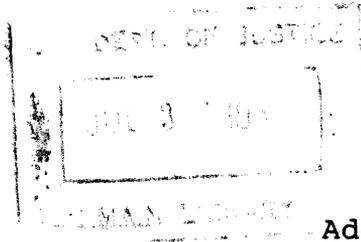




Department of Justice



Address

of

THE HONORABLE EDWIN MEESE III
ATTORNEY GENERAL OF THE UNITED STATES

before

Colorado District Attorneys' Council

Friday, June 28, 1985

Snow Mass, Colorado

NOTE: In giving this speech, Mr. Meese may vary slightly from the text.

I am honored to have this opportunity to address the Colorado District Attorneys' Council. Having once been a local prosecutor, it gives me particular pleasure as Attorney General to share with you, today, the efforts which the Department of Justice is making in support of state and local law enforcement.

Under the leadership of President Reagan, this Administration is in the process of effecting nothing less than a rebirth of liberty--an ordered liberty where government is limited, but also forceful and effective where it is needed. This was the vision of our founding fathers, and we at the Department of Justice have dedicated ourselves to its continued realization.

We believe that a return to the principles of federalism--the distribution of power among the federal, state and local governments--is a necessary step in furthering this vision. And, we also believe that experience shows federalism to be particularly well-suited to the administration of criminal justice and public safety.

One of the hallmarks of law enforcement in this Administration, I believe, is recognition that the primary responsibility for the prevention and control of crime rests at the state and local level, close to the public. My predecessor, William French Smith, revived this principle during his term of office and it is one on which I intend to build.

At the same time, there is a role for the federal government to play in support of state and local law enforcement.

Intergovernmental cooperation and coordination can enhance crime control at all levels of government.

Over the past four years a definite change has taken place in the attitude and approach of the Department of Justice which will improve relations between this department and local law enforcement officials. This change is mainly due to a large infusion of people with local experience into the Department--the largest we have ever had.

Lowell Jensen, the Deputy Attorney General, is a former local district attorney who worked closely with police agencies. Steve Trott, head of the Criminal Division, has had extensive experience at the local level both as a Deputy District Attorney in Los Angeles and, later, as a U.S. Attorney there. Al Nelson, the Commissioner of the Immigration and Naturalization Service, is a former Deputy District Attorney. Chips Stewart, the Director of the National Institute of Justice, is a former police officer and commander of detectives in one of the medium-sized police departments in our country.

These people, and others like them throughout the Department, have experience at the local level which enables them to understand your problems. This is the first step towards cooperation between federal and state and local law enforcement.

Briefly put, the federal role in law enforcement is this: First, because state and local governments are geographically and jurisdictionally limited, the federal government must assume responsibility for handling interstate and international crimes.

Second, the federal government has the opportunity to provide policy leadership. This responsibility resides not only in the Department but in the President himself, who is committed to speak out on crime issues, to talk with the country and to develop a strong commitment to effective law enforcement among our citizens.

Third, the Department of Justice can assist local law enforcement through research, training and technical assistance. Let me take a moment and expand on our programs in this area because they exemplify the benefits to be gained from intergovernmental cooperation.

First, research: The Bureau of Justice Statistics, within our Department, provides a wealth of accurate, policy-relevant data on victimizations, prosecutions, courts and corrections. This information is of practical value to law enforcement officials at all levels of government.

You may be familiar with the Bureau of Justice Statistics' "Report to the Nation on Crime and Justice." Very recently, the Bureau awarded \$30,000 to the Colorado Department of Public Safety for the purpose of preparing a similar report focused on Colorado and Denver. We expect that this research data will be useful to you in your work as district attorneys.

In 1979 and 1980, the Bureau of Justice Statistics and its predecessor initiated and funded the prosecutors' information system, known as PROMIS. The benefits of this computer network, reaching district attorneys in rural areas as well as in cities, are two-fold: prosecutors use it as a management tool in tracking cases, while the Bureau of Justice Statistics ultimately receives valuable statistical information for compilation.

Another research arm of our Department has also been making life a little bit easier for police and prosecutors. After 25 years, we have recently begun to get some favorable court decisions on the exclusionary rule. Last summer in the landmark Leon case, the Supreme court admitted a good faith exception to the rule in cases where a search warrant has been obtained. Research conducted by the National Institute of Justice on the effects of the exclusionary rule on California court cases was cited in the majority decision. The decision will greatly aid police and prosecutors in assuring that the guilty are punished.

The National Institute of Justice is now examining the impact of the Leon ruling on the police. Many observers have speculated that the number of search warrant cases will increase because of this decision, but no one knows yet what the actual effects are. In an on-going research project, the National Institute is using a variety of strategies to determine what actions police are taking in response to the new rule. We hope

the results will be available early next year and that they will lead to better police training. In turn, this could lead to a continuing string of more informed court decisions on this issue.

Felony case attrition is one of the most serious problems plaguing our criminal justice system. The National Institute of Justice recently initiated a one million dollar research program aimed at reducing felony case attrition through better police and prosecutor coordination. Through a series of six experiments located in ten cities around the country, the Institute will try a variety of approaches aimed at reducing felony case attrition. For instance, an interactive computer program is being designed which will query officers filing arrest reports to be sure the report contains all the information required to make the case. Other approaches, such as requiring prosecutors to provide specific case outcome information to arresting officers and using quality of case preparation as a police performance indicator will also be tried.

Finally, I am pleased to announce today the award by the National Institute of Justice of a research grant of special interest to the members of this Council. It provides support for a research team from the University of Denver and the Kempe Center to work with the prosecutor's office in Denver and Littleton to examine the effects of court processing on child victims of sexual abuse.

Comparisons will be made between child victims who testify in court and those who do not, to see what effects are produced by having to testify. The Institute also will examine the effects of lengthy delays and continuances on children to see if there are approaches that could be used to minimize the trauma suffered by these young victims.

As you all are aware, court processing of child victims is one of the most difficult problems currently facing prosecutors throughout the country. This research in Colorado will begin to provide some of the answers we need. Norm Early (D.A.) in Denver and Bob Gallagher (D.A.) in Littleton are to be congratulated for their participation in this important effort.

The Department provides training to state and local as well as federal law enforcement personnel through the Federal Law Enforcement Training Center at Glynco, Georgia and the FBI National Academy at Quantico, Virginia. And, through the National Institute of Justice, the Department has also granted money for training to the National Prosecutors College in Texas.

Additionally, the Department operates specialized services which would be too costly for each local law enforcement agency to maintain. For example, the FBI provides laboratory and identification facilities throughout the country free of charge.

Finally, the Department cooperates in joint efforts with local law enforcement. As did my predecessor, I have charged the U.S. Attorney of each of the 94 federal judicial districts with the responsibility of developing Law Enforcement Coordinating

Committees. In this way, not only the U.S. Attorney but officials from the FBI, DEA and Marshals Service may meet with district attorneys and other local law enforcement officers to coordinate their efforts against criminal activities--activities which respect no geographical boundaries. This assistance has been appreciated by local agencies, as has the absence of a heavy-handed federal approach.

We have developed other strategies for sharing information with local law enforcement agencies as well. These include the cross-designation of agents with local police and the cross-designation of state and local prosecutors.

Of particular interest to your Council, today, may be two pending amendments to Rule 6(e) of the Federal Rules of Criminal Procedure dealing with disclosure of federal grand jury information. These amendments will take effect on August 1, 1985.

The first amendment to Rule 6(e) will treat state and local law enforcement personnel assisting in a federal investigation or prosecution the same as federal personnel for disclosure purposes. That means a federal prosecutor, usually an Assistant United States Attorney, will henceforth be able to disclose grand jury information to state and local officials assisting in the federal proceeding without a court order. Federal prosecutors are, of course, already permitted to disclose such information to

FBI agents. But at present, joint investigations are hampered by the need to obtain a court order before such a disclosure can be made to state or local assisting agents.

The second change is more dramatic. It will enable a federal prosecutor to obtain from a court, in its discretion, an order permitting disclosure to the appropriate state and local law enforcement officials of federal grand jury information which "may disclose" a violation of state or local law. This provision will for the first time permit federal prosecutors to share valuable grand jury information with their state and local counterparts.

At present, there exists under Rule 6(e) a general provision which allows disclosures of grand jury matters as a preliminary step to or in connection with a pending court proceeding. But if a federal grand jury develops information of a state crime, and no state proceeding is pending or ongoing, then Rule 6(e) contains no mechanism for the United States to apprise the proper local officials of this information, and so enable them to enforce the law. This amendment, which again is due to take effect on August 1, 1985, will close that gap and so facilitate better cooperation between federal and local law enforcement agencies.

I am proud to say that it was the Department's own Lowell Jensen, who first proposed these amendments. Lowell was working at that time as Assistant Attorney General for the Criminal Division and now is Deputy Attorney General.

Next, I would like to discuss five areas on which the Department is focusing its law enforcement resources. Without any question, the number one priority of the DOJ must be the control of drug distribution and abuse, particularly as the problem transcends state boundaries.

The problem which confronts us is a massive one: We currently have more than a half million heroin addicts in the U.S. Cocaine use has increased radically and, although overall consumption of marijuana is down--and we are very gratified to see a clear trend of less marijuana use in the age group under 25--still far too many Americans are smoking themselves into a stupor.

The toll illegal drugs are taking on our society is tremendous in terms of family relations, lives, health, productivity, wealth, and drug-related crimes, such as robbery, property destruction, mayhem, manslaughter and murder.

To meet this challenge, the Department of Justice, beginning under the leadership of my predecessor, has greatly improved its enforcement efforts against drug traffickers. We have made better use of existing federal resources by bringing the FBI into the fight and by enlisting the assistance of the military in our interdiction efforts.

We have added new resources: Our thirteen regional Organized Crime and Drug Enforcement Task Forces comprise 1,000 agents and 200 Assistant U.S. Attorneys, plus support staff. These task forces have compiled an impressive record of 5,497

indictments and 2,162 convictions since going into operation. The Department's budget also increased by \$1.2 billion at a time when most agencies were decreasing theirs. Nearly all of that increase has been devoted to law enforcement.

As you may be aware, this Administration recently asked Congress to approve a supplemental budget request of over \$100 million. These funds would enable us to add more than 2,000 investigators, attorneys and support personnel to our field resources.

We have enlisted the assistance of state and local law enforcement agencies to an unprecedented degree. Last year, local agencies were involved in a third of our task force investigations, state agencies in 29 percent of them, and foreign governments in 4 percent. With the recently enacted ability to share the proceeds of asset forfeitures with local agencies, we expect this cooperation to grow.

We hope to take the profit out of drug dealing with asset forfeiture. Through 1984, our task forces have obtained \$219 million through forfeitures, fines and seizures. Auctions of jewelry and luxury residences have received high visibility and good prices, while cars, boats and planes have been put to good use by law enforcement agencies.

Under the Comprehensive Crime Control Act of 1984, we are now able to share property obtained in forfeitures with local governments if they have cooperated with us in that particular case. Your local treasurers are prevented from getting their

hands on confiscated cash or liquidated assets by requiring local governments to attest that the money will only be used for law enforcement purposes. Properly used, forfeited assets can give local law enforcement a real boost in their battle with cash-rich drug traffickers.

After drug enforcement, a second area of DOJ concern is terrorism. Recent events abroad should serve as a reminder that we dare not be complacent about terrorist activity at home. The DOJ is now training U.S. Attorneys to work with local law enforcement in the operational response to terrorism and in the collection of evidence for successful prosecution.

A third area of concern is economic crime. As recent cases involving defense procurement fraud, bank fraud, and check-kiting by a major brokerage house indicate, the immensity of some criminal schemes requires major action on an interstate basis.

Working together with the Department of the Treasury, we have proposed an omnibus bill to combat one of the biggest challenges facing law enforcement today--money laundering. Money laundering supports and facilitates a large variety of criminal activities, including narcotics trafficking, income tax evasion, bribery, investment fraud, illegal tax shelters, securities frauds, prostitution and gambling.

We need a bill which imposes criminal sanctions on an individual or an institution conducting a transaction involving the movement of money generated by, or derived from, the commission of a crime. This bill would do precisely that. In

addition, anyone who conducts a money laundering transaction and has reason to know that the funds were derived from an unlawful activity is liable to a civil penalty.

Our existing laws have been inadequate to deal with these sophisticated schemes manipulated by lawyers, bankers, and accountants. The Bank Secrecy Act, for example, does not reach the transaction directly involving the "dirty" money. Its scope is limited to requiring the filing of reports concerning certain monetary transactions and punishes those who fail to file the reports or file false information on them.

Our proposed legislation will also have the advantage of reaching wire or other electronic transfers if the transaction can be shown to affect commerce.

Our involvement in a fourth area, child safety, comes at a direct request of the President. Here, our focus is on the abduction and interstate transportation of children, and on runaways. In cooperation with the Department of Health and Human Services, we are establishing a private-public partnership to restore young runaways to their homes and to provide a National Center for Missing and Exploited Children. The Center will function as a clearinghouse for information to be used in identifying missing children.

Finally, we take very seriously the responsibility of the federal government to work with local officials in the area of civil rights enforcement. We have asked our U.S. Attorneys to be particularly attentive to cases involving violations based upon religious and racial hatred.

Next, I would like to highlight two additional areas where the Department of Justice's work may be of value to you.

According to a recent National Institute of Justice study, criminal justice leaders agree that prison and jail overcrowding is the most important problem facing them. It is a problem which dates to colonial times.

Since, 1953, the number of people sentenced to prison has increased 135 percent, but our prison facilities increased only 71 percent during the same period.

Consequently, our jail and prison facilities are crammed. The result is that too often a prisoner is brought in the front door, only to be let out the back by the courts.

This is a tragedy. Studies tell us that incapacitation of the criminal is one of our best crime prevention tools. Indeed, a recent Bureau of Justice Statistics study showed that more than four-fifths of offenders entering prison have a record of prior convictions. More than three-fifths have served time. And more than two-fifths were on probation or parole.

The federal government is doing several things to help taxpayers get the most prison space possible for their tax dollars. Our goal is to assure that the decisions of prosecutors and judges concerning incarceration of criminals are not affected by considerations of jail and prison space.

Through the National Institute of Corrections, we are providing a clearinghouse for information on more cost-effective ways of building prison facilities. Using modular construction, we have found that it is possible to build at the rate of \$16,000 per secure cell. This compares very favorably to the \$100,000 per cell that has been paid in some localities.

We are also making available off-the-shelf architectural plans to state and local governments. If there's one thing that a prison should not and need not be it's an architectural wonder.

Another area is our warrant search program. In the past, not enough was done to catch defendants who failed to show up for court dates. Now under the FIST program, the U.S. Marshal Service will move into a region and together with local law enforcement personnel organize a Fugitive Investigation Strike Team. Together, with computers, vehicles and support services, the 15-man team tracks down the most wanted warrant fugitives.

The results have been dramatic. A FIST team in the Boston-Baltimore region recently arrested 3,500 suspects, of which 70% were given sentences and incarcerated. And, a recent Florida FIST strike corraled 3,816 fugitives.

In closing, I would like to address some law enforcement developments which we have witnessed in the past couple of years.

First of all, in 1984 we were fortunate to get the Comprehensive Crime Control Act passed. This Act is the most important criminal law legislation in 25 years. It contains features which will benefit law enforcement at all levels of government, for example, asset forfeiture.

Another feature is the creation of a federal Victims Compensation Fund, which will administer grants directly to the states for the establishment of compensation programs.

Creation of this Fund was one of the recommendations made by the President's Task Force on Victims of Crime. Lois Herrington, who headed that Task Force, has now joined us at the Department as Assistant Attorney General in charge of our Justice Programs.

Also, for the first time, the 1984 Act permitted federal courts to consider the "dangerousness" of a defendant in deciding on pre-trial release. Some states are also following this lead.

Secondly, we are beginning to get some favorable court decisions. I have already spoken of our progress in restricting the scope of the exclusionary rule. We also have limited the imposition of the Miranda rule, and allowed officers greater leeway in the ability to stop and question a suspect. This bodes well for law enforcement, but it also places a special obligation upon us to make sure that we use these new tools provided by the courts in a very responsible manner. If we are not responsible, it will cost us favorable court decisions in the future.

Finally, for the last three years we have had a decrease in the crime rate in this country. This is not attributable simply to a decrease in the size of the crime-prone age groups, as some would have you believe. Rather, good law enforcement management and use of limited resources, more frequent imposition of sentences by judges, and longer terms of incarceration for career criminals have undoubtedly contributed to that decrease. And finally, the involvement of the citizen through community programs, crime prevention programs, and neighborhood watch programs can make a tremendous difference in crime control and prevention.

Let me assure you, in closing, that the Department of Justice is fully committed to a policy of openness and cooperation in its relations with the agencies of state and local government. The founders of this Republic would have expected no less from the servants of a federal sovereign, intended to complement rather than dominate the several states.

Thank you.

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