it offers to local law enforcement.

Two months ago, President Johnson proposed a historic step in this direction. In his special message to Congress on law enforcement, he called for exactly such an enlargement of federal responsibility, assistance, and leadership. He called on the Congress to pass the Law Enforcement Assistance Act of 1965 and I appear before you today to affirm the urgency and necessity of that proposal.

I.

Second only to the proliferation of crime, the aspect of law enforcement which may be most obvious is the lack of resources available in states and local communities to meet the brushfire rise in criminal activity. Enormous population increases have required these communities to place priority on efforts to deal with changing social conditions.

Too often, the resources allocated for law enforcement agencies, the courts and the correctional systems have fallen far behind.

Limited federal jurisdiction necessarily restricts direct federal enforcement efforts in those areas of crime which most visibly touch our daily lives. It is the policeman on the corner who is our traditional symbol of personal security. Through this bill, we hope to provide the leadership, the research, and the experimental assistance which can help preserve that symbol.

I think it is clear that the crime problem cannot be met by focusing attention on only one part of the process of criminal administration. Wherever one area of activity is stressed, other needs are accentuated.

If detection and apprehension methods are improved, there can be little gain unless the prosecutors and the courts are equipped to meet the increasing flood of cases.

If prosecution and conviction are brought to their optimum, again there can be little gain if a correctional system is not prepared to deal with the convicted offender.

And even if the entire criminal process were brought to full force in a war against crime, society would then have to be prepared with methods to place the released offender back into a meaningful role in the community.

II.

The approach of H. R. 6508, the proposed Law Enforcement Assistance Act, is built upon these premises and it therefore authorizes a broad range of activities. The bill provides for federal aid to public or private non-profit organizations for projects and studies to promote the enforcement and administration of criminal laws, corrections, and the prevention or control of crime. The bill also authorizes the Attorney General to collect, evaluate, and disseminate significant information about such activities.

H. R. 6508 would establish this program for three years, to be administered by the Attorney General with advice from other federal agencies and advisory committees. The program is designed to start in fiscal 1966 and we are requesting ten million dollars as an initial appropriation. A grant or contract recipient may be required to contribute funds, facilities or services to the fulfillment of a federally sponsored project.

This is the broad scope of the proposed bill. Let me now articulate in more detail what we in the Department of Justice believe is the significance and the promise of H. R. 6508. In order to discover the full range of possibilities for aid programs and also to ascertain what is already being accomplished, we have tapped every possible resource. All relevant sections of the Department have engaged in this process of inquiry.

In addition to examining law enforcement aid programs undertaken by other federal agencies, we have also sought to gather the ideas and the basic knowledge of those most intimately connected with state and local law enforcement, criminal justice and corrections.

Our work with these various groups and individuals has shown basic needs which must be served. Too often, the every day labors of coping with crime have overwhelmed an agency's ability to take a step back, look at the system and develop needed improvements.

We do not see this legislation as launching a massive federal subsidy program. It is, rather, designed to permit selective support of a relatively few programs, but programs which may serve as models of what is possible--which may demonstrate to all of us steps which could make a significant difference.

I foresee an emphasis on projects to aid police. It is they who stand on the front line in the fight against crime.

It was heartening to see the recent national poll which showed that a great majority of our people hold high respect for local police forces. But the police need more than moral support; they require more than ideas, however imaginative, of how they might work more effectively. It is up to us to lend tangible support to such ideas and that is the purpose of this bill.

III.

Section 7 of the bill prohibits federal interference in the every day operations of police and other law enforcement agencies on the state and local level. Consistent with this, to a considerable extent, we would expect that projects would be developed in response to state and local proposals.

This means of course, that it is too early to detail specific proposals to which federal aid would be devoted. However, there are several areas in which interest is most alive or which seem promising to us. Let me briefly outline some of these.

One of the primary concerns is crime in the streets, both in its direct impact on victims and in its secondary impact of fear on the public at large. On a recent television program, a prominent correctional authority was explaining how, in his view, the crime statistics do not present a true picture and that people really need not stay away from our streets and parks at night. This balloon of optimism was suddenly burst, however, when the announcer asked the official whether he permitted his wife to ride the subways at night. His response was negative--and admittedly sheepish.

Free movement in our society is a basic right which government has a responsibility to protect.

Many ideas exist for fighting crime in the streets. In many instances the need is for funds to determine which of these ideas are likely to prove effective. We need development and experimentation with such devices as:

- computer identification of fingerprints;
- personalized radio transmitters for patrolmen;
- increased street and store lighting;
- electronic apprehension aids in business establishments;
- modern police weapons;
- faster transmission of citizen complaints of crime

The police need more sophisticated techniques and equipment for the collection and dissemination of information. Steps which citizens can take to lessen the possibility of their becoming a crime victim must be publicized in an effective manner. Such electronic advances as closed circuit television between precincts and headquarters and facsimile transmission of crime data can be brought to police work.

These are just examples of many items which may now lie on the drawing board, or may exist only as an unfulfilled idea of a police professional, or may be unproven in practice simply for lack of funds for experimentation.

Another area frequently mentioned is police allocation and deployment. Here, as in other police functions, the existence of a planning and research unit within a police department may be a vital need for the generation of ideas, plans and experimentation. The development of such units in larger cities, with dissemination of relevant ideas to smaller communities, can be spurred.

Here also, electronics may prove indispensable. With crime incidence constantly shifting within a city, changes in police allocation and deployment can be meaningful only if they are timely. If the collection and analysis of raw crime data takes weeks to obtain, the counter-attack is obsolete. Through the use of computers, almost instant response can be made by police forces to existing crime patterns. Various experiments in methods and types of patrol may also be fruitful.

Police success is frequently a function of the communications system. For the most part, a policeman must stay within his geographical jurisdiction. But criminal activity pays no heed to city limits. Indeed, this criminal mobility continues to increase.

Instant and effective communications systems between various police jurisdictions is a prerequisite to modern enforcement methodology. Indeed, many areas are beginning to carry inter-jurisdictional cooperation beyond mere communications and into regional training and jointly sponsored specialized services.

Police officials are affording increased attention to their relationship with the community. The era when a mayor or city manager could delegate crime problems in toto to the police department has passed. Many communities are discovering this fact and involving all of city government in planning to meet the incidence of crime. Too often, the police feel alienated from the community, and too often the community expects police service for which the people offer little cooperation and aid. The development of effective and permanent community relations programs has been stressed by officials throughout the country.

We do not suggest that we should limit ourselves to projects looking towards immediate rewards. No sound system can be built upon flashes of instant direct action. Police training and education is a long-range area which almost every knowledgeable official mentions in discussing solutions to the crime problem. There is much promising activity -- but much more remains to be done.

The federal government has long been active here. The FBI National Academy has trained over 4,500 selected officers from all levels of law enforcement in the United States. Special courses in the field in various enforcement subjects were taught by FBI Special Agents in over four thousand training sessions in fiscal 1964 alone, with a total attendance of approximately 117,000 local officers. The Treasury Department for several years has conducted training schools for state and local narcotics enforcement officers.

Private organizations, such as the International Association of Chiefs of Police, have undertaken studies to determine training needs and standards, and have provided training services to their members.

Approximately one hundred colleges and universities offer some form of police training with over two hundred programs in junior colleges, colleges and universities in at least twenty-nine states and the District of Columbia. However, over one-half of these institutions are located in one state - California. Again, much needs to be done and I would expect that we will receive many requests for aid.

The scope of the training field is enormous, ranging from pre-service education through recruit training, in-service training, executive development and training in administrative techniques. Certainly, these are all aspects in which federal aid can be utilized effectively. The lack of a sufficient nationwide corps of police educators and instructors and of modern curricula enhances our needs in this area.

I have so far stressed projects closely related to police work. Other parts of the criminal process also will receive close attention under the Law Enforcement Assistance Act.

At present, our entire criminal system is burdened with activities which could possibly be handled in other ways. For example, of the approximately six million arrests in the United States in 1963, fully one-third were for drunkenness. The resulting inefficiency and overcrowded conditions in the courts and correctional systems affect the entire criminal process. Methods other than criminal sanctions are being considered for persons involved in such activity; it might be better dealt with by related local agencies.

Drunkenness, drug addiction, or the so-called invisible crimes, such as the massive number of assaults and other offenses arising from family disputes or landlord-tenant differences -- all are forms of conduct with which police must now cope initially.

If we could deal more effectively with these kinds of altercations outside the criminal process, we would not only perform a social service, but we would also focus the administration of justice more effectively on serious crime.

In too many lower courts, defendants are processed in a manner which is a disgrace to our traditional notions of dignified, effective justice. We must give priority to finding ways to end the meatgrinder character of these courts.

Meanwhile, we should also recognize the importance of the prosecutorial function. Training and education funds can be appropriate here. Standards must be developed for the exercise of not only police but also prosecutorial discretion. Finally, cooperation between prosecutors and the police on legal problems arising before a formal charge is brought is a subject of increasing study and experimentation.

More attention and resources should be expended on the correctional process. I am sure that communities will want to improve their jail situation, not only physically, but also with the idea of making a local jail term a positive, rather than a negative, influence on the rehabilitation process.

Training of correctional officials through intensive seminars and workshops and through educational leaves of absence is a frequently-voiced need. Various theories of correctional programming await field trials and studies are now lacking as to the efficacy of the different kinds of institutional and community treatment. Ways must be found to carry the advantages of one state's correctional system to those other states which are interested in changing their existing approaches.

We need particularly to develop methods through which the first offender may best avoid future criminal conduct. And, we must find suitable and desirable ways to identify and control those who will probably continue their criminal careers unless confined in an institution or managed closely when released back into the community. Correctional officials also desire to ascertain and achieve certain minimum standards of organization and personnel in their various agencies and offices.

These many, varied approaches to the Assistance Act demonstrate a dual conclusion. There are many new ideas to be explored. But at the same time, there is much fertile ground already being explored.

Nonetheless, existing research, studies and projects are too often not visible. Thus, we believe one of the primary functions of this bill is that mentioned in Section 6 (b). In effect, this section states that money may be allocated for the purpose of making visible that which is now lost for want of publication and dissemination.

If a city's police department has made great strides through specific projects, its methods should, sensibly, be communicated to other cities.

If a university professor writes a paper advocating promising new ideas, ways must be found to experiment with those ideas.

If one state finds methods to reduce the number of criminal repeaters, other states ought to have ready access to the information, so they may consider applying the lesson in their own systems.

We do not believe, therefore, that this bill need be directed only to the development of startling new ideas. Too many promising programs and ideas have lain dormant for want of practical trials. Finding them

and making them widely known can have substantial importance in carrying out the purposes of the bill.

We have reason, in the Department of Justice, to know how true this is. Several years ago, the Vera Foundation of New York undertook to show, by field trial, that money bail was unnecessary to assure that many defendants would appear for trial.

Taken no further, the Vera experiment might well have concluded as only a local success. But then the foundation and the Department jointly sponsored a National Conference on Bail. The result has been dramatic. In the year since the conference, 90 bail reform projects have now sprung up in 40 states.

IV.

I have touched upon many of the specifics which we believe are integral to this proposed Assistance Act. We need much advice and intend to procure the best available talent to serve upon the advisory committees authorized by the bill. We look forward to the work of the President's Commission on Law Enforcement and Administration of Justice. We will draw upon existing studies like that of the American Bar Association concerning Minimum Standards of Justice.

But most of all, we must rely on the expertise and the needs of the states and local communities of the nation.

It is they who bear the heavy burden. It is their future capabilities which will determine the outcome of the war on crime. It is their urgent needs which make this proposed Law Enforcement Assistance Act one of the most important single pieces of legislation before the Congress.

I urge its prompt and full enactment.