

U.S. Department of Justice  
Office of the Attorney General



## Attorney General's Summit on Law Enforcement Responses to Violent Crime:

# Public Safety in the Nineties

3-5, 1991  
Washington, D.C.

130958



## Conference Summary

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U.S. Department of Justice  
National Institute of Justice

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# Conference Summary

The Assistant Attorney General, Office of Justice Programs, establishes the policies and priorities, and manages and coordinates the activities of the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

# The 1991 Crime Summit

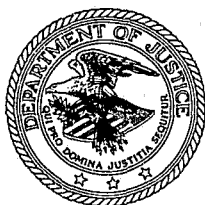


"Drug trafficking and its inevitable handmaiden of violence are the greatest threats to what I have always called the first civil right of every American—the right to be free from fear in our homes, on our streets, and in our communities."

— *Dick Thornburgh*  
*Attorney General*

"Take back the streets and liberate our neighborhoods from the tyranny of fear. That is our objective and we will succeed."

— *George Bush*  
*President of the United States*



Office of the Attorney General  
Washington, D. C. 20530

August 10, 1991

Dear Mr. President,

On behalf of all those who participated in the 1991 Summit on Law Enforcement Responses to Violent Crime, I am pleased to transmit to you a report of our proceedings.

The 650 law enforcement officials and concerned citizens who travelled across the country with the purpose of fashioning a powerful coalition against crime have taken the measure of this menace and proudly rededicated themselves to enforcing the rule of law in America. Their coalition joins federal, state and local law enforcement in a partnership against crime which will serve to rid our streets of drugs, crime and carnage.

The wide-ranging exchange of ideas and innovations at the Crime Summit contributed significantly to your Comprehensive Crime Control Bill of 1991. Still languishing before Congress, that important anti-crime legislation gives our men and women on the frontlines the legal tools we desperately need to protect our citizens.

The following pages relate the story of both the magnitude of the challenge we face and the strength of our new coalition, as we seek to defeat the domestic enemy of violent crime.

We are grateful, Mr. President, for your concern and participation in the Crime Summit. Such commitment to our anti-crime coalition is what will ultimately make our nation a safer, less violent place.

Sincerely,

  
Dick Thornburgh

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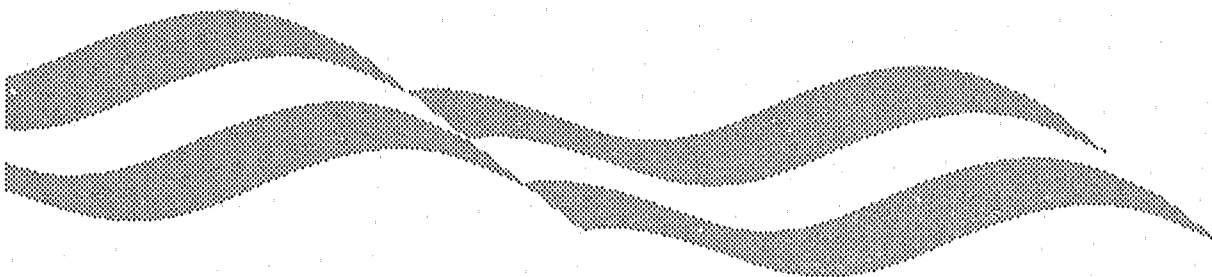
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This document summarizes the proceedings of the Attorney General's Summit on Law Enforcement Responses to Violent Crime: Public Safety in the Nineties, which took place in Washington, D.C., on March 3-5, 1991. For the addresses of President George Bush, Attorney General Dick Thornburgh, Justice Sandra Day O'Connor, and Solicitor General Kenneth Starr the speakers' complete remarks are included. The other sessions are summarized to feature highlights of the information presented by the panelists.

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# Keynote Address



Address:

Dick Thornburgh  
Attorney General

Monday, March 4, 1991  
9:15 a.m.-10:00 a.m.

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Last week, our hearts lifted as joint military operations won a great victory over violence and aggression in the Persian Gulf. That victory—a textbook example of military might brought implacably to bear upon a ruthless enemy—is remarkable in two respects. First, it was achieved by a unified coalition of the forces of 27 nations, and second, it brought renewed respect, worldwide, as the President has said, “for the rule of law over the rule of the jungle.”

I believe there are strong lessons here for us today—even goals—as we embark upon this joint effort to respond to violent crime in America. I fully trust that we can, by engaging in this dialog, fashion a similar coalition of forces—at all levels of our government—to combat lawless violence here at home. I greatly hope that together—by building this coalition against crime—we can preserve the rule of law to our threatened neighborhoods and the communal life in this country.

Let it then be understood, we are here in the name of the law and for the furtherance of justice. We are not here to search for the roots of crime or to discuss sociological theory. The American people demand action to stop criminal violence whatever its causes. The debate over the root causes of crime will go on for decades, but the carnage in our own mean streets must be halted now: those streets where violent crime last year claimed some 6 million American citizens as victims, where the odds of becoming a victim of violent crime are now greater than becoming involved in an automobile accident.

Indeed, unless violent crime is checked—and checked soon—we may well jeopardize what I have always called the first civil right of every American:

the right to be free from fear in our homes, on our streets, and in our communities.

President Bush has said that he always remembers this freedom from fear as the last, but often forgotten, of President Franklin D. Roosevelt’s original Four Freedoms. The President rightly reminds us all: “When we ask what kind of society the American people deserve—what kind of society we hope to pass on to our children—it is clear that our goal must be a Nation in which law-abiding citizens are safe and feel safe.”

True enough that all of us here this week would hope for a future that solves all the problems of inadequate housing, substandard health care, marginal education, and a lack of opportunity for meaningful employment—those familiar causal grounds for potential criminal enterprise. Last week, the President proposed a comprehensive program to enhance opportunity for all Americans and to raise just such chances of crime-free life becoming the order of the day. But, unless and until that day comes, we who are involved in the criminal justice system will be looked to for leadership in protecting our citizens from the ravages of violent crime. Police, prosecutors, judges, correctional officials, involved citizens—all who are represented here today—must bend to the task of making our system work better so that our citizens are safer and know they are safer. Only then will their quality of life match their legitimate expectations in a country so blessed with freedom, so rich in opportunity, and therefore, so dedicated to democracy.

I mentioned that this week’s summit is to be a dialog. There will be very few speeches. Most of what we can accomplish will come from exchange, from

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what we learn from each other. That means police interacting with prosecutors, sheriffs with judges, citizens with correctional officials—Federal, State, and local—so that the whole outcome of our discussions—our coalition against crime—will truly exceed the sum of your valued and individual contributions.

In that spirit, since we are here to learn from each other, let me offer some observations. One is a caution, another is a call to cooperative action, and a third, a call for innovation in policing while sticking to the rule of law.

First, let me caution you about money. There are some who, even in these days of tight budgets, see additional Federal financing as the only answer to more effective law enforcement.

Now, do not get me wrong. This Administration believes in Federal, State, and local law enforcement. Indeed, over the past 2 years, while our Federal crime-fighting budget has gone up 39 percent, our formula grant program—now called the Edward Byrne Memorial State and Local Law Enforcement Program in honor of the New York City policeman slain in the line of drug-fighting duty—has seen appropriations increase by over 200 percent. This is President Bush's major initiative, and it has allowed each State's law enforcement cadres the flexibility and discretion needed to confront the local virulence of drug-related violent crime in all 50 States.

This fiscal round expenditures for your innovative anti-crime and anti-drug programs will rise to nearly a half billion dollars. Additional funding will be forthcoming from our asset forfeiture program which recycles the assets and profits of the drug kingpins back into more effective law enforcement. Many of the police forces here today have participated in the equitable sharing of nearly half a billion dollars seized in joint drug investigations over the past 5 years, and there will be more to come, thanks to our mutual efforts to preserve this program in Congress last year.

I know that many cities and States have already responded by reordering their priorities to provide more support for effective law enforcement. It is heartening, for example, that Mayor Dinkins and

Police Commissioner Lee Brown are seeking to add 5,000 policemen to New York City, even in the face of a fiscal crunch.

Let me move then to my second point: working together. Increased cooperation among all agencies of law enforcement—Federal, State, and local—has consistently proven to be the best answer to stopping violent crime.

It has succeeded with our Organized Crime Drug Enforcement Task Forces (OCDETF, for want of a better acronym). These task forces bring together 11 Federal agencies with their State and local counterparts to gather the street intelligence, make the arrests, and then bring the prosecutions that finger the major drug enterprises dominating the streets of 13 major metropolitan areas.

Working together has succeeded as well in our DEA-funded State and local anti-drug task forces, now 52 in number. These joint efforts often produce cases against violent drug traffickers which can be developed at the local level and then tried in the Federal courts where far stiffer penalties are available. Finally, working together succeeds on a day-by-day basis in a variety of ad hoc cooperative arrangements such as the Philadelphia Violent Traffickers Project, about which you will hear tomorrow, where innovative law enforcement leaders find their own path to more effective and efficient use of existing resources.

That is the call to cooperative crimefighting I am issuing today. We will look to you for insights, ideas, suggestions, backing, and good faith so that communal police work—determined to take back our streets from violent criminals—will have the full support of the whole justice community.

But we also want you to know that we have designed this summit to demonstrate some of the innovations in policing which appear to be working around the Nation. You will hear about a community policing program in Charleston, South Carolina; another community involvement effort in Kansas City, Missouri; a street-gang program in Los Angeles; anti-organized-crime efforts in New York and New Jersey; new and helpful laboratory

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technologies at the FBI; and alternative sentencing programs in Wisconsin. These deserve, indeed command, your close attention.

We also have an innovation of our own to offer—largely based on some of your past efforts—an initiative by this Department to set up violent-crime task forces within several urban communities where the local infrastructure has been blighted and human capital bled dry by drugs and crime.

Phase one: a coordinated attack on drug dealers, gangs, and criminal predators to free the target area of crime by combined Federal, State, and local law enforcement, led by the U.S. Attorney's Office in the target area. These task forces will employ modern anti-crime techniques such as clean sweeps, street cameras, and top-gun arrests, all of which you can learn about at this summit.

Phase two: a coordinated redevelopment program, in conjunction with an augmented State and local police presence, to keep the target area free of crime. The idea here is to strip the streets of violent criminal elements so that legitimate enterprise can rehabilitate such barren ground. First, we pull the weeds, then we plant the seeds, and we are allotting \$12 million to the model task forces in these blighted urban areas—along with accompanying Federal grants—in hopes of a real harvest of human dignity. If we succeed, we will weed and seed elsewhere—anywhere that criminal violence can be plucked out and human decency take root and grow.

On another, perhaps more controversial, subject—I realize that any discussion about the armed career criminal is inevitably going to turn to the question, "What do we do about his firearms?" A panel discussion is scheduled for tomorrow afternoon on "Targeting the Armed Violent Offender." But I have no doubt this subject will come up during other discussions as well.

Various proposals to deal with this problem have been on the agenda of the Congress and various State legislatures and city and county councils. We will not resolve these political differences here this week, to be sure, but let me offer a couple of common sense observations.

I first think back to my days as a Governor when we adopted a statute that imposed a minimum mandatory 5-year sentence—no probation, no parole—whenever a firearm was used to commit a crime. We put out menacing billboards across the State: "You commit a crime with a gun in Pennsylvania and you have shot 5 years of your life!" That message was very potent, and so was our courts' strict imposition of sentences. We saw the number of firearm offenses go down. People did not want to shoot 5 years of their lives, and they knew they would be held accountable.

That is the key to me. Accountability under the rule of law—I am sure you believe along with me—is our only real assurance of public safety. That is what the President has sought to guarantee by his support of Federal firearms statutes to hold violent criminals accountable for use—and even for possession—of a firearm. For example, a first Federal offense today for using a firearm in the course of a violent crime or drug trafficking offense carries a minimum mandatory sentence of 5 years—no parole or probation, and, I might add, no plea bargaining under orders I issued in 1989. A second conviction carries a minimum 20-year sentence.

Over the past 2 years, more than 2,500 such offenders have been charged under this statute, and the vast majority—some of America's most dangerous felons—have been convicted. Another thousand such cases are pending. Some of the more habitual offenders, whose sordid careers fall within sanctions under the Armed Career Criminal Act, presently receive a minimum sentence of 15 years for merely possessing a firearm after three violent crime or drug trafficking offenses, again no probation, no parole, and no plea bargaining. Through Project Achilles, over 300 of these violent and armed criminals have already been put very far away.

Under soon-to-be-proposed legislation, accountability would be further enhanced. Possession of a gun after only one such conviction would bring a 5-year mandatory sentence. This is right in line with increased penalties that we are now proposing across the board with regard to the use—or now the possession—of semiautomatics or other dangerous

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weaponry in connection with any crime. These sanctions extend to smuggling firearms, even to lying to a license bureau when acquiring a firearm.

Some critics have complained that we are becoming too tough, that we are locking up too many of these violent offenders. Not me and, I think, not you.

We sincerely hope these tough Federal laws can serve as model statutes for State firearms codes. We are encouraging that by formula grants, so that the armed and violent criminal will face severe sanctions at all levels of law enforcement.

But I am well aware that this is precisely where the debate begins: over whether, and at what level, further limits should be set upon the availability of firearms to the general public. How far should such limits go if they threaten to curtail legitimate ownership of firearms? Should the States or even, as some propose, the Federal Government impose them?

As I have said, we will not resolve those questions here this week, but let me explain something that must be taken into realistic consideration in this debate. Whatever efforts are taken to deal more effectively with the illegal use of firearms by felons will be severely inhibited by a serious shortcoming in our present system. Today the records needed to make the necessary match-up between a potential firearms purchaser and his possible criminal past do not adequately exist. To put it bluntly: no matter what point of purchase, or 48-hour delay, or 7-day waiting period you might establish, you could not come up with the needed facts on a consistent basis.

And that, I will say right here, is something I want corrected. Today only one out of six felons actually purchases his weapon at a sporting goods store instead of on the black market, but turning up even his prior record would be hit-or-miss because we are behind the times in keeping modern, up-to-date conviction files at our electronic fingertips. This simply should not be, and we want to cooperate with you in doing something about it—immediately.

First, we are going to spend over \$12 million this year seeing that the FBI criminal file backlogs are cleared up to include the very latest input from your

own State criminal records. We want to make doubly sure that your records are accurate too, so—again through Federal grants—we are allotting \$27 million to State law enforcement agencies to improve their own criminal records. These represent giant steps forward in ensuring that we are in a position to track down those who pose the very greatest threat to our communities.

That is the present story on dangerous weapons in the hands of violent criminals, but let me once again turn to the example of Desert Storm and the great might that was brought to bear upon a threatening and violent enemy. Under brilliantly coordinated “command and control,” the Gulf coalition forces made the best use of firepower guided by great ingenuity and relentless certainty. We had the weapons to do the job: “smart” weapons that worked with deadly effect against an enemy finally reduced to desperate encounter, ineffectual response, and abject retreat.

Here at home in the fight against violent crime we should employ, to be sure, the same command and control, the same ingenuity and certainty. Only here we battle not with the weapon of the military, but with the far stronger weapon of our laws. We need to make certain that our laws are just as smart—just as efficient and effective against criminals—as those weapons that turned back the ruthless and violent intrusion by Saddam Hussein’s forces.

In that regard, we have work still to do. We need new laws to provide this coalition against crime with the tools to drive crime from our streets with command and certainty.

- We need a workable death penalty for terrorist murderers, serial killers, and other heinous criminals.
- We need reform of habeas corpus proceedings that have fostered 7- to 8-year stays of the ultimate sanction and all but nullified the death penalty in 36 States.
- We need reform of the exclusionary rules that keep necessary and probative evidence from juries, often allowing the criminal to go free.

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- We need new laws to protect women and children against violence and exploitation.

In a word, we need the legal weapons for the next decade to get the job done, and we are going to go to the Congress again so that they can deliver these weapons and others to all of us.

Let us not be misunderstood in this justified effort at legal reform. This year marks our observance of the 200th anniversary of the Bill of Rights, that bulwark of due process and the rule of law in our society. No one suggests that our law enforcement efforts should in any way invade or invalidate the constitutional rights of those charged with crime, but we do suggest that we advocate and utilize every constitutional weapon to protect the rights of the law-abiding citizen as well.

In conclusion, let me return to my central message. We are here to fashion a domestic coalition against crime based on the rule of law so that we will have the full forces needed to confront violent crime in our communities. We have a rare opportunity over the next 2 days to exchange views on what works in the criminal justice process—the old and the new, the tried and the true, the innovative and the time-tested. Let us not fail to take full advantage of this unique chance to fine-tune our efforts.

I speak as one who has seen how law enforcement operates over the last 22 years as a working pros-

ecutor at the local level, as the Governor of a major State, and now as Attorney General of the United States. I feel strongly about the need for close cooperation in protecting our citizens. In my visits to many of you around this great Nation, I have sensed the special commitment and dedication which you bring to your work—and the deep gratitude our citizens feel for your professionalism in securing their safety and well-being.

Let us strive to see that each of us leaves this summit conference satisfied that we have given and partaken of the very best that this Nation has to offer in law enforcement and the administration of justice. For that, our citizens will be eternally grateful, and we ourselves, eternally fulfilled.

Let me expand on this by an example. Last Friday, in the *Philadelphia Inquirer*, appeared the following:

*When Federal agents arrested Ruben Floyd Wednesday night at his North Philadelphia home for allegedly supplying an arsenal of weapons to drug dealers, neighbors showed exactly how they felt about it.*

*They applauded.*

As so do we. For this is what it is all about.

I wish you Godspeed in our endeavors, now and hereafter.

# Violent Crime in the 1990's: Preparing for the Future

## Moderator:

*William P. Barr*

Deputy Attorney General, U.S. Department of Justice, Washington, D.C.

Monday, March 4, 1991

10:30 a.m. – 12:00 noon

## Lead Presenter:

*Alfred Blumstein*, Dean, School of Urban and Public Affairs, Carnegie-Mellon University,  
Pittsburgh, Pennsylvania

## Panelists:

*Steven D. Dillingham*, Director, Bureau of Justice Statistics, U.S. Department of Justice,  
Washington, D.C.

*William S. Sessions*, Director, Federal Bureau of Investigation, U.S. Department of Justice,  
Washington, D.C.

*Daniel E. Lungren*, Attorney General of California, Sacramento, California

*Reuben M. Greenberg*, Chief of Police, Charleston, South Carolina

*Mark H. Moore*, Professor, John F. Kennedy School of Government, Harvard University,  
Cambridge, Massachusetts

The panelists discussed trends in violent crime and the challenges to public safety in the 1990's.

## Alfred Blumstein

Dr. Blumstein began by pointing out that, due to new research and reporting strategies throughout the criminal justice system, it is a great deal easier to predict trends in crime today than it was 20 years ago. He stated that in the 1960's there was a tremendous growth in the rate of crime. This rate decreased somewhat in the 1980's, only to begin rising again in the 1990's. He suggested the need to determine how much of this growth is attributable to changing compositions of the population, how much is due to changing criminality, and how much is due to patterns of reporting.

Dr. Blumstein stated that while most crime-related factors are difficult to forecast, demographic changes are relatively easy to calculate. Population changes with respect to age, gender, and race are extremely important to crime and the criminal justice system.

Dr. Blumstein stated that deterrence works to decrease crime differently for different types of individuals and different offenses. While deterrence works well for white-collar and middle-income individuals, it works less well for those who have less to lose. Similarly, incapacitation may lessen the rate of some types of crimes and have little effect on others.

Other facts that must be considered are the poverty level and contemporary events. While the latter factor may be unpredictable, it can greatly impact the crime rate. Education is an important factor, as fertility rates tend to rise or fall in conjunction with levels of education.

Dr. Blumstein stated that prison crowding should be of continuing concern to everyone. An increase in the number of arrests has resulted in a decrease in the number of prison years per arrestee. Additionally, there has been an increase in the number of prisoners serving time for drug charges on both the State and Federal level.

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Dr. Blumstein stated that one way to begin to more effectively deal with the crime problem is to focus on communities; community policing can play an important role in crime control.

Dr. Blumstein stated that there is a lull in terms of the number of youths who have reached the high-crime age and suggested that we use this period to find innovative methods of facing the next serious period of growth.

### **Steven D. Dillingham**

Dr. Dillingham spoke of the range of data collected and analyzed by the Bureau of Justice Statistics (BJS). BJS receives corrections data from every prison and jail in the Nation. BJS studies are relied upon by Federal, State, and local governments and have been cited by the Supreme Court.

Dr. Dillingham discussed the generally inverse relationship between imprisonment and violent crime. He stated that if the trend of the past 3 decades continues and imprisonment rates continue to rise, overall violent crime rates in the 1990's may actually begin to decline. Dr. Dillingham stated that there is no assurance that the rate of imprisonment will continue to increase, but that laws and policies favoring strong punishment through incarceration of violent and repeat offenders must remain a priority for government at all levels.

Dr. Dillingham briefly discussed some of the recent findings of BJS. Ninety-five percent of State prisoners have been convicted of violent crimes or are recidivists. Law enforcement and corrections facilities across the Nation have been hiring more officers and implementing higher professional standards. Simultaneously, the assets of criminals are increasingly being seized and forfeited to support criminal justice programs and victims programs. During the 1980's, arrest rates, conviction rates, incarceration rates, and parole and probation supervision rates all increased. Federal and State systems are utilizing more intermediate sanctions and punishments to hold offenders accountable and control their behavior. Most State legislatures and Congress have enacted victim-oriented legislation.

According to Dr. Dillingham, these statistics indicate that while crime levels remain unacceptably

high, the criminal justice system has learned to effectively respond to many of the demands of the 1980's. Continued dedication and efforts on the part of all those involved in the criminal justice system can have a great impact on future levels of crime.

### **William S. Sessions**

Mr. Sessions stated that in the 1990's crime will fall into four categories: terrorism, drug-related violence, organized crime, and crime against the elderly and property.

Mr. Sessions said that the great increase in violent crime across the country during the first 8 years of the 1980's persuaded him to declare violent crimes an FBI priority across all its programs. He stated that the FBI has made some progress in this area since the summer of 1989, when this decision was made.

Mr. Sessions discussed the FBI's cooperation with local law enforcement agencies in the area of laboratory capabilities. He explained that in the 1990's the agency will continue to develop its abilities in the areas of forensic services, ballistics, and computerized programs. Mr. Sessions is particularly hopeful about the continued development of DNA-analysis capability. He stated that the creation of national standards is absolutely essential and will become a priority issue. Additionally, it is critical that the FBI continue to stress the validity and reliability of DNA technology.

With respect to fingerprint identification, Mr. Sessions said that since the Department of Justice has agreed to allow the FBI to tie the automated systems around the Nation into one network, the FBI will be better able to utilize its criminal data bases in the 1990's.

Mr. Sessions stated that the National Crime Information Center (NCIC) is the "heartbeat" of law enforcement in the Nation. Mr. Sessions advised that support, particularly on the State level, of the new FBI initiative, NCIC 2000, will allow for the addition of new state-of-the-art technologies in the future.

Mr. Sessions said that the National Center for the Analysis of Violent Crime is another important

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resource that provides services to, and ties together, law enforcement across the country. It is critical that local law enforcement agencies take advantage of its services to deal with violent crime in the 1990's.

Mr. Sessions concluded that because of the heightened cooperation between State and Federal law enforcement agencies, law enforcement professionals have the ability to meet the challenges of whatever violent crime arises in the 1990's.

### **Daniel E. Lungren**

Mr. Lungren stated that in the 1980's the number of robberies, rapes, and willful homicides in California decreased while the overall violent crime rate increased. This conclusion was based upon a comparison of three different models used to track the level of crime in California at that time. He explained that shifts in the ethnic balance of various communities and a general growth in the population are factors that the law enforcement agencies in California will need to better grasp in order to better deal with violent crime in the 1990's.

Mr. Lungren noted that there is a need to add the perspective of victims and victims' families to statistical models designed to analyze violent crime. He added that while he is unsure of the correlation between incarceration and the rate of crime, he knows that maintaining a high level of incarceration is an important means of reassuring victims and their families.

Mr. Lungren summarized with some observations. First, an effective leader is one who is capable of defining both the problem and the solution. Second, technology does not have to be perfect to work; if we wait around for the "perfect" technology, nothing will ever get done. Third, commitments must be made to innovations without regard to criticism from third parties. Fourth, we need trained personnel; we need to make sure that our police officers have the best training and that politicians understand the importance of good training. Fifth, every community is capable of making a real contribution. Part of the reason for the lack of progress in the fight against crime is that we have not involved the

entire community. Law enforcement officials will never be able to solve the problem on their own.

### **Reuben M. Greenberg**

Chief Greenberg began his discussion by stating that, due to the number of convictions resulting in probation, it is no longer true that more arrests will result in less criminal victimization. Probation, he stated, is the most common sentence in America today.

Chief Greenberg stated that delay is the basic problem with the criminal justice system as it exists today. The amount of time it takes to sentence a criminal after his or her initial arrest is extremely troublesome. Because of the usual lengthy delay in sentencing, punishment is often ineffective and is sometimes resented. Criminals are able to use delays in proceedings as evidence that they should not be punished at all. Similarly, such delays are contradictory to the constitutional guarantee of a speedy trial.

Chief Greenberg stated that while our court system may be an effective deterrent to the average person with an urge to defy the law, it is not adequate for many criminal offenders. The true criminal is not concerned with the future but lives only moment to moment; anything that occurs beyond a few days or even a few hours is of little concern to him. Chief Greenberg stated that it is only the type of criminal who has some concern for the future—for example, the one who steals only if what he is taking will provide him with long-term satisfaction—who is actually affected by the criminal justice system. He stated that the real challenge to the law enforcement field will be to find a means of deterring criminals with short-term perspectives.

Chief Greenberg said that another problem that must be addressed is how to deal with violent offenders' inability to empathize or sympathize with their victims or their victims' families. Because such criminals are entirely lacking in shame or conscience, they have no desire to adhere to rules and, therefore, continue to commit crimes. Law enforcement agencies must learn how to fundamentally change the values and viewpoints of these



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offenders if they are to break the continuing cycle of crime.

## **Mark H. Moore**

Dr. Moore's discussion focused on how the law may become a moral and instrumental force in the community. He stated that the notion that societal understanding of the basis of laws is essential to compliance with the law has recently been gaining force in America. He noted the same trend in industry and health care.

Dr. Moore explained that we must find a means of persuading citizens that it is morally wrong as well as imprudent for them to violate the law. An important factor in the achievement of this goal will be to ensure that people are held accountable for their actions, something that the criminal justice system has failed to do in the past.

Dr. Moore stated that there is a need to recognize the heterogeneity within the criminal offending population. Alternative sentencing, he suggested, exemplifies an understanding of this. It also reminds people how limited the reach of the criminal justice system really is and how dependent law enforcement agencies are on the community.

Dr. Moore stated that, while it is important that there be punishment and accountability, it is also important to find ways of mobilizing the

mechanism of informal social control. He stated that the criminal justice system impinges directly upon only a limited number of people and only for a limited amount of time. If the law is going to reach more people more continuously, it must be reinforced by members of the community.

Mobilization of some subcultures that believe they are above the law, such as corporate officers or even police departments, will be more difficult than mobilization of others. It will be particularly difficult to persuade those who feel abandoned by or at odds with society that they will benefit from accepting criminal law. Dr. Moore stated that the important thing to keep in mind is that just because control is informal, it should not be unprincipled or unfair.

In addition to instituting accountability and obligation, Dr. Moore stated, we must learn how to make people take their obligations seriously and respond to them. We must understand that, in the absence of a positive relationship between those who are doing the punishing and those who are being punished, punishment will be regarded as nothing more than naked hostility on the part of the punisher. According to Dr. Moore, the problem lies not so much with the system's lack of ability to punish, as it does with the weakening relationship between those who wield the instrument of social control and those on whom the control is exercised.

# Luncheon Address



Address:

Kenneth W. Starr  
Solicitor General

Monday, March 4, 1991  
12:00 noon-2:00 p.m.

It is a great pleasure to be here. In the moments we have together, let me share with you a few thoughts about the work of the Supreme Court of the United States as it bears on the work of this important conference.

Let me begin by noting a report in last Friday's *New York Times*. A small news item reported on the recent budget testimony by Justice O'Connor, from whom we will be hearing this evening, and Justice Scalia. In contrast to the Administration's major infusion of resources for the Department of Justice in its efforts in the war against crime, the Supreme Court's entire budget request was a modest \$25 million. Senator Ernest Hollings received the testimony favorably and commented, according to the report, "You folks are far more frugal about spending" than Congress. But then the Senator went on to sound a less positive note.

*Senator Hollings said a recent Supreme Court decision allowing prison inmates to collect witness fees when called to testify at Federal trials would cost the Government millions of dollars. Justice O'Connor explained that the ruling was based on the Court's interpretation of the Federal law governing witness fees. Congress could wipe out the expense by amending the law, she said. Senator Rudman agreed. "Congress gets very upset sometimes," he said, "when you interpret statutes exactly as we have written them."*

Senator Rudman's comment captures the essence of what is animating the Court in its daily work. It takes laws as they come to it and applies them in accordance with their terms. It doesn't try to repair what Congress may have failed to accomplish in the first instance. And that means that prosecutors making aggressive use of criminal statutes are going to lose some cases along the way.

It puts me in mind of a comment by a leading divorce lawyer down in Florida. He was asked, given his high-volume practice, whether he took time to counsel his clients and to see if perhaps the marriages could be saved. "Nope," the lawyer replied, "I didn't break up those marriages, and I'm not in the business of trying to patch them up."

So too, the Supreme Court doesn't do patchup work in the criminal justice system. In this respect, we have seen over the past generation a sea change in attitude. The Supreme Court under the stewardship of Chief Justice Warren was, of course, at the vanguard of change in the criminal justice system. Some of that change was very far-reaching and fundamental. If it took overrulings of precedents to accomplish a reordering of the system, the Warren Court was quite willing to do it.

*Mapp v. Ohio* provides a dramatic illustration. There, the Court had not even been asked to revisit the well-settled principle that the fourth amendment exclusionary rule, which the Federal courts had applied since *Weeks v. United States* early in the century, had no applicability to the States. The case of *Wolf v. Colorado* stood as a seemingly insurmountable barrier to the proposition that the fourth amendment would be extended to cover State and local law enforcement operations.

But everyone was wrong, and *Mapp* ushered in an extraordinary new world for State and local law enforcement officers—and for the courts. Decades of settled law to the contrary were swept aside, and like the Stealth bomber the fourth amendment exclusionary rule moved into every criminal courtroom in the United States—and this, even though Dolly Mapp's defense to the charges brought against her was squarely rooted not in the fourth amendment but in the first.

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The Supreme Court under the stewardship of Chief Justice Rehnquist is, needless to say, a very different kind of Court. To be sure, it continues to affect the world of criminal law and criminal procedure, and it continues to affect everyday police work just as the Warren Court did. But the Court's mood and thrust have changed. The notion that the judiciary is to be the engine of far-reaching, fundamental changes in our system of governance, including the criminal justice system, is clearly a thing of the past.

In fact, with the singular exception of the ongoing effort to rid the criminal justice system of racial discrimination in the selection of jurors (*Batson* issues), this Court has been strongly disinclined to venture into new and uncharted constitutional territory. And when it has, as in the victims' rights arena, it quickly signaled apparent interest in returning to traditional ground. This is shown by the Court's recent grant of certiorari in *Payne v. Tennessee* (a case presenting the question whether two prior decisions—*Booth v. Maryland* and *South Carolina v. Gathers*, which bar prosecutors in death penalty cases from introducing evidence about the effect of the murder on the victim's family—should be overruled). As many of you here know, the United States earlier this term filed a friend-of-the-court brief in *Ohio v. Huertas* urging the Court to overrule those two prior decisions, and we are now actively focusing on possible participation in the Tennessee case as well.

But the basic point is this: the Court several terms ago broke new constitutional ground (holding that victim-impact evidence could not come in death cases), and now there seems to be a serious willingness to reconsider those two decisions.

There is another distinguishing feature of this Court. In its criminal law cases, this Court seems intensely interested in and sensitive to the practicalities of law enforcement work in a realistic, tough-minded way.

A fourth amendment case, *Maryland v. Buie*, from last term provides a clear example of this. There, the Court upheld the police's protective sweep of the entire house where an arrest was made, resulting in the seizure of telltale evidence—situated in plain view in the basement—of a robbery. Another illustration is in the Court's *Miranda* jurisprudence.

*Miranda*, of course, stands as a quintessential product of the Warren Court era. The *Miranda* Court took notice of what it perceived to be abuses in the system and, acting under the umbrella of the fifth amendment's protection against compulsory self-incrimination, set forth a set of prophylactic rules, very much in the nature of what one would have thought to have been a legislative function, not a judicial one—erecting a code of procedure to guide the work of law enforcement officers.

But with *Miranda* continuing on the books, the Court in cases such as *Duckworth v. Egan* has made it clear that the warnings need not be letter perfect. The practical-minded attitude of the Court seems to be this—did the police blooper really make a difference, or was there at most a technical violation that should not give a fair-minded Court pause? The theme seems to be this—was there a real injustice, in the sense of a miscarriage of justice?

As a result, the contemporary Supreme Court seems not terribly put off by the fact that errors, even errors of constitutional dimension, may have crept into the course of the trial. Life is not perfect and neither are criminal trials. The thrust seems to be: let the jury hear the entire story, within limits (such as hearsay and other confrontational clause-related concerns), and come to its own conclusion. For that, after all, is what our system of criminal justice is all about.

In fact, the harmless error theme is a very prominent one in this Court's body of criminal law. It is a rare day indeed that the Court will enunciate a broad, sweeping rule and then use that rule as a weapon to obliterate all convictions standing in its way.

The Court is, rather, more measured and more deliberate. It looks very carefully and rigorously at the case, and the Court may well conclude that, even though something went awry, there is no reason to overturn the conviction itself.

This caution—this sense of prudence—is evident in the arena of finality of criminal convictions. One of the overriding issues in criminal justice reform is, of course, the need for finality, an issue that found its way into the debate over the Powell Report on habeas reform in the capital punishment setting. But we also see it, if less dramatically, in the rules of

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retroactive application of new rules. *Teague v. Lane*, a watershed case in this respect, holds that there must be something fundamentally unfair about a conviction in order for a newly enunciated rule or legal principle to be retroactively applied. If there is no fundamental unfairness, then there will be no retroactive application, and the conviction and sentence will be upheld.

These subthemes are all a piece of the Rehnquist Court's attitude toward the world of criminal law and criminal procedure—a clear-eyed, rigorous, commonsense approach.

The result is that the Court does not look suspiciously or cynically at good police work. Its attitude toward confessions illustrates the point. This Court, in contrast to the Court of a generation ago, explicitly recognizes the legitimacy and importance of confessions in the world of law enforcement. At times, confessions are the only effective way to solve crime, and they increase the reliability of verdicts manifold. This is all the more important in the arena of violent crime, where there is, of course, no paper trail, as is the case with respect to crime in corporate or S&L suits.

Now as a people we recoil at the idea of a system of inquisitorial justice, complete with third-degree tactics, of browbeating persons into confessions which cannot in good conscience be viewed as voluntary. That is, of course, what the fifth amendment's guarantee is all about. But effective police work should not be punished if it does not strike at the core value of voluntariness. That is to say, the fifth amendment is aimed not at stopping skillful and even clever investigation; its subject, rather, is more limited: unfair tactics that overbear the will.

And that is the attitude of this Court. The Court understands the simple wisdom of a very able criminal defense lawyer, who said: "You know, when you get right down to it, there are very few deaf and dumb people in the penitentiary." That's the point. The system—while being fair—must be rational and clear-headed, and it should be able to make use of improvident statements of those charged with crime.

Thus, we look with great interest to what promises to be one of the truly important cases of this term—*Arizona v. Fulminante*. The issue in that case is the admission of an inculpatory statement that was held, we think wrongly, to have been involuntary. The Court is thus faced with the question whether any inducement, however slight, may render an incriminating statement to a law enforcement officer or informant inadmissible. We are urging the Court to reject the sweeping rule that it adopted long ago at the turn of the century in the old case of *Bram v. United States* (a rule which the Court has not faithfully followed).

But let me make a note of another less happy dimension to the Court's work. For even with helpful developments in the law, such as *Leon's* establishment of a good-faith exception to the fourth amendment exclusionary rule, the fact remains that the criminal justice system in this country remains all too frequently a highly technical enterprise of second-guessing difficult law enforcement judgments, with the eventual result that, as Cardozo complained, the criminal goes free because the constable blundered. As Chief Justice Rehnquist put it in a dissenting opinion, describing the thrust of the majority opinion in one fourth amendment case: "[It reveals] a mindset more useful to those who officiate at shuffleboard games."

As everyone in this room knows all too well, violent crime in America is overwhelmingly tied to drugs. And in drug prosecutions in both Federal and State courts, the exclusionary rule is, more frequently than not, the whole ball game. If the evidence is allowed in, the result is a guilty plea. If the evidence is excluded, then a guilty person is at liberty once more to ply his deadly trade at society's expense.

The exclusionary rule was, of course, designed to deter police misconduct. That in itself is a remarkable goal—the use of the criminal justice system for collateral ends, rather than for seeking truth. But be that as it may, what enormous cost is exacted for whatever deterrence is achieved. My mentor, Chief Justice Burger, set forth the classic critique of the exclusionary rule in his dissent in *Bivens v. Six Unknown Agents*. That should be obligatory reading for this conference and beyond. As we move ahead

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in this last decade of the twentieth century, we should be bold and willing to ask fundamental questions about our justice system.

Back at the turn of this century, the country moved away from an ancient rule that was rigidly enforced as common law, namely that a defendant in a criminal case could not take the stand in his own defense. The idea, of course, was that the defendant was keenly interested in the outcome of the trial, and so to guard against the likelihood of perjury, the common law simply kept the defendant off the stand.

The law changed. Indeed, in recent years, the Supreme Court has insisted on the right of the defendant to get on the stand if he or she chooses and tell his or her story, leaving to cross-examination the exposure of any perjury. Here is what the Court said in one such case:

*The conviction of our time is that the truth is more likely to be arrived at by hearing the testimony of all competent persons of competent understanding who may seem to have knowledge of the facts involved in a case, leaving the credit and weight of such testimony to be determined by the jury or by the court.*

Truth. Truth is the ultimate goal of the adversary process, including the criminal justice process, in order to validate the innocent and to punish the guilty.

Last week it was my privilege to stand at the podium at the Supreme Court and to present argument in support of a drug interdiction program carried out on buses. In preparation for that argument, I sat down with Sergeant J.J. Brennan of the Metropolitan Police Department here in Washington and with several police detectives in that fine unit, which has enjoyed great success in the fight against drugs.

At one point in the preparation process, we went over to the Greyhound Bus Station and participated in a demonstration of the way bus search procedures actually work. Being in the bus brought to mind memories of real cases to Sergeant Brennan and his colleagues, and one of them hit home to me. Through good police work, the officers had seized a bag that they believed was likely to contain cocaine. They consulted with one another and decided

that under the circumstances they probably needed a warrant to search the bag. They then called their contact in the local prosecutor's office, an experienced, seasoned lawyer. He told them they did not need a warrant, and so they searched the bag, seizing what indeed was a large quantity of cocaine. But the prosecutor was wrong. The case was dismissed once a Federal judge heard the facts and concluded that Sergeant Brennan's initial instincts were right. Another case was lost at the hands of the fourth amendment exclusionary rule.

This is but one example of the hidden costs of rules of exclusion. Even smart bombs cause collateral damage, and so too exclusionary rules exact an especially heavy toll when they are misapplied. And, by virtue of its sheer complexity, the exclusionary rule is sufficiently hard to apply that it will be, at the minimum, applied much more expansively than the underlying rationale would justify. Constables, and yes even prosecutors and judges, will blunder, and criminals will go free.

The admission of truth—of reliable, probative evidence—promotes justice and promotes respect for our system of justice. Arbitrary barriers to truth—which stand as barriers to justice—bring the system into disrepute with the American people.

Let me close with a simple story. Simple and true. There was once a man down in Mississippi charged with a serious crime. His name was Chambers. He was tried for a murder to which another person had repeatedly confessed in the presence of acquaintances. But the State of Mississippi had a hearsay rule, coupled with a voucher rule, that prevented the defendant from putting on this evidence. Chambers, not surprisingly, was convicted.

Eventually, the Supreme Court of the United States reversed that conviction. And the Court's words bear repeating here—a State cannot apply its own rules of evidence, however sound and sensible they might otherwise be, in such a mechanical way as to defeat the ends of justice.

What are the hallmarks of a rational and humane society? Do we concern ourselves adequately for the victims of crime? Do we care for persons convicted of crime by having a sensible set of punishments, recognizing the value of a wide range of

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available effective punishments? The increasing thrust toward community corrections as part of a comprehensive corrections system is a sign of a maturing corrections philosophy.

And so too we should ask the basic questions about other parts of our system of criminal justice. Are we in fact seeking that great idea of God and the noble ideal of mankind—justice—or are we, as trained lawyers and judges, engaged in a process of erecting mechanical rules that at the end of the day disserve justice and thus disserve the American people? That is a question that each of us, each day, should soberly ask of the system that has been entrusted to us.

# Innovations in Policing



## Moderator:

**Jimmy Gurulé**

Assistant Attorney General, Office of Justice Programs,  
U.S. Department of Justice, Washington, D.C.

Monday, March 4, 1991  
2:00 p.m.-4:00 p.m.

## Panelists:

**Mark H. Moore**, Professor, John F. Kennedy School of Government, Harvard University,  
Cambridge, Massachusetts

**Reuben M. Greenberg**, Chief of Police, Charleston, South Carolina

**Neal R. Peirce**, Contributing Editor, *National Journal*, Washington, D.C.

**Harold L. Johnson**, Chief of Police, Mobile, Alabama

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The panelists described innovative partnerships that allow law enforcement professionals to work with the community to fight violent crime and drug abuse.

## Jimmy Gurulé

Mr. Gurulé described community policing as a strategy that bridges the gulf between the police and the community and allows the two to work together to resolve crime-related problems. Citizens may aid the police by reporting suspicious activity and testifying in court. The police may better serve the community by getting to know the residents of their area and becoming more responsive to their concerns. Mr. Gurulé explained that while community policing has certain limitations, it is an important aspect of law enforcement.

## Mark H. Moore

Dr. Moore described the differences between innovations for the private sector and the public sector. He stated that while there is generally more of a need for innovation in the private sector, society is now at a point where it needs more innovation from public sector managers than it is organized to produce. According to Dr. Moore, the need for innovation goes beyond figuring out what new programmatic responses are needed to deal with particular issues to changes that must be made within the organizations themselves.

Dr. Moore noted that during the last half decade, the United States has been battling an epidemic of cocaine use, including crack. Local police and the criminal justice system have responded superbly, making an unprecedented number of arrests and developing many new, innovative approaches to the problem.

Dr. Moore stated that law enforcement professionals have learned three lessons from recent efforts to combat drug usage. First, they have learned that street-level drug dealing is an important part of the drug phenomenon and that it is impossible to have a long-term impact on street-level drug dealing without the active assistance of the community. Public support is important not only to raise the first alarms and provide the initial information but also to provide the police with a community focus.

Second, law enforcement professionals have discovered that they must be imaginative in devising suitable punishment and control for offenders. There are sharp limitations on society's willingness to rely on jail and imprisonment as a form of punishment. Intermediate forms of punishment and less comprehensive forms of supervision for drug offenders, such as asset seizures, revocations of driving licenses, boot camps, fines, and community service, are needed.

Third, the law-enforcement profession has found that to successfully reduce drug use, society must

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eliminate the demand as well as the supply. The police have learned that they need help from social and public health agencies, as well as agencies of the criminal justice system, to achieve the goal of reducing drug use.

Dr. Moore stated that the crime epidemic among young black men is probably the most urgent crime problem faced by the police today, posing two important challenges to their departments. First, departments must develop their diagnostic capabilities and operational imagination to better understand what may appear to be only random violence. Second, they must learn to deal with the political problems presented by these crimes, which are tragic to the minority community and a threat to society at large.

Dr. Moore stated that police departments typically respond to problems such as drugs and violence one by one, inventing new programs to handle new problems as they arise. He suggested that these problems have revealed basic weaknesses in the overall strategy and organization of police departments. The departments must now consider three key changes in the overall strategy of policing. First, the departments must widen the front on which they engage the communities they serve. They must focus on the opportunity for crime prevention as well as crime control. In short, law enforcement professionals must be crime preventers, fear reducers, and problem solvers as well as crime fighters.

Second, the agencies must recognize that support for the police rests in community satisfaction with the quality of police service, as well as in compliance with the law and the use of their technical expertise to deal with crime. Citizen perceptions of the quality of service depend not just on the speed of police responses, but also on the quality and commitment of these responses.

Third, police organizations must become far more decentralized. Existing command and control systems frustrate the promotion of professional values and accountability. They must be replaced by systems that achieve control while allowing for adaptability to the community.

## Reuben M. Greenberg

Chief Greenberg described how the Charleston Police Department has transformed its public housing from one of the most dangerous places in which a citizen can live, to perhaps the safest.

The department recognized that the vast majority of the crime in public housing was committed by a small group of repeat offenders against other residents. It decided that, after a certain date, no one with an active criminal record would be allowed to obtain public housing. However, if residents who committed crimes were already in public housing, they could stay as long as they did not commit any new offenses. To the surprise of many critics, this resulted in only about 100 evictions over the course of 6 years. Additionally, the department found that people absolutely stopped committing many crimes. Because they were afraid of losing their homes, people began to point out individuals within their own families who had committed crimes. Over the course of 6 years, the crime rate in every category, except simple and aggravated assaults, has decreased dramatically within the public housing community.

## Neal R. Peirce

Mr. Peirce discussed the Japanese police structure, in which officers patrol a specific neighborhood on foot in order to get to know the residents and merchants intimately. He stated that this community-based policing approach is similar to what the American system used to be, and urged that it be revived.

According to Peirce, citizens would opt for a type of law enforcement akin to community policing if given the choice. However, Mr. Peirce said, the American public is ignorant about how community policing works, what it means, what its relationship is to the emergency call systems, and how it ties in with other city programs. Furthermore, many people have never even heard the term "community policing." Mr. Peirce suggested the need for people outside the police community, such as business groups, universities, and the media, to work together to support community policing.



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Mr. Peirce emphasized the need for police officers to think of themselves as planners and professionals as a means of increasing police productivity and effectiveness. He also stressed that they need to assure the public of the police's ability to relate to low-income and minority neighborhoods.

Mr. Peirce said that making the American dream work for troubled families will require radical decentralization and a return of government operations to the neighborhood level. A corollary requirement will be radical personalization: an assurance that low-income residents will be able to relate to those professionals placed in their neighborhoods.

Mr. Peirce warned that unless the law enforcement teams get a handle on family and neighborhood social pathologies, such as teenage pregnancy and drug dealing, the Nation as a whole will pay a heavy price over time. He stated that even sophisticated police weapons alone will not resolve the problems in our afflicted neighborhoods. What is needed is a carefully tailored set of policies that move away from after-the-fact remedial fixes to the obvious and appealing alternative of prevention. This could be provided by community-oriented policing.

Mr. Gurulé added that the Department of Justice believes the concept of community policing has

tremendous potential. He added that in 1990 the Office of Justice Programs spent \$2 million to support community policing projects in 13 jurisdictions; this amount will be doubled in 1992.

### Harold L. Johnson

Chief Johnson stated that community-oriented policing is not a new idea; America was built on this concept. It makes sense because it both creates good public relations for the police and provides the discipline that is lacking in many neighborhoods.

According to Chief Johnson, too much policing can turn youths into criminals. Moving in troops to deal with a difficulty and then moving them out again will not solve the basic problem. The police do need to take the streets back from the criminals, but once they have done so, they must stay and act as community resources.

In closing, Chief Johnson stated that police officers must become leaders of the community and help to develop other leaders. They must have quality educations, and they must learn to understand the citizens. The Nation must commit itself to community policing.

# Violent Crime Control Through Drug Demand Reduction: Innovative Programs



## Moderator:

**Robert C. Bonner**

Administrator, Drug Enforcement Administration, U.S. Department of Justice,  
Arlington, Virginia

Monday, March 4, 1991

2:00 p.m.-4:00 p.m.

## Panelists:

**Ruben B. Ortega**, Chief of Police, Phoenix, Arizona

**Daryl F. Gates**, Chief of Police, Los Angeles, California

**Herbert D. Kleber**, Deputy Director for Demand Reduction, Office of National Drug Control Policy,  
Washington, D.C.

**Thomas J. Gleaton, Jr.**, President, Parents Resource Institute for Drug Education (PRIDE),  
Atlanta, Georgia

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The panelists discussed innovative programs that help decrease the widespread demand for drugs and the vigorous law enforcement efforts needed to disrupt the supply.

## Robert C. Bonner

Mr. Bonner introduced the panelists and said that a U.S. Department of Justice drug-use study based on a survey of 20 cities found that more than half the males arrested for serious nondrug crimes tested positive for illegal substances (primarily cocaine). San Diego and Philadelphia had 80 percent positive test rates; New York, 79 percent; and Chicago, 75 percent.

Mr. Bonner said these surveys show that a very high percentage of people committing such serious crimes as robbery, burglary, and assault are under the influence of illegal drugs. President Bush's 1989 drug strategy recognizes the importance of reducing illegal drug use through education, effective treatment, and user accountability. Whether a person uses drugs regularly or only occasionally, he or she is supporting those who deal in terror, torture, violent crime, and death, said Mr. Bonner.

## Ruben B. Ortega

Chief Ortega said that the drug users in Phoenix commit more than 75 percent of the city's armed robberies. He noted that an armed robbery conviction in Phoenix brings a mandatory 5-year sentence.

Why do people commit these crimes when there is such a stiff penalty? Chief Ortega's answer was that most of these criminals are crack addicts. However, as many as 75 percent of these illegal drug users, he said, have jobs and careers and consume the drugs under the umbrella of recreational casual use. These are people who have never been arrested and do not need to steal to buy drugs.

Chief Ortega said people once believed that attacking the source of the supply of illegal drugs in countries like Bolivia, Colombia, and Peru would solve the problem. But, he says, this is no longer the case because Americans' demand for drugs is fueled by a tremendous drug appetite and large amounts of money. He asserted that law enforcers should continue attacking the suppliers (more money than ever is going to this effort) and pursue the new practice of going after the demand side, including the so-called casual user.

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Chief Ortega cited a new drug program in Phoenix that mandates treatment or counseling for first-time arrestees. If they fail in the treatment program, they go to jail. During the first 2 years of this program, Phoenix police arrested 10,000 casual users; 55 percent of whom qualified for the program.

To resolve the problem of drug abuse, according to Chief Ortega, Americans must start expressing their outrage. They must declare that they are sick and tired of drugs and that they are not going to put up with them anymore.

### **Daryl F. Gates**

Chief Gates began by saying that Americans must look to the future if they are to make a change in the crime problem. That future, he added, depends on the kinds of kids we are raising in America, and those kids must be drug free.

Citing a former Los Angeles program, Chief Gates said that young police officers were placed in high schools as undercover operatives to identify drug sellers. This program lasted 11 years and was very effective in undermining the supply, but did nothing about youth who were users.

However, city officials used the vast drug knowledge gained from undercover operations to start the Drug Abuse Resistance Education (DARE) program. DARE sends police officers into the classroom, not as enforcers, but as teachers. Not only does DARE teach kids to avoid drugs, said Chief Gates, it also fosters positive relationships between kids and police officers. DARE instills in kids a sense of values through the examples set by the police officers. The program has spread across the country and now operates in 3,900 school districts in 50 States with 8,800 police officers as teachers.

In closing, Chief Gates said that the challenge of identifying the enemy is one of the biggest problems. "Identifying the enemy makes us very uncomfortable, because the enemy happens to be a great many of us," he said.

### **Herbert D. Kleber**

Dr. Kleber stated that most people are aware of the relationship between criminal violence and drug sales and acquisition (what the addict will resort to

to support his or her drug habit), but they do not know the effects of the drugs themselves. For example, cocaine users may become paranoid, irritable, and aggressive. Such paranoia, even if the user does not mug someone, often results in sharp increases in domestic violence. Dr. Kleber added that a person who is "high" on a drug like cocaine and decides to rob a store at gunpoint may pull the trigger if the clerk does not hand over the money fast enough.

Dr. Kleber said that Americans must stop both the supply and the demand for drugs. Our highest priority, he said, must be to reduce the use of drugs nationwide. This includes all illicit drug use, not just addicted use, but also experimental and casual use.

Dr. Kleber added that the role model for potential users is usually a casual user, not the stumbling, burned-out addict. The casual user gives the impression that a person can use drugs and still keep a job, appear to be healthy, keep possessions, and preserve a family. A strategy emphasizing drug accountability would help dispel these notions. In closing, Dr. Kleber said that the war on drugs is winnable if it is fought as 1,000 winnable battles in 1,000 cities and towns.

### **Thomas J. Gleaton, Jr.**

Dr. Gleaton spoke about PRIDE, an organization that brings people together and promotes enthusiasm for those who are doing good work in the war on drugs.

Dr. Gleaton agreed with Chief Ortega that the casual user is the enemy, not the addicted person. Dr. Gleaton admitted that he does not know if the answer is to put the casual user in jail or in treatment, but, he added, America must recognize the ramifications the weekend user has on society. Gleaton noted that people today are learning from new educators such as movies, music, television, T-shirts, and bumper stickers. No matter how much education comes from programs like PRIDE and DARE, very powerful media forces threaten to override this educational intent. Success in combating these forces will depend on whether America can motivate and work with its citizens and young people.

# The Community's Role in Crime Control



## Moderator

*William Lucas*

Director, Office of Liaison Services, U.S. Department of Justice,  
Washington, D.C.

Monday, March 4, 1991

12:00 noon-2:00 p.m.

## Panelists:

*Michael D. Schrunk*, Multnomah County District Attorney, Portland, Oregon

*Matthew A. Peskin*, Executive Director, National Association of Town Watch,  
Wynnewood, Pennsylvania

*Drew Diamond*, Chief of Police, Tulsa, Oklahoma

*Alvin L. Brooks*, President, Ad Hoc Group Against Crime, Kansas City, Kansas

*Herman Wrice*, Director, Mantua Project, Philadelphia, Pennsylvania

*Robert L. Woodson*, President, National Center for Neighborhood Enterprise,  
Washington, D.C.

The panelists discussed the community's role in the war on drugs, the fight against violent crime, and the battle to win back the neighborhoods.

## Michael D. Schrunk

Michael D. Schrunk detailed the events leading up to the creation of the Regional Drug Initiative (RDI), a citywide organization designed to make Portland a drug-free work zone. The community-based organization was created after a businessman, policeman, and Mr. Schrunk met to discuss the city's failing battle against drug-related crime. Recognizing that a successful solution demanded that all sectors of society be involved, they invited members of the community to a conference. A group of over 250 businessmen, ministers, school administrators, community college administrators, and law enforcement officials attended the session. This group leveraged its scarce resources and presented a unified front in the war on drugs.

Mr. Schrunk reported that businessmen were willing to come forth with money, sometimes altruistically, sometimes for the long-run profits they would receive from a crime-free community. A public relations firm donated weekend employees to design mass advertising on billboards, bus trailers,

television, and radio. Unions, businesses, newspapers, and private law firms all began instituting drug testing programs. Drug prevention packages were sent out en masse to businesses. Through the pulpit, schools, unions, and businesses, the message was clear and consistent. The supply side, however, was not neglected. In fact, Schrunk claims everyone realized that hard-line enforcement had a place in the community. RDI's success came about because the organization was able to change the attitude of the community. Impressive results materialized once members were galvanized into action.

## Matthew A. Peskin

Mr. Peskin discussed both the successes and the goals of his nationwide organization. Town Watch, a nonprofit crime and drug prevention organization consisting of law enforcement agencies, crime watch groups, businesses and other community coalitions, was launched in 1981 and has grown to represent thousands of grassroots crime prevention organizations across North America. Mr. Peskin reported that crime always stabilizes in every neighborhood watch community, most often decreasing by 25 percent and sometimes by as much as 45 to 60 percent. For these extremely effective watch

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programs to succeed, law enforcement and citizens must maintain their interest; when they lose interest, the program deteriorates. Although Mr. Peskin expressed pleasure with the association's tremendous results, he noted that only 5 percent of the population generally participates in neighborhood watches. As a goal for the future, he believes innovative steps are necessary to generate more interest. Mr. Peskin described the enthusiasm generated when citizens ended a spree of bank deposit holdups by parking in empty shopping center lots and observing bank traffic. Mr. Peskin also said he was discouraged by the tendency to eliminate crime prevention programs when law enforcement budgets are tight. It is detrimental, he asserted, to sever the critical communication lines between law enforcement and the community.

### **Drew Diamond**

Chief Diamond briefly summarized the Tulsa Police Department's effort to redefine the entire philosophy, training, and direction of crimefighting. In response to the failed approach of "perimeter policing" (waiting for the crime to happen and then charging in), the Tulsa Police Department instituted the Area Commando Plan 6 years ago, whereby police officers assumed responsibility for a specific neighborhood 24 hours a day. Through this plan, traditional values of policing were restored by delivering services to the people, resulting in strong coalitions between the police and the community. When first entering the neighborhood, the police would meet with the people to hear their complaints and requests. By listening and responding to the community, the police earned the community's trust. Chief Diamond reported that once police officers had established their beat, arrests went up, use of force fell to zero, and assaults on officers dropped to an all-time low. They also discovered that when a problem arose, the responsible officer was able to identify the cause of the deviation and then work toward eliminating the cause.

### **Alvin L. Brooks**

Mr. Brooks cited the lessons Kansas City had learned through the Ad Hoc model program. Leading into the report, Mr. Brooks remarked that it is the community's responsibility when crime

affects a neighborhood. He discussed the specific ways a community can make a difference towards crime reduction, and challenged communities to create a new moral standard that is clearly missing in today's crime-ridden neighborhoods.

Mr. Brooks said that the four principal elements in the Kansas City Ad Hoc Group are concepts easily suited for situations across the country. First, the crime group must raise the community's level of consciousness on how crime and violence are tearing it apart. Second, if any headway is to be made, it must also bridge the gap between the police and the community. Third, it is essential to operate a witness hotline where a caller with information leading to an arrest is rewarded. Finally, the group must raise funds to support the rewards. One of the numerous projects Mr. Brooks related was its crack-down on crack houses. Due to two community efforts, Report on the Drug House Month and the Black Men Together Group, the community has helped close down crack houses and expel drug traffickers. Mr. Brooks reiterated the need to bring different community members together. In Kansas City, the participation of the police chief, the U.S. Attorney, judges, local FBI agents, businessmen, and a number of community groups provided extra energy to the movement.

### **Herman Wrice**

Dr. Wrice spoke optimistically about the likelihood of reversing the Nation's increasing crime statistics. He stated that rather than blaming the system, people must take back their neighborhoods through their own initiative.

In Philadelphia, drug activity reached such an extreme that there were not enough young boys to outfit a school football team, play in the school band, or even deliver newspapers. Refusing to remain hostage to drug dealers, several community members organized a group that made it uncomfortable for drug dealers to remain. While the neighborhood gathered outside the crack house and offered support, the group approached crack houses and demanded that drug dealers leave within half an hour. The plan worked and soon many neighborhoods were requesting assistance; however, the group would not enter a neighborhood unless it

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had the cooperation of the neighborhood. With the help of the district attorney, confiscated money was recycled into the community to provide coats and gloves for the homeless and football jerseys for the young boys. The group created innumerable activities and jobs for the youth. A neighborhood that could not rustle up enough young boys to make a football team 7 years ago, Dr. Wrice said, today has 753 football players.

After police understood that the community was committed to removing crime, they joined in the coalition. Through the organization of PEARL (Prevention, Education, Action, Rehabilitation, and Law Enforcement), representatives from every segment of government now dedicate at least 3 hours a month to the program. PEARL has become a model program of community and government working together.

### **Robert L. Woodson**

Mr. Woodson has guided a broad range of national and local community development programs. Stressing the community's crucial role in ridding neighborhoods of crime, Mr. Woodson explained

how the customary external approach to solving community crime problems is inherently flawed. Although the U.S. Government has spent \$1 trillion in the last 25 years on programs aiding low-income communities, Mr. Woodson said, contractors generally have administered the programs. These external solutions, he argued, only convince the community that the problems are caused by someone else and therefore the solutions lie outside. Mr. Woodson directed another complaint at outsiders who leave when the funds dry up, sending wrong signals to the community that will always be there. Describing successful innovative community programs he has worked on, Mr. Woodson illustrated how most community programs struggle to obtain funds. To address this deficiency the National Neighborhood Enterprise started a small-grants program for groups around the country. These groups apply on a 3-page handwritten proposal, receive a reply within 60 days, and receive the money to buy whatever they need to do the job at hand. These small-grants programs succeed because the people within the community are driven by outcomes—the very accountability he claims to be absent from large external programs.

# State and Local Initiatives: Models and Incentives



## Moderator:

*Joe D. Whitley*

U.S. Attorney for the Northern District of Georgia

Monday, March 4, 1991

2:00 p.m.-4:00 p.m.

## Panelists:

*Thomas J. Charron*, District Attorney, Cobb County District Attorney's Office, Marietta, Georgia

*Ernest D. Preate, Jr.*, Attorney General of Pennsylvania, Harrisburg, Pennsylvania

*Jerry P. Regier*, Acting Director, Bureau of Justice Assistance, U.S. Department of Justice, Washington, D.C.

*Terence J. Pell*, General Counsel, Office of National Drug Control Policy, Washington, D.C.

*Grace L. Mastalli*, Deputy Director, Office of Policy Development, U.S. Department of Justice, Washington, D.C.

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The panelists discussed ways to coordinate Federal, State, and local efforts to identify, apprehend, prosecute, convict, and incarcerate violent criminals.

## Thomas J. Charron

Mr. Charron began by saying that although the participants could debate the reasons for violent offenses, this summit's purpose was to find ways to combat the growing problem. What they found in Marietta, Georgia, according to Mr. Charron, was that the majority of violent crimes were committed by a small segment of the criminal population—the repeat offenders. He said these offenders began their criminal careers as juveniles, primarily committing property crimes, and graduated into adult criminal behavior, committing violent crimes such as robbery, rape, and homicide.

To get a handle on this problem, Mr. Charron said that his staff started the Career Criminal Unit, which targets and tracks repeat offenders both during their prison terms and after they are released. This unit monitors the release of the offenders, keeps in close contact with parole officers, and ensures that offenders do not get lost within the community. Further, said Mr. Charron, when the

criminal is rearrested, the Career Criminal Unit treats the case very seriously.

According to Mr. Charron, the Career Criminal Unit in Marietta has had a significant impact on repeat offenders, particularly violent criminals. When a violent offender comes up for parole, Mr. Charron's staff arrange for victim-impact statements and enable the victim to appear before the parole board.

Mr. Charron said that local prosecutors get the street crime cases that the State or the Federal jurisdiction does not want to handle. He added that these keep his staff busy because violent street crime seems to be endless. A recent phenomenon, which has no apparent cause, is the large number of younger, more violent offenders on the streets, he noted.

To combat these younger, more violent criminals, Mr. Charron continued by saying that the Marietta Police Department and his staff created Project Cobra. This project uses specially trained officers who go into the neighborhoods wearing their uniforms. These officers know their targets and maintain high visibility in the areas where gangs congregate. The officers also reinforce a positive community spirit through their visibility and presence.

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Another concern in Marietta, said Mr. Charron, was that violent crime cases, particularly homicides, take a lot of resources from the local prosecutor. In order to deal with these complicated cases he created a major crimes unit to accept death penalty and other major crime cases.

Mr. Charron urged other State's attorneys to consider adopting a Racketeer-Influenced and Corrupt Organizations (RICO) statute similar to the Federal law. This very effective statute allows the State to seize the assets from a criminal enterprise such as a drug ring. He also encouraged prosecutors to support the death penalty as a major deterrent for hardcore, violent, or repeat offenders.

### **Ernest D. Preate, Jr.**

If violent crimes have anything in common, said Mr. Preate, it is that the State's and local attorneys prosecute the vast majority of them. Consequently, the State's and local attorneys must find means to combat the escalating problem of violent crime. Mr. Preate said prosecutors need all the tools they can get, including the investigative grand jury, the ability to wiretap, and RICO statutes.

Mr. Preate continued by stating that multi-jurisdictional task forces are another way to improve law enforcement capability. He added that there are four types of multijurisdictional task forces: (1) Federal, State, and local task forces aimed at particular target groups such as the Junior Black Mafia in Philadelphia; (2) Federal, State, and local task forces directed at violent drug traffickers; (3) Federal, State, and local task forces concentrating on interdiction (at airports, train and bus stations, and on the highways); (4) State and local task forces for statewide and local law enforcement interaction.

Mr. Preate said his office has been aggressively seeking legislation to help law enforcement do a better job. One such law enables police officers to seal search warrant affidavits, which provides more time for investigation before the suspect knows he or she is being checked. Another law expanded the range of circumstances that warrant the death penalty.

### **Jerry P. Regier**

Mr. Regier said that the primary mandate of the Bureau of Justice Assistance (BJA) is to provide financial and technical assistance for combating crime to State and local criminal justice systems. He highlighted four of BJA's recent efforts to help local governments, including limiting a criminal's access to weapons. To do this, he said, State criminal history records must be improved so that law enforcers can access complete and accurate criminal data.

Mr. Regier explained that a new provision recently added to BJA's Formula Grant Program requires each State to set aside 5 percent of its grant money to improve criminal justice information systems. These improvements require updating criminal histories and including final dispositions of all felony arrests, fully automating all criminal justice histories and fingerprint records, and improving the frequency and quality of criminal history reports sent to the FBI.

According to Mr. Regier, drug testing and deporting criminal aliens also help deter criminal activity. He said that making drug testing a condition of release for offenders can reduce the potential for drug abusers to commit violent crime. Mr. Regier explained that President Bush has identified deportation as a priority deterrent to crime because of the disproportionate rise in violent drug-related crimes committed by aliens.

Additionally, Mr. Regier said that the President has called for model legislation that requires mandatory minimum sentences for crimes involving firearms. Mr. Regier added that model legislation is also needed to provide more options to aggressively pursue violent drug offenders.

### **Terence J. Pell**

Mr. Pell addressed the model State legislation contained in the President's National Drug Control Strategy. According to Mr. Pell, the strategy has many user accountability statutes that deal with the so-called casual drug user. These model statutes contain provisions that will hold first-time drug



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offenders accountable, but may not require incarceration. Mr. Pell continued by stating that an effective technique in user accountability programs is the pretrial diversion program. This program gives first-time users the choice of a prison sentence or a mandatory drug treatment program, for which they must pay.

The President's strategy includes several drug-user sanctions, said Mr. Pell, including suspending eligibility for such Federal benefits as student loans and suspending driver's or professional licenses; these sanctions would apply to Federal, State, or local drug conviction. Other user accountability sanctions could include shock incarceration (so-called boot camps), house arrest through electronic monitoring, and community service.

Because drug users commit the majority of violent crimes, the President's strategy also recommends that States adopt laws and procedures to deal with the drug-addicted violent offender. According to

Mr. Pell, the most significant of these strategies are proposed amendments to the Uniform Controlled Substances Act; an effective asset forfeiture law is probably the single most important tool available to State and local law enforcement officials, he added. Another proposed amendment to the Uniform Substances Act, said Mr. Pell, is to increase penalties for people who commit drug offenses within 1,000 feet of a school yard.

### **Grace L. Mastalli**

Ms. Mastalli also discussed President Bush's crime strategy. She cited proposed changes in Federal firearms laws, including the following: (1) doubling mandatory penalties for using semiautomatic weapons during a violent crime or drug felony; (2) establishing minimum firearms penalties for parolees, including revocation of parole; and (3) limiting plea bargaining, particularly in violent cases involving firearms or serious drug offenses.

# Violence Against Children



## **Moderator:**

**Fred Foreman**

U.S. Attorney for the Northern District of Illinois

**Monday, March 4, 1991**

**2:00 p.m.-4:00 p.m.**

## **Panelists:**

**Patricia Toth**, Director, National Center for the Prosecution of Child Abuse, Alexandria, Virginia

**Frank N. Barnaba**, President, the Paul & Lisa Program, Inc., Westbrook, Connecticut

**Jayne G. Crisp**, Victim Services Coordinator, South Carolina State Office of Victim Assistance, Columbia, South Carolina

**Portia L. Wallace**, Deputy Sheriff, Lake County Sheriff's Department, Waukegan, Illinois

**Charles B. Schudson**, Judge, Wisconsin Circuit Court, Branch 1, Milwaukee, Wisconsin

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The panelists examined the issue of violence against children, including where the problem lies and where to find solutions for this growing problem.

## **Patricia Toth**

Ms. Toth said that violence against children is serious, pervasive, and occurs in all segments of American society. She explained that the problem closely connects with the violence and destruction of the drug crisis. The homicide rate of children due to abuse and neglect, said Ms. Toth, has increased over 35 percent in just the last 5 years; this figure is probably higher, as the numbers may be severely underestimated. Ms. Toth said that the efforts of the Department of Justice and its Office of Juvenile Justice and Delinquency Prevention have helped prosecutors recognize the seriousness of this problem.

Ms. Toth described how her center, with Federal support, serves as a clearinghouse of information for child-abuse prosecutors. Ms. Toth said that only a coordinated effort involving local, State, and Federal agencies and organizations can resolve the problem. "We have a lot to learn from each other, and we need to be more efficient about how we do it," she added.

## **Frank N. Barnaba**

Mr. Barnaba addressed the subject of child exploitation and runaway children, giving examples from the street outreach programs of his organization, the Paul & Lisa Program, Inc. He disclosed that children 5 to 8 years old are being used as prostitutes on the streets of New York and other cities across the United States. The problem of child prostitution is so pervasive, added Barnaba, that teenage girls have even been found soliciting in Disney World—at the direction of their pimps. Barnaba cited several tragic examples of teenage prostitution, including a young woman who, even though she had lost a leg as a result of infection from a dirty drug needle, was still a prostitute.

Closing his talk on a hopeful note, Barnaba said that organizations like his are making a difference, including helping a couple of former runaways turn their lives around to become medical doctors. He urged everyone to work together to incarcerate the real perpetrators, the adults who exploit children for profit, and to provide adequate help and support for the victims.

## **Jayne G. Crisp**

Ms. Crisp explained that her office, the South Carolina State Office of Victim Assistance, emphasizes

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victim response. Her office recently made recommendations to judges in State courts on how to treat children in the courts—making the courts more friendly to child victims, witnesses, and their families.

Ms. Crisp urged her listeners to return to their communities and ensure that their law enforcement and social agencies can identify and follow children who are at high risk because they were either witnesses or victims of crime.

### **Portia L. Wallace**

Ms. Wallace reported on the success of the children's advocacy center in Lake County, Michigan. She explained that the center's staff is a multidisciplinary, pro-prosecution unit, composed of a police department investigator, a sheriff's deputy, and a child protective service investigator. Their primary focus is to investigate, arrest, and prosecute all those who sexually abuse children.

Ms. Wallace continued that the center's staff have had to overcome an obstacle that is based on some police officers' beliefs that social workers do not know what they are doing. This problem is decreasing as the task force members learn to work together and focus on protecting children and ensuring punishment for those who abuse children. "We need to make sure these children are

given the services and support they need to become survivors and responsible adults," concluded Wallace.

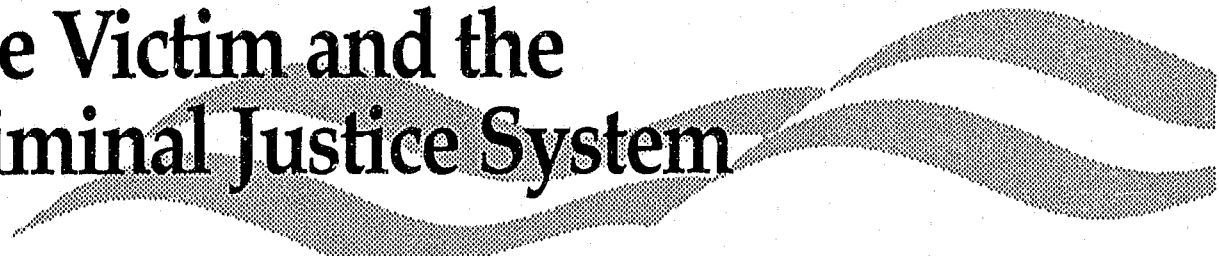
### **Charles B. Schudson**

Judge Schudson addressed the unfairness to children in America's courts, stating that courts have built-in biases, not because of malice, but because the legal system was designed for adults. Without intending to harm children, he continued, courts have developed style, timing, and language to suit lawyers, as well as symbols and procedures to guarantee order.

Therefore, said Schudson, courtrooms are intimidating, causing even adults to shake and stammer when testifying. "Consider the child who must describe his or her most personal and horrifying experience, surrounded by strangers, armed bailiffs, and a figure robed like Darth Vader." Judge Schudson continued that it is tragic that many American courts provide neither legal acumen nor child sensitivity. He said that judges usually have little, if any, experience or education in child development and communication.

In closing, Judge Schudson warned that America's children are being invaded, abused, and raped; they in turn will invade, abuse, and rape the next generation.

# The Victim and the Criminal Justice System



## Moderator:

**Jane Nady Burnley**

Director, Office for Victims of Crime, U.S. Department of Justice,  
Washington, D.C.

Monday, March 4, 1991

2:00 p.m.—4:00 p.m.

## Panelists:

**John A. Collins**, Eastern Regional Director, Citizens for Law and Order, Springfield, Virginia

**Irene Wodell**, Director, Loudoun County Victim Witness Office, Leesburg, Virginia

**Dean G. Kilpatrick**, Director, Crime Victims Research and Treatment Center, Charleston,  
South Carolina

**John Tanner**, State Attorney, Seventh Judicial Circuit of Florida, Daytona Beach, Florida

**William F. Schenck**, Prosecuting Attorney for Greene County, Xenia, Ohio

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After examining how crime victims often feel further victimized by the criminal justice system, the panelists shared successful approaches to adjusting the system to be more sensitive and helpful to crime victims.

## John A. Collins

Mr. Collins explained that 6 years ago he became an advocate for victims' rights after the brutal murder of his 19-year-old daughter Suzanne. He recounted the unremitting struggle through the criminal justice system that he and his wife are still undergoing.

Using the case of his daughter as representative of all victims' cases, Mr. Collins outlined difficulties victims' families encounter in every stage of prosecution. The Collinses had to fight just to discover the nature of Suzanne's wounds and to visit the site where she was killed. They struggled to ensure that the prosecution's expert witness was as qualified as the defendant's. Meanwhile, the mounting travel costs prohibited attendance at many pretrial motions, especially disheartening when the defense was requesting five or six continuances. Unlike most experiences of victims' families, the trial phase of the prosecution proved to be the one bright period of an otherwise trying undertaking. Mr. Collins attributed this

to thoughtful prosecutors who included them in the prosecution team by seeking their advice and keeping them abreast of the unfolding case.

For victims' families, Collins commented, the pain is compounded when they see the defendant enjoying his full array of constitutional rights. Furthermore, the family's anguish is usually drawn out by lengthy posttrial stages where delays and continuances can ramble on for years. Throughout the struggle, the Collinses have been continually discouraged to see that while the justice system favors the defendant, crime victims must fight for their needs and concerns.

Mr. Collins summarized the significance of the victim impact statement and habeas corpus reform. The decision in *Booth v. Maryland* eliminated the right of victims to introduce impact statements at the sentencing stage of capital trials. Mr. Collins expressed hope that a pending court case, *Payne v. Tennessee*, will overturn the *Booth* decision. Habeas corpus must also be reformed, Mr. Collins argued, because under Federal court procedures there is neither a statute of limitations nor any limit on how many writs the defendant can file. He added that the habeas corpus appeal invalidates the intent of 36 States that have the death penalty.

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## Irene Wodell

Ms. Wodell reviewed the function of the Victim and Witness Assistance Program in Virginia. Ms. Wodell stated that the responsibility of the victim assistant is to provide solutions for the victims of crime. To be effective, she said, the victim assistant must arrive on the scene as soon after the crime as possible to take care of the victim and family. This duty may take place in several locations—the scene of the crime, the hospital, the police office—and may include answering questions for the victim, contacting a minister, locating a quiet place to grieve, or collecting pertinent phone numbers the victim would be in no state to remember. The victim assistant works as a team member with the police officers and fire and rescue team. On the following day, the victim assistant also meets with the prosecutor to provide lists of witnesses, officers, technicians, and victim's family members. Additionally, the victim assistant recapitulates the details of the past night to help the prosecutor. The victim assistant also contacts the victim or family with arraignment information and counseling possibilities. Ms. Wodell emphasized the importance of recording all bills incurred by the victim, so that the victim can be fully reimbursed.

Ms. Wodell assured the audience that in the Loudon County program volunteer counselors, along with other people working with victims, receive thorough training before beginning to help victims. After training, volunteers meet once a month with the team of law enforcement officials, prosecutors, and health officials to confirm that all needs of the victim are met without any duplication. For Ms. Wodell, involving the entire community is the most important aspect of directing a victim witness office.

## Dean G. Kilpatrick

Dr. Kilpatrick discussed his research on the significance of crime victims' rights. He has conducted surveys questioning crime victims about both their satisfaction with and expectations of the criminal justice system. In a survey of 251 South Carolina crime victims, Kilpatrick reported that crime victims overwhelmingly valued their State's Crime

Victims Bill of Rights; 93 to 98 percent of the victims valued the right to be heard in decisions about the defendant's release on bail, parole, and sentencing; the right to discuss the case with the prosecutor before the case is dropped or during the trial; and the right to be informed of a prisoner's status changes. In the survey, Kilpatrick also discovered that victims expect the criminal justice system to provide services such as counseling, assistance in courts, and case-status information. But, as Kilpatrick pointed out, "the system is set up for everybody else's convenience, but not for the victim's convenience."

Dr. Kilpatrick remarked that the criminal justice system has made great progress; however, its goal for the future must be to ensure that these steps are carved in stone. Until there is accountability through statutory laws, the victim will not receive the same accountability that is guaranteed the defendant.

## John Tanner

Mr. Tanner stated that victims' rights need to be guaranteed and enforced. He suggested that other States adopt measures similar to Florida's constitutional amendment that guarantees crime victims the right to be informed, present, and heard at all hearings. This amendment further stipulates that it is the duty of law enforcement officers, prosecutors, and judges to honor and protect victims' rights. If these rights are violated, the Florida Governor can order a writ of mandamus against the prosecutor's office, while prosecutors can file a mandamus against a judge who does not allow for proper victims' rights. Because the law is in the Florida State Constitution, prosecutors and others understand its importance, Mr. Tanner noted.

Another feature of Florida's law, continued Mr. Tanner, is its mandatory restitution clause. Defendants must pay for all damages to victims, including lost wages, loss of future earning capacities, and mental health counseling, unless there are clear and compelling reasons why they should not. In closing, Mr. Tanner asked prosecutors to look upon the victims' rights issue as an opportunity to win cases with the help of victims.

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## William F. Schenck

Mr. Schenck said he was rudely awakened to the criminal justice system's lack of sensitivity to crime victims when he was a young attorney. He described the harassment of a young female assault victim who had been forced to sit in the pretrial waiting room with the defendant in her case. While waiting for the case to be called, the defendant and his family harassed and insulted the victim, who was left sobbing. Schenck said that the system has improved dramatically in its regard for victims; however, there is still much need for improvement.

Mr. Schenck charged that the people who work in the criminal justice system are the real problem, for they are not attuned to the victim's feelings. Too many prosecutors resent victims; too many judges refuse to allow them to be heard; too many police officers are unwilling to accept the victim's advocate as an important part of the process. Mr. Schenck urged that these people must be educated through positive press, law school formats, and small promotional events.

# Determinate and Mandatory Sentencing



## Moderator:

**Joe B. Brown**

U.S. Attorney for the Middle District of Tennessee

**Monday, March 4, 1991**

**2:00 p.m.-4:00 p.m.**

## Panelists:

**William W. Wilkins, Jr.**, Chairman, U.S. Sentencing Commission, Washington, D.C.

**Ilene H. Nagel**, Commissioner, U.S. Sentencing Commission, Washington, D.C.

**Michael Keating**, Attorney, Foley, Hoag & Elliot, Boston, Massachusetts

**Charles M. Oberly III**, Attorney General of Delaware, Wilmington, Delaware

The panelists generally agreed that the Federal sentencing guidelines are working and are appropriate and that Congress should be cautious in exercising its authority to impose minimum mandatory sentences.

## William W. Wilkins, Jr.

Judge Wilkins opened his remarks by noting that for crime to be effectively controlled, citizens must have respect for the criminal justice system. To gain this respect, the system must be tough, particularly with perpetrators of violent and drug-related crimes. More important, justice must be dispensed fairly, uniformly, and with a high degree of certainty.

Judge Wilkins stated that judges in the past have had unbridled discretion in sentencing, resulting in disparity and uncertainty in punishment. Also, the imposed sentences did not necessarily mean what the judge said: life did not mean life, 10 years did not mean 10 years. This disparity in sentencing procedures leads to a loss of respect for the system.

Judge Wilkins went on to say that although mandatory minimum sentencing is an improvement, it often produces illogical results. For instance, an individual possessing 4.99 grams of crack cocaine will receive a maximum 1-year sentence; an individual possessing 5 grams of crack will receive a mandatory minimum of 5 years. Another example Judge Wilkins presented was 18 U.S.C. 841, which

requires a minimum sentence of 20 years without parole for criminals who have a prior felony conviction and are guilty of distributing specified illegal drugs. There is no provision, however, for any increase in the sentence even if the felon has a prior record of violence. Judge Wilkins added that mandatory sentencing does not provide consideration for aggravating or mitigating circumstances.

Judge Wilkins noted that the Federal guideline system is a better approach because, while it contains the positive aspects of mandatory sentencing, it still allows some flexibility. Sentences imposed in some cases will exceed the mandatory minimum provided by statute because the underlying conduct of the defendant will determine the final sentence. The Federal guidelines are also more fair, as all defendants who commit similar crimes under similar circumstances receive similar sentences.

## Ilene H. Nagel

Commissioner Nagel presented an overview of the history of structured sentencing discretion. She then delineated the 10 key principles that guided the U.S. Sentencing Commission's formulation of the Federal guidelines.

Commissioner Nagel said that a return to indeterminate sentencing would be a tragic mistake, although a coalition of defense counsel and judges are promoting this idea. She also spoke of people at the

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other end of the spectrum who are seeking total inflexibility and greater severity in mandatory minimum sentencing.

In summary, Commissioner Nagel maintained that those who support the current guidelines should recognize the potential of the attacks and, in turn, shore up the guideline system by making it more responsive to appropriate criticism through thoughtful reform.

### **Michael Keating**

Mr. Keating, in discussing a task force he chaired in Massachusetts to investigate the State's sentencing practices, stated that its first recommendation was to establish a sentencing commission to write guidelines similar to Federal guidelines.

The task force's second recommendation was to repeal mandatory sentencing laws, except in the case of first-degree murder, so that appropriate sanctions and correctional resources could be directed at offenders according to the seriousness of their crimes and their threat to the community. Mr. Keating noted that this recommendation resulted from the task force's belief that the cost to other institutions within the State's criminal justice system outweighed the benefits of mandatory minimum sentencing. Crowding in Massachusetts' prisons was the other factor in the decision.

According to the Massachusetts Commissioner of Corrections, the majority of crowding results from minimum mandatory sentences in drug cases. Under Massachusetts law, persons receiving mandatory minimums are ineligible for good-time credits, training or treatment programs, or any community-based corrections release process. They are, therefore, released directly into the community.

In conclusion, Mr. Keating observed that both prosecutors and defense attorneys condemn mandatory minimum sentences because, in many cases, the penalty is disproportionate to the offense.

### **Charles M. Oberly III**

Mr. Oberly noted that mandatory sentencing is necessary for violent criminals, but cautioned that it is not the answer to all the problems in the criminal justice system. He added that if Delaware did not have a mandatory sentencing statute, prosecutors would be unable to plea bargain a majority of their cases.

He observed, however, that mandatory sentencing should not be used simply because it is politically expedient. The legislators and the prosecutors must ensure that mandatory sentences are fair and are imposed only on individuals who should be incarcerated.



# National Drug Control Strategy



**Speaker:**

**Reggie B. Walton**

Associate Director, Bureau of State and Local Affairs,  
Office of National Drug Control Policy, Washington, D.C.

**Monday, March 4, 1991**

**4:30 p.m.-5:00 p.m.**

Judge Walton discussed the correlation between drugs and violent crime and how they relate to the national drug control strategy.

## **Reggie B. Walton**

Judge Walton said that America had more than 23,000 homicides in 1990, with the highest numbers occurring among black males between the ages of 15 and 30; in 1989, a young black male had a 1 in 21 chance of being a homicide victim.

In 1990, many major cities set records for homicides, including Washington, D.C.; Philadelphia; Boston; Dallas; New Orleans; Milwaukee; San Antonio; Columbus; Oakland; Phoenix; and Memphis. To combat this problem, Judge Walton argued that Americans must find out why the violence is occurring. The homicides are not always drug related; many occur because of a domestic conflict or a fight with a friend.

Judge Walton cited recent studies showing that drug-related homicides had decreased in New York and Washington, D.C., from 66 percent in 1988 to 41 percent of all homicides in 1990. At the same time, he added, the overall level of violence has increased in these cities.

According to Judge Walton, the overall increase in homicides is a direct result of a lack of respect for human life. He added that a culture of violence exists, influenced by movies and television and sometimes simply by the environment in which some people live. Mind-altering substances such as alcohol and illegal drugs also fuel the problem. In addition, the accessibility of weapons contributes to the level of violence.

Judge Walton said that the National Drug Control Strategy is focusing on a holistic approach to the problem, including treatment, prevention, education, and law enforcement. Building more prisons; hiring more police officers; adding more prosecutors; and finding more defense lawyers, judges, and courtrooms will provide part of, but not the entire, answer.

Without adequate means to apprehend, prosecute, and jail criminals, said Judge Walton, society may be on the verge of anarchy. If Americans do not believe that the system has the capacity to punish, many people who are tempted to commit criminal activities will engage in criminal activities.

Judge Walton said that the role of the Federal Government is to pursue major drug distributors and their assets. The Drug Enforcement Administration, for example, has increased funding for asset forfeiture. Judge Walton urged local groups to also take a holistic approach. Within their communities, citizens need to establish coalitions and task forces that involve business leaders, educators, ministers, law enforcers, and citizens.

Judge Walton believes that treatment and prevention must be integral parts of the effort and that more money should be allocated for these kinds of programs. If addicted individuals can be stopped from using drugs, that will have an impact on their criminal involvement and, consequently, on violence being committed.

Judge Walton discussed several prevention initiatives, such as the Community Partnership Grant Program, which funnels money into local communities launching prevention programs, as well as

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programs sponsored by the Office of Substance Abuse Prevention for youth from abusive environments. He added that early intervention by social service agencies can help turn around a child in a troubled environment.

Judge Walton cited the Big Brother organization as an example of a successful prevention program. If boys, whether white, black, or Hispanic, have the opportunity to spend time with a positive-thinking male, they can succeed in life without selling drugs or committing other crimes. Judge Walton stressed that at some point, people must realize that there are many children in need of help—our help.

Judge Walton said that America is making progress, but a solution cannot be found overnight. Society has an obligation to deal with the problems of poverty, underemployment, and undereducation, but these are not the root causes of the increase in drug

abuse. He observed that he grew up in a poor environment, yet his parents kept him out of harm's way. Unfortunately, he noted, many children are growing up without appropriate parental guidance.

Judge Walton said that it is not just black parents who are failing their children, citing the examples of white parents who are too busy making money to spend time with their children. Many of these white youths subsequently drive into inner cities from affluent suburbs to buy drugs. It is not a black problem or a white problem; it is an American problem.

The resolution will come, Judge Walton concluded, with government help. In addition, as more and more Americans become fed up with violence, they will begin speaking out and taking back their communities.

# Banquet Address



## Address:

Sandra Day O'Connor

Associate Justice Supreme Court of the United States

Monday, March 4, 1991

7:00 a.m.-9:00 p.m.

Thank you, General Thornburgh, for inviting me to speak this evening. Now that the threat from Iraq is under control, I can think of no topic more vital to our national interest than crime control. All that our Nation offers, all that is important to each of us, means little if we do not feel safe as we go about our daily business, as we walk in our neighborhoods, and as we live in our homes. Effective law enforcement is essential to our pursuit of happiness, and the role of law enforcement in controlling violent crime is a topic deserving of the most careful consideration. It is fitting that you are gathered here to engage in this critical inquiry.

Tonight I will speak to you about local control of crime. I refer to "local control" in two senses. The first is control by the States, as opposed to the Federal Government. Our constitutional system leaves primarily to the States the power to define norms of behavior through criminal law and law enforcement. The Federal courts have only limited power to interfere with this process, exercised largely through the writ of habeas corpus.

The other type of local control of crime that I will discuss is control by the individual. What controls most of us, and prevents us from committing crimes, is an internalized sense of right and wrong. This personal control is far more important than anything law enforcement or the courts can do to prevent crime.

Unlike most other nations of the world, the United States has chosen to administer justice through a dual system of State and Federal courts. There is an inevitable tension inherent in our "indestructible union of indestructible States." The balancing of State and Federal interests within the Federal

system is never static; constant and flexible accommodation of the often conflicting interests is required. Justice Hugo Black described the essence of what he called "our federalism":

*The concept [of our federalism] does not mean blind deference to "States' rights" any more than it means centralization of control over every important issue in our National Government and its courts. The framers rejected both these courses. What the concept does represent is a system in which there is sensitivity to the legitimate interests of both State and National governments, and in which the National Government, anxious though it may be to vindicate and protect Federal rights and Federal interests, always endeavors to do so in ways that will not unduly interfere with the legitimate interests of the States.*

Any realistic picture of judicial federalism must acknowledge the primary role of the States in our federal system of government. The Federal Government is one of specified, enumerated powers; all powers not given to the Federal Government in the Constitution are given to the States and to the people. The generalized police power, that critical governmental authority to define and punish antisocial conduct, rests fundamentally with the States.

Despite the enormous changes we have undergone as a Nation since the Constitution was written, our system of criminal law enforcement still relies on the States as the first line of defense. The vast bulk of all criminal litigation in this country is handled in the State courts. More than 11 million criminal actions (excluding juvenile and traffic charges) are filed annually in State courts. By comparison,

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roughly 45,000 criminal actions are filed annually in the Federal courts. State courts account for 96 percent of all felony convictions in the country. Eighty-eight percent of all money expended on law enforcement is spent at the State and local level. James Madison might not know what to make of RICO, but, by and large, today's reality reflects the original plan.

State courts, day in and day out, apply Federal constitutional law—most notably in the multitude of State criminal prosecutions. There is, of course, a need for some means to assure a reasonably consistent and uniform body of Federal law among the State and Federal courts. The goal of national uniformity rests on a fundamental principle—that a single sovereign's laws should be applied equally to all—a principle expressed by the phrase "Equal Justice Under Law," inscribed over the great doors to the United States Supreme Court. Review of State court decisions on Federal law by the United States Supreme Court is one means we have of encouraging the needed uniformity. But the sheer volume of State court decisions on Federal questions permits the Supreme Court to review only a relatively small number of cases from State courts. This fact assures State courts a large measure of autonomy in the application of Federal law. At the same time, it is especially important that State courts conscientiously follow the constructions of Federal law adopted by the Supreme Court. In this way, our State and Federal courts are dependent on each other for the successful functioning of our judicial federalism. The Founding Fathers joined our State and Federal court systems in a marriage for better or worse, a marriage requiring each partner to have appropriate respect and regard for the other.

Perhaps no place is this delicate balance between Federal supremacy and respect for the States more manifest than in Federal habeas corpus review of claims by State prisoners. By statute, Federal courts have authority to hear the claims of State prisoners that they are being held "in custody in violation of the Constitution or laws or treaties of the United States." In 1953, in the case of *Brown v. Allen*, the Supreme Court established that this authority includes the power of Federal courts to review de

novo issues of Federal law, even if those issues have already been fully and fairly litigated in State court. This means that a criminal defendant who has a Federal constitutional claim adjudicated against him in State trial court, affirmed on appeal by a State intermediate appellate court, affirmed by the State supreme court, and who has certiorari denied on the issue by the United States Supreme Court, nonetheless, has the right to have a Federal district court make an independent determination of the issue. Federal habeas is, in essence, a second round of appeals. In fact, in many instances it is a third or fourth round of appeals because most States also allow the State postconviction collateral remedies for their criminal convictions. Even these State postconviction collateral determinations will not preclude subsequent independent Federal review.

I do not suggest that the legal question in *Brown* was wrongly decided. I wish only to point out the very real costs of our present system of independent Federal collateral review of State court decisions. There is no statute of limitations on Federal habeas corpus petitions, and there are only very weak rules concerning successive petitions. As a result, State prisoners may raise Federal challenges to their State convictions again and again and again. One recent study found that more than 30 percent of State prisoner habeas corpus petitions filed in Federal court were filed by petitioners who had filed one or more previous Federal habeas petitions. With no statute of limitations, the time interval between State court conviction and Federal habeas review can be lengthy. A Department of Justice study found that the average interval between State conviction and Federal habeas corpus filing was 2.9 years, with almost one-third of the petitions filed more than 10 years after the conviction.

The burden of these delayed and repeated filings is great. We may begin with the Federal courts. In his concurring opinion in *Brown*, Justice Jackson noted that State prisoners had filed 541 Federal habeas petitions that year. He bemoaned the "flood of stale, frivolous and repetitious petitions inundat[ing] the docket of the lower courts and swell[ing] our own." He warned his fellow Justices that "[i]t must prejudice the occasional meritorious application to be buried in a flood of worthless ones. He who must

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search a haystack for a needle is likely to end up with the attitude that the needle is not worth the search."

What Justice Jackson thought a flood in 1952 is only a trickle by today's standards. In 1990, State prisoners filed almost 11,000 petitions for Federal habeas corpus review. While the number of habeas petitions was increasing more than twentyfold, the number of Federal district judges only doubled between 1952 and 1990. The strain on the lower Federal courts is substantial. Admittedly, many call, but few are chosen. In the only study I have seen, only approximately 3.2 percent of Federal habeas petitions are eventually granted, in whole or in part.

But the burden on Federal courts from a flood of habeas petitions is the least of the problems. The true burden of Federal relitigation of State decisions is felt by the States. It is the State that must respond to a Federal habeas petition, relitigating in Federal court issues the State had won, and won repeatedly, in State court. And if the State does lose in Federal court, and the petitioner is released from custody, it is the State that must retry him. Retrial becomes very difficult, and sometimes impossible, when many years have passed since the original trial. Witnesses and evidence become difficult to relocate; memories fade.

Now, please do not misinterpret my concern. I do not advocate that any court may ignore a defendant's constitutional rights even though he has been found guilty. Quite the opposite. A court with jurisdiction to hear a defendant's constitutional claims has a constitutional obligation to resolve those claims fairly and independent of the defendant's guilt or innocence. I only point out that one of the prices we pay for independent Federal review of State court decisions is that we increase the likelihood that the guilty will go free.

Another price we pay is a denigration of federalism. When a Federal court decides independently a question that has been decided by several State courts, it shows a lack of respect for these State proceedings. Why do we allow relitigation of these claims in Federal court? The answer cannot be that two rounds of review are better than one, because Federal habeas does not involve the cumulation of judg-

ments. Federal court determination of Federal questions in habeas is independent of what the State courts determined, and is dispositive; the State court determinations are rendered a nullity. Independent Federal court relitigation of issues that have been fully and fairly litigated by State courts may help to achieve a measure of national uniformity, but it seems to me that much of what motivates independent Federal inquiry is the notion that Federal courts are better at deciding questions of Federal law than are the State courts. I wonder if this is necessarily true when it concerns the kinds of Federal questions that arise repeatedly in State criminal trials.

But even if it is true that Federal courts are more likely to vindicate Federal rights than State courts, and that supremacy of Federal law is achieved, the quest for error correction must, at some point, end. Respect for any system of decisionmaking, indeed respect for the rule of law itself, entails the proposition that at some point dispute will come to an end, and a legal decision will not be subject to further review or revision.

I am, by virtue of my office and my duties, keenly attuned to prisoners' Federal rights. Indeed, the Bill of Rights commands that its guaranties be vindicated. All of us who have sworn to uphold the Constitution, both at the State and Federal level, must do our utmost to see to it that no litigant's constitutional rights are violated and to minimize the harm when they are. But we cannot litigate these issues endlessly. As the late Paul Bator put it:

*There comes a point where a procedural system which leaves matters perpetually open no longer reflects humane concern but merely anxiety and a desire for immobility. Somehow, somewhere, we must accept the fact that human institutions are short of infallible; there is a reason for a policy which leaves well enough alone and which channels our limited resources of concern toward more productive ends.*

There is indeed reason for such a policy. We are all well aware that certainty and immediacy of punishment are the most important elements of effective deterrence. Continued litigation of State criminal convictions in the Federal courts tends to undermine

the important interests in deterrence and rehabilitation that underlie the criminal justice systems of the States. The delay and uncertainty that Federal relitigation brings frustrate the States' ability to enforce their criminal laws and to control antisocial behavior just as surely as cutting the budget for law enforcement. Justice Harlan captured the essence of the problem when he wrote:

*No one, not criminal defendants, not the judicial system, not society as a whole, is benefitted by a judgment providing a man shall tentatively go to jail today, but tomorrow and every day thereafter his continued incarceration shall be subject to fresh litigation on issues already resolved.*

I might also note that this uncertainty and lack of finality are felt not only by criminals and potential criminals, who are thereby less deterred, but by the victims of crime and their families, who must believe that the swift hand of justice is not so swift, and not so just.

Federal courts can and do play an important error-correcting role in connection with State criminal proceedings. But that role must be a limited one. We should ask whether the current system strikes the proper balance between our desire for the "correct" result and the need for finality.

In recent years the Supreme Court has taken some initial steps to reintroduce the concerns of Federal/State comity and finality to the Federal habeas process. In *Stone v. Powell*, we considered the application of the exclusionary rule to fourth amendment violation uncovered on Federal habeas. We concluded that any deterrent effect that application of the exclusionary rule might have when applied so long after the fact of police misconduct was outweighed by the disruption to legitimate State interest caused by its application. We therefore held that where the State has provided an opportunity for full and fair litigation of a fourth amendment claim, a State prisoner may not be granted Federal habeas corpus relief on the ground that evidence obtained in an unconstitutional search or seizure was introduced at his trial.

In *Wainwright v. Sykes* and *Murray v. Carrier*, we dealt with the problem of State prisoners who had

failed to meet certain State procedure requirements and thereby prevented State courts from deciding their Federal claims. In recognition of the legitimate interests served by State procedural rules, and with the understanding that State courts should have the opportunity to hear these claims in the first instance, we held that such procedural default will bar Federal habeas unless the prisoner can show that some external factor not of his own making caused him to default his claims and that he was prejudiced as a result.

Finally, in *Teague v. Lane*, we held that new rules and legal principles, issued in cases decided after a State court conviction has been affirmed on appeal, will not be applied in Federal habeas corpus proceedings. *Teague* protects States from having criminal convictions reversed years later based on new rules that State courts could not have anticipated at the time of trial or appeal.

These are important steps, but, in my view, further reform is needed, and much of it will have to be statutory. The committee chaired by Justice Powell recommended time limits for filing certain Federal habeas petitions and also limits on successive petitions. I hope you will have an opportunity at this conference to discuss these and other proposals for altering Federal habeas proceedings. Surely it is not too much to ask that State prisoners ask for Federal review in a reasonable time and in a single petition. Consideration should also be given to altering the legal standard of review in all Federal habeas corpus cases. I suggest that Federal courts should ensure that the State proceedings in which the prisoner was convicted, and in which his Federal claims were addressed, were fundamentally fair; they should not necessarily reexamine and decide anew every legal issue already addressed by the State courts. Under our Federal system, the Federal Government owes this respect to the States.

I would like to switch gears for a moment, and speak briefly about another form of local control over crime.

Most of us do not commit crimes, and the reason we do not do so is not necessarily that crime is against the law or that we fear punishment. Most of us do not commit crimes because we believe that crime is

wrong. To my mind, the most effective deterrent to crime is not more efficient law enforcement, or swifter and more certain punishment, or an improvement in the economic well-being of our citizens—though we must work toward all of these things. Our best defense against crime is development in each new generation of a sense of right and wrong.

The law has a part to play in this process. When a society outlaws certain behavior and punishes it with certainty, it establishes a moral tone. The criminal law is an embodiment of a society's values, and it instructs its citizens on proper behavior over and above the threat of coercive force it represents. Part of the reason we believe that theft is wrong is that it is against the law.

Far more important, however, is what we learn much closer to home. The personal sense that some enticing bit of misbehavior is wrong—the “pang of conscience” that keeps us from shoplifting and that makes us recoil from more serious crimes—is mostly the product of more personal variables than sentencing guidelines or the enforcement of State procedural rules. A moral sense—that internalized commitment to self-control—begins early, and it is instilled over a lifetime. It is a product of those closest to us: our parents, our relatives and friends, our clergy, and our teachers.

James Q. Wilson and Richard Herrnstein have documented well the value of moral education on crime control. From the data they have pieced together, it appears that crime rates were high during the early decades of the 19th century, but declined steadily in the latter half. Wilson and Herrnstein argue that it is no coincidence that this decline coincided with the development of certain institutions designed to instill the virtues of “inner control” and “self-restraint.” Indeed, it was in direct response to the crime and disorder of the growing American cities of the 1820's and 1830's that our citizens created such institutions as Sunday schools, the YMCA, the Foster-Home Movement, and the public schools.

Today's public schools, and the goals we have established for them, bear little resemblance to those early efforts. As Wilson and Herrnstein explain:

*From the beginning, the purpose of the tax-supported public school was character formation more than intellectual development. Training pupils for occupations was subordinate to “the goal of character building,” even in programs that emphasized manual arts.*

The YMCA and the YWCA, too, were places for those who had come from the farms and villages to the city in pursuit of employment to find the moral community they had left behind. These institutions were something more than yuppie health spas.


All of these institutions attempted to instill in young people a sense of virtue, of self-discipline and inner control. And they worked. It is a basic fact of human nature that a child who is taught virtue will behave with virtue. The Old Testament teaches, “Train up a child in the way he should go, and when he is old, he will not depart from it.” (Proverbs 22:6.)

We seem to have lost sight of this fact in too many of our schools and many of our other public institutions. We must, of course, teach our children the basic skills they will need in order to earn a living, but there is much more to being productive members of society than the ability to hold a job. Our schools just instill a sense of discipline; they must teach our children the value of self-control.

We must do our best to ensure that virtue is taught at home. We must provide aid to dysfunctional families, and we must see to it that fathers do not abandon their children. So that this vicious cycle is not perpetuated, we must provide education for childrearing and to prevent teenage pregnancy. One does not have to be a social scientist to understand that children from stable, nurturing homes will be better citizens.

Some of the brightest minds in our country are gathered here to discuss the role of law enforcement in crime control. It is a problem of vital importance and deserves all the resources we can devote to it. As you consider what the law can do to combat crime, I hope you will not ignore other tools for motivating virtuous behavior. Our Constitution teaches that crime control is primarily a matter for the States. But ultimately, the war on crime begins at home. Thank you.

# Combating Violent Crime: Models of Federal, State, and Local Cooperation



## Moderator:

**Robert S. Mueller III**

Assistant Attorney General, Criminal Division, U.S. Department of Justice, Washington, D.C.

Tuesday, March 5, 1991

8:00 a.m.-9:30 a.m.

## Panelists:

**George J. Terwilliger III**, Principal Associate Deputy Attorney General, U.S. Department of Justice, Washington, D.C.

**Eldrin Bell**, Chief of Police, Atlanta, Georgia

**Peter K. Nunez**, Assistant Secretary for Enforcement, U.S. Department of the Treasury, Washington, D.C.

**Kenneth Eikenberry**, Attorney General of Washington, Olympia, Washington

**William M. Baker**, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C.

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The panelists discussed ways for local, State, and Federal agencies to work together to fight violent crime.

## George J. Terwilliger III

Mr. Terwilliger reviewed the history of the role of the Federal Government in State and local law enforcement, making the observation that as the system has matured during the last decade, Federal, State, and local agencies have developed positive relationships.

In 1982, the Attorney General directed each U.S. attorney to form a law enforcement coordinating committee in his or her district to promote State and local coordination and cooperation. Mr. Terwilliger added that today, these committees serve as forums for ideas and discussions about common problems among Federal, State, and local law enforcement and criminal justice agencies.

Mr. Terwilliger noted that in 1984, drug trafficking was becoming an acute problem, with drugs and drug-related violent crime more of a common threat to Federal, State, and local interests than any other single category of crime. To combat this growing

menace, the Department of Justice (DOJ) designed an unusual operational program, the Organized Crime Drug Enforcement Task Force (OCDETF) program, making local and State law enforcement agencies an integral part of the model.

Mr. Terwilliger cited the Equitable Sharing Program, initiated by the Justice Department, as another effort to promote cooperation among agencies. This program puts money back into the hands of the State and local agencies whose resources have been depleted by efforts to combat drugs and violent crime. So far, these agencies have received half a billion dollars through this program.

Mr. Terwilliger said that the President and the Attorney General fully support these programs and called upon criminal justice professionals to continue supporting cooperation and coordination of law enforcement.

## Eldrin Bell

Chief Bell asked if Federal, State, and local law enforcement collectively can win the peace in America's streets. He noted that in Atlanta alone, firearm confiscation has increased 155 percent since



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1985. He then discussed numerous programs and initiatives in Atlanta that afford him hope as a law enforcement official, including MOMS (Mothers of Murdered Sons) and the Red Dog Squad, the anti-drug tactical unit for public housing.

Chief Bell was enthusiastic about the cooperative assistance Atlanta receives from the Federal Bureau of Investigation (FBI); the Secret Service; the Bureau of Alcohol, Tobacco and Firearms (ATF); and the Drug Enforcement Administration (DEA), stating that in his 30 years of policing, he has never before experienced that level of cooperation. As one example, he cited ATF's Project Achilles, which helps Atlanta police remove weapons from the streets.

### **Peter K. Nunez**

Mr. Nunez described three of the programs in which the Department of the Treasury participates: High-Intensity Drug Trafficking (HIDT), Operation Alliance, and Operation Northstar. The Treasury's primary emphasis in HIDT is helping four South-west border States with drug interdiction, gathering drug intelligence, and fighting drug-related corruption. Mr. Nunez added that many enforcement efforts, in cooperation with the San Diego Police Department, the Treasury, and DOJ, combat violence along the American-Mexican border.

Operation Alliance, a multiagency program begun by Congress in 1986, attempts to coordinate all Federal, State, and local agencies involved in southern border enforcement, explained Mr. Nunez. Operation Northstar deals with law enforcement along the American-Canadian border and includes elements from the Customs Service, the Border Patrol, and the Defense Logistics Agency.

### **Kenneth Eikenberry**

Mr. Eikenberry began by discussing two costly serial killer investigations in the State of Washington that caused much frustration for law enforcement officials in their efforts to share information across jurisdictional lines. This frustration led to the creation of the computerized Homicide Information

and Tracking System (HITS), initially funded by DOJ's National Institute of Justice.

Law enforcement agencies use HITS to evaluate the critical factors necessary to solve murders, identify the salient characteristics of homicides, and provide information unique to a particular offender. Every law enforcement agency in the State now participates in this program.

HITS also actively complements the FBI's VICAP unit, a serial killer tracking program. Mr. Eikenberry noted that HITS has been so successful and its usefulness so apparent that the 1990 session of the Washington State Legislature supported its expansion to include other serious violent crimes and sexual offenses, and increased its budget to \$941,000. Law enforcement agencies are attempting to enter arson cases into the system, which would mean that they would have all crimes of violence in the online data base.

### **William M. Baker**

Mr. Baker noted several elements that are essential for a law enforcement task force to be successful, including defining the mission, establishing a Memorandum of Understanding, hiring good staff, obtaining absolute commitment from the top, and having a lead agency concept.

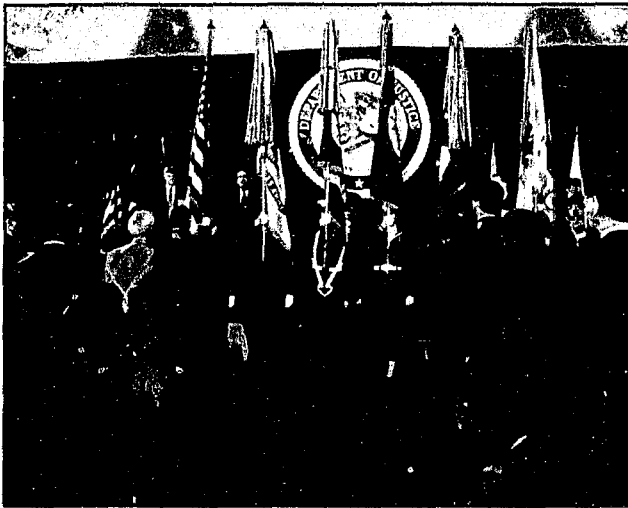
Mr. Baker described a task force in Washington State that combined the resources of the FBI, ATF, Pierce County sheriff's deputies, and the Tacoma and Seattle police departments. The program—initiated to deal with the Bloods and the Crips, gangs that had begun taking over the crack cocaine trafficking in the area—resulted in extensive prosecutions and long-term sentences.

Mr. Baker also detailed the formation and success of a task force that investigated the mail bombings of a judge and a Savannah, Georgia, attorney and another task force that investigated the bombing of Pan Am flight 103. He concluded his presentation by stating that if a task force does not work well, it is not because the concept is flawed, but rather because one of the essential elements to success needs to be addressed.

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## **Robert S. Mueller III**

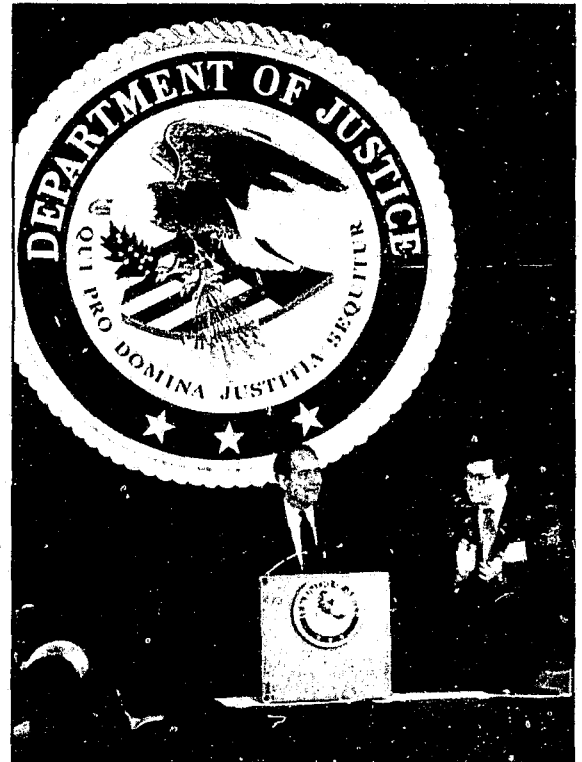
Summing up the session, Mr. Mueller listed three factors that enable various law enforcement agencies to work together: a cooperative attitude, a willingness to share the credit and to give credit where it is due, and an understanding that the first priority is to solve the case.



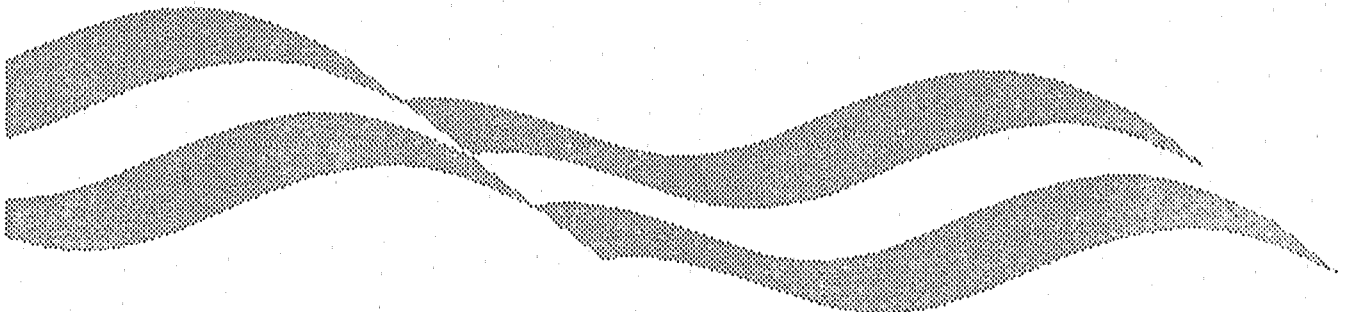
*A color guard opens the Attorney General's Summit on Law Enforcement Responses to Violent Crime: Public Safety in the Nineties.*



*Harold Johnson, Police Chief of Mobile, Alabama, and Eldrin Bell, Police Chief of Atlanta, Georgia, speak to Attorney General Dick Thornburgh, while William Lucas, Director of the Office of Liaison Services, and Mrs. Thornburgh talk in the background.*



*Attorney General Dick Thornburgh and Deputy Attorney General William Barr welcome Summit participants.*





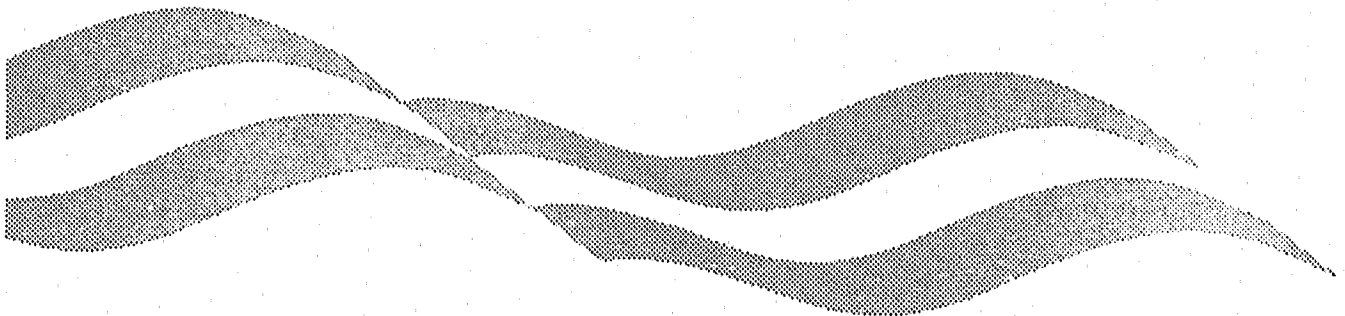
*Daniel Lungren, Attorney General of California, addresses the plenary session Violent Crime in the 1990's: Preparing for the Future. From left to right: William Barr, Deputy Attorney General; Alfred Blumstein, Dean of the School of Urban and Public Affairs at Carnegie-Mellon University; and Reuben Greenberg, Chief of Police of Charleston, South Carolina, are also panelists. Other panelists not shown include William Sessions, Director of the FBI; Steven Dillingham, Director of the Bureau of Justice Statistics; and Mark Moore, Professor at Harvard University.*



*Kenneth W. Starr, Solicitor General of the United States, discusses the work of the Supreme Court as it pertains to combating violent crime.*



*Attorney General Dick Thornburgh talks with Philadelphia Police Commissioner Willie Williams.*



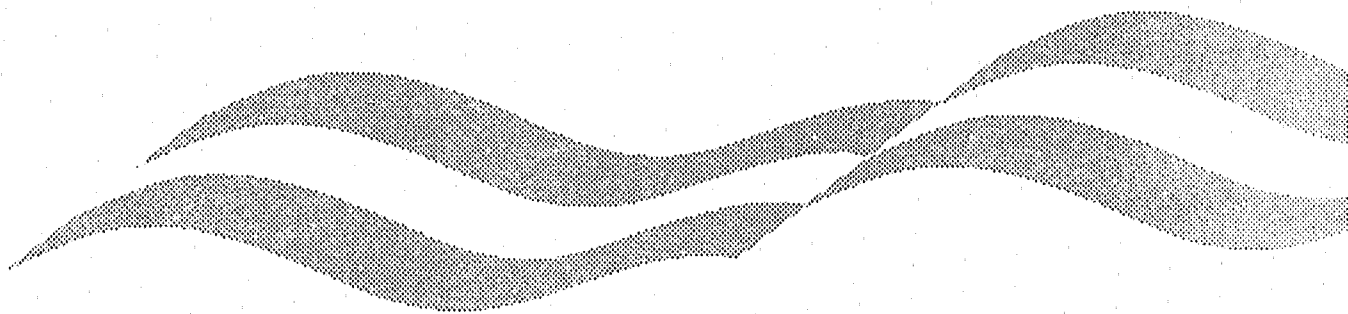
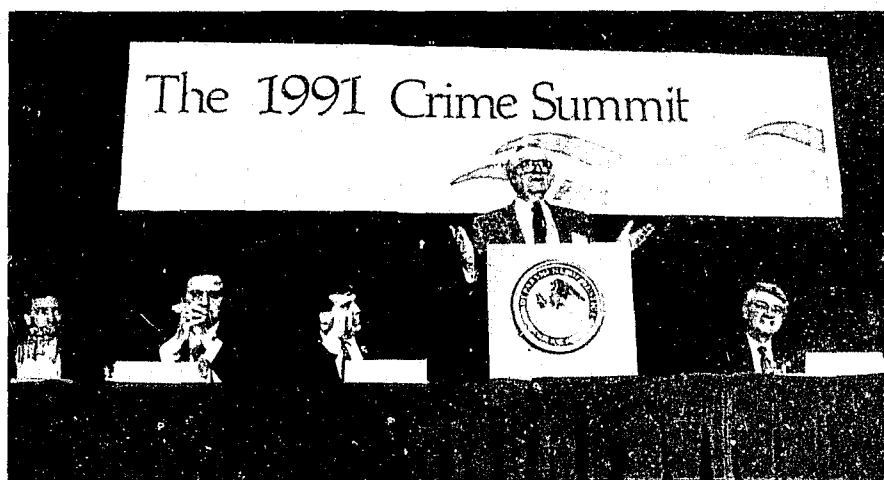


*Police Chief Eldrin Bell of Atlanta, Georgia, participates in the plenary session Combating Violent Crime with Assistant Attorney General Robert Mueller; Associate Deputy Attorney General George Terwilliger; Assistant Director of the FBI William Baker; Assistant Secretary of the Department of the Treasury Peter Nunez; and Attorney General of Washington Kenneth Eikenberry.*



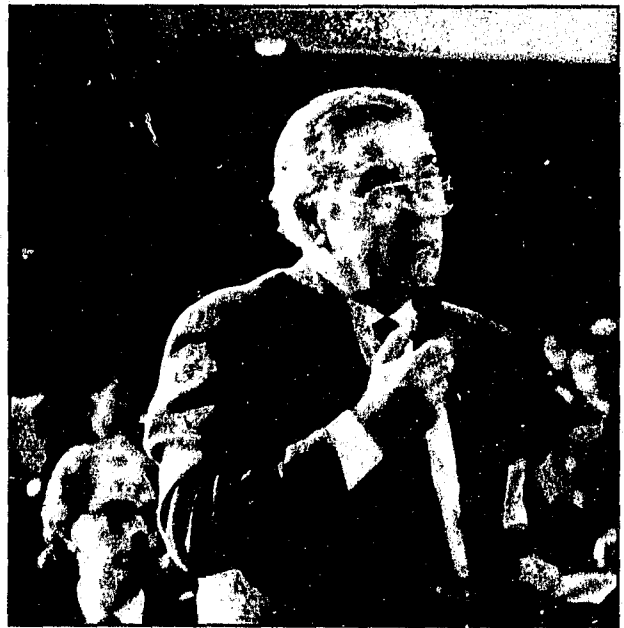
*Supreme Court Justice Sandra Day O'Connor speaks about local control of crime.*

*Congressman Henry Hyde addresses the plenary session Initiatives To Assist in Combating Violent Crime. Also on the panel are, from left to right, Mike Moore, Attorney General of Mississippi; Richard Ieyoub, President of the National District Attorneys Association; Andrew McBride, Associate Deputy Attorney General; and Patrick Higginbotham, U.S. Circuit Court Judge. Not shown, but also on the panel, is Marvin Collins, U.S. Attorney.*





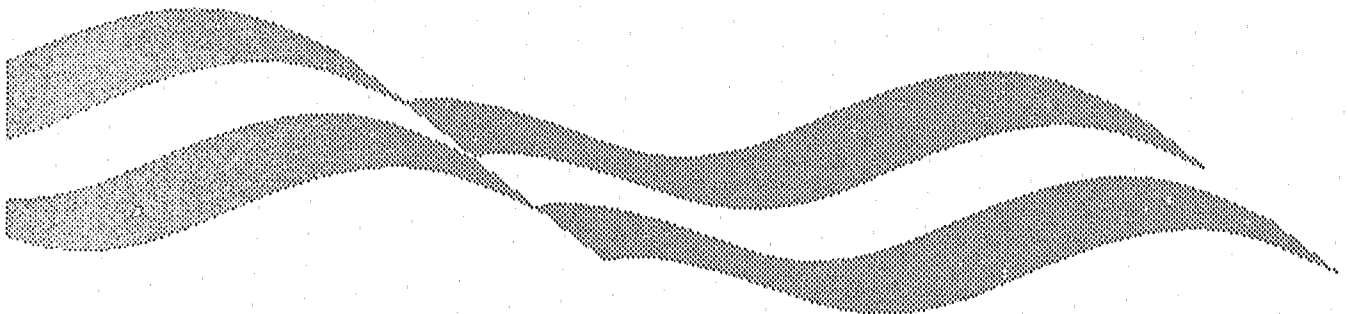
*President George Bush addresses the Crime Summit on its final day.*



*Representing victims of violent crime, John Collins, Eastern Regional Director, Citizens for Law and Order, reports to the Attorney General during the closing session of the Summit.*



*Dorothy Davis, a community activist in Dallas, Texas, addresses the closing session of the Crime Summit.*



# Philadelphia's Violent Traffickers Project

**Moderator:**

*Michael M. Baylson*

U.S. Attorney for the Eastern District of Pennsylvania

**Tuesday, March 5, 1991**

**9:30 a.m.-10:45 a.m.**

**Panelists:**

*Willie L. Williams*, Commissioner, Philadelphia Police Department, Philadelphia, Pennsylvania

*Sam B. Billbrough*, Special Agent in Charge, Drug Enforcement Administration,

U.S. Department of Justice, Philadelphia, Pennsylvania

*Ronald D. Castille*, District Attorney, Philadelphia, Pennsylvania

*Edward D. Conroy*, Deputy Associate Director, Office of Law Enforcement,

Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury, Washington, D.C.

The panelists discussed the Violent Traffickers Project in Philadelphia, including why it was started and how it has been successful.

## **Willie L. Williams**

Commissioner Williams discussed the genesis of the Violent Traffickers Project (VTP), noting that VTP resulted from a 1988 meeting of the leading law enforcement officers and agencies in Philadelphia and the State's two Senators. Like most major cities in the mid-1980's, Philadelphia had a big problem dealing with drug-related violence. Commissioner Williams said that one drug gang in particular, known as the O.K. Corral, were often wounding and killing children who were innocent bystanders. VTP soon took on the O.K. Corral, as well as the rest of the area's drug dealers.

VTP initially used traditional investigations, small task forces, and massive numbers of arrests to tackle crime in the troublesome section of the city. Commissioner Williams wryly noted that if success were gauged by how many people were locked up, then their program was extremely successful. Unfortunately, no matter how often they locked up offenders, those same individuals kept reappearing on the streets. Commissioner Williams stated that at that point VTP members decided to try a coordinated local/Federal task force that focused on

street-level narcotics, instead of the mid- and upper-level traffickers.

Commissioner Williams observed that although the targeted neighborhood still needs significant help after 2 years of VTP, people can safely congregate on the streets and children can play in the playground.

In conclusion, Commissioner Williams said that he felt very comfortable with VTP because the task force accomplished what local government officials had always wanted: to address the issues at a local level, to provide the resources, and to help change a violent situation.

## **Sam B. Billbrough**

Mr. Billbrough described the organization of VTP, discussed its day-to-day activities, and illustrated its techniques. He added that VTP consists of eight investigative agencies and two prosecutorial agencies, and is directed by the heads of the various agencies.

Continuing, Mr. Billbrough pointed out that the investigators are from the Philadelphia Police Department, the Philadelphia District Attorney's Office, the Pennsylvania State Police, the Pennsylvania Attorney General's Bureau of Narcotics Investigation, and four Federal agencies: the Federal

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Bureau of Investigation (FBI); the Bureau of Alcohol, Tobacco and Firearms (ATF); the Immigration and Naturalization Service; and the Drug Enforcement Administration (DEA). The prosecutors come from the U.S. Attorney's Office and the Philadelphia District Attorney's Office.

Mr. Billbrough said that VTP divides the investigators into three groups: one headed by a Philadelphia police lieutenant, one by a DEA supervisor, and one by an FBI supervisor. The groups share offices in a Federal facility, use the DEA radio system, and have common investigative and reporting procedures. All of the agents are federally deputized and the Federal Government pays for all overtime.

VTP's thrust, noted Mr. Billbrough, is to remove entire groups of drug-dealing criminals by using both conventional and innovative methods.

One technique he discussed was their use of remote-control cameras, which are planted in the areas where drug trafficking occurs. The videotapes are used to identify and arrest the street-level individuals, who then agree to cooperate by identifying higher ranking members of their organizations.

### **Ronald D. Castille**

Mr. Castille provided insight into Philadelphia's troubled neighborhoods. By talking to the neighborhood residents, he discovered that while everyone is not involved in the drug trade, everyone is surely affected by it. He added that people want to know why they cannot walk their own streets without being accosted by drug dealers, why their children have to face these criminals day after day, why the police are not doing something about it, and why they cannot have their streets back.

To show the extent of Philadelphia's problem, Mr. Castille cited the following statistics for a 1-year period: 58,000 adult criminal cases and 8,500 juvenile cases, including 15,000 cases for drug sales alone. The number of drug cases has tripled in the past 5 years, he added. Because of caps on prison populations, most of these criminals are released back into the community shortly after being arrested.

Federal prosecution has helped, he said. VTP does not pursue only the street dealer, but removes the entire gang. Gang members have come to fear such an investigation because VTP has a 100-percent conviction rate. According to Mr. Castille, the minor players get 5 to 10 years, the major players usually 10 to 15, and some have received life sentences.

Mr. Castille said that Federal prosecution has several advantages: Federal prisons have more room; Federal prosecution requires pretrial detention, which takes the criminals off the street; criminals in Federal custody are not subject to intimidation by other gang members and often plead guilty and testify against other gang members; and the speedy trial rule allows most of these cases to be disposed of in 90 days.

### **Edward D. Conroy**

Mr. Conroy discussed the role of Bureau of Alcohol, Tobacco and Firearms (ATF) in VTP. He said that the VTP project in Philadelphia proves that when local, State, and Federal agencies join together at the local level, violent crime can be drastically reduced.

Since ATF deals with Federal firearms laws, ATF can help strike at the heart of violent crime, explained Mr. Conroy. He cited two recent additions to Federal law that provide law enforcement with powerful tools to help remove violent offenders from the streets. The first is section 924(c) of Title 18, U.S. Code, which makes it a violation for anybody to carry or use a firearm during the commission of a violent crime. The mandatory sentence upon conviction is 5 years with no provision for parole, probation, or early-out. If the firearm used was a machinegun or had a silencer, the mandatory sentence is 30 years. Mr. Conroy said that the second addition, section 924(e), provides a minimum mandatory sentence of 15 years for firearm possession for anyone with three prior felony convictions for a violent crime or a serious drug offense.

Additionally, said Mr. Conroy, VTP in Philadelphia crossdesignates the local assistant district attorneys



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as special assistants to the U.S. Attorney's Office. This designation allows the local district attorneys to work with ATF to investigate cases and identify those that can be prosecuted under section 924(e) by Federal prosecutors.

In conclusion, Mr. Conroy discussed Project Lead, a program through which ATF obtains information on all crime guns seized in the city. Using that information, it develops investigative leads to determine the illegal sources of firearms and then works to eliminate them.

# Hate Crimes



## **Moderator:**

**John R. Dunne**

Assistant Attorney General, Civil Rights Division,  
U.S. Department of Justice, Washington, D.C.

**Tuesday, March 5, 1991  
11:15 a.m.-1:00 p.m.**

## **Panelists:**

**Barry F. Kowalski**, Deputy Chief, Criminal Section, Civil Rights Division, U.S. Department of Justice,  
Washington, D.C.

**Joseph J. Jackson**, Section Chief, Civil Rights and Special Inquiry Section, Criminal Investigative  
Division, Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C.

**Jess Hordes**, Director, Washington Office, Anti-Defamation League, Washington, D.C.

**J. Harper Wilson**, Chief, Uniform Crime Reporting Section, Federal Bureau of Investigation,  
U.S. Department of Justice, Washington, D.C.

**Paul Goldenberg**, Supervisor, Ethnic Terrorism Unit, Middlesex County Prosecutor's Office,  
New Brunswick, New Jersey

**Grace Flores Hughes**, Director, Community Relations Service, U.S. Department of Justice,  
Chevy Chase, Maryland

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The panelists described hate crimes and the current law enforcement response and offered suggestions for improving the effectiveness of that response in the 1990's.

## **John R. Dunne**

Mr. Dunne, in addition to describing the workshop format and providing a brief overview of the subject, made it clear that incidents of racial, religious, and ethnic violence will not be tolerated by the American criminal justice system, and that the Department of Justice (DOJ), working with State and local officials, has devoted substantial resources toward their elimination. He also noted that Congress passed the Hate Crime Statistics Act in 1990, which the Federal Bureau of Investigation (FBI) is currently implementing to assist State and local law enforcement agencies in their response to hate crimes.

## **Barry F. Kowalski**

Mr. Kowalski discussed how Federal criminal jurisdiction is limited; the primary responsibility for law enforcement, including hate crimes, rests with State

and local government. He pointed out that while certain acts of racial, religious, or ethnic violence and intimidation can violate Federal law, they always violate some local or State law.

To violate the Federal hate crime statutes, one must use force or threat of force motivated by racial, religious, or ethnic animus with an intent to interfere with some federally protected right. These rights include the right to own, sell, rent, and enjoy the use of property; to vote; to seek and enjoy employment; to serve as a juror; to attend school; and to travel interstate.

Mr. Kowalski stated that some of the best Federal successes have occurred because of the cooperation of local agencies. He cited successful prosecutions in Dallas, Texas, and Portland, Oregon, as prime examples of why coordination between Federal, State, and local government is so critically important.

## **Joseph J. Jackson**

Mr. Jackson stated that what really leads to successful prosecution is the ability of all law enforcement

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to conduct worthwhile interviews of individuals who could conceivably be witnesses. Strongly urging cooperation among Federal and local law enforcement, he reiterated that the FBI will continue to invest major resources and interact with whatever agencies are necessary to help prosecutors win hate-crime cases.

Mr. Jackson also pointed out that the FBI has manpower, mobility, technology, and funding resources to supplement those of State and local agencies, and that its intelligence-gathering ability, in particular, can effectively address the mobility of various hate groups.

### **Jess Hordes**

Mr. Hordes noted that any discussion of racial and religious violence in America must take into account the number of these incidents and the devastating emotional and psychological impact they have on the victim and the community. This type of damage polarizes society and fragments communities.

Mr. Hordes classified hate crimes as domestic terrorism because they are designed to intimidate an entire group and class of people. It is impossible to measure precisely the extent of such bigotry in this country, but the Hate Crime Statistics Act will aid that measurement effort. He added that it is already clear to his organization, the Anti-Defamation League, that the number of hate crimes continues to increase.

The Anti-Defamation League, in surveying anti-Semitic acts for 12 years, has found that the trends of those acts follow broader national trends. In addition, the 1990 audit indicates an 18-percent increase in anti-Semitic incidents over the prior year, the highest number ever recorded. Mr. Hordes then pointed out that a key source of hate crime incidents are from unaffiliated individuals, not, for instance, Skinheads or Ku Klux Klan members. According to the Anti-Defamation League's latest survey, most anti-Semitic incidents are committed by teenage males acting alone.

Mr. Hordes suggested that for law enforcement officers to enhance their effectiveness they should

be trained to understand the meaning of hate crimes and to deal with them at the community level. Data collection will help establish the pattern and nature of crime and will enable law enforcement and other officials to develop strategies.

Additionally, Mr. Hordes advocated developing education programs to tackle hate crimes, which are based on ignorance, and which in turn spawn racism, anti-Semitism, and hate. He added that the Anti-Defamation League has developed such a program that focuses on the school and workplace and law enforcement agencies.

### **J. Harper Wilson**

Mr. Wilson relayed the message that implementation of the Hate Crime Statistics Act will lead to a continued and increased professionalism of law enforcement in America. The act would bring closer ties to the community. Mr. Wilson noted that representatives from 12 States, along with numerous other agencies and DOJ, have finalized the Hate Crime Statistics Guidelines and the Hate Crime Data Collection Guidelines.

### **Paul Goldenberg**

Mr. Goldenberg discussed the Joint Unit to Stop Terrorism (JUST), a bias-crime unit, and noted that the majority of those arrested for hate crimes in New Jersey's Middlesex County were juveniles aged 12 to 18. JUST found the common denominator or motivator among these children was a combination of low self-esteem and substance abuse. He said there are adults feeding these at-risk children scary negative messages. JUST, therefore, has to fight hate crime on two levels: the organized hate groups, such as the Skinheads, and the disorganized or semiorganized groups, such as the children described above.

Mr. Goldenberg then showed a series of slides that illustrated what disorganized hate crimes look like. His unit's success rate stems from its outstanding investigators and from networking (building coalitions with the mental health community, academia, and law enforcement). He reiterated the vital importance of networking and education, and he spoke of how the coalitions worked to protect the minds of the children of his community.

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## Grace Flores Hughes

Ms. Hughes began her presentation by sharing her experiences of racism while growing up in a small Texas town and how she decided early in her life to do something about racism.

She explained the mandate of the Community Relations Service (CRS), a conflict resolution agency, which is one of the smallest non-law-enforcement agencies within the Department of Justice. Explaining that its hate-crime violence statistics have shown an increase in reported incidents, she then defined how it processes these reports, including conducting onsite interviews and developing an action plan to peacefully address all parties' concerns, to dispel myths, and to mediate agreements.

Finally, Ms. Hughes described two cases in which CRS worked with the community of Portland: the trial of white supremacist Tom Metzger and the murder of an Ethiopian immigrant by a Skinhead. CRS is also currently working with the Department of Education on conflict resolution and cross-cultural diversified training programs for schools, which it hopes to implement soon.

# Violent Street Gangs



## Moderator:

*Lourdes G. Baird*

U.S. Attorney, Central District of California

Tuesday, March 5, 1991

11:15 a.m.-1:00 p.m.

## Panelists:

*Edward F. Connors*, President, Institute for Law and Justice, Alexandria, Virginia

*Michael Genelin*, Head Deputy District Attorney, Hardcore Gang Division,  
Los Angeles, California

*Richard L. Garner*, Chief, Special Operations Division, Office of Law Enforcement,  
Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury,  
Washington, D.C.

*Robert M. Bryant*, Deputy Assistant Director, Criminal Investigative Division,  
Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C.

*James A. Meko*, Senior Deputy Assistant Director, Federal Bureau of Prisons,  
U.S. Department of Justice, Washington, D.C.

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Panelists shared their perspectives about violent gangs and discussed various law enforcement responses to this issue.

## Lourdes G. Baird

Ms. Baird opened the session with an overview of the havoc violent gangs are wreaking on American society. Noting that violent street gangs are far more prevalent than in the past, she pointed out that they are also far more deadly. She went on to say that in certain parts of the country, whole communities are being terrorized by gangs. As a result, an increasing number of the victims of gang murder are innocent bystanders.

## Edward F. Connors

Mr. Connors pointed out that one of the biggest problems in examining and trying to reduce the power and size of gangs is that the extent of the gang problem is unknown, except in large cities like Los Angeles, New York, and Chicago.

Yet, according to a survey conducted by the Institute for Law and Justice, concern about violent gangs has increased among law enforcement agencies. Among jurisdictions surveyed with

populations in excess of 500,000, the numbers were much higher than in smaller jurisdictions, with 55 percent believing that gangs were a problem and 60 percent desiring research and technical assistance to deal with gangs. Therefore, Mr. Connors pointed out, violent street gangs are of much more concern to the larger jurisdictions.

The lack of a national reporting system on gang crime is a big handicap to the fight. In large part, this deficiency stems from the lack of a uniform way to categorize gang crime and the reluctance among law enforcement and elected officials to identify gang crime as a problem.

Mr. Connors then described characteristics of gangs, which include organizational structure, violent behavior, territoriality, graffiti, and modes of dress. He also cited a recent study that claimed that a black male between the ages of 15 and 25 is more likely to be murdered in the United States than an American soldier was to die in Vietnam. In 5 States and the District of Columbia, the homicide rate is 100 per 100,000 for inner-city blacks.

According to Mr. Connors, the violence in gangs is clearly linked to guns and is not as closely linked to drugs as originally thought. Mr. Connors also

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pointed out that the book *Streetwise*, by Elijah Anderson, postulates that the principal reason youths join gangs is because of weak family structures. Other reasons include peer pressure, protection from other gangs, poor self-image, and limited economic opportunity.

Mr. Connors closed by mentioning several problems the criminal justice system encounters in dealing with street gangs. Among them are (1) that the approach law enforcement takes to street gangs is often fragmented and specialized, which prevents separate units from communicating with each other; (2) that early intervention usually focuses on arrests, such as sweeps, instead of a task force approach; (3) a lack of cooperation between prosecutors and police and an inability to implement witness protection programs; and (4) insufficient intelligence data bases, a lack of police training, and language and cultural barriers between gang youths and law enforcement officials.

### Michael Genelin

Mr. Genelin focused his discussion on gang problems in Los Angeles—a city where gang membership is estimated at 80,000. In 1990, Los Angeles recorded 690 gang murders. Mr. Genelin believes that for many years Los Angeles officials denied that they had a gang problem. Once the problem was acknowledged, however, the city immediately established specialty divisions, composed primarily of law enforcement units. The district attorney's office developed the Hardcore Gang Division, and the police developed specialty units such as Operation Safe Streets. Law enforcement officials act in a dual capacity by first gathering intelligence, then using it to suppress gang activity.

To deal with gangs, Mr. Genelin advocated a two-pronged approach: strong law enforcement and equally strong community action. Further, because gang youth perceive themselves as being disenfranchised and unempowered, they do not have the ability or the desire to make changes in their communities. He maintains that the most effective type of antigang, anticrime tactic is a partnership in which law enforcement truly communicates with the community.

Therefore, Mr. Genelin asserted, the only approach to use is an interagency task force—an information-sharing group of both law enforcement and community-based members. In Los Angeles, prosecutors on this task force are trained at the police academy and are instructed on how to prosecute gang cases. The district attorney's office has a local witness protection program and an official policy for prosecuting gang members, even if the most recent offense is not gang-related. The office also developed a gang reporting, evaluation, and tracking system (GREAT) that has an extensive data base on 80,000 gang members, including who a particular gang member's associates are, who his parents are, and the kind of car he drives.

Once a gang member is prosecuted, Mr. Genelin said, his office distributes posters to the community that indicate how long the individual will be incarcerated. These posters send a strong message to members of the community—a message that says “your testimony helped, the system works.”

### Richard L. Garner

Reviewing the Jamaican posse or gang, Mr. Garner stated that the number of active posse members in the United States has grown from 10,000 in 1987 to nearly 23,000 in 1990. The Bureau of Alcohol, Tobacco and Firearms (ATF) has identified more than 40 posses in 20 States. These posses were responsible for more than 3,000 Jamaican murders in 3 years. ATF has recommended over 1,200 posse members for prosecution—the bulk of these cases involved perpetrators who carried a firearm during the commission of a drug trafficking offense.

Mr. Garner stressed the importance of the task force approach in dismantling these posses. He also spoke of the need for competent intelligence gathering and sharing, noting that gang members are mobile and often use aliases. To help share this information with other law enforcement agencies, Mr. Garner's office has distributed nearly 15,000 publications that discuss the latest trends and patterns of Jamaican organized crime. ATF has also held annual conferences on Jamaican organized crime, has conducted national conferences on Jamaican organized crime, and has conducted

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national "roundups" during which more than 500 posse members were arrested in 2 days.

Mr. Garner made special mention of the ease with which Jamaican posse members arm themselves, usually using middle-aged women with no criminal record to buy the weapons or by purchasing fraudulent drivers' licenses and passports. He stressed that the one distinguishing characteristic of this group is their ability to obtain high-powered, semiautomatic handguns. He also noted that the bulk of the posse members are in the United States illegally.

### **Robert M. Bryant**

Discussing motorcycle gangs, Mr. Bryant traced the history of the Hell's Angels in California, the Pagans in the Northeast, and the Bandidos and the Outlaws in the Southwest. He described the law enforcement/prosecution approach over the past 10 years that has successfully broken up the gangs' organizational and leadership structure. As a consequence, although they are still active and criminally involved, they are not nearly as violent as other groups.

Mr. Bryant also discussed the history of Asian street gangs, criminal Tongs, and Triad members in the United States. He explained that these gangs make their money primarily from drug trafficking, property crimes, and extorting money from their own people. Mr. Bryant stressed that a large measure of the FBI's concern stems from the Asian community's distrust of law enforcement and the language barrier between the police and the communities they serve. In closing, Mr. Bryant joined the panel consensus by stressing the need for community cooperation and involvement with criminal justice, better intelligence gathering, and enhanced foreign language training for law enforcement personnel.

### **James A. Meko**

After giving a brief overview of the Bureau of Prisons (BOP), Mr. Meko identified some of the gangs BOP consistently monitors. He also discussed the management strategy used to deal with gangs

in prisons and noted that the increased drug activity of urban drug gangs, combined with increased prosecution, has resulted in an annual doubling of street gang populations within the BOP facilities.


BOP operates 67 institutions throughout the United States. Its prison population has grown from 18,000 in 1971 to 60,000 in 1991, with an anticipated increase to 97,000 by 1995. Mr. Meko attributed this dramatic growth to increasingly effective Federal law enforcement and new sentencing laws for drug offenders. Mr. Meko also described some characteristics of the gangs that BOP monitors, including the Aryan Brotherhood, the Mexican Mafia, La Nuestra Familia, the Texas Syndicate, the Black Gorilla family, the Bloods, and the Crips.

The Aryan Brotherhood, a white supremacy group active against other groups, composes less than one-tenth of 1 percent of the prison population. Yet, this group accounts for 18 percent of all homicides in the prison system and over 40 percent of staff homicides in the past 10 years. Members often form alliances with the Mexican Mafia—mainly urban, southern California Hispanics—to bring drugs into prison institutions or contract to have someone murdered.

The Texas Syndicate, formed in San Quentin in 1976 and often warring with the Mexican Mafia, actively recruits members in correctional institutions. La Nuestra Familia draws its membership from rural northern California Hispanics and harbors active animosity toward the Mexican Mafia. The Black Gorilla family, formed in 1966 by a left-wing revolutionary, has increasingly struck up alliances with the Crips within the BOP system.

Of the Bloods and the Crips, the two newest and fastest growing gangs in America, the Crips lead in the number of overall prison incidents. The Bloods tend to leave their feuds with the Crips outside the prison system because they lack numbers inside. Mr. Meko described how BOP manages gangs by dispersing them throughout the institutions to avoid concentration of group members and to weaken the gangs' power base.

# Organized Crime Groups: New and Old



## **Moderator:**

**Wayne A. Budd**

U.S. Attorney for the District of Massachusetts

**Tuesday, March 5, 1991**

**11:15 a.m.-1:00 p.m.**

## **Panelists:**

**James E. Moody**, Chief, Organized Crime Section, Federal Bureau of Investigations,  
U.S. Department of Justice, Washington, D.C.

**Ronald Goldstock**, Director, New York State Organized Crime Task Force,  
White Plains, New York

**LeRoy Martin**, Superintendent, Chicago Police Department, Chicago, Illinois

**Robert J. Del Tufo**, Attorney General of New Jersey, Trenton, New Jersey

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Panel members discussed the history and current status of several organized crime groups in the United States and in other countries.

## **Wayne A. Budd**

Mr. Budd described the two objectives of the Attorney General's Organized Crime Program: to eliminate the La Cosa Nostra (LCN) crime families through effective investigations and prosecutions and to ensure that no other criminal organization ever achieves power comparable to the level of power that LCN has achieved. He outlined the themes the panel would discuss. First, the status of La Cosa Nostra today, and how its status as the most threatening organized crime group in the United States has changed in light of the racketeering prosecutions over the last decade. Second, what emerging organized crime groups look like and how they compare with LCN in terms of violence. Third, whether cooperation among local, State, and Federal law enforcement agencies in long-term investigations helps those investigations, and if so, how.

## **James E. Moody**

Mr. Moody began by describing La Cosa Nostra as "bloodied but still very much alive." He stated that of the 25 LCN families in the country, several of them are currently on the verge of extinction.

However, they are still very strong in the major power areas of LCN, such as New York and Chicago.

Mr. Moody stated that several years ago the FBI established its investigative priorities concerning organized crime. The FBI decided that labor racketeering was to be first on the list because it believed that LCN's strength came from control of various labor unions in the United States, such as the International Brotherhood of Teamsters, Laborers International Union of North America, International Longshoreman's Association, and the Hotel/Restaurant Workers. In fact, the Department of Justice was able to use RICO to prove in Federal court that LCN controls the Teamsters.

The FBI's second investigative priority was to utilize both the RICO statute and the enterprise theory of investigation. This means that law enforcement must step back from looking at the organizations as individuals conducting illegal acts and investigate and prosecute the group in totality.

Mr. Moody stated that the major problems of the future will be in addressing Italian and Asian organized crime—groups such as the Kemora, the Sicilian Mafia, the Naragada, the Chinese Triads, and the Japanese Boreo. These groups started about 300 years ago and have similar organizational structures.



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Mr. Moody said that although the Sicilian Mafia has kept a very low profile in the United States and Canada over the years, this has not been the case in Italy, where it assassinates police officers, prosecutors, and judges. The Naragada cells, on the other hand, are well recognized in Australia and Canada, as well as in Los Angeles, Albany, Baltimore, and Miami. Mr. Moody stated that one of the problems in dealing with Naragada and the Sicilian Mafia is that they are coordinated with LCN in the United States and with other groups in Italy.

Kemora is headquartered in Italy. It consists of 5,000 members and is subdivided in a structure similar to LCN. In the United States, this group is primarily located in Cleveland; Los Angeles; Albany; and Springfield, Massachusetts.

Mr. Moody stated that, due to the rise of both legal and illegal Asian immigration to the United States, Asian organized crime is a major problem. The leaders of the Vietnamese, Korean, Philippine, and Chinese groups are generally very powerful and wealthy individuals in Asia. These groups' alliances with criminal organizations in Asian countries are particularly problematic. According to Mr. Moody, our efforts to overcome these groups will have to be the same type of long-term efforts that have been used to deal with La Cosa Nostra. We cannot be too quick to claim a victory or the groups will just reemerge, stronger than before.

## Ronald Goldstock

Mr. Goldstock stated that there are three ways to categorize organized crime groups: nontraditional, emerging, and ignored.

He began by speaking of the Mafia and Triads, predecessor groups to LCN and the Tongs. They grew up hundreds of years ago as strongly nationalistic and gained the support of the populace. This support allowed them to become powerful and power-corrupted criminal organizations.

When mass migration brought these people to the United States, they tended to live in enclaves such as Little Italy and Chinatown. Because the United States did not understand them, the immigrants, in turn, did not understand the American system of government. The criminals among them preyed

upon each other, and law enforcement officials did not respond. Over time, they began to take over social institutions and formed La Cosa Nostra and the Tongs.

Mr. Goldstock explained that these groups have basically governmental structures. There are many people on the bottom rungs of the organizations who conduct criminal activities and then receive a percentage for what they do. The organization resolves disputes, allocates territory, and sets policy. Mr. Goldstock stated that law enforcement has weakened the governmental structures of these groups. By fractionalizing their organizational structures, law enforcement has increased the level of intra-organizational fighting and hampered the groups' ability to resolve disputes.

Mr. Goldstock stated that the influx of Vietnamese into this country may result in another Mafia-like organization.

Mr. Goldstock next addressed the issue of minority drug-based organizations. He stated that these are largely black and Hispanic groups that developed in ghettos where it previously had been difficult to gain access to capital or corruption potential. Members of these groups were able to buy only small amounts of narcotics and partake in only low-level gambling. Over time, some of these people developed capital, power, and insulation. They made contacts overseas for supplies and became strong organizations.

Mr. Goldstock described the multicrime, racial, gang-based organizations that result from mass immigrations to the United States. He stated that whenever there is a large amount of immigration from a particular country, there is bound to be a group of criminals among the immigrants who operate a relatively short period of time and never develop the level of sophistication of other crime groups.

Lastly, Mr. Goldstock described the external drug-based groups. These groups, such as the Colombian and Pakistani units, have more of a corporate than a governmental structure. They are enterprises; their organizations are structured to deal in a single commodity.

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Mr. Goldstock stated that the strongest tool we have to deal with Mafia such as La Cosa Nostra is sociology. He noted the changes that have occurred over the past three generations. The first group, which comprised the mob in the 1930's, mostly people who were either born here or came from Europe, tended to have Old World values of honor, kinship, and respect. Now the people who join are more interested in power and money than honor and respect. Those who join the organization tend to break more easily. As a result, law enforcement has been able to include them to testify and act as part of the investigative team against their former colleagues.

Mr. Goldstock said that law enforcement has an enormous impact on organized crime. He stated that the use of RICO testimony, immunity, electronic surveillance, and the witness protection program have performed wonderfully in addressing the mob problem.

### **LeRoy Martin**

Mr. Martin agreed with Mr. Goldstock that La Cosa Nostra, although bloodied, is still alive and well. He stated that LCN has begun to put its money into legitimate enterprises. This has made it more difficult for law enforcement to get a handle on the organization.

Mr. Martin said that, due to the emergence of new gangs in LCN communities, LCN has had to give up some of its turf. He said that in Chicago there are currently eight Asian gangs—the Ghost Shadows and Humsing, which are Chinese; Born to Kill and the Scorpions, which are Vietnamese; Black Cambodian Killers and the Local Boys, which are Laotian and Cambodian; and the Sun Dragons and Black Rolls, which are Chinese-Vietnamese.

Mr. Martin said that one reason why law enforcement has had such success with Hispanic and black gangs is that police departments all over the country have been able to acquire information about them; information is the backbone of success. He stated that law enforcement has been unable to address the crime situation with respect to Asian gangs because officers have been unable to infiltrate these groups and acquire information about them. While the

black and Hispanic street gangs have been seriously crippled, the Asian gangs are more sophisticated and, thus, more active.

Mr. Martin stated that the LCN Mafia has had a code of conduct that held that if the family was not involved in a criminal enterprise, it was exempt from being targeted for violence. The individual may be targeted and killed, but the family remains intact. The Asian gangs, however, do not exempt the family. When an Asian gang decides to take out a target, anyone, including all family members, may be eliminated.

Mr. Martin explained that in the past 28 months, the Chicago Police Department has formed an Asian Task Force to try to obtain information that will enable law enforcement to conduct the same types of prosecutions that it has used against LCN and other Chicago street gangs. He said that La Cosa Nostra has formed an alliance with the Chinese organized crime element, particularly in the supplying of narcotics. This is the same type of alliance LCN had formed with the black and Hispanic street gangs.

Mr. Martin stated that the Asian gangs have a history of violence and terrorism. Because the police departments are unable to address the crime situation, people in these communities are buying protection from the Tongs and Triads. As a result, the department is making an effort to recruit Asians to join the force. Mr. Martin hopes that this will provide the police with the information that is necessary to infiltrate and eventually eliminate the Asian gangs in Chicago.

### **Robert J. Del Tufo**

Mr. Del Tufo stated that the phrase "organized crime" is broader than it used to be, now including various ethnic crime groups, motorcycle gangs, and numerous street gangs. He stated that there are major differences between traditional and non-traditional organized crime. The Mafia is more structured and governmental than the nontraditional gangs, which are generally loosely organized and very violent. Additionally, the nontraditional gangs have leadership abroad, while the Mafia leaders are in this country.

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Mr. Del Tufo said that while the Italian community has always been helpful in providing information and assistance to the police in countering the Mafia, the ethnic groups of the nontraditional gangs are of little assistance. He stated that traditional organized crime has gone beyond the gang and hoodlum stage to involvement in legitimate enterprises. The nontraditional groups, on the other hand, rely on drugs for their primary source of revenue and tend to divide a city into turfs.

The most significant difference between traditional and nontraditional organized crime, stated Mr. Del Tufo, is that the use of violence by the traditional groups is usually conducted in a controlled fashion, primarily against its own members. These groups will rarely target law enforcement officials. The

nontraditional groups, on the other hand, are indiscriminate in their killing.

Mr. Del Tufo stated that while LCN and the Mafia have been greatly damaged by law enforcement officials, they are still operating. He said that we must continue to use traditional kinds of investigative and prosecutorial tools, such as intelligence gathering and sharing, infiltration, witness immunity, and wiretap legislation. Additionally, it is important to maintain a close relationship between Federal, State, and local authorities and focus upon community involvement.

Mr. Del Tufo said that some of the old methods of dealing with organized crime, such as using undercover agents of the same ethnic background, can still be utilized with the emerging groups.

# New Investigative Tools From the Crime Scene to the Courtroom

## Moderator:

**Charles B. DeWitt**

Director, National Institute of Justice, U.S. Department of Justice,  
Washington, D.C.

Tuesday, March 5, 1991

11:15 a.m.-1:00 p.m.

## Panelists:

**John W. Hicks**, Assistant Director, Laboratory Division, Federal Bureau of Investigation,  
U.S. Department of Justice, Washington, D.C.

**John E. Douglas**, Chief, Investigative Support Unit, National Center for the Analysis of Violent Crime,  
Federal Bureau of Investigation Academy, U.S. Department of Justice, Quantico, Virginia

**Ernest E. Allen**, President, National Center for Missing and Exploited Children, Arlington, Virginia

**Stephen C. Helsley**, Assistant Director, Investigation and Enforcement Branch, Division of Law  
Enforcement, Office of the Attorney General, Sacramento, California

**Richard E. Tontarski**, Chief, Forensic Science Laboratory, Bureau of Alcohol, Tobacco and Firearms,  
U.S. Department of the Treasury, Rockville, Maryland

The panelists discussed a wide range of technological tools designed to combat crime, including computer profiling for identifying and tracking serial killers, DNA testing of crime scene evidence, hair analysis to improve detection of drug use, and computerized age progression and facial imaging.

## John W. Hicks

Mr. Hicks focused on the use of DNA testing of hereditary, genetically coded material as a means of identifying perpetrators of crime. He stated that the primary type of evidence collected for Federal Bureau of Investigation (FBI) investigations of violent crime is biological matter that has some genetic imprint. This genetic code is what the Bureau tries to utilize as part of its criminal investigations.

Mr. Hicks stated that because of the high mobility of repeat offenders, technologies such as DNA testing are an especially effective means of combating crime when law enforcement agencies nationwide work together to apply them.

Mr. Hicks stated that FBI experts have presented DNA evidence in nearly 100 cases around the

country. He believes that courts will soon readily allow the introduction of such evidence. The majority of the cases to which the FBI applies the technology come from State and local agencies. Sixty-five percent of these cases are rape cases; 25 percent are homicides; the others are criminal cases in which blood or other bodily fluids have been spilled.

Mr. Hicks emphasized the need for standardizing samples for compatibility and admissibility purposes. He stated that the FBI is currently working with nearly a dozen different State laboratories to achieve a consensus on a standard. Mr. Hicks does not agree with those who believe that a standard should be set by regulation.

Mr. Hicks stated that while the FBI is in a unique position in the sense that it has a national perspective and modern research facilities, it does not wish to be in an advisory or supervisory role with respect to DNA testing.

Mr. Hicks stated that there are a number of different methods one can use to conduct DNA testing. The one the bureau uses takes about 6 weeks to obtain

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a result, but Mr. Hicks believes that the research the FBI is now conducting will allow the bureau to reduce this timeframe to 5 or 6 days.

## John E. Douglas

Mr. Douglas described the National Center for the Analysis of Violent Crime (NCAVC) as a national clearinghouse for information about violent crimes. The Criminal Investigative Analysis Program, a branch of the center, analyzes cases from a law enforcement investigative perspective and develops profiles of violent criminals. The Violent Criminal Apprehension Program (VICAP), another unit, invites State and local police to submit unsolved cases. Researchers analyze these cases, then attempt to link them with other cases that appear unrelated. The center conducts research in conjunction with the Bureau of Alcohol, Tobacco and Firearms and the U.S. Secret Service.

Mr. Douglas discussed the difficulties of solving drug-related homicides and serial murders. He stated that if VICAP had been in place in the early 1980's, someone like Ted Bundy would have been spotted significantly sooner.

NCAVC has worked with law enforcement agents across the country to create the *Crime Classification Manual*, which diagnoses and classifies crimes according to motives, elements, weapons, and typical victims. Mr. Douglas said the manual essentially will establish common terminology and serve as a training tool or guide for new investigators in small departments. Ultimately he hopes that this volume can be placed online so that police may communicate directly with the FBI center. He added that current financial constraints render this impossible.

## Ernest E. Allen

Mr. Allen urged law enforcement professionals to use the National Center for Missing and Exploited Children as a resource. He noted that its 800-number hotline, which averages 500 calls per day, has received a total of 465,000 calls in the past 6 years, some from law enforcement agencies. One out of every six children featured in its direct mail program is recovered as an immediate result of the circulation of the child's photograph.

The thrust of Mr. Allen's presentation concerned a new technology called photo imaging. Through this technique, laboratory technicians can artificially manipulate a child's outdated picture until the image resembles the child's current chronological age. Both the original picture and the enhanced image are circulated to generate leads. Law enforcement has also used the manipulation process to reconstruct an image when a child's body has been recovered but is unidentifiable.

Mr. Allen stressed that his vision is not to have the national center become the "mecca" for age progression techniques, but to create a national network through which all law enforcement agencies can work together to learn to apply these skills and help keep cases alive.

## Stephen C. Helsley

Mr. Helsley noted that the California Department of Justice is a repository for all types of information critical to law enforcement, including fingerprints, rap sheets, DNA samples, and gun registrations.

Mr. Helsley discussed how advanced technology will enable computers to link and share information with each other. As an example, chemists in clandestine drug labs usually have a chemical "signature." The law enforcement laboratory that performs one analysis may communicate with various other analytical labs throughout the State, and a link could then be made between the drugs seized in location B and the drug lab in location A.

Mr. Helsley stated that law enforcement needs to rethink how to manage its data, both in property rooms and forensic laboratories, as a means of solving more crimes without incurring greater expense. He reemphasized the importance of establishing nationwide coordination and cooperation among law enforcement agencies in the application of new technologies to fight crime.

## Richard E. Tontarski

Mr. Tontarski stated that the Bureau of Alcohol, Tobacco and Firearms (ATF) has a specialized laboratory that focuses on explosives and firearms enforcement as well as bomb and arson investigations. ATF also works in conjunction with State

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and local jurisdictions to provide training in fire debris analysis and arson investigation.

Mr. Tontarski discussed a procedure known as pattern matching, which helps forensic laboratories digest the vast amount of data they generate. He explained how the ATF laboratory has become a clearinghouse for fire-debris scene processing and laboratory technique evaluations. In an effort to deal with the recent surge of bombings in the United States, ATF has developed a smokeless-powder data base to aid in bomb identification. The agency is currently working with the FBI on the development of bombing profiles.

Mr. Tontarski urged local jurisdictions to make use of the 56 Federal forensic data bases, including those of the Drug Enforcement Agency, Postal Service, Secret Service, FBI, and ATF.

During the question-and-answer period, representatives from both the FBI and ATF laboratories stated that there are no restrictions on the use of their technical assistance services for criminal investigations by State and local law enforcement agencies. Mr. Tontarski did note, however, that Federal agencies are limited in the amount of direct laboratory services they can provide, largely because of limited resources.

# Targeting the Armed Violent Offender



## Moderator:

**Jay B. Stephens**

U.S. Attorney for the District of Columbia

**Tuesday, March 5, 1991**

**11:15 a.m.-1:00 p.m.**

## Panelists:

**Paul J. McNulty**, Deputy Director, Office of Policy Development, U.S. Department of Justice, Washington, D.C.

**R. Lewis Vass**, State Police Lieutenant, Department of State Police, Richmond, Virginia

**Justin J. Dintino**, Superintendent, New Jersey State Police, West Trenton, New Jersey

**Nicholas V. O'Hara**, Deputy Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C.

**Daniel M. Hartnett**, Associate Director, Office of Law Enforcement, Bureau of Alcohol, Tobacco and Firearms, U.S. Department of the Treasury, Washington, D.C.

**J. William Roberts**, U.S. Attorney for the Central District of Illinois

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The panelists focused on the variety of strategies and programs that have been implemented to address the problem of apprehending and prosecuting armed violent offenders. Attendees were encouraged to participate and generate ideas for future initiatives.

## Jay B. Stephens

Mr. Stephens introduced the panelists and discussed the importance of apprehending and prosecuting violent offenders, stressing that the heaviest burden of dealing with this issue rests with State and local law enforcement agencies.

Mr. Stephens also suggested several topics for discussion, including new technologies for dealing with armed violent offenders; the role of mandatory penalties; new investigative approaches; and the importance of Federal, State, and local cooperative efforts.

At the conclusion of the presentations, Mr. Stephens described a new unit that targets violent offenders in the District of Columbia, where possession of a firearm during the commission of any violent or dangerous crime carries a mandatory 5-year penalty.

These cases have a special accelerated calendar for speedy resolution and are to be tried within 90 to 120 days.

## Paul J. McNulty

Mr. McNulty delineated the reasons why targeting and incarcerating armed violent offenders has a measurable impact on violent crime. He gave an overview of the administration's multidimensional approach to this issue: (1) using Federal investigative and prosecutorial resources and the Federal Criminal Code to assist State and local law enforcement agencies, (2) urging Congress to enact laws that increase firearm accountability and penalties, and (3) assisting States to identify felons attempting to purchase firearms.

Mr. McNulty said that it is extremely difficult to identify such felons because of significant problems with the quality of criminal justice records. These problems include incomplete records at the State level that show arrest but not disposition, an inability to determine if a record contains a felony conviction, and a lack of automation of both Federal and State records. To help correct this problem, the Bureau of Justice Assistance is funding and the

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Bureau of Justice Statistics is administering the Criminal History Record Improvement Grant Program, which will distribute to States \$27 million in grants over the next 3 years.

### **R. Lewis Vass**

Lt. Vass discussed Virginia's point-of-sale firearm purchase law, enacted in 1989, which mandates a complete criminal-history record check onsite for all individuals arranging to purchase a firearm from an authorized dealership. Virginia law enforcement officials developed this program, which can be implemented only with a computerized data base, to access Virginia criminal history records, national wanted files, and select national criminal records.

Lt. Vass explained the program's staffing and availability plan and how the check system operates. The data base contains felons and those who have been adjudicated as mentally incompetent. Lt. Vass said that although initially the program checked only the sale of semiautomatic assault weapons and handguns with barrel lengths of less than 5 inches, the Virginia legislature recently expanded the program to include all handguns and is reviewing an initiative to include all weapons in the future.

Lt. Vass stated that of the 80,000 individuals checked to date, the State has denied purchase to 1,328 persons, or 1.6 percent. He also said that a unique aspect of Virginia's program is that in addition to denying purchase and identifying fugitives, the police may initiate prosecution against the denied individual for attempting to purchase or possess a firearm, which is a felony.

### **Justin J. Dintino**

Col. Dintino discussed New Jersey's three-pronged approach to gun control: (1) a 35- to 40-day waiting period for prospective gun purchases; (2) the Graves Act, which, upon conviction, imposes a mandatory prison term without probation, parole, or early release for anyone who commits certain crimes while armed with a firearm; and (3) a ban on assault weapons.

Col. Dintino explained that of the 1.6 million individuals who have applied for gun permits to

purchase or carry a handgun since gun control was implemented in 1968, 47,200 have been disapproved. New Jersey law will deny a permit or firearms-purchaser identification card for such reasons as possession of a criminal record; a history of drug or alcohol dependence; confinement in a mental institution; or circumstances that would not be in the public interest, such as domestic violence incidents where complaints were not filed.

Col. Dintino also discussed how New Jersey has been awarded a Federal grant to establish a point-of-sale check system similar to Virginia's.

### **Nicholas V. O'Hara**

Mr. O'Hara, noting that the Federal Bureau of Investigation (FBI) has elevated crimes of violence to a national priority, discussed some of the bureau's investigative approaches and task force efforts to bring Federal, State, and local investigative agencies together to deal with armed violent offenses. One of the most effective methods uses the unlawful flight program. The relevant statutes allow the FBI to locate and apprehend fugitives wanted for violent local felony crime, not necessarily Federal violations. He noted that the number of fugitive investigations requested by local authorities has increased by 41 percent in the last 2 years.

Mr. O'Hara stressed the importance of Crime Stoppers programs and the success of such television programs as "Unsolved Mysteries" and "America's Most Wanted" in apprehending wanted fugitives.

Another suitable technique is the joint criminal task force. Mr. O'Hara explained when such a task force might be appropriate and how to form one, stressing the need for a Memorandum of Understanding that clearly delineates the goals and responsibilities of each participating agency. According to Mr. O'Hara, task forces reduce duplication of effort, improve communication and understanding between agencies, augment areas of expertise, and successfully apprehend fugitives. Since joint criminal task forces were initiated in 1989, 1,700 fugitives have been apprehended.

Mr. O'Hara noted that the FBI has received \$12.5 million for 1992 to hire coders to help automate the



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8.8 million criminal records not yet in the system. He discussed the National Crime Information Center's technological improvements that will permit onsite fingerprint identification and faster online information retrieval and transmission of materials such as photographs.

### **Daniel M. Hartnett**

Mr. Hartnett described three programs the Bureau of Alcohol, Tobacco and Firearms (ATF) initiated in recent years that target the violent criminal. One was Project Achilles, which, in conjunction with local police, targets individuals in crime-ridden communities for prosecution on firearm violations. Because of mandatory sentence legislation, these violent criminals are often found guilty and incarcerated.

The second ATF program Mr. Hartnett explained was the proactive Armed Violent Offender Program, which will identify individuals who meet specific criteria, including a minimum of three prior felony convictions for crimes of violence or drug trafficking or a felony conviction for a violent crime when a firearm or other weapon was used. ATF, initially focusing on only 500 such individuals, places their names and histories into the National Crime Information Center's computerized data base. The theoretical approach behind this program anticipates that, should any offender have a firearm in his possession once a police officer begins any

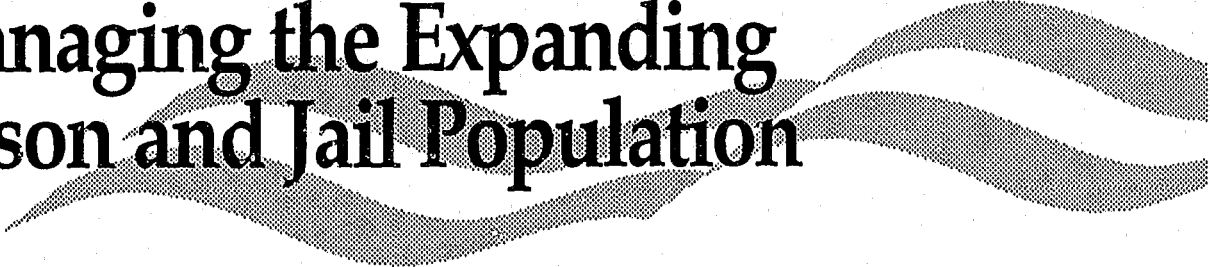
kind of investigation, the individual can immediately be jailed on a mandatory sentence charge.

Finally, Mr. Hartnett spoke about Project ACES, located in Washington, D.C., which targets violent criminals. Because 80 percent of the guns used for homicide and other crimes in Washington, D.C., are obtained in Maryland and Virginia, this program will try to first dry up the source of guns. Then, working in tandem with the Metropolitan (D.C.) Police Department, ATF will canvass each crime scene area and attempt to break up crime groups by developing informants and witnesses and charging suspects, where possible, with firearms violations.

### **J. William Roberts**

Mr. Roberts discussed a program in central Illinois that uses prosecution resources to effectively target armed violent offenders. Top Gun is a cooperative effort between the prosecutor's office; ATF; the Illinois Department of Corrections; and local law enforcement, including sheriffs, chiefs, and State police. Top Gun uses a computer program developed by ATF to sort and isolate armed career criminals who meet Federal criteria under 18 U.S. Code, sections 924(c) and (e). Prosecutors attend shift roll calls at several law enforcement agencies, explain the enhanced firearm penalties under Federal law, and emphasize their willingness to prosecute these felons.

# Managing the Expanding Prison and Jail Population



## **Moderator:**

**J. Michael Quinlan**

Director, Federal Bureau of Prisons, U.S. Department of Justice,  
Washington, D.C.

Tuesday, March 5, 1991  
11:15 a.m.-1:00 p.m.

## **Panelists:**

**James A. Lynaugh**, Executive Director, Texas Department of Criminal Justice,  
Huntsville, Texas

**K. Michael Moore**, Director, U.S. Marshals Service, U.S. Department of Justice,  
Washington, D.C.

**John T. Pierpont**, Sheriff, Greene County Sheriff's Department, Springfield, Missouri

**M. Wayne Huggins**, Director, National Institute of Corrections, U.S. Department of Justice,  
Washington, D.C.

**Ed Jewett** for Charles Rangel, U.S. Representative, New York

The panelists discussed several topics, including initiatives to assist in managing expanding prison and jail populations; development and use of intermediate punishments; alternatives to construction; Federal, State, and local partnerships in detention; and inmates' needs.

## **J. Michael Quinlan**

Mr. Quinlan presented an overview of prison expansion over the past 20 years, noting that the most radical change in the prison population is to be found in the number of drug offenders incarcerated in the Federal prison system.

Mr. Quinlan discussed several methods the Federal Government uses to manage its prison population. He cited classification procedures that place prisoners in the least restrictive environments while ensuring public safety; cost-effective decisions to expand existing institutions and convert other-use buildings (such as mental hospitals and military facilities); the use of prison complexes, with resulting economies of scale; and the use of the private sector when viable.

He stressed that corrections officials must develop a broad range of sanctions to be used by courts and

the correctional system. Mr. Quinlan also declared that institutions must offer self-improvement programs to inmates, but that it is the combined responsibility of correctional administrators and the inmates to achieve rehabilitation. He also mentioned the public's responsibility to assist released offenders in reintegrating into society.

Mr. Quinlan said that courts generally base prison population caps and early release decisions on such factors as the number of offenders in the correction facility as well as the types of programs and services the institutions can provide. He discussed the need for multiphased programs based on prisoners serving longer terms and stated that the three primary program focus areas are work (correctional industries), literacy, and drug treatment.

## **James A. Lynaugh**

In discussing prison crowding problems in Texas, Mr. Lynaugh stressed the importance of working with the court-appointed monitor. He gave a brief overview of the Texas prison construction program, telling of the need to be direct with the community about such construction and the importance of building prototypes and managing architects.

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Mr. Lynaugh also advocated using correctional industries extensively to save several million dollars. Correctional industries put inmates to work making such functional items as tables, lighting fixtures, and beds. The cost of building these items on the premises with inmate labor is much less than buying readymade furnishings.

### **K. Michael Moore**

Mr. Moore, in discussing responsibility of the U.S. Marshals Service for maintaining custody of Federal prisoners from arrest through trial and sentencing, stated that the service's average daily prisoner population, 14,000, has nearly tripled in the past 6 years. He projected that by 1996 that figure will nearly double, reaching over 27,000.

He detailed the difficulties deputies face in finding space for inmates and the extensive transportation system the Marshals Service uses to meet the demands of these problems.

Mr. Moore outlined the Federal Detention Plan—a coordinated approach involving the Bureau of Prisons, the Immigration and Naturalization Service, and the Marshals Service—that is designed to resolve detention problems in a cost-effective manner. A key solution presented by this plan is to use interagency agreements to make jail space available for Federal prisoners in State and local facilities. The service's Cooperative Agreement Program (CAP) is one such successful example. CAP guarantees space in State or local jails for Federal prisoners by providing Federal funding for expansion or renovation of local facilities; marshals then rent local space on a per diem basis as needed.

Mr. Moore closed by pointing out that legislative, judicial, prosecutorial, and law enforcement policies are often formulated and implemented without considering their impact on jails and prisons. This process, maintained Mr. Moore, adds to the crowding problem. He said that a solution will only be reached when there is cooperation not only among jail and prison planners and managers, but also among lawmakers and officials from every segment of the criminal justice system at the local, State, and Federal level.

### **John T. Pierpont**

Sheriff Pierpont stated that the two biggest problems in local corrections are lack of space and lack of funding. He talked about the problem of out-of-date, improperly equipped jails in small jurisdictions that lack money to build new facilities. He also discussed the changing profile of today's inmate, an individual who is more likely than previously to be a drug user with a \$600-a-day habit. He also spoke of the increasing number of female inmates.

Sheriff Pierpont described the numerous problems that beset county corrections officials. He stressed the need to include exercise facilities when building new jails, stating that allowing prisoners to remain active helps them put their time to better use. He also talked about the number of lawsuits inmates file and suggested numerous actions to avoid such suits. In addition, he described the difficulties of running a work release program while simultaneously keeping contraband out of a facility. Sheriff Pierpont reinforced the statements of preceding panelists by calling for cooperation by State and Federal law enforcement concerning prisoner incarceration.

### **M. Wayne Huggins**

Mr. Huggins, noting that the combined prison and jail population currently stands at 1.1 million (not including the approximately 2.5 million people on probation and parole), stressed the critical need to bridge the gap between probation and prison. He called for intermediate sanctions and a graduated range of punishments that would parallel the range of seriousness of crimes.

After presenting an overview of the concept of incarceration as punishment in this country, Mr. Huggins discussed the presumed deterrent effect incarceration has on offenders, and argued that those presumptions are not valid. Instead, he suggested that punishment should be defined in terms that make the offender take notice.

Mr. Huggins strongly suggested that corrections officials need a systematic, societal approach that creates a continuum of sanctions from prison to

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probation through which inmates and offenders can move. He also spoke about a computerized system at the National Institute of Corrections that will soon be established to identify 7,000 surplus, excess, or underutilized Federal properties that could be readied for correctional use.

### **Ed Jewett for Congressman Rangel**

After stating that there needs to be deeper consideration given to stopping criminal careers before they lead to offender incarceration, Mr. Jewett discussed a bill introduced by Congressman Rangel which would establish a \$400 million-a-year grant program for the implementation of community policing programs.

Mr. Jewett also talked about last year's crime bill, which contained legislation to distribute small grants throughout the country enabling State and local governments to experiment with intermediate sanctions. Since similar legislation was not included in the 1991 bill, Congressman Rangel is searching

for other ways to fund the program. Mr. Jewett recommended that drug-treatment programs be expanded to enable inmates to get to the root of their criminal behavior.

Mr. Jewett called for Federal officials to exercise their leadership to make model programs readily available to State and local police departments, sheriffs' offices, and corrections officials to assist them in making needed changes and improvements.

Following the presentation, in response to a question, Mr. Huggins spoke briefly about the problem of the "graying" of the inmate population and how that will clearly become an increasing problem as more inmates are incarcerated for lengthy mandatory terms. Mr. Quinlan added that corrections officials have determined that the physiological age of prisoners is often about 10 years older than their chronological age, based generally on their lack of care in their preincarceration days and their extensive substance abuse.

# Releasing Violent Offenders



## **Moderator:**

**John A. Smietanka**

Principal Associate Deputy Attorney General, U.S. Department of Justice,  
Washington, D.C.

**Tuesday, March 5, 1991**

**11:15 a.m.-1:00 p.m.**

## **Panelists:**

**Patrick J. Fiedler**, Secretary, Wisconsin Department of Corrections, Madison, Wisconsin

**Harold D. Stratton, Jr.**, Former Attorney General of New Mexico, Albuquerque, New Mexico

**Timothy H. Matthews**, Staff Director, American Probation and Parole Association,  
Lexington, Kentucky

**John L. Clark**, Warden, U.S. Penitentiary, Marion, Illinois

**Brooks Patterson**, Former Prosecuting Attorney, Oakland County, Michigan

**Bill McCollum**, U.S. Representative, Florida

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The panelists engaged in a roundtable discussion of how to minimize the risks posed by the early release of violent offenders. Specifically, they focused upon five issues raised by Mr. Smietanka: the inevitability of early release; how to predict which persons are likely to be repeat offenders once they are released from prison; how society deals with the question of whether to release or not to release violent offenders; what role the community, including the victim and his or her family, plays in decisions about release; and what types of administrative and legislative changes are necessary to lessen the problems posed by early release.

Mr. Fiedler opened the discussion with three points: (1) everyone who comes to the correctional system is a failure, (2) over 95 percent of offenders placed in the system will be released one day, and (3) society expects the system to rehabilitate criminals in less than 3 years.

Mr. Stratton agreed that, in general, violent offenders cannot be rehabilitated. He stated the best way to deal with these offenders is to just keep them separate from the rest of society until an alternative way of dealing with them is discovered.

Mr. Matthews stated that in his jurisdiction three of four offenders, many of whom have committed violent offenses, are living in the community under

alternative sanctions. He emphasized the need to assure the public that the community corrections profession is committed to both punishing violent criminals and protecting the public.

Mr. Clark remarked that the way prisons are managed impacts upon the outcome of prison release. He suggested the increased need to rule with an "iron hand."

Mr. Eisenberg, a member of the audience representing Parents of Murdered Children, discussed the trial of the man who murdered his son. He stated that the pain caused by the length of time required to convict a self-confessed murderer and the knowledge that he may be released in 37 years was as bad as, perhaps even worse than, the pain caused by the murder itself. He stated that throughout society there is as much anger directed at the criminal justice system as there is directed at the criminals.

Mr. Fiedler said that in his State the problems posed by the early release of murderers, who will be in prison or jail for a substantial period, are not as grave as those presented by the release of persons convicted of lesser charges. The latter group of offenders are back on the street at a much younger age and are therefore less likely to have burned out or grown tired of committing crimes.

Charles Oberly III, a member of the audience and attorney general of Delaware, stated that on the State level, no matter what crime a person commits, it is unlikely that he or she will actually serve 35 or 40 years. He expressed concern that there always seems to be a reason for someone to be put on parole. Mr. Oberly said that while there is a death penalty in Delaware, it has not been used since 1946. Additionally, not a single prisoner in the State prison system has been in prison for 30 years. Mr. Oberly stated that there is a constant stream of individuals in the system who have committed relatively heinous crimes, were sentenced to long terms, were paroled, became repeat offenders, and were resentenced within 2 years.

Mr. Patterson, a prosecuting attorney in Oakland County, Michigan, stated that during his first 4-year term as county prosecutor, 12 people who had been convicted of rape, murder, and armed robbery were released after serving their minimum sentence, only to commit another crime in the same county. Although the public passed a proposition eliminating time off for good behavior for those identified by the State as "career criminals," the legislature reversed the proposition after it had been in effect for 4 years. Murder, however, remains a nonparolable offense in Michigan. Additionally, the parole board is not authorized to release prisoners without the Governor's signature.

Dr. Jane Burnley, director of the Office for Victims of Violent Crime and a member of the audience, stated that in the last few years, some States have begun involving victims in correctional decisions such as parole. She stated that this is a "remedial approach" to correcting the problem of corrections officials who make decisions without taking into account the impact of crimes on the victims. It should not be the victims' responsibility to go to the hearings and remind parole commissioners to factor in the heinousness of the crimes and the impact upon the victims when making their decisions.

Mr. Stratton stated that the Governor or chief executive should be the one who makes the final decision with respect to parole.

One of the panelists suggested the possibility of Federal legislation eliminating time off for good

behavior and requiring "truth in sentencing" (that is, the sentence given will be closer to the sentence served). Mr. Clark responded that the idea of rehabilitation was a product of the age of optimism. He said that in actuality, its only function is to provide prisoners with "acting lessons" in how to convince commissioners that they are rehabilitated. Mr. Clark stated that truth in sentencing is here to stay and he believes in it. He said that under the new Federal sentencing guidelines, corrections institutions can give prisoners time off for good behavior up to 4.5 days a month, 54 days a year, or 15 percent of their sentence. Mr. Clark said that one can not expect a prisoner who is allowed to be violent and disorderly during his time in prison to act reasonably when released into society. He stated that the corrections professionals must come up with a workable tool to reduce and punish violence and disorder within the prisons in order to lessen the danger posed to society by early release.

Mr. Fiedler stated that truth in sentencing is a good idea but that time off for good behavior may be effective as both a management tool and a means of dealing with the problem of crowding. America must decide how much it is willing to pay for determinate sentencing.

Mr. Patterson responded that instead of reducing a person's sentence by a few days a month to achieve control, perhaps commissioners should raise it a few days for bad behavior. He recommended legislation that requires penalties to increase in accordance with the number of times an offense had been committed. He also suggested mandatory penalties for judges who do not enforce the enhancement provisions.

John Collins, an audience member whose daughter was murdered, agreed with Dr. Burnley that members of the criminal justice system need to become more sensitive to the impact of crimes upon victims and their families. He suggested that this factor should be accorded the same weight as factors such as good time and management concerns.

Mr. Matthews stated that, relatively speaking, parole supervisors are doing a good job of protecting the public from violent offenders placed in the community. He stated that it is difficult for the

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public to understand alternative sentencing programs for assaulters, batterers, and sexual offenders. However, these programs will be more readily accepted if the public is kept apprised of supervisory activities and shown that parole supervisors are protecting innocent individuals. Mr. Matthews added that community corrections has changed dramatically, taking on more and more violent and high-risk offenders. He stated that prisoners often choose prison over intensively supervised probation because it is an easier sentence.

Mr. Fiedler was asked to comment on the prospect of creating a mandatory Federal boot camp. He responded that boot camps are not suitable for every offender and that they are particularly unsuitable for violent offenders. Boot camps should be used for those who are young enough to still be impressionable and those deemed capable of breaking the cycle of criminality.

Ernie Alexander, president of the Federal Criminal Investigative Association, stated that those in the law enforcement field have not done enough to educate the public about the problems in correctional programs and that they might need some guidance from the Federal Government.

Congressman McCollum was asked his view of the programs now in place to deal with violent

criminals released to society, such as counseling and electronic surveillance. Congressman McCollum said he did not think they are very effective. He stated that it is counterproductive to provide early release to persons known to have violent temperaments, and that rehabilitation works best for young, nonviolent offenders. By placing more nonviolent offenders in alternative programs, Mr. McCollum stated, we will be creating more necessary prison space for the violent offenders. Using surplus military bases as prisons is also a cost-effective means of creating additional prison space, he said.

Mr. Matthews stated that sex offenders and spouse-batterers are the most difficult groups to deal with in terms of community programs. He said that public safety can be assured only by placing strict controls on release programs and following through on these controls. Mr. Matthews also stated that measuring recidivism rates is not an accurate means of gauging the success of parole and probation agencies. He said that different success measures, such as revocation and reincarceration in an institution, should be used. Mr. Matthews also stated that the use of force to combat force is entirely appropriate.

# Luncheon Address



Address:  
*George Bush*  
President of the United States

Tuesday, March 5, 1991  
1:15 p.m.-2:45 p.m.

Thank you. I will say what I said at the State of the Union. I take that warm response as a vote of thanks to our fine young men and women who served this country with such distinction in the Gulf—what a job they did—and I think everybody was saying that.

Let me greet you, Mr. Attorney General, and thank you for the introduction and the invitation to be here. I want to salute the U.S. attorneys; the State AG's; the judges; the local DA's; the sheriffs, police, State and local officials; and then, also—most especially—the community leaders from across America. It is an honor to welcome you to Washington. You represent one of the most powerful peacetime forces known to man. That is why you have been invited to this unprecedented council of war: to share ideas and successes and to help frame the battle plan for the fight against violent crime and drugs for the next decade and beyond.

Dick was in a minute ago, briefing me on this conference that ends this afternoon, telling me with great pride the accomplishments and the enthusiasm that have been brought together here. I am here because I wanted you to know how strongly I feel about reducing violent crime in America and how firmly we support your efforts to fight crime and to give back our streets to America's families.

Against this backdrop, I know there is something else on everyone's mind—I heard it when I walked in—because soon your hometowns all across America will welcome home the finest fighting forces ever assembled: the courageous men and women of the United States military. For 7 long months, America watched with a lump in our throat and a prayer on our lips. Now in Kuwait, the fires of

destruction are beginning to dim—eclipsed by the brilliant flame of freedom.

The coalition victory in the Gulf attests to America's leadership and skill and to our Nation's unparalleled ability to respond swiftly and successfully to a clearly stated challenge. We had a challenge; we set a goal and we achieved it.

These American heroes risked their lives so that America's kids could realize a dream: a world free from aggression and fear, a world filled with opportunity, a world whose only limits are in the reaches of the imagination.

I told our troops the other day that, like the coming promise of spring, their magnificent victory in the Gulf had brought a renewed sense of pride and confidence here at home. It is contagious; it is all over our country; you can feel it every single minute.

Our confidence in America's future is the foundation for the opportunity package we unveiled last week. It calls for improved opportunity through education, jobs, homeownership, and programs aimed at keeping families healthy and together. It calls for safe schools, neighborhoods, and homes, because now that the shooting has stopped overseas, we have got to redouble our efforts to silence the guns here at home. That is why you are here, and that is why I singled out this summit in my State of the Union address: because here at home you are America's front-line troops. And here at home, the triumph of freedom has got to mean freedom from fear.

Today the fear of crime strikes too many American families. Parents fear for their kids in school and on the way home. They fear for their teenagers and the



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lessons they may learn in the streets. And they fear for their own parents, for whom a simple trip to the grocery may become an exercise in terror.

Perhaps you saw the report that during the first 3 days of the ground offensive more Americans were killed in some American cities than at the entire Kuwaiti front. Think of it: one of our brave National Guardsman may have actually been safer in the midst of the largest armored offensive in history than he would have been on the streets of his own hometown. It is outrageous; it is wrong, and it is going to change.

The temptation is strong to use the words of a victorious war to send you back to your daily challenge, but wars serve us best when we learn from them, not glorify them. Among the lessons is that in furtherance of a widely accepted moral value, collective action succeeds. This is a simple but powerful message that applies to this summit today. A second great message is that numbers alone are not determinative. More than simply sheer numbers, our victory was based on creativity, strategic thinking, and the skilled execution of a bold plan.

You will forgive an old Navy man if my message to you today is drawn from the lessons of America's great World War II admiral, William F. "Bull" Halsey. "Carry the battle to the enemy," he said. "Lay your ship alongside his." On the eve of the battle of Santa Cruz, in which his ships were outnumbered more than two to one, Halsey sent his attack force commanders a three-word dispatch. "Attack—repeat—attack." And they did attack, heroically, and when the battle was done, the enemy had turned away.

Just look at what we have done in the Gulf: our pilots, our missile men, the impressive logistics and diplomatic operations. America is a can-do Nation, and today at home, we must seize the day. The kind of moral force and national will that freed Kuwait City from abuse can free America's cities from crime. As in the Gulf, our goal is to strengthen and preserve the rule of law. As in the Gulf, we need creative and strategic thinking to free our cities from crime. As in the Gulf, this means assembling an unprecedented coalition. We have got to cooperate—really cooperate—on a level never before

seen: Federal, State, and local prosecutors; Federal, State, and local police; Governors; mayors; and the new corps of neighborhood peacekeepers—the community leaders who have stood up to violence and despair.

Our administration is committed to doing its part. I know Dick Thornburgh, our very able Attorney General, spoke with you about this yesterday. Under his leadership, we have taken the lead in fighting organized crime, drug trafficking, and the deadly tide of violence that follows in their wake. We have made record increases in Federal prosecutors and agents. By 1992, we will be well on our way to more than doubling our Federal prison space, allowing us to use tough Federal laws to put violent offenders behind bars to stay. Asset forfeiture laws allow us to take the ill-gotten gains of drug kingpins and use them to put more cops on the streets and more prosecutors in court. In the last 5 years alone, the Justice Department shared over half a billion dollars in forfeited assets with State and local law enforcement.

We understand that fighting violent crime is, first and foremost, a State, local, and community responsibility. That is why, since coming to this office, we have increased the amount of funding through the Edward Byrne Memorial Fund for State and local law enforcement by 220 percent. We are four-square behind the police and people like those in this room who make sacrifices every day to protect our citizens and to assure that those who scorn justice are brought to justice.

Just look at the all-American heroes here today. There is always a risk when you single them out in a room like this, but people like L.A. Police Chief Daryl Gates, who stood with me on Foster Webster's front porch in Oakwood last May, looking out over a neighborhood where they reclaimed their streets, their kids, their future. Or South Carolina's Dean Kilpatrick, who we honored in the Rose Garden in April, and who is here to help build an America where every victim of every crime is treated with the dignity and the compassion they deserve. And Al Brooks, who in Kansas City a year ago showed me their four-word warning to the cowards of the night: "This neighborhood fights back!"

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I mentioned the Byrne Memorial Fund, and by the way, I still keep this policeman's badge in my Oval Office desk. It is there night and day. Shield 14072 belonged to patrolman Eddie Byrne. He died on the front line, gunned down by cocaine cowards. I will never forget—never, ever. Each one of you has an example that means something: of a friend lost or a comrade who has been killed by these cocaine cowards.

Two years ago, on a somber, rainy springtime afternoon, I stood before the U.S. Capitol to commemorate police officers slain in the line of duty. Many of you in this audience were there that day. To honor their sacrifice, I called upon the Congress to join me in launching a new strategy: a new partnership with America's cities and States to take back the streets.

Congress deserves our thanks for giving us the new prosecutors and agents we requested, but it is not enough. We also need to back up these new troops with new laws and give them the tools they need to finish the job and secure the peace. America needs a crime bill that is tough on criminals not on law enforcement.

Too many times, in too many cases, too many criminals go free because the scales of justice are unfairly loaded against dedicated lawmen and women like you. But even after a year and a half, and despite the urgency of the problem, Congress never did act on our proposals. That is why we are here again to work with you: to develop new proposals, to try to steady the scales of justice, to seek a fair balance between the legitimate rights of suspects and society's right to protect itself.

We need a crime bill that will stop the frivolous and repetitive appeals that clog our criminal justice system; one that guarantees that criminals who use

serious weapons face serious time; one that ensures that evidence gathered by good cops acting in good faith is not barred by technicalities that let bad people go free; for the most heinous of crimes, we need a workable death penalty, which is to say, a real death penalty.

As Dick has told you, we need your ideas in putting together our new crime package, and we will need your help in getting it through Congress. But I promise you this: we are not giving up on this crime bill. We are not going to let it get watered down. And we are not going to put our crime fighters in harm's way without backing them to the hilt.

There is another important message I would ask you to bring home to your cities and States: your troops in State and local law enforcement need the same tools that we have proposed for the Feds: mandatory time for weapons offenders, no plea bargaining on guns, the death penalty for heinous crimes, and the kinds of increased resources—in police, prosecutors, and prisons—that ensure these vicious thugs will be caught, prosecuted, and swiftly punished. Because public safety is not just another line item in a city or State budget: it is the first duty of any government.

Yes, there remain vital tests ahead, both here and abroad, but nothing the American people cannot handle. So we are going to roll up our sleeves; raise up the flag; and stand up for the decent men, women, and children of this great country: block by block, day by day, school by school; for your kids, for mine, for America's kids. Take back the streets and liberate our neighborhoods from the tyranny of fear. That is our objective, and we will succeed.

Thank you all for coming. May God bless the United States. Thank you very much.

# Initiatives To Assist in Combating Violent Crime: Federal Death Penalty, Habeas Corpus, and Exclusionary Rule Reform

## Moderator:

**Andrew G. McBride**

Associate Deputy Attorney General, U.S. Department of Justice,  
Washington, D.C.

Tuesday, March 5, 1991

2:45 p.m.-4:00 p.m.

## Panelists:

**Henry Hyde**, U.S. Representative, Illinois

**Marvin Collins**, U.S. Attorney for the Northern District of Texas

**Richard P. Ieyoub**, District Attorney, Calcasieu Parish, Lake Charles, Louisiana

**Mike Moore**, Attorney General of Mississippi, Jackson, Mississippi

**Patrick E. Higginbotham**, U.S. Circuit Judge, U.S. Court of Appeals for the Fifth Circuit,  
Dallas, Texas

The panel discussion focused on Federal legislation and its impact on the criminal justice system.

## Andrew G. McBride

Mr. McBride presented a brief overview of the Federal death penalty issue, citing the 1972 case of *Furman v. Georgia*. He noted that in response to the U.S. Supreme Court's decision, 36 States reimposed the death penalty. In the Federal system, Mr. McBride explained that there is a sentence of death for 18 crimes, including assassination of a President, mail bombing that results in death, and kidnapping that results in death. He pointed out, however, that Congress has determined that certain crimes deserve the death penalty but has not provided the proper procedures that the Supreme Court has indicated are needed to enforce those death-penalty laws.

## Henry Hyde

Congressman Hyde discussed the crime bill passed by the House of Representatives in October 1990.

Key provisions that address the death penalty, habeas corpus, and the exclusionary rule won House approval because of grassroots efforts and support from State attorneys general and law enforcement personnel. The Senate passed a similar bill, yet a conference committee failed to include these provisions in the final version for full congressional approval.

Congressman Hyde urged the session's participants to support the future crime bill, particularly changes to make the death penalty applicable to drug kingpins.

## Marvin Collins

After reinforcing Mr. McBride's comments about the lack of an enforceable death penalty, Mr. Collins cited specific death penalty statutes for which insufficient enforcement procedures exist. These include first-degree murder of a Federal officer; aircraft piracy resulting in death; and assassinating a Member of Congress, a Cabinet officer, or a U.S. Supreme Court Justice.

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Mr. Collins discussed the Racial Justice Act, versions of which were passed by both the House and the Senate, but which was not included in the final version passed by Congress last session. Mr. Collins explained that he opposed the act because he feels it imposes a quota system on death penalty sentences; he feels individuals should be sentenced without consideration of statistics concerning race. Individuals commit crimes and law enforcement has to be free to pursue the evidence in each individual's case, wherever it may lead, said Mr. Collins.

In conclusion, Mr. Collins maintained that Federal prosecutors lack an effective, comprehensive death penalty, and spoke on their behalf in favor of one.

### Richard P. Ieyoub

Mr. Ieyoub gave a lengthy presentation on the proposed Racial Justice Act, stating that its effect on the death penalty would be devastating. He also stated that the act had profoundly troubling constitutional dimensions that required central racial data banks to quantify statistical disproportions.

Maintaining that statistical devices would not eradicate racial prejudice, Mr. Ieyoub maintained that numerous legal safeguards against racial discrimination are already in place in our legal system. For example, prosecutorial discretion may not be exercised on the basis of race, and widespread bias can trigger constitutionally required changes of venue.

Mr. Ieyoub spoke about the evolution of the exclusionary rule to its present form. He argued for legislation to extend the good-faith exception to the exclusionary rule; this exception would not require evidence to be excluded in a proceeding on the ground that a search and seizure was in violation of the fourth amendment if the search or seizure was carried out in circumstances justifying an objective, reasonable belief that it was in conformity with the fourth amendment.

Finally, Mr. Ieyoub endorsed abolishing the exclusionary rule and replacing it with a rule that allows the victim of an unconstitutional search and seizure to sue the government for damages and includes a mechanism for disciplining a law enforcement officer who violates fourth amendment rights.

### Mike Moore

Mr. Moore discussed the writ of habeas corpus, stating that victims of crime, police officers, prosecutors, judges, and community leaders are frustrated by the delays the petition can cause. He believes that there should be a statute of limitations on the right of inmates to bring habeas petitions.

Mr. Moore discussed *Teague v. Lane*, which holds that after a convict's direct appeal is concluded, he should not gain the benefit of later case decisions that expand his constitutional rights. He asserted that legislation that would reverse *Teague* should be defeated because a criminal should not benefit from his longevity in the system or his ability to delay final justice.

He said that enforcement of procedural bars by Federal courts must be maintained. Defendants should not be allowed to raise new issues that were not addressed in the lower courts as this lengthens the process and is basically unfair. Finally, Mr. Moore said that the standards set in *Strickland v. Washington* regarding the effectiveness of counsel should not be changed.

### Patrick Higginbotham

Judge Higginbotham, discussing the writ of habeas corpus, reminded the audience that the writ is not "the Great Writ," but merely a statute enacted by Congress 38 years ago. Habeas corpus was never intended as a right to question the legal process, he said. The right given to Federal courts was intended, in essence, to set aside a lawful conviction only if a State court lacked clear jurisdiction. The writ has evolved into much more than was initially intended, and should be revised to conform to its original intent.

Judge Higginbotham also supported Mr. Moore's contention about *Teague v. Lane*, that convicted offenders should not benefit from court decisions made after their sentencing.

He also discussed the problem of guided discretion of juries. He stated that in his years as both a trial judge and trial lawyer, he has been involved with hundreds of jury cases and is devoted to the jury system.

# Reports to the Attorney General on Law Enforcement Responses to Violent Crime

**Moderator:**

*Dick Thornburgh*  
Attorney General

Tuesday, March 5, 1991  
4:00 p.m.

**Speakers:**

*Dorothy Davis*, Chairperson, STOP Crime Watch

*David Frohnmayr*, Former President, National Association of Attorneys General

*Harold Johnson*, Chief of Police, Mobile (Alabama) Police Department

*Tom Charron*, President-elect, National District Attorneys Association

*Jack Collins*, Eastern Regional Director, Citizens for Law and Order

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## Dick Thornburgh

I think we would miss an opportunity if we did not take some time to reflect upon what has been accomplished here this week. We have together, as I hoped at the outset of this great session, created a result, the whole of which is much greater than simply the sum of its parts.

I am going to ask about half a dozen folks who are here today to give us a 1-minute summary of the things that they feel were important, rather than simply reviewing my own impressions. They will give us some insights as to what they feel we have accomplished or what remains to be done as a result of our efforts here this week.

## Dorothy Davis

Thank you Attorney General Thornburgh and everyone here this afternoon.

Yes we do, and I quote, "have the right to be free from fear in our homes, on our streets, and in our communities." I say to all present, by any means necessary, we must make this a reality.

I would beg of you to begin now ensuring mothers and fathers that their daughters and sons will not meet death on our city streets. We must all pluck weeds and plant new seeds for watering and tender loving care. I beg of you to start early in a child's life, with activities and basic skills that will work.

If Japan can do it, I know America can, and I know we must.

I beg of all the justice systems that are represented here—local, State, and Federal—to establish a systematic plan across the Nation. Make sure that monies get to cities. Make sure it works. I was impressed with the speaker from Charles Rangel's office who made the statement that we should work towards keeping individuals out of prison, and I hope that some implementation can be made. In closing, I would like to ask you to make sure that the Justice Department balances the scales and makes it work. Thank you.

## David Frohnmayr

Thank you, Mr. Attorney General. Let me summarize my conclusions under six major themes, if I can do so in 60 seconds.

The first is to express the gratitude of our association, 25 percent of whose members were personally present here, for your attention and that of the President of the United States. No issue comes to the top of the Nation's domestic agenda by some happy accident; it is only because of the President's commitment and yours that this issue, this real issue of violence, has arrived at the top of the agenda. We appreciate it and we will deeply support it because we believe, too, in the moral authority of the law, not indeterminacy in the law.

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Our second point is that we deeply appreciate the constant emphasis and reemphasis on cooperation that has gone beyond the language of buzz words. Multijurisdictional task forces are the wave of the future, we believe; but we particularly appreciate the examples that were shown, not only the Philadelphia experience, but the good cook book that Bill Baker gave us of the pitfalls, the strengths, and the weaknesses. We believe that additional sharing of experiences, not only of successes but of failures in that regard, would be very useful to all jurisdictions, and perhaps that could be on our continuing agenda.

A third point is the legal issues, and I need not re-emphasize our concern about habeas corpus reform. We see and experience the anger and the expense of current procedures, and it will, I assure you, be on the agenda of the National Association of Attorneys General which meets here, as you know, in just a few days. We will begin our work with you and your administration.

Our fourth point revolves around the issues of modern technology, where there is a unique Federal role, one that is beyond the financial abilities as well as the expertise of most except the largest jurisdictions: DNA profiling, forensic science, fingerprint networks, computer technology, VICAP, forecasting, and the rest. Three specific suggestions. First of all, Mr. Attorney General, if the knowledge about the availability of these technologies could be disseminated even more widely, we believe that the Nation's police and communities would be greatly served. Secondly, the availability of national flying squads—as was suggested in one of the meetings—I think is very, very sound and would be very welcome for all of us. And, finally, the development of national standards for this emerging technology so that, through inadvertence or misapplication of these technologies, we do not have adverse court decisions that impede the development of the law and of science when it can be so useful to us.

Point five was your useful and helpful focus on the community in prevention, and that has two separate aspects. First, the alarming reduction in the age of the violent criminals, who increasingly are

victimizing fellow citizens, and the parallel emergence of the gang phenomenon, which ever heightens the danger. It shows a juvenile justice system that simply does not work and emphasizes even more poignantly the dysfunctional families that give rise to this and, therefore, the need for community prevention. The second aspect of that is the necessity at all levels for understanding drug prevention programs that really work. We all have drug prevention programs, but it is only, I think, within Federal capabilities to measure their effectiveness so that we know how to replicate the programs that really do work and work effectively.

Our last point, Mr. Attorney General, and I am sure you appreciate this: please do this again in due course. I have been an attorney general for 12 years, and there has never been a summit nor a national focus on the issue of violent crime. Given the fact that that plagues this Nation, once in a dozen years is not enough.

I have, in that respect, four suggestions. First, since we only saw one-seventh of the breakout sessions, would it be possible that we be given, at least, executive summaries of what transpired so that we may participate? Second, may I respectfully suggest, even though your U.S. Attorneys are overworked, that perhaps the executive summaries would be ideal agenda items for the law enforcement coordinating committees in each of our Federal districts so that they can be fed back to the local level. The third would be the community groups who, in turn, could also share that information. The fourth point, obviously, would be to allow that dissemination in turn to bubble up to your next summit the ideas from the field that could be so useful.

This has been a splendid idea, Mr. Attorney General. We deeply thank you and your devoted staff.

### Harold Johnson

Attorney General Thornburgh, as you well know, the chiefs of police of America have always had access to your office, and we appreciate that; but we greatly appreciate this summit that has brought together others in the criminal justice field, from the

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executive branch right on down to the grassroots level.

A couple of things that we would like to mention to you that we have learned in the policing of America: that there is nothing new—we are going back to it—and that is community-oriented policing. From that community-oriented policing we have learned that we have to be proactive rather than reactive.

A house divided cannot stand, and we have a lot of houses divided here, Attorney General Thornburgh. We ask that somehow we get together to bring that house back together, that being the family. When we can do that, then I think we will be able to greatly reduce crime in America here. It all begins at home.

Secondly, as the President of the International Association of Chiefs of Police has recommended to your office, to the Office of the President, and to the President himself, we hope that we can carry this summit just a little bit further: we ask you to strongly consider a White House conference on anti-crime in America. We think bringing in all of the brightest minds of America to deal with this problem is very productive. Crime is a costly item in America today; it is destroying the future of America, and we must get a handle on it.

What we need to do, as I said, is bring the family back into the fold. A lot of policing was done by Mom and Dad; we need to get back to—the real policing that is—the family. Thank you.

### **Tom Charron**

Thank you, Mr. Attorney General. It has been stated that State and local prosecutors handle over 95 percent of the criminal cases that come through our courts in America. Speaking on behalf of America's local district attorneys, I thank you for this informative and comprehensive summit which has focused on violent crime in our streets and in our communities.

America's local prosecutors have had the responsibility to bring violent offenders to justice, and you have helped us in our war on crime. From defining

the issues in our opening sessions to such break-out sessions as dealing with State and local crime initiatives, violence against children, model programs, and new tools to help us combat crime, you have given us indications and tools with which we can work.

In closing, we do need more open dialog and cooperation to be successful in our legislative efforts, more funding for the overworked and sometimes underpaid prosecutors of America, and more effective changes in the laws that will give us tools to combat the crimes in our streets and neighborhoods.

We need to follow up this excellent summit with a strategy conference on initiatives to enact these laws and to help in the areas of funding to ensure a safe America for all. Mr. Attorney General, on behalf of more than 25,000 local prosecutors throughout America, I want to applaud your aggressive efforts and deeply thank you for this worthwhile summit. Thank you, sir.

### **Jack Collins**

Mr. Attorney General, thank you. As a victim, and as a parent of a murdered daughter, I am heartened by your references, and the references of other leaders of this conference, to the victim and the significant place the victim has in the criminal justice system.

For too long, there has been a disproportionate amount of attention paid to defendants and convicted felons. It is time we restored balance. I hear you saying, and I hear others saying, that time is now. We are putting the victim back in a central place in the criminal justice system, and thank God we are.

Mr. Attorney General, as a representative of a grassroots organization, an activist grassroots organization, I applaud the metaphor you used in Desert Storm in application to crime. It is a vicious warfare we have, a domestic vicious warfare.

We victims are the walking wounded. We have buried our KIA's (killed in action), and of those of our KIA's that we have buried, the action they were involved in was the peaceful pursuit of an average,

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innocent citizen. Those persons—our daughter, the sons and daughters of other people here—are those KIA's. I think, sir, that our Nation must pay as much attention to our fallen, to our wounded, and to the citizens facing that battle every day as they have to our comrades in arms in Iraq in Operation Desert Storm.

Mr. Attorney General, we must face down the domestic enemy. And some of the best weapons we have are policies and legislation.

Over the past 2 days' deliberation—although I did not need that, I came to this conclusion awhile ago—I am convinced that for this battle there is no single more effective instrument more vital than habeas corpus reform. I am convinced of that. Nothing affords the criminal justice system more clout, more integrity, more credibility than putting an end to the interminable delays of convicted, vicious killers on this Nation's death rows.

These endless appeals make a mockery of the criminal justice system. They insult our juries. We thought the juries were the crowning jewel of our criminal justice system. They insult the verdicts of those juries, sir. They insult the citizens of 36 States who have said we need death penalty statutes. They insult those States. They insult the victims who we have buried. They insult the victims' families who are still here. This must stop; it violates the elemental fairness and justice that we thought were inherent in the system.

On a personal note, we have already buried our loved one. Our daughter has been in the ground at Arlington National Cemetery for 5 1/2 years. There has been no closure to our grief because of the abuse of the appeals system. There is no closure to our emotional suffering, to our psychological suffering. There is no end to our nightmares.

The juries say that the appropriate response of society to a vicious, depraved murder is the ultimate

sanction: the death penalty. The way the Federal habeas corpus procedure is being abused in effect vetoes the voice of those juries: an effective veto. We are left twisting in the wind for how many years? Trudy and I are looking at 5... 6... 7... 8 more years as we wind our way through the Federal courts.

Mr. Attorney General, your proposal on habeas corpus reform is not just another legislative proposal. It is red meat. It cuts deep. It affects the very fundamental things that we thought made our society great and that make us proud of our society. It affects not just my wife and me, not just the other victims here. It affects every citizen in this country in a very fundamental and elemental way. It takes away a birthright of those citizens and a birthright of all of us victims.

Mr. Attorney General, I want you to know that our organization, Citizens for Law and Order, and companion organizations throughout the country who are coming within our umbrella, support you in your initiative. We are going to be out there persuading our fellow citizens to see the significance to themselves of habeas corpus reform so it is not a Latin phrase: it is a burning, living element that makes their lives worthwhile if it is handled properly.

We are going to go into the halls of Congress. We are going to meet our senators and representatives. We are going to subcommittee hearings and committee hearings. We are going to lobby during floor debate. We are going to do everything we can to support your initiative and have it enacted, legislated, and it will be a tribute, not only to our daughter, not only to the sons and daughters of other people here, or the husbands and wives, but it will be a tribute to what makes America great.

Sir, we salute you in the names of all victims here. We thank you for letting us participate in your conference. Thank you, sir.



# Closing Remarks



Address:  
**Dick Thornburgh**  
Attorney General

Tuesday, March 5, 1991  
4:30 p.m.

## Dick Thornburgh

Thank you, Jack. I am grateful for so many of you who have expressed your willingness to become part of a coalition against crime, to join in the struggle to conquer freedom from fear on our streets, in our homes, and in our communities. As our President noted, and as many of you have referred to, our fight against violent crime does indeed have much in common with Operation Desert Storm, that great effort to win the Gulf war.

But I want to note two important distinctions. The first was drawn by Los Angeles Police Chief Daryl Gates at the panel on drug-related crime. Chief Gates pointed out that early and correctly the President identified the enemy in the Gulf as—not the Iraqi people, but—Saddam Hussein. That made an immense difference even as we met the Iraqis on the field of battle. Chief Gates said that we need to do a similar job of identifying the enemy at home. But he recognized that this is going to be a lot harder because this enemy is hiding among us, lurking in our mean streets and threatened communities, not somewhere under a bunker in a distant land.

We must identify these violent criminals, and nobody is better at doing that than you, residents of our neighborhoods, and our State and local law enforcement officials. You know the enemy readily, by location and habitat, often by name. Any success in this fight against violent crime absolutely depends upon your street smarts and daily probity.

We count on you, both to reveal the violent perpetrators and to restore domestic peace and a better quality of life to your communities once they are gone. Nobody does it better, and I salute you and promise our increasing support.

One other distinction. The saving grace of the Gulf war was its miraculous brevity. It lasted 43 days, and when the tanks finally rolled out across the desert, the ground war was over in 100 hours. We can offer no such prospect of quick victory over violent crime. This is no short war we are engaged in here at home. Hostilities have already been long and relentless, greatly protracted by drug trafficking. Our commitment must, therefore, be equally enduring.

That is why we have emphasized the need to work together at this crime summit, to join in a great coalition against crime in which we can help and aid each other at all levels—Federal, State, and local—to clear our streets of drugs and crime and carnage. That is also the way in which we can help the victims of violent crime, whose fate has been too often ignored when their value to the community and their help to our law enforcement efforts cries out for recognition and they for comfort.

Let me summarize, if you will permit me, what I think we have gained here at this summit. At the outset I mentioned three aspects of that successful Gulf strategy that we might try to emulate: proper command and control, ingenuity of weaponry, and certainty of result.

Already we see the need for more embracing command and control over our multiple forces ranked against violent crime. But that command and control must be exercised as wisely as the President, our Commander-in-Chief, did in the Gulf. Remember, he left the real battle in the hands of those on the ground in command of the immediate forces, and that is how we must conduct whatever joint endeavor we mount against violent crime.

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You are in the field, at the State and local level, and your knowledge, your choices, your tactics, your plans, and your orders will be respected. We at the Department of Justice are here to help, but never to direct or to second-guess.

As for ingenuity, this conference has brought forth some truly astonishing, innovative ideas for law enforcement, including some fascinating applications of new technology and state-of-the-art methodology. Dave Frohnmayer referred to some of them, and I will not go into any great detail. They will be summarized in the excellent reports that were prepared. But they can only arrive on target in salvos if we support the necessary research and development efforts and share the results nationwide. This we must, and we will, do.

Finally, let me speak to this matter of certainty. Simply put, the law must hold violent criminals

accountable for their vicious acts. The law must be certain, and where any law is weak or ambiguous or judicially misconstrued, it must be made certain. That is a job we will seek to do here at the Federal level.

With what has been suggested as needed legislation for inclusion in the President's anti-crime bill, we are going to present to Congress the tough laws to halt and deter violent crime. We are going to insist that our courts apply those laws properly so that the scales can be truly balanced between the law-abiding and the lawbreaking and in favor of justice.

Thank you all for the magnificent contributions that you have made to this 1991 summit on law enforcement and our response to violent crime. Have a safe trip home and an even safer community tomorrow and thereafter. Godspeed.

# Biographies of Invited Speakers



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## Conference Moderators

**Thomas M. Boyd** was appointed Director of the Office of Policy Development, U.S. Department of Justice, in 1989. Before then, he was Assistant Attorney General for the department's Office of Legislative Affairs. From 1976 to 1986, he was Associate Counsel to the Committee on the Judiciary, U.S. House of Representatives. Mr. Boyd has written numerous articles for a variety of publications.

**W. Lee Rawls** is Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice. Mr. Rawls' career has spanned the private and public sector, including experience as a managing partner of a Washington, D.C., law firm. Some of Mr. Rawls' positions have included: Administrative Assistant to Senator Pete Domenici; Manager of Federal Government Relations for Penzoil Company; Professional Staff Member, Senate Committee on Environment and Public Works; and Manager of Government Affairs for the Water Pollution Control Federation.

## Violent Crime in the 1990's: Preparing for the Future

**William P. Barr** is Deputy Attorney General, U.S. Department of Justice. Previously, Mr. Barr served in the Department of Justice as the Assistant Attorney General, Office of Legal Counsel, 1989-90, a position known as "the Attorney General's Lawyer." From 1982-83, he served on the Domestic Policy staff at the White House. From 1977-78, he served as law clerk to Judge Malcolm Wilkey of the U.S. Court of Appeals for the District of Columbia Circuit. Mr. Barr was in private practice for 9 years, first as an associate (1978-82) and then as a partner (1984-89), with the Washington law firm of Shaw, Pittman, Potts, and Trowbridge.

**Alfred Blumstein** is Dean of the School of Urban and Public Affairs of Carnegie-Mellon University. His interest in the criminal justice system began with his service on the President's Commission on Law Enforcement and Administration of Justice in 1966-67 as Director of its Task Force on Science and Technology.

Dr. Blumstein was a member of the National Academy of Sciences Committee on Research on Law Enforcement and the Administration of Justice for 11 years, and its chairman for 5 years. He also served for 11 years as Chairman of the Pennsylvania Commission on Crime and Delinquency. Dr. Blumstein is President of the American Society of Criminology for 1991-92.

**William S. Sessions** was appointed Director of the Federal Bureau of Investigation, U.S. Department of Justice, in 1987. Prior to that, Judge Sessions served 6 years as a U.S. District Judge and 7 years as Chief Judge; 3 1/2 years as a U.S. Attorney; and 2 years as Chief of the Government Operations Section, Criminal Division, Department of Justice. Judge Sessions also has extensive legal experience in private practice.

**Steven D. Dillingham, Ph.D.**, is the Director of the Bureau of Justice Statistics, U.S. Department of Justice. Formerly, he held the positions of Deputy Director in the Bureau of Justice Assistance and Acting Deputy Director of the Office for Victims of Crime, both within the Office of Justice Programs, Department of Justice. His previous experience includes: Counsel for Criminal Law for the U.S. Senate Judiciary Committee; faculty, University of South Carolina College of Criminal Justice; government attorney; and private consultant in the design and operation of justice facilities.

**Daniel E. Lungren**, Attorney General of California, previously served 10 years in the United States Congress representing Long Beach, Torrance, and West Orange County, California. During his tenure in Congress, Mr. Lungren was a member of the House Judiciary Committee, eventually becoming its fourth-ranking member, and served on numerous criminal justice subcommittees. He wrote pieces of legislation related to criminal justice, and was responsible for passage of President Reagan's 1984 Comprehensive Crime Control Act.

**Reuben M. Greenberg** has been the Chief of Police for Charleston, South Carolina, since 1982. Previously, he was Undersheriff of the San Francisco County Sheriff's Department; Chief of Police of Opa-Locka, Florida; Chief Deputy Sheriff of Orange County, Florida; and a Deputy Director of the Florida Department of Law

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Enforcement. Chief Greenberg has appeared on numerous national television shows, written many police-related articles, and wrote a book called *Let's Take Back Our Streets*.

**Mark H. Moore, Ph.D.**, is the Guggenheim Professor of Criminal Justice Policy and Management at Harvard University's John F. Kennedy School of Government. He has led national executive sessions at the Kennedy School on such topics as "The Future of Policing" and "Dangerous Offenders and Selective Incapacitation." He is the author of *Dangerous Offenders: The Elusive Target of Justice* and *Beyond 911: A New Era for Policing*. In the past, Mr. Moore was Chief Planning Officer of the Drug Enforcement Administration.

### Luncheon Guest Speaker

**Kenneth W. Starr** is Solicitor General of the United States. Previously, Mr. Starr served as a U.S. Circuit Judge; he was appointed in October 1983 to the U.S. Court of Appeals for the District of Columbia Circuit. In January 1981, he became Counselor to U.S. Attorney General William French Smith, a position he held until his judicial appointment. Mr. Starr practiced law in Los Angeles and Washington, D.C., with the firm of Gibson, Dunn and Crutcher, where he was a partner in litigation practice. Previously, he was a law clerk to U.S. Court of Appeals Judge David W. Dyer and to Chief Justice Warren E. Burger.

### Innovations in Policing

**Jimmy Gurulé** is Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice. Mr. Gurulé coordinates policy, management, and priorities within the Office of Justice Programs. The office works to form partnerships among Federal, State, and local government officials to improve the administration of justice in America and to address the problems associated with violent crime and drug abuse. Prior to his public service career, he was a professor of law. Mr. Gurulé is a recipient of the Attorney General's Distinguished Service Award and the DEA Administrator's Award for outstanding contributions in the field of law enforcement.

**Mark H. Moore, Ph.D.**, Professor, John F. Kennedy School of Government, Harvard University, Cambridge, Massachusetts. See biography above.

**Reuben M. Greenberg**, Chief of Police, Charleston, South Carolina. See biography above.

**Neal R. Peirce** is one of the founders and a contributing editor to *National Journal*. An expert on State and local government themes and Federal relations, Mr. Peirce is the author of a unique syndicated column on this subject;

his column has appeared in more than 150 newspapers since 1975. Mr. Peirce is coauthor of *The Book of America: Inside Fifty States Today*, which surveys the 50 States as they relate to government, politics, business, education, ethnic and minority groups, environmental action, and urban affairs.

**Jerry L. Williams** has been the Chief of Police of Aurora, Colorado, since 1986. He began his career in law enforcement as a patrol officer in 1969 in Arvada, Colorado, and has worked his way through the ranks to become Chief of Police. Mr. Williams is currently the Chairman for the Commission for Law Enforcement Accreditation; President of the Police Executive Research Forum; a working group member of the Executive Sessions on Policing at Harvard University's John F. Kennedy School of Government; and a trainer for the Police Executive Research Forum.

### Violent Crime Control Through Drug Demand Reduction: Innovative Programs

**Robert C. Bonner**, Administrator of the Drug Enforcement Administration of the U.S. Department of Justice, was appointed to his current position in July 1990. At that time, he was a U.S. District Judge for the Central District of California (Los Angeles). Previously, he spent more than 5 years as the U.S. Attorney for the Central District of California. During his tenure in that position, and during nearly 5 years as an Assistant U.S. Attorney, Mr. Bonner was active in a number of complex drug trafficking, money laundering, and conspiracy cases.

**Herbert D. Kleber**, Deputy Director for Demand Reduction, Office of National Drug Control Policy, has been a pioneer in the research and treatment of narcotic and cocaine abuse for more than 20 years. Dr. Kleber is responsible for the portions of the National Drug Control Strategy concerned with reducing the demand for illegal drugs, including prevention, treatment, research, and rehabilitation. Dr. Kleber is the author or coauthor of more than 170 papers dealing with psychological, epidemiological, and treatment aspects of drug abuse.

**Daryl F. Gates**, Chief of Police, Los Angeles, California, joined the Los Angeles Police Department in 1949 and has served in every rank and in a wide variety of specialist assignments. Widely recognized as the father of DARE (Drug Abuse Resistance Education), Chief Gates initiated the program in 1983 when he began placing police officers in public schools to teach children methods of resisting pressures to experiment with narcotics. Chief Gates' advice has been sought frequently by the Nation's top officials on such matters as the organization of a national anti-drug program and how the war against narcotics should be prosecuted.

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**Thomas J. Gleaton, Jr.**, President and cofounder, Parents Resource Institute for Drug Education (PRIDE), also serves as president of the PRIDE Family of Nations. The PRIDE World Drug Conference, with an annual attendance of 9,000, is the largest international drug prevention conference. A recognized expert on drug prevention, Dr. Gleaton has been a guest on many national television programs, has advised five major national drug documentaries, and has been published in many journals and magazines.

**Ruben B. Ortega** was appointed Chief of Police of Phoenix, Arizona, in 1980. A 30-year veteran of the department, he has worked on most major aspects of police assignments, including vice, narcotics, criminal investigations, and community relations. He has taught on police/community relations throughout the State. Chief Ortega is the principal architect of the "Do Drugs. Do Time." program, which has harnessed the energies of more than 20 jurisdictions in Maricopa County, Arizona, to make drug users accountable.

## The Community's Role in Crime Control

**William Lucas** is the Director of the Office of Liaison Services, U.S. Department of Justice. After 9 years as a New York City police officer, in 1962, Mr. Lucas earned his law degree and was recruited by the Department of Justice to help desegregate schools in Tuskegee, Alabama. Mr. Lucas was a special agent with the FBI from 1963 to 1968. After serving as Under-Sheriff of Wayne County, Michigan, for 2 years, he was elected Sheriff in 1970, a position to which he was elected four times. Mr. Lucas was County Executive of Wayne County from 1983 until 1986.

**Michael D. Schrunk** has served since 1981 as District Attorney of Multnomah County, Oregon, which includes Portland. Previously, he was Senior Deputy District Attorney, Multnomah County District Attorney's Office, for 7 years. He serves on the Governor's Commission on Organized Crime, the Oregon Criminal Justice Council, and as Chairman of the Regional Drug Initiative.

**Matthew A. Peskin** is the Director of the National Association of Town Watch (NATW), a nonprofit crime and drug prevention organization dedicated to the development, maintenance, and promotion of community crime watch programs. NATW's membership represents thousands of crime prevention organizations across North America.

**Drew Diamond** has been Chief of Police of the Tulsa (Oklahoma) Police Department since 1987. Formerly a criminal investigator with the U.S. Army, Mr. Diamond joined the Tulsa Police Department as a police officer in 1969 and was promoted through the ranks. Among his many community services, he has been Chairman of the

Community Service Council Adult Protective Services Committee and Chairman of the Mayor's Committee on Public Housing.

**Alvin L. Brooks** is President of the Kansas City Ad Hoc Group Against Crime, which he cofounded in 1977. He has been recognized by William Bennett as one of the community leaders in the war on drugs, and was appointed in November 1989, by President Bush, to serve a 2-year term on the newly organized President's Drug Advisory Council. Mr. Brooks was elected by his peers to chair the newly organized National Grassroots Council Against Drugs, Crime and Violence. Mr. Brooks is presently the Director of the Department of Human Relations for the City of Kansas City, Missouri, and has been for 17 years.

**Robert L. Woodson** is President of the National Center for Neighborhood Enterprise, a research, demonstration, technical assistance, and development organization. The center was founded on the belief that communities must build on their own strengths and resources to deal successfully with economic and social problems. Mr. Woodson was formerly Resident Fellow and Director of the American Enterprise Institute's Neighborhood Revitalization Project and Director of the National Urban League's Administration of Justice Division. He has also published and lectured extensively.

**Herman Wrice** is the Director and founder of the Mantua Project, a community-based, anti-drug movement in Philadelphia, Pennsylvania. In 1987, Mr. Wrice organized Mantua Against Drugs (MAD) and encouraged the Mantua community and the city police to work together in combating neighborhood drug trafficking. MAD uses street marches, chanting in front of homes that supported drug sales, media interviews, circulation of pictures of residents arrested and released for dealing drugs, and various other tactics rooted in direct social pressure to curb drug activity on both the supply and demand sides.

## State and Local Initiatives: Models and Incentives

**Joe D. Whitley** is U.S. Attorney for the Northern District of Georgia, which includes Atlanta. Before assuming his current position, he was the third-ranking official at the U.S. Department of Justice. As Acting Associate Attorney General, he provided policy guidance to the Immigration and Naturalization Service, the U.S. Marshals Service, the U.S. Bureau of Prisons, the U.S. Parole Commission, the Pardon Attorney, INTERPOL, Office of Justice Programs, and the 93 United States Attorneys and their staffs. Earlier, he was the U.S. Attorney for the Middle District of Georgia, based in Macon.

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**Terence J. Pell** is the General Counsel for the Office of National Drug Control Policy in the Executive Office of the President. Formerly with the U.S. Department of Education, he has served as Deputy Assistant Secretary for Policy in the Office for Civil Rights and as Attorney-Adviser to the Secretary. Prior to his career in public service, he was an associate specializing in tax and pension law at a private law firm.

**Thomas J. Charron** has been elected District Attorney of the Cobb Judicial Circuit of Georgia four consecutive terms. Mr. Charron presently teaches trial advocacy courses at the law schools of Harvard, Hofstra and Widner. Other teaching positions included: Instructor, National Institute of Trial Advocacy; Professor, Georgia Police Academy; Professor, Georgia Law Enforcement Academy; and Adjunct Professor of Law, Emory Law School. In 1991, Mr. Charron will enter the office of President of the National District Attorneys Association.

**Grace L. Mastalli** is Deputy Director of the Office of Policy Development, U.S. Department of Justice. In this position, as well as in her prior positions with the Department in the last 10 years, Ms. Mastalli has been actively involved in the development and implementation of Administration policy and planning regarding law enforcement and criminal justice. Among several other positions, she has served as Special Counsel for the Office of Legislative Affairs, Deputy Associate Attorney General, and Attorney in Charge of Law Enforcement Coordination/Victim-Witness Assistance programs for the U.S. Attorneys.

**Jerry P. Regier** was appointed Acting Director, Bureau of Justice Assistance, U.S. Department of Justice, in February 1990. BJA is the agency within the Department of Justice's Office of Justice Programs that provides funds to State and local governments to control crime and drug abuse and to improve the criminal justice system. Mr. Regier is also a commissioner on the National Commission on Children, and previously founded and was President of the Family Resource Council.

**Ernest D. Preate, Jr.**, was elected Attorney General of Pennsylvania in 1988. Previously, during three terms as District Attorney and as an Assistant District Attorney, Mr. Preate specialized in drug and homicide prosecutions. The U.S. Justice Department has selected him to serve on its Executive Working Group, a small, special committee of U.S. Attorneys, State Attorneys General, and District Attorneys who focus on major law enforcement policy issues.

## Violence Against Children

**Fred Foreman** is the U.S. Attorney for the Northern District of Illinois, which includes Chicago. Mr.

Foreman's office is nationally known for its successful prosecutions in white-collar crime matters and public corruption. Previously, he spent 10 years as the State's Attorney of Lake County, Illinois. Mr. Foreman has also served as an Assistant State's Attorney and, in private practice, specialized in criminal defense litigation.

**Patricia Toth** is the Director of the National Center for the Prosecution of Child Abuse, a nationally acclaimed project of the American Prosecutors Research Institute. The center trains and assists prosecutors nationwide with the investigation and prosecution of physical, sexual, and fatal child abuse. Ms. Toth was coeditor and primary author of the center's highly respected comprehensive manual, *Investigation and Prosecution of Child Abuse*.

**Frank N. Barnaba** is President and founder of The Paul and Lisa Program, Inc., a private nonprofit organization dedicated to fighting sexual abuse and the exploitation of children. A noted expert in the field of child exploitation and sexual abuse, Mr. Barnaba has conducted training programs and education presentations for school systems, law enforcement agencies, and government officials. A recent recipient of the U.S. Department of Justice, Office for Victims of Crime Award, he has participated in numerous task forces on sexual exploitation.

**Portia L. Wallace**, Deputy Sheriff, Lake County Sheriff's Department, Waukegan, Illinois, is an authority on crimes against children, particularly child abuse. For 2 years, Ms. Wallace was on loan to the Lake County Children's Advocacy Center; the center's goal is to assist in the successful prosecution of sex offenders by using a highly skilled staff to investigate child sex abuse. Ms. Wallace has assisted and educated other law enforcement professionals, social agencies, and educators on subjects related to crimes against children.

**Jayne G. Crisp** is the Project Coordinator for Training and Community Development, South Carolina State Office of Victim Assistance. Previously, Ms. Crisp was: Director, Victim Witness Assistance Program of the Thirteenth Judicial Circuit Solicitor's Office, Greenville, South Carolina, for 13 years; board member, National Organization for Victim Assistance, for 6 years; member, Governor's Criminal Justice Crime and Delinquency Commission, for 5 years; trainer and consultant, the Crime Victims Research and Treatment Center, Medical University of South Carolina, and the National Victim Advocacy Center; and Executive Producer, *Taking the Stand*, a video to help prepare child witnesses for criminal court.

**Charles B. Schudson** has been a Wisconsin Circuit Court Judge, serving in the juvenile and criminal divisions, since 1982. The *Chicago Tribune* called Judge Schudson "...one of the few judges around the country at the forefront of the effort to ease the burden

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of child witnesses...knowledgeable...forthright... courageous...a decade ahead of his time." Judge Schudson has developed and taught new procedures to assist child victims and witnesses in the justice system and has written many published works, including *On Trial: America's Courts and Their Treatment of Sexually Abused Children*.

## The Victim and the Criminal Justice System

**Jane Nady Burnley** is Director, Office for Victims of Crime, U.S. Department of Justice. Dr. Burnley's responsibilities include Federal policy related to victims issues and implementation of the Victims of Crime Act of 1984. Since joining OVC, she has initiated several new programs to address the needs of victims of Federal crimes, including Native American crime victims on Indian reservations. Dr. Burnley has spoken widely on public policy issues related to family violence, including spouse abuse, child abuse, and child sexual abuse.

**John A. Collins** is Eastern Regional Director of Citizens for Law and Order, a grassroots organization committed to improving the Nation's criminal justice and judicial systems, particularly in the area of violent crimes. Mr. Collins became a citizen activist after the violent murder of his 19-year-old daughter, Suzanne. He is an attorney and a former foreign service officer who has held a variety of public service and private sector management positions.

**Dean G. Kilpatrick**, Professor of Clinical Psychology at the Medical University of South Carolina, is the Director of the Crime Victims Research and Treatment Center. Dr. Kilpatrick was instrumental in establishing the center and has pioneered research studies documenting the scope and long-term psychological impact of crime upon victims. He helped found People Against Rape, a rape crisis center in Charleston. He was a member of the South Carolina Crime Victims Advisory Board and a founding member and President of the South Carolina Victims Assistance Network, and he worked for the passage and strengthening of the South Carolina Crime Victims Bill of Rights. Dr. Kilpatrick is widely published, makes professional presentations and serves as an expert witness.

**Irene Wodell** is Director, Loudoun County Victim Witness Office, Leesburg, Virginia. Ms. Wodell is also a consultant with the National Organization for Victim Assistance, serving on the national crisis intervention team as well as training at the national conferences. Ms. Wodell began developing programs and training on victimology in 1977, and continues to provide consultation on program management, crisis intervention and law enforcement training and intervention at the local, State

and national level. She founded the Virginia Network for Victims of Crime and has spoken on and published numerous articles on victimology and law enforcement.

**John Tanner**, State Attorney of the Seventh Judicial Circuit of Florida, was elected in 1988. He is a veteran trial lawyer with 21 years of courtroom experience, including 15 as an attorney with his own law firm. Before going into private practice, Mr. Tanner spent 5 years as the Chief Assistant State Attorney for Volusia and Flagler Counties in Florida.

**William F. Schenck** is Prosecuting Attorney, Greene County, Xenia, Ohio. Mr. Schenck initiated a victim/witness program for his office over 10 years ago, and since then has been actively engaged in the victims rights movement. He currently serves as Vice President and board member of the National Organization for Victim Assistance. In 1989, Mr. Schenck was honored by the Ohio Senate Resolution in Recognition of Achievements to Advance the Rights of Crime Victims and received the Public Policy Leadership Award from the Ohio Supreme Court for his work on behalf of victims of crime. Prior to entering public service, Mr. Schenck was in private practice.

## Determinate and Mandatory Sentencing

**Joe B. Brown** has been U.S. Attorney for the Middle District of Tennessee for 10 years. He is Chairman of the Sentencing Guidelines Committee. Before assuming his current duties, Mr. Brown was a First Assistant United States Attorney. He also spent 6 years in the Judge Advocate General's Corps, including 2 years as a military judge and 1 year as Chief of Military Justice.

**William W. Wilkins, Jr.**, has been Chairman of the U.S. Sentencing Commission since 1985. Judge Wilkins has served as United States Circuit Judge for the Fourth Circuit Court of Appeals since 1986. He spent 5 years as United States District Judge for the District of South Carolina. The judge has also worked in private practice for a Greenville, South Carolina, law firm, and as a legislative assistant in Washington, D.C., for Senator Strom Thurmond.

**Ilene H. Nagel** is a Commissioner on the U.S. Sentencing Commission. Since 1977, Ms. Nagel has been a law professor at the Indiana University School of Law. Her areas of expertise include the exercise of prosecutorial and judicial discretion and sentencing for white-collar offenses. She has also been a Guggenheim Fellow at Yale Law School, a Visiting Fellow at Cambridge University, a Rockefeller Foundation Scholar in Italy, and a Visiting Professor at Columbia University School of Law. She has written and published extensively in law journals and other periodicals.



**Michael Keating** is a partner with the law firm of Foley, Hoag and Elliot of Boston, Massachusetts. Mr. Keating is presently Chairman of the Task Force on Justice that was established by the Boston Bar Association to investigate sentencing in Massachusetts. Mr. Keating was appointed, by the Supreme Judicial Court, as Special Counsel to the Committee on Judicial Responsibility. Mr. Keating is currently President of the Crime and Justice Foundation, an organization involved in public education on all phases of criminal justice, and past President and founder of the Prison Legal Services Project, an organization funded by the Law Enforcement Assistance Administration to furnish legal services to inmates in Massachusetts State Prisons.

**Charles M. Oberly III** is in his third term as Attorney General of Delaware; he was first elected in 1982. During his time in office he has prosecuted several of the most well-publicized cases in Delaware, and has consistently spoken out on behalf of crime victims. Previously, he served as Deputy Attorney General and chief prosecutor. In addition, he is an instructor in criminal law, criminal evidence, and criminal procedure at the University of Delaware.

## National Drug Control Strategy

**Robert Martinez** is the Director Designate of the Office of National Drug Control Policy. Governor Martinez was appointed to the White House Conference on a Drug-Free America in 1987, and was the National Governors Association's lead Governor on substance abuse and drug trafficking issues. While he was Governor of Florida, that State was evaluated by Federal agencies as one of the Nation's role models in the drug battle. Under his Governorship, Florida was one of the first States to implement a comprehensive Drug-Free Workplace program for State employees.

**Reggie B. Walton**, Associate Director of the Bureau of State and Local Affairs, Office of National Drug Control Policy, is the liaison between Federal, State, and local governments and private entities. Judge Walton ensures that State and local governments participate in the formulation and implementation of the National Drug Control Strategy, including reducing the supply and demand of drugs at State and local levels. Previously, Judge Walton served on the Superior Court of the District of Columbia for 8 years and in the U.S. Attorney's Office for the District of Columbia for 6 years. Judge Walton is the recipient of numerous awards and honors.

## Banquet Guest Speaker

**Sandra Day O'Connor** was sworn in as Associate Justice of the United States Supreme Court on September 25, 1981. Previously, Justice O'Connor served on the

Arizona Court of Appeals for 3 years and on the Maricopa County Superior Court for 4 years. Justice O'Connor also served in the Arizona State Senate for 6 years; as Deputy County Attorney of San Mateo County, California, for 1 year; as Civilian Attorney for Quartermaster Market Center, Frankfurt, Germany, for 3 years; and as Assistant Attorney General of Arizona for 4 years.

## Combating Violent Crime: Models of Federal, State, and Local Cooperation

**Robert S. Mueller III** is an Assistant Attorney General, Criminal Division, for the U.S. Department of Justice. Mr. Mueller is responsible for developing, enforcing and supervising the application of Federal criminal law. Prior to his current position, he was Acting U.S. Attorney for the District of Massachusetts, and Assistant U.S. Attorney for the Northern District of California and the District of Massachusetts.

**George J. Terwilliger III** is the U.S. Attorney for the District of Vermont. Since June 1990, he also has been one of two principal associates to the Deputy Attorney General, U.S. Department of Justice. Previously, Mr. Terwilliger was Chief Assistant U.S. Attorney in the District of Vermont.

**William M. Baker** is Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation, U.S. Department of Justice. Mr. Baker is responsible for the direction and support of the Bureau's criminal investigations at the highest level of law enforcement, both domestically and internationally. He returned to the Bureau in 1989, following service as Director of Public Affairs at the Central Intelligence Agency. Mr. Baker was appointed as an FBI Special Agent in 1965 and, prior to his present position, he was Assistant Director, Office of Congressional and Public Affairs at the Bureau Headquarters.

**Peter K. Nunez** serves as Assistant Secretary for Enforcement, U.S. Department of the Treasury. Currently, Mr. Nunez is involved with a significant number of complex issues, including the Federal response to national and international money laundering; S&L fraud issues; the development of wire transfer regulations and legislation; Customs, Secret Service, Financial Crime Enforcement Network; Alcohol, Tobacco & Firearms and Federal Law Enforcement Training Center supervision; and the implementation of the President's sanctions programs against Iraq and Kuwait. Formerly, Mr. Nunez was a U.S. Attorney for the Southern District of California.

**Kenneth Eikenberry** is Attorney General of Washington State. Mr. Eikenberry is Vice President of the National Association of Attorneys General (NAAG) and a member of the Washington Criminal Justice



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Training Commission. He has served as Chairman of the Crime Victims Advisory Board; member of the Corrections Standards Board, State Emergency Task Force on Prison Overcrowding; Chairman of the Western Conference of Attorneys General; Chair of the NAAG subcommittee on Racketeer-Influenced and Corrupt Organizations; and Chair of the NAAG Committee on Criminal Law.

**Eldrin Bell** is Chief of Police, Atlanta, Georgia. His extensive career in law enforcement began in 1961 as a patrolman in Atlanta. He worked his way through the ranks to command the Field Operations, Criminal Investigations and Administration Services Division. Mr. Bell serves on several policy-making committees with the U.S. Justice Department, the Criminal Justice Advisory Board at Clark Atlanta University, and the Atlanta Housing Authority Drug Task Force.

## Philadelphia's Violent Traffickers Project

**Michael M. Baylson** was appointed in 1988 as U.S. Attorney for the Eastern District of Pennsylvania, which includes Philadelphia. During the several years Mr. Baylson spent as an Assistant District Attorney, he was Chief of the Narcotics Division and Chief of the Homicide Division. Mr. Baylson served as Vice President for Safe Streets, Inc., for 10 years and has written many articles for journals.

**Ronald D. Castille** was first elected District Attorney of Philadelphia, Pennsylvania, in 1985. Now in his second term as District Attorney, Mr. Castille was previously Deputy District Attorney for 2 years and Chief of the Career Criminal Unit. He was sworn in as an Assistant District Attorney in 1971, soon after receiving his Juris Doctorate.

**Sam B. Billbrough** is Special Agent in Charge, Drug Enforcement Administration, U.S. Department of Justice. Mr. Billbrough was previously Captain of Police for the Dade County (Florida) Police Department. Before that he was Section Chief Consultant for the International Association of Chiefs of Police. He started with DEA in 1971, and has held his present position since January 1988. Mr. Billbrough holds a Juris Doctorate and is a member of the bar of Florida, the District of Columbia, and the U.S. Supreme Court. He is also the recipient of numerous honors and awards.

**Willie L. Williams** is Commissioner of the Philadelphia (Pennsylvania) Police Department. The recipient of numerous professional commendations and civic awards, Commissioner Williams joined the department in 1964. He was promoted through the ranks, until he made Police Inspector in 1976, heading the Training Bureau, Civil Affairs Division, and the North Police Division. In 1988, Mr. Williams was appointed to his present position as

Commissioner, where he oversees the operations of the largest, most visible arm of Philadelphia's municipal government.

**Edward D. Conroy** is Deputy Associate Director, Office of Law Enforcement, Bureau of Alcohol, Tobacco and Firearms. Mr. Conroy oversees ATF's law enforcement mission in enforcing the Federal firearms, explosives, arson, and alcohol laws. Among other positions, he has served as Chief of the Firearms Division; Chief of the Planning and Analysis Staff at Bureau Headquarters; Special Agent in Charge in Miami; and Special Agent in Charge in Cleveland.

## Hate Crimes

**John R. Dunne** is Assistant Attorney General, Civil Rights Division, U.S. Department of Justice. Mr. Dunne has practiced law for more than 35 years; for 24 years he represented Long Island's Sixth Senate District in the New York State Legislature. His responsibilities there included a broad range of committee chairmanships and assignments dealing with criminal justice, the courts, insurance, finance, and the environment. Mr. Dunne has authored numerous articles for professional publications.

**Grace Flores Hughes** is Director, Community Relations Service, U.S. Department of Justice. She is one of the highest ranking Hispanic Americans in the Administration, and the first woman to hold her current position. Ms. Hughes was previously Associate Administrator for Minority Small Business and Capital Ownership Development at the U.S. Small Business Administration. She has also served in the Office of Public Liaison at the White House. Ms. Hughes has been a major contributor to a number of Federal studies on Hispanic Americans, migrant workers, and undocumented aliens.

**Joseph J. Jackson** is Chief, Civil Rights and Special Inquiries Section, Federal Bureau of Investigation, U.S. Department of Justice. During his 24-year tenure with the FBI, Mr. Jackson has served in the Headquarters' Administrative Services, Inspection, and Criminal Investigative Divisions and as Assistant Special Agent in Charge of the Detroit, Michigan, Office where he had responsibility for all FBI operations within the State of Michigan. Prior to Mr. Jackson's appointment with the FBI in 1967, he served in the U.S. Army and as a Special Agent with the U.S. Secret Service.

**Jess Hordes** has been Director of the Washington Office of the Anti-Defamation League since January 1989. The Anti-Defamation League has become a leading resource for law enforcement officials in responding to criminal activity motivated by prejudice; its counteraction efforts focus on legislative, legal, and educational initiatives, and fact finding and media exposure of hate groups. Dr. Hordes previously served as Executive Director of

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the Washington-based Research Project on Energy and Economic Policy.

**Barry F. Kowalski** is Deputy Chief of the Criminal Section, Civil Rights Division, at the U.S. Department of Justice. Mr. Kowalski is a supervising prosecutor of violations of the Federal criminal civil rights statutes and has participated in prosecuting many nationally prominent religious and racial violence cases over the last 4 years. Prior to his career in public service, Mr. Kowalski taught law school.

**Paul Goldenberg** serves as Supervisor of the Ethnic Terrorism Unit at the Middlesex County Prosecutors Office in New Brunswick, New Jersey. Mr. Goldenberg has over 15 years of law enforcement experience and is a recognized expert on cults, hate groups, and gangs. He has assisted in numerous arrests involving bias and terrorist acts. Mr. Goldenberg was also a special undercover agent who figured prominently in successful prosecutions of many major organized crime cartel defendants. Mr. Goldenberg is a speaker to educational, civic, and law enforcement organizations and has served as a television consultant and writer on the subject.

**J. Harper Wilson** is Chief of the Uniform Crime Reports Section, Federal Bureau of Investigation, U.S. Department of Justice. Prior to being named Chief in 1987, Mr. Wilson held the position of Assistant Section Chief. Previously, he was Unit Chief of the Training Development Unit. Mr. Wilson has been with the Bureau since 1971.

## Violent Street Gangs

**Lourdes G. Baird** is U.S. Attorney for the Central District of California, which includes Los Angeles. Ms. Baird has served as a judge in the Los Angeles Superior Court, Los Angeles Municipal Court, and East Los Angeles Municipal Court. She has been a member of the faculty of Loyola Law School, Los Angeles, California; the National Institute of Trial Advocacy, Berkeley, California; and the Practicing Law Institute, San Francisco, California.

**Richard L. Garner** is Chief of the Special Operations Division in the Office of Law Enforcement at the Bureau of Alcohol, Tobacco and Firearms. He has been with the Bureau since 1970, when he started as a special agent. In his current position, he oversees a law enforcement effort focusing on violent street gang activity. He is also a member of the Attorney General's Organized Crime Council Working Group and the Organized Crime Committee of the International Association of Chiefs of Police.

**James A. Meko** has served as Senior Deputy Assistant Director of the Correctional Programs Division, Federal Bureau of Prisons, U.S. Department of Justice, since

1988. His correctional experience includes more than 20 years of varied and extensive work. A highly respected expert on corrections, Mr. Meko has published papers and journal articles. He was also Chief of Staff Training for the Bureau of Prisons at the Federal Law Enforcement Training Center in Glynnco, Georgia, and was the Warden at the Federal Metropolitan Correctional Center in Miami, Florida.

**Michael Genelin** is Head Deputy District Attorney of Los Angeles County, California; he has been a District Attorney for 20 years. Mr. Genelin is the supervising prosecutor of the Hardcore Gang Division, which prosecutes all gang-related crimes in the county. Highly respected as a gang expert, Mr. Genelin has presented seminars and lectures, has written articles, and has advised many law enforcement agencies on the subject.

**Robert M. Bryant** is Deputy Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation, U.S. Department of Justice. Mr. Bryant received his appointment as a special agent in 1968, and since then has served the Bureau in various locations and supervisory positions. Prior to his present position, he served as Special Agent in Charge at the Salt Lake City Division. Mr. Bryant received his law degree prior to entering public service.

**Edward F. Connors** is President of the Institute for Law and Justice, a nonprofit criminal justice research and consulting organization. With more than 20 years of experience consulting, researching, and working in the field of law enforcement, Mr. Connors has been a consultant to over 250 law enforcement agencies in more than 40 States. For the past 3 years, the Institute for Law and Justice has administered the Narcotics Control Technical Assistance Program for the Bureau of Justice Assistance, delivering more than 70 narcotics-related training classes to over 6,000 law enforcement personnel. A coauthor of *Street-Level Narcotics Enforcement*, Mr. Connors is also an attorney with experience in police civil liability and criminal law.

## Organized Crime Groups: New and Old

**Wayne A. Budd** was appointed U.S. Attorney for the District of Massachusetts in 1989. Mr. Budd also serves on the Advisory Committee to Attorney General Dick Thornburgh; this committee reviews prevalent legal and law enforcement issues that impact the administration of justice throughout the Nation. Mr. Budd was engaged in private practice from 1969 until his appointment.

**James E. Moody** has been Chief of the Organized Crime Section of the Federal Bureau of Investigation, U.S. Department of Justice, since August 1989. Mr. Moody began his career as a special agent in 1970; for 10 years he was responsible for investigating organized crime from the New York City FBI Office. Mr. Moody served

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in the Washington, D.C., Office, Organized Crime Section, Criminal Investigation Office, for 6 years, then as Assistant Special Agent in Charge of the Los Angeles, California, FBI for 3 years.

**LeRoy Martin** has been the Superintendent of the Chicago Police Department since November 1987. Mr. Martin was Commander of Detectives in Area 2 for 1 year, then was Deputy Chief of Patrol for the 10th, 11th, 12th, and 13th Districts from 1983 until 1987. Mr. Martin, who began his career with the Chicago Police Department in 1955 as a patrolman, worked his way up through the ranks and served as Commander of the Narcotics/Organized Crime Division before assuming his present position.

**Ronald Goldstock** is the Director of the New York State Organized Crime Task Force. Previously, Mr. Goldstock served as Acting Inspector General of the U.S. Department of Labor for 1 year and as Deputy Inspector General for 1 year; as Director of the Cornell Institute on Organized Crime for 2 years and Executive Director for 2 years; and as Assistant District Attorney of New York County for 6 years, including Bureau Chief of the Criminal Investigations Bureau and the Rackets Bureau.

**Robert J. Del Tufo** is the Attorney General of New Jersey; he heads the Department of Law and Public Safety. Previously, Mr. Del Tufo was Commissioner of the New Jersey State Commission of Investigation for 3 years; U.S. Attorney for the District of New Jersey for 3 years; First Assistant Attorney General of New Jersey for 3 years; and Director of Criminal Justice for 1 year.

## New Investigative Tools From the Crime Scene to the Courtroom

**Charles B. DeWitt** is the Director of the National Institute of Justice, U.S. Department of Justice. Mr. DeWitt previously served as an independent consultant to the U.S. Department of Justice and as a Visiting Fellow at the National Institute of Justice. He has also been Director of the Justice Division, and on the Justice Planning Board, both in Santa Clara County, California. Mr. DeWitt has conducted research about correctional facilities, and is a nationally recognized author in the corrections field. He has provided technical assistance to law enforcement agencies, corrections departments, and legislative bodies. Prior to civil service, Mr. DeWitt worked as a staff analyst for Stanford University's Community Development Study, analyzing crime problems and police-community relations in high-crime urban areas.

**John W. Hicks** is Assistant Director in charge of the Laboratory Division, Federal Bureau of Investigation, U.S. Department of Justice; he coordinates the FBI's program on DNA technology. Previously, he served in

investigative, technical and supervisory assignments in various locations, and as Chief of the Scientific Analysis Section. He is a fellow of the American Academy of Forensic Sciences and serves on the Editorial Board of the Journal of Forensic Sciences. Mr. Hicks also serves on the Proficiency Advisory Committee; the Users Advisory Board of the California Criminalistics Institute; and the Board of Directors of the American Society of Crime Laboratory Directors.

**John E. Douglas** is Chief, Investigative Support Unit, National Center for the Analysis of Violent Crime, Federal Bureau of Investigation, U.S. Department of Justice. Mr. Douglas has been a domestic and international consultant to law enforcement agencies. He has also conducted numerous interviews with violent criminals and has coauthored a book on sexual homicides. Mr. Douglas is developing, with the help of colleagues, a crime classification manual that sets forth and defines characteristics of specific crimes based on the motivation of the offender.

**Ernest E. Allen** is President and Chief Executive Officer of the National Center for Missing and Exploited Children. Mr. Allen cofounded the center, which has branches in California, New York, Florida and South Carolina. Prior to his appointment, he served as Chief Administrative Officer for Jefferson County Government in Louisville, Kentucky, spearheading the county's aggressive economic development effort. Earlier, he was Director of Public Health and Safety for the City of Louisville, Kentucky. Mr. Allen served for 10 years as Executive Director of the Louisville-Jefferson County Crime Commission, and 2 terms as Chairman of the National Association of Criminal Justice Planners.

**Stephen C. Helsley** is Assistant Director of the California Department of Justice, Investigation and Enforcement Branch, Division of Law Enforcement. Previously, Mr. Helsley was Chief of the Bureau of Forensics Services and Chief of the Bureau of Narcotic Enforcement. In 1986, he initiated the planning and implementation of a training, research, and advanced casework program at the California Criminalistics Institute in support of California's forensic laboratories, and in 1989, he conceived and is now directing the implementation of the CAL-DNA regional laboratories and central data base system. Mr. Helsley also initiated and developed the Department of Justice's Narcotic Task Force Program. He is the recipient of numerous honors and awards.

**Richard E. Tontarski** is Chief, Forensic Science Laboratory, Bureau of Alcohol, Tobacco and Firearms National Laboratory Center. Mr. Tontarski is actively involved in training and research in the arson and explosives areas, specifically, in fire debris analysis. He has written numerous papers, produced a videotape

on proper collection and preservation of arson evidence, and organized the First International Symposium on Recent Advances in Arson Analysis and Detection. In addition to his other numerous affiliations, Mr. Tontarski served as President of the Mid-Atlantic Association of Forensic Scientists, and Chairman and Co-Chairman of the International Association of Arson Investigators.

## Targeting the Armed Violent Offender

**Jay B. Stephens** has been the U.S. Attorney for the District of Columbia since March 1988. Following graduation from Harvard Law School, Mr. Stephens practiced law with a Washington, D.C., law firm until he was appointed an Assistant Special Prosecutor with the Watergate Special Prosecution Force. He later served as Associate General Counsel of the Overseas Private Investment Corporation; in 1977 he was appointed an Assistant U.S. Attorney. He was appointed Special Counsel to the Assistant Attorney General of the Justice Department's Criminal Division in 1981; Deputy Associate Attorney General in 1983; Associate Deputy Attorney General of the United States in 1985; and in 1986, Deputy Counsel to the President.

**Daniel M. Hartnett** is Associate Director, Office of Law Enforcement, Bureau of Alcohol, Tobacco and Firearms, and, concurrently, Deputy Director of the Bureau. After 8 years in the Chicago Police Department, he joined the Bureau of Alcohol, Tobacco and Firearms in 1969 as a special agent. In 1985 Mr. Hartnett was named Deputy Associate Director for Law Enforcement, where he served until his present dual appointment. Mr. Hartnett is Chairman of the International Association of Chiefs of Police (IACP) Arson and Explosives Committee and a member of the IACP Committee on Terrorism.

**J. William Roberts**, a career prosecutor, has served as U.S. Attorney for the Central District of Illinois since 1986. In December of 1990, he was named Chairman-Elect of the Attorney General's Advisory Committee of U.S. Attorneys. Mr. Roberts was twice elected State's Attorney of Sangamon County, Illinois, and began his public career as an Assistant United States Attorney in Springfield, Illinois. Mr. Roberts, a graduate of Washington University School of Law, has been President of the Illinois State's Attorneys Association, and Chairman of the Criminal Justice Council of the Illinois State Bar Association. He is a life member of the International Chili Society.

**R. Lewis Vass** is a Lieutenant with the Virginia State Police, Richmond, Virginia, and Assistant Records Management Officer for the Department of State Police. His responsibilities include the Virginia Automated Fingerprint Identification System (AFIS), the Virginia Central Criminal Records Exchange (CCRE), and the

Virginia Firearms Transaction Program (VFTP), the first instant point-of-sale approval system for firearms sales in the Nation. Mr. Vass was instrumental in designing and developing VFTP.

**Justin J. Dintino** is the Superintendent of the New Jersey State Police. Colonel Dintino has been a member of the New Jersey State Police for 33 years. Active in the Law Enforcement Intelligence Unit since 1967, Colonel Dintino has lectured extensively to many law enforcement groups, citizen organizations, and school systems throughout the U.S. and Canada.

**Paul J. McNulty** is Deputy Director of the Office of Policy Development at the U.S. Department of Justice. He coordinates department policy on issues pertaining to violent crime and drug abuse. For 3 1/2 years, Mr. McNulty was Associate Counsel for the Subcommittee on Crime, U.S. House of Representatives Committee on the Judiciary, where he played a central role in the drafting of legislation relating to firearms, the 1988 drug bill, and the 1990 crime control bill.

**Nicholas V. O'Hara** is Deputy Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation, U.S. Department of Justice. He started his career with the FBI in 1963, when he joined as a special agent. After many field assignments, Mr. O'Hara was designated Special Agent in Charge of the Omaha, Nebraska, FBI Office in 1976. He was appointed Chief, General Crime Section, Criminal Investigative Division, and Inspector in Place at FBI Headquarters in 1983, and in November 1989, assumed his current position.

## Managing the Expanding Prison and Jail Population

**J. Michael Quinlan** was appointed Director of the Federal Bureau of Prisons, U.S. Department of Justice, in July 1987. Mr. Quinlan began his career with the Bureau of Prisons in 1971 as an Attorney in the Central Office. Mr. Quinlan was then Executive Assistant to the Director for 3 years; Superintendent of the Federal Prison Camp, Eglin Air Force Base, Florida, for 2 years; Warden of the Federal Correctional Institution, Otisville, New York, for 5 years; Deputy Assistant Director, Medical and Services Division for 1 year; and Deputy Director for 1 year until his appointment as Director.

**John T. Pierpont** is in his third consecutive term as Greene County (Missouri) Sheriff, which includes Springfield. Mr. Pierpont serves on the Governor's Crime Commission and is one of two sheriffs nationwide who were recently selected as an Office of Juvenile Justice and Delinquency Prevention Board member. Mr. Pierpont is a past president of the Missouri Sheriffs' Association.

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**M. Wayne Huggins** was appointed Director of the National Institute of Corrections, U.S. Department of Justice, in February 1990. Before his appointment, Mr. Huggins had been Sheriff of Fairfax County, Virginia, for 10 years; a Virginia State Police officer for 7 years; and an officer of the U.S. Secret Service. Mr. Huggins has published articles about the prison system and has been presented with many awards and honors from civic groups, law enforcement agencies, and educational facilities. He has also been Chairman, Corrections Subcommittee, Metropolitan Washington Council of Government Public Safety Committee; and Chairman, Corrections Curriculum Advisory Committee, Northern Virginia Community College.

**K. Michael Moore** was appointed Director of the U.S. Marshals Service, U.S. Department of Justice, in 1989. Mr. Moore joined the Department of Justice in 1976 as an Assistant U.S. Attorney in the Southern District of Florida. In 1981, he was promoted to Supervising Assistant U.S. Attorney for the Northern District of Florida. In 1987, he was appointed U.S. Attorney for Northern Florida. As Director of the U.S. Marshals Service, Mr. Moore heads the Nation's oldest and most versatile law enforcement agency.

**Charles Rangel** of New York is now serving his 11th term as the Representative for New York's 16th Congressional District, which includes East and Central Harlem, the Upper West Side, Roosevelt Island, and Washington Heights/Inwood. A lawyer who served as an Assistant U.S. Attorney, Mr. Rangel is Chairman of the Select Committee on Narcotics Abuse and Control; Chairman of the Subcommittee on Select Revenue Measures; Senior Member of the Committee on Ways and Means; and Deputy Whip for the House of Representatives.

**Thomas A. Coughlin III** has been the Commissioner of the New York State Department of Correctional Services since 1979. Previously, Mr. Coughlin was appointed New York's first Commissioner of the Office of Mental Retardation and Developmental Disabilities in 1976. Before then, Mr. Coughlin led the Jefferson County Association for Retarded Children for 4 years and was a New York State police officer for 10 years.

**James A. Lynaugh** is the Executive Director of the Texas Department of Criminal Justice. Previously, he was Director of the Texas Department of Corrections.

## Releasing Violent Offenders

**John A. Smietanka** is Principal Associate Deputy Attorney General, U.S. Department of Justice. In 1981, Mr. Smietanka was appointed as U.S. Attorney for the Western District of Michigan, and was reappointed in 1986. Previously, he was Assistant Prosecuting Attorney, Chief Assistant, in Berrien County, Michigan, for 11 years, and then Prosecuting Attorney for 7 years.

Mr. Smietanka has served on many legal boards and committees, including as Vice-Chairman of the Attorney General's Advisory Committee.

**John L. Clark** is Warden, Marion Penitentiary, Marion, Illinois. Mr. Clark's previous professional experience includes that of Warden, Metropolitan Correctional Center in Miami, and administrative positions at various other Federal institutions. He began his career with the Federal Bureau of Prisons as a correctional officer in 1974, after serving as Chaplain with the Michigan Department of Mental Health.

**Timothy H. Matthews** is presently the Staff Director of the American Probation and Parole Association and the Director of the Center for Law and Justice, Council of State Governments. Previously, Mr. Matthews was a Research Associate for the Center for Law and Justice and a Senior Corrections Specialist for the National Criminal Justice Reference Service. Mr. Matthews was a member of the National Task Force on Correctional Substance Abuse Strategies and coauthor of *Corrections in the 90's: States Look to Intermediate Sanctions and Substance Abuse Programming*.

**Harold D. Stratton, Jr.**, Former Attorney General of New Mexico, was the first Republican to hold this office since 1932. Mr. Stratton was elected to the New Mexico House of Representatives in 1978, and during his four 2-year terms, he served as Chairman of the Judiciary Committee and Vice Chairman of the Energy and Natural Resources Committee. He also served on the Board of Directors of the American Legislative Executive Council, as New Mexico State Director of the Conservative Caucus, and as Chairman of the New Mexico chapters of the National Tax Limitation Committee and Citizens for America. He is the recipient of numerous awards and honors. Mr. Stratton is presently in private practice.

**Bill McCollum** serves as Representative for Florida's Fifth Congressional District. Currently in his sixth term, Congressman McCollum is Vice-Chairman of the House Republican Conference. He serves on the Subcommittees of Crime and Criminal Justice and Civil and Constitutional Rights of the Committee on the Judiciary. He chaired the Republican Anti-Drug Task Force, crafting many of the anti-drug provisions which later became law. He received national recognition for its innovative "user accountability" component, a set of effective, non-jail sanctions to deter drug possession and attack the demand side of the war on drugs. Prior to entering public service, Congressman McCollum was engaged in private practice.

**Brooks Patterson** is a former Prosecuting Attorney for Oakland County, Michigan. As a prosecutor, he tried capital cases before juries and argued appellate cases before various courts in Michigan. Mr. Patterson

personally led statewide petition drives to reform Michigan's criminal justice system. A prolific author, Mr. Patterson has published many articles and handbooks on such subjects as child molestation, school administrators' rights, and welfare fraud. He is the recipient of many awards and recognitions.

**Patrick J. Fiedler** is Secretary of the Wisconsin Department of Corrections and a member of the Governor's Cabinet. Previously, Mr. Fiedler was U.S. Attorney for the Western District of Wisconsin, serving on the U.S. Attorney's subcommittees on Civil Issues, Drug Abuse Prevention and Education, Law Enforcement Coordination, and White-Collar Crime. Mr. Fiedler also served over 4 years as an Assistant District Attorney in Waukesha County and was an attorney in private practice for 2 1/2 years.

### **Initiatives To Assist in Combating Violent Crime: Federal Death Penalty, Habeas Corpus, and Exclusionary Rule Reform**

**Andrew G. McBride** is Associate Deputy Attorney General, U.S. Department of Justice. Prior to his appointment, Mr. McBride served in the Office of Legal Counsel at the Department of Justice where he specialized in criminal law and constitutional issues. Mr. McBride has also served as a law clerk to Justice Sandra Day O'Connor on the United States Supreme Court and to Judge Robert H. Bork on the Court of Appeals for the District of Columbia Circuit.

**Mike Moore** was elected Attorney General of Mississippi in 1987. Previously, Mr. Moore was elected to two terms as District Attorney and has served as Assistant District Attorney for the 19th Judicial District of Mississippi. Among many outstanding achievements, Mr. Moore presently is the Chairman of Mississippi's Substance Abuse Policy Council; Chairman of the National Association of Attorneys General Criminal Law Committee; member of the U.S. Attorney's Law Enforcement Coordinating Committee; and Vice Chairman of the Prosecution Function Committee of the American Bar Association. He also was selected to serve on the Executive Working Group for Prosecutorial Relations by the National Association of Attorneys General for the purpose of setting national strategies for prosecution and law enforcement.

**Richard P. Ieyoub** has been District Attorney of Calcasieu Parish, Lake Charles, Louisiana, since 1985. Previously, he served for 3 years as a Special Prosecutor in the Criminal Division of the Louisiana Attorney General's Office. Mr. Ieyoub has been Vice Chairman of the Louisiana Coordinating Council on the Prevention of Drug Abuse and Treatment of Drug Use and has been

a member of the Louisiana Commission on Law Enforcement and the Committee on Criminal Justice Information Systems, among many others. Mr. Ieyoub is President of the National District Attorneys Association.

**Patrick E. Higginbotham** is the U.S. Circuit Judge, U.S. Court of Appeals for the Fifth Circuit. Judge Higginbotham was appointed by President Ford in 1975 to the United States District Court, Northern District of Texas. He was then the youngest sitting Federal judge in the United States. He was appointed to his present position by President Reagan in 1982. Judge Higginbotham served for 4 years as a faculty member of the Federal Judicial Center, and is an Adjunct Professor of Law at SMU Law School. He is the author of numerous articles and book reviews.

**William Hughes**, Representative for New Jersey's Second District, is Chairman of the House Judiciary Subcommittee on Intellectual Property and Judicial Administration. The Subcommittee has jurisdiction over the operations and administration of the Federal court system, U.S. Attorneys, U.S. Marshals Service, the Federal Bureau of Prisons, and patent, trademark, and copyright laws. For the past 10 years, Representative Hughes has chaired the Subcommittee on Crime, writing more than 40 major anti-crime laws dealing with numerous issues. Congressman Hughes was named Congressman of the Year in 1986 by the National Association of Police Organizations.

**Henry Hyde** represents Illinois' Sixth District. Congressman Hyde, currently in his ninth term in Congress, serves on the Judiciary Subcommittee on Civil and Constitutional Rights and on the Foreign Affairs Subcommittees on Arms Control, International Security and Science, and Human Rights and International Security. He is a combat veteran of World War II and a former trial lawyer, and served on the Iran-Contra investigating committee. Congressman Hyde is the recipient of numerous awards and honors. Prior to entering public service, Congressman Hyde was in private practice specializing in litigation.

**Marvin Collins** is a U.S. Attorney for the Northern District of Texas. Appointed in 1985 by President Reagan, he is the chief Federal law enforcement official for the 100 counties in the Northern District of Texas. Previously, he served as a Criminal District Court Judge and as an Assistant Criminal District Attorney. He was certified as a Criminal Law Specialist by the Texas Board of Legal Specialization. Prior to entering public service, he was engaged in private practice. Mr. Collins is the author of numerous legal articles in the area of criminal law, and frequently lectures at seminars sponsored by various legal organizations.

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