



Department of Justice

"COOPERATION AND COMPASSION IN THE CAUSE OF JUSTICE"

REMARKS

BY

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TO THE

SIXTH ANNUAL
LECC/VICTIM-WITNESS COORDINATORS'
TRAINING CONFERENCE

ATLANTA, GEORGIA
WEDNESDAY, JUNE 19, 1991

I am delighted to join your sixth annual training conference in this eighth year of your remarkable rise as the newest body of professionals within the Department of Justice. In less than a decade, what a tremendous contribution to the cause of justice -- and compassion -- you have already made. I salute you as members of now established institutions within the Department.

It was in 1984 that Attorney General William French Smith set up the first Law Enforcement Coordinating Committees within the U.S. Attorneys' offices, and created the dual position of LECC/Victim-Witness Coordinator.

You took up these dual responsibilities, and have done an outstanding job, wearing both hats. Earlier this year, at the U.S. Attorneys' conference in Savannah, I indicated that very welcome allocations for increased personnel within the U.S. Attorneys' offices now made it possible, where appropriate, to divide these heavy responsibilities. United States Attorneys are thus presently authorized to set up separate positions for LECC Coordinators and Victim-Witness Coordinators -- or retain the current dual positions, as they see fit.

This flexible approach recognizes the diversity among districts which characterizes our federal system for the administration of justice. It also permits our chief prosecutors to make their own management decisions as to how best to

structure the vital services that you offer in the interest of those whom you serve.

Let me then speak to the present breadth of the duties of each of these positions, even as we add new duties today, and discuss the importance of the many responsibilities that increasingly fall to all our LECC/Victim-Witness Coordinators.

I

The essence of the Law Enforcement Coordinating Committees is teamwork. The LECCs provide an organizational mechanism whereby we can reach out to, and communicate with, the various state and local law enforcement agencies -- a vital link, because their full cooperation is absolutely necessary if we are to curtail criminal depredation against this nation's communities. Together, we must fight drugs, violence, gangs, hate groups, money laundering, financial fraud, environmental degradation, and even border problems. I have often noted the challenge we face in making the whole of our efforts more than simply the sum of its parts.

What impresses me most is the strong networking you have built up among these state and local officials, how you have helped them to join forces to conquer these threats to public safety. You have made available everything from cheaper police

training to broader police intelligence under the determined auspices of the cooperating U.S. Attorneys' offices. Nancy Allen has the right word for it, and that word is "fraternity."

As former sheriffs, DEA agents, even Secret Service personnel, many of you first brought your own brand of professionalism to the LECCs. More of you have since achieved a level of trust that supports that sense of fraternity so vital to operations by broadly cooperating law enforcement agencies.

There is no better example than MANIX, right here in Atlanta, under LECC Coordinator Didi Nelson -- the Metropolitan Atlanta Narcotics Intelligence Exchange. MANIX is a computer-driven drug intelligence system that is supplied with tips from 12 local agencies, one state agency, and six federal agencies -- with an average of 35 agents attending monthly meetings. When tips fed into the computer make a match or a "hit" on a drug offender, MANIX informs all agencies concerned, and by MANIX By-Laws, joint cases are immediately mounted. Mix-ups are avoided, blown covers prevented. In less than one year of operation, 505 submissions have produced 155 "hits," right down to intelligence on how a false informant could not set up a five-kilo cocaine deal that would have "burned" a county police department.

But what makes MANIX work -- more than its computer -- is

trust. That trust creates an all-embracing, fraternal feeling throughout this anti-drug enterprise.

Now we need to extend that same fraternal trust even further through passage of the President's Comprehensive Violent Crime Bill -- legislation supported by every major state and local law enforcement organization in the nation.

The President's approach depends upon a fundamental principle that underlies all the new laws we are proposing to the Congress. That principle reaches right down to street level: the most effective way to reduce violent crime is to get violent criminals off the streets and into prison.

One such current effort is Operation Triggerlock. We launched Triggerlock this spring to enlist the cooperation of local authorities in targeting criminal predators in their communities who can be charged under the Federal Armed Career Criminal Act. What does this mean? It means that those with three prior federal and/or state felony convictions for violent or drug offenses will be charged whenever they are found in possession of a firearm. These may be hard men, but they make easy marks. Under federal law, they can be swiftly sentenced to 15 years in prison -- no probation, no parole, no plea bargaining, and no more problem to society.

And if Congress passes provisions of the President's Crime Bill, these cases will be even easier to make. One "prior" plus possession of a gun will send a felon away for five years.

But the key to Triggerlock is that fraternal trust among local law enforcement officials that you here today can unlock and motivate. The LECCs must locally coordinate this nationwide effort to identify dangerous felons -- pick up the tips that can make the "hits" on armed career criminals -- or else Triggerlock will become just one more street exercise in futility.

So I am calling on you today for this added commitment to Triggerlock, just as we called upon you two years ago to take a more active role in asset forfeiture. Back then, we named the LECC/Victim-Witness Coordinator as the point of contact for all local inquiries regarding equitable sharing. In 1990, you taught more than 3,200 law enforcement officials the fine points of forfeiture, and have trained another 2,500 so far this year. I fully expect that splendid achievement to be matched as you gather local intelligence to make Triggerlock a similar success.

II.

Let me turn next to the Victim-Witness side of your dual responsibilities, and set forth the obligations -- whether separate or combined -- that Victim-Witness Coordinators

undertake to comfort and assist these sometimes forgotten participants in the criminal justice process.

Let me first state my firm conviction -- which I know you share -- that it is not the rights of criminal defendants which need strengthening today, but the rights of the victims of their crimes.

From my days as a U.S. Attorney and then as head of the Criminal Division at the Department of Justice -- up through my tenure as Governor of Pennsylvania -- I have worked to restore a proper balance, so that those once victimized by violent crime are not victimized a second time by our criminal justice process.

And now as the Attorney General, I have pursued the fair treatment of victims as a priority at the Department. Last year, President Bush signed into law the first Federal Crime Victims' Bill of Rights. Our Office for Victims of Crime has worked for years -- along with many of you -- to bring about this landmark legislation, that creed which governs much of your activity as Victim-Witness Coordinators.

But the President's proposed Comprehensive Violent Crime Bill will do even more for crime victims:

* First, it will restore the death penalty as a meaningful and constitutionally sound sanction. Victims and survivors of victims have an irrefutable right to some certainty that justice will be appropriately served, and that the punishment imposed will be commensurate with the injury inflicted.

* Second, it will address the abuses of delay in the administration of justice, particularly regarding the writ of habeas corpus in capital cases. The bill offers reforms to ensure finality, sparing victims the torture of repeated judicial replays of the crime and assuring the families of murder victims that federal and state death penalties will be carried out.

* Third, it will provide for exclusionary rule reform. The proposed legislation injects a reasonableness standard into the assessment of a law enforcement officer's search and seizure activities. Victims have an interest in knowing that courts will consider all relevant evidence when determining the guilt or innocence of an offender. To date, such evidence has been held inadmissible in instances where law enforcement has erred, regardless of whether the search and seizure was carried out in circumstances justifying a reasonable belief that it conformed with the Fourth Amendment.

* Fourth, it will provide specific protection from violence and intimidation of witnesses, and other participants in the criminal justice system, including increased protection for sexually abused children.

* Fifth, newly proposed Federal Rules of Evidence will permit the admission of evidence of other similar crimes by the defendant in child molestation and sexual assault cases, and require mandatory HIV testing of accused sex offenders and the disclosure of test results to victims.

* And finally, the bill will provide victims with expanded rights to restitution, suspend eligibility for Federal benefits for persons delinquent in their restitution payments, and ensure the victim's right to address the court at sentencing.

In this last regard, I had the privilege of arguing before the Supreme Court this spring -- during Crime Victims Week -- in favor of victim impact testimony in death penalty cases. The case of Payne v. Tennessee shows how far adrift this country has gone in protecting a defendant's rights to the neglect of victims' rights.

It involved a man who was convicted of brutally raping and killing a young mother and her two-year-old daughter, and nearly

killing her three-year-old son, Nicholas, who miraculously survived his many stab wounds.

The man broke into the woman's home, and in her very own kitchen, in front of her two babies, stabbed the woman over 40 times. She sustained another 40 defensive stab wounds to her arms and hands, showing the valiant struggle she put up to save herself and her children from this murderer. The defendant was convicted and sentenced to death. Justice done? Sadly -- no, at least not yet.

At the sentencing hearing, testimony was heard from the defendant's family about what a good son he was, and testimony from his psychiatrist was offered as to how polite and cooperative he had been. This was allowed as a matter of right. But then three-year-old Nicholas' grandmother made a simple statement about the impact that these deaths have had on this little boy. She said Nicholas kept asking when his mother was coming home and said "I miss my Lacie. I'm worried about my Lacie." His baby sister.

That was it, her entire testimony -- but testimony that, under Supreme Court holdings in Booth v. Maryland and South Carolina v. Gathers, it was argued by opposing counsel, should not be heard by the jury deciding whether or not to impose the death penalty.

We argued before the Supreme Court that the jury needed to have the "full picture" if the defendant was to be held fully accountable for his acts. We argued that, especially in a capital case, information about the impact of the crime on the victim's survivors is vital in deciding whether the ultimate sentence of death should be imposed.

How can the jury ever know the true nature and extent of a capital crime if they must consider only the defendant -- and not the victim -- as a unique human being with family and friends who loved him? How can we allow a jury to view the victim simply as a corpse or a diagram -- a "faceless stranger," in the words of Justice Sandra Day O'Connor -- with no witnesses to personalize the victim as an equally unique human being with a family and friends who loved them?

That's what we asked the Justices of the Supreme Court to consider. I need not ask your response because those of you who have chosen careers as Victim-Witness Coordinators already speak to your commitment. I need only ask you to watch for the Court's ruling in Payne v. Tennessee. A favorable decision would be a truly great victory -- a welcome and long-overdue recompense to all victims of crime. It would also serve to reward your service and loyalty as you have stood by victim-witnesses in their suffering and bravery.

The care and compassion that goes into comforting victims and making witnesses "feel at home" during investigation and trial requires special human qualities. I have had a chance to observe those qualities in the dedicated Coordinators I have met during many of my 45 visits to our United States Attorneys' offices across the land. And we treasure those qualities greatly.

Whether separate or combined, I am proud of the accomplishments of our LECC/Victim-Witness Coordinators. I wish you well in your conference here this week and Godspeed in your further service to the Department and the cause of justice.